

DATE OF MEETING | March 1, 2021 |

AUTHORED BY | LISA BRINKMAN, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA459 – 2345 & 2355 KENWORTH ROAD** |

OVERVIEW

Purpose of Report

To present Council with an application to rezone 2355 Kenworth Road and a portion of 2345 Kenworth Road to allow automobile sales, service, and rental as a site-specific use in the Community Corridor (COR3) zone.

Recommendation

That:

1. "Zoning Amendment Bylaw 2021 No. 4500.183" (To amend the Corridor Three [COR3] zone to allow 'automobile sales, service and rental' as a site-specific use within 2355 Kenworth Road and a portion of 2345 Kenworth Road) pass first reading;
2. "Zoning Amendment Bylaw 2021 No. 4500.183" pass second reading; and
3. Prior to adoption of "Zoning Amendment Bylaw 2021 No. 4500.183", Council direct that:
 - a) Staff secure a covenant for use restrictions to replace Covenants CA6887004 and CA6318912;
 - b) the applicant obtain subdivision approval for a lot line adjustment between 2355 and 2345 Kenworth Road; and
 - c) the applicant provide a signed statement from a Contaminated Sites Approved Professional that the Certificate of Compliance is valid for the proposed land uses for proposed Lots A and B.

BACKGROUND

A rezoning application (RA459) was received from Brian J. Senini on behalf of the property owner, Bowen Road Developments Ltd. The applicant is proposing to amend the Corridor Three (COR3) zone to allow 'automobile sales, service and rental' as a site-specific use on a new parcel that would include 2355 Kenworth Road and a portion of 2345 Kenworth Road.

In 2017, the Official Community Plan land use designation for 2345 and 2355 Kenworth Road and portions of other adjacent parcels was changed from Industrial to Corridor (OCP66), and the zoning was changed from High Tech Industrial (I3) to Community Corridor (COR3, RA288). To ensure the permitted uses on the parcels would not exceed the capacity of the road network in the area, a covenant (CA6318912) was placed on the parcel titles to restrict the permitted uses on the lands as a condition of the rezoning. Since 2017, portions of the original parcel were rezoned to add automobile sales, service and rental as a site-specific use on three of the lots from the original subdivision.

Subject Property

<i>Location</i>	The subject properties are located between the Island Highway/Bowen Road intersection and Labieux Road.
<i>Total Lot Areas</i>	2355 Kenworth Road – 3,946m ² 2345 Kenworth Road – 8,216m ²
<i>Current Zone</i>	COR3 – Community Corridor
<i>Proposed Zone</i>	COR3 – Community Corridor with site-specific automobile sales, service and rental use
<i>Official Community Plan (OCP) Designation</i>	Corridor

The subject properties are accessed from Kenworth Road and Labieux Road, and they are currently vacant. Car dealership businesses will be located to the north, and are currently located to the west. A building containing home improvement businesses is located to the southwest. St. John Ambulance is located to the south, and Beban Park is located to the southeast. |

DISCUSSION

Proposed Development

The applicant is proposing a lot line adjustment between 2355 and 2345 Kenworth Road, such that 2355 Kenworth Road becomes a larger parcel (Lot A), approximately 7,760m² in size, for the purpose of locating a new car dealership and independent office on the new parcel. The parcel at 2345 Kenworth Road would be reduced from 8,216m² to approximately 4,420m² (Lot B), and is proposed to be the site of a personal care facility and multi-family development.

The following steps are proposed to accommodate the application:

- i. Amend the COR3 zone in “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow ‘automobile sales, service and rental’ as a site-specific use at 2355 Kenworth Road and a portion of 2345 Kenworth Road.
- ii. Replace covenants CA6318912 and CA6887004 with a new covenant specific to the proposed new Lots A and B. These two covenants were placed on the title of the land during the previous two rezoning processes to restrict the land uses to what was envisioned at that time and supportable with the existing road network. In order to facilitate the current proposal, a new covenant is required to update the use restrictions. In support of the proposed rezoning, the applicant provided an updated Traffic Assessment Memo from Adept Transportation Solutions (2020-APR-22) verifying the road network can support the proposed uses.

- iii. The new covenant would maintain the uses previously permitted, with the addition of the new proposal, as follows:

Current Covenant(s)	New Covenant
The permitted uses at 2355 Kenworth Road are a combination of office and multiple-family dwelling.	The permitted uses on the new proposed Lot A are multiple-family dwelling; or a combination of automobile sales, service and rental and independent office use.
The permitted uses at 2345 Kenworth Road are a combination of retail store, and either seniors' congregate housing or multiple-family dwelling.	The permitted uses on the new proposed Lot B are multiple-family dwelling, personal care facility, seniors' congregate housing, or office use or any combination thereof.

- iv. The applicant has submitted a subdivision application (SUB1415) for the boundary adjustment between 2345 and 2355 Kenworth Road to create the new Lots A and B. Staff are recommending that as a condition of rezoning, subdivision approval be required to complete the lot line adjustment between the two parcels.
- v. In addition, staff from the Land Remediation Section of the Ministry of Environment recommended the applicant provide a signed statement from a Contaminated Sites Approved Professional (CSAP) verifying that the current Certificate of Compliance is valid for the proposed land uses and development of Lots A and B. This confirmation is needed to ensure the future development of these lots will be in accordance with the requirements and conditions of the issued Certificate of Compliance. This would be confirmed again at the detailed design of the site.

Official Community Plan (OCP)

The 'Corridor' designation supports a mix of residential, commercial, professional, and service uses. Both automobile sales and independent office use are proposed for new Lot A; and personal care facility, multi-family residential, and office use are proposed for new Lot B. The automobile sales use on proposed Lot A would complement the cluster of uses in the area, creating an automobile sales precinct with highway exposure. The proposed rezoning meets the intent of the OCP Corridor designation, and supports the original vision for a mixed-use development on the parent parcel.

Transportation Master Plan

The subject property is within the Country Club mobility hub area and is centrally located to access transit, recreation, and services. A new sidewalk and bike lane has recently been constructed in this area along Bowen Road, and streets within mobility hubs will increasingly be designed to better accommodate public transit, pedestrians, and cyclists.

Community Consultation

The applicant posted a notice in the Nanaimo News Bulletin in December 2020 advising the public of the proposed rezoning. No inquiries have been received as a result of this notification. A rezoning sign was posted on the property in December 2020 to inform the neighbourhood of

the proposed rezoning. Also, the City referred the rezoning application to the Wellington Community Association and they have no concerns with the proposal.

Community Amenity Contribution

As part of the original rezoning of the land in 2017, the property owner contributed \$191,569.00 as a community amenity contribution. These funds are to be used towards improvements at Beban Park. Staff are of the opinion that this rezoning (RA459) does not result in an additional land lift, thus a community amenity contribution is not proposed.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2021 No. 4500.183”, Staff recommend the following items be secured prior to adoption of the bylaw:

- a) Staff secure a covenant for use restrictions to replace Covenants CA6887004 and CA6318912;
- b) the applicant obtain subdivision approval for a lot line adjustment between 2355 and 2345 Kenworth Road; and
- c) the applicant provide a signed statement from a Contaminated Sites Approved Professional that the Certificate of Compliance is valid for the proposed land uses for proposed Lots A and B.

SUMMARY POINTS

- An application has been received to amend the COR3 zone to allow ‘automobile sales, service and rental’ as a site-specific use on a new parcel that includes 2355 Kenworth Road and portion of 2345 Kenworth Road; and to replace two Section 219 covenants registered on the titles of the subject properties with a new covenant.
- The proposed rezoning will allow for mixed-use development on the properties and is consistent with the ‘Corridor’ policy objectives of the Official Community Plan.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Plan of Proposed Subdivision
ATTACHMENT E: Aerial Photo
“Zoning Amendment Bylaw 2021 No. 4500.183”

Submitted by:

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP

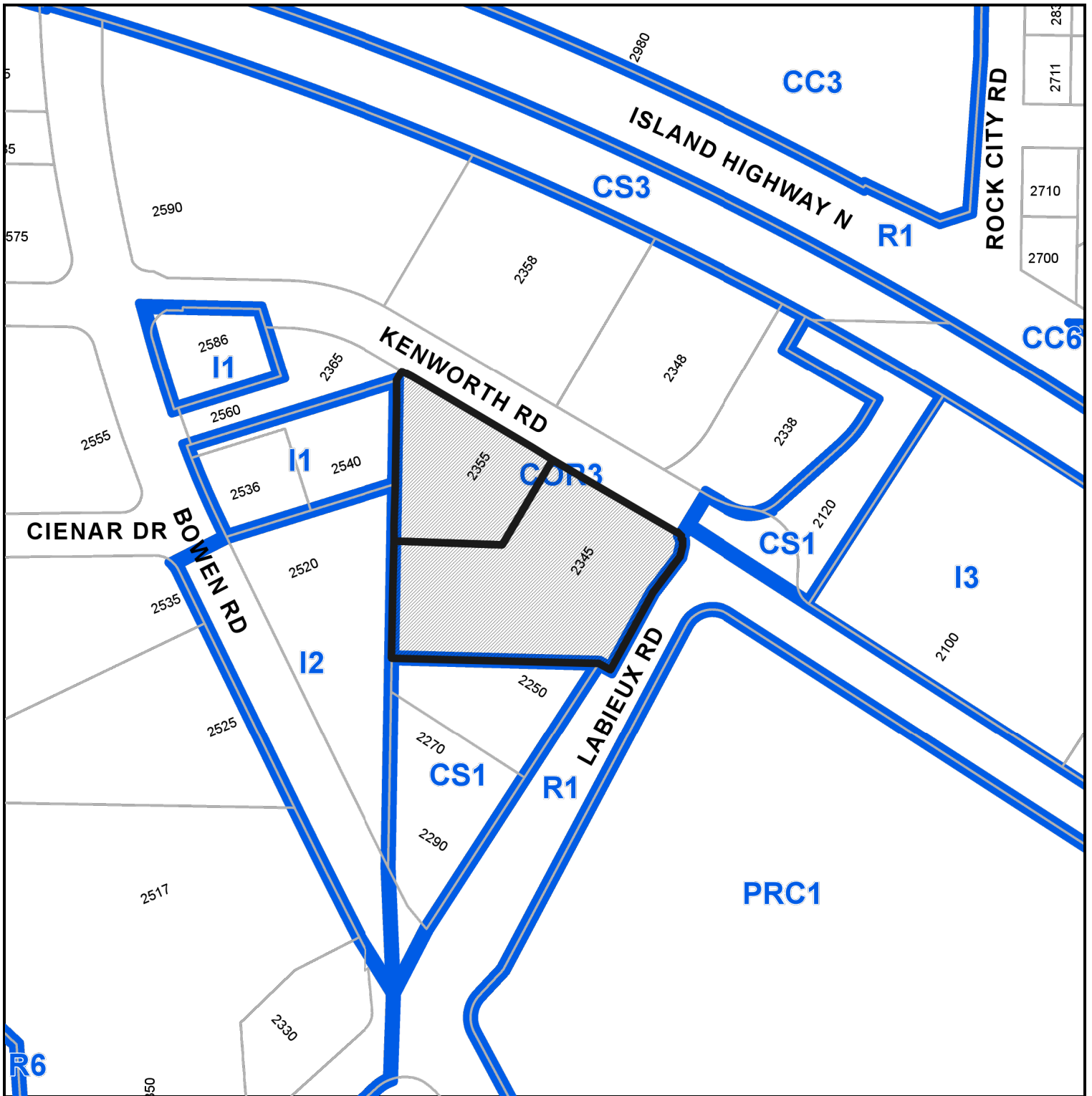


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2345 & 2355 KENWORTH ROAD

ATTACHMENT B LOCATION PLAN



 **Subject Property**

REZONING APPLICATION NO. RA000459

CIVIC: 2345 & 2355 KENWORTH ROAD

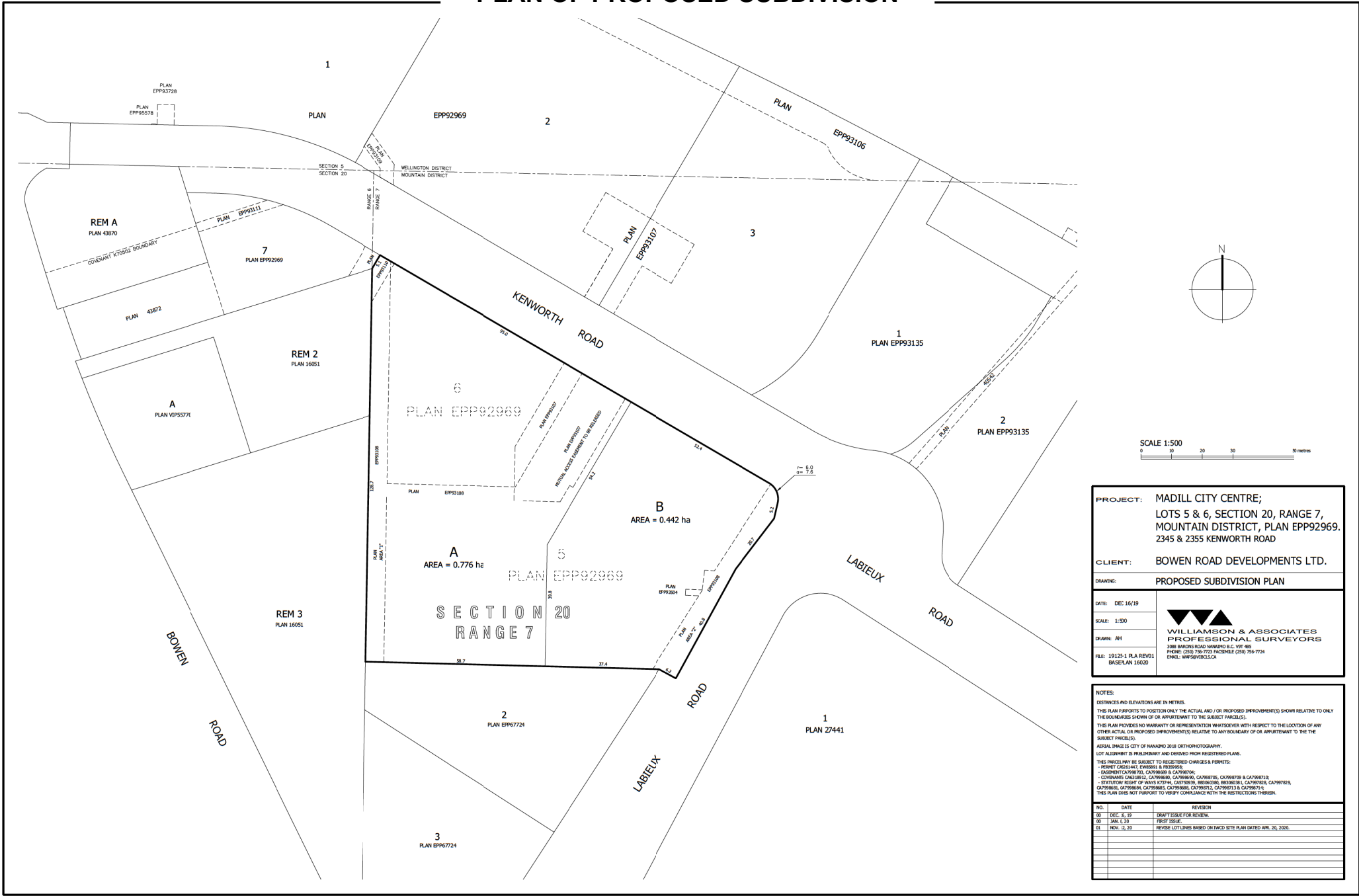
LEGAL: LOTS 5 & 6, DISTRICT LOT 20, RANGE 7, MOUNTAIN DISTRICT PLAN
EPP92969

ATTACHMENT C CONCEPTUAL SITE PLAN



 **SITE PLAN**

ATTACHMENT D PLAN OF PROPOSED SUBDIVISION



PROJECT: MADILL CITY CENTRE;
LOTS 5 & 6, SECTION 20, RANGE 7,
MOUNTAIN DISTRICT, PLAN EPP92969,
2345 & 2355 KENWORTH ROAD

CLIENT: BOWEN ROAD DEVELOPMENTS LTD.

DRAWING: PROPOSED SUBDIVISION PLAN

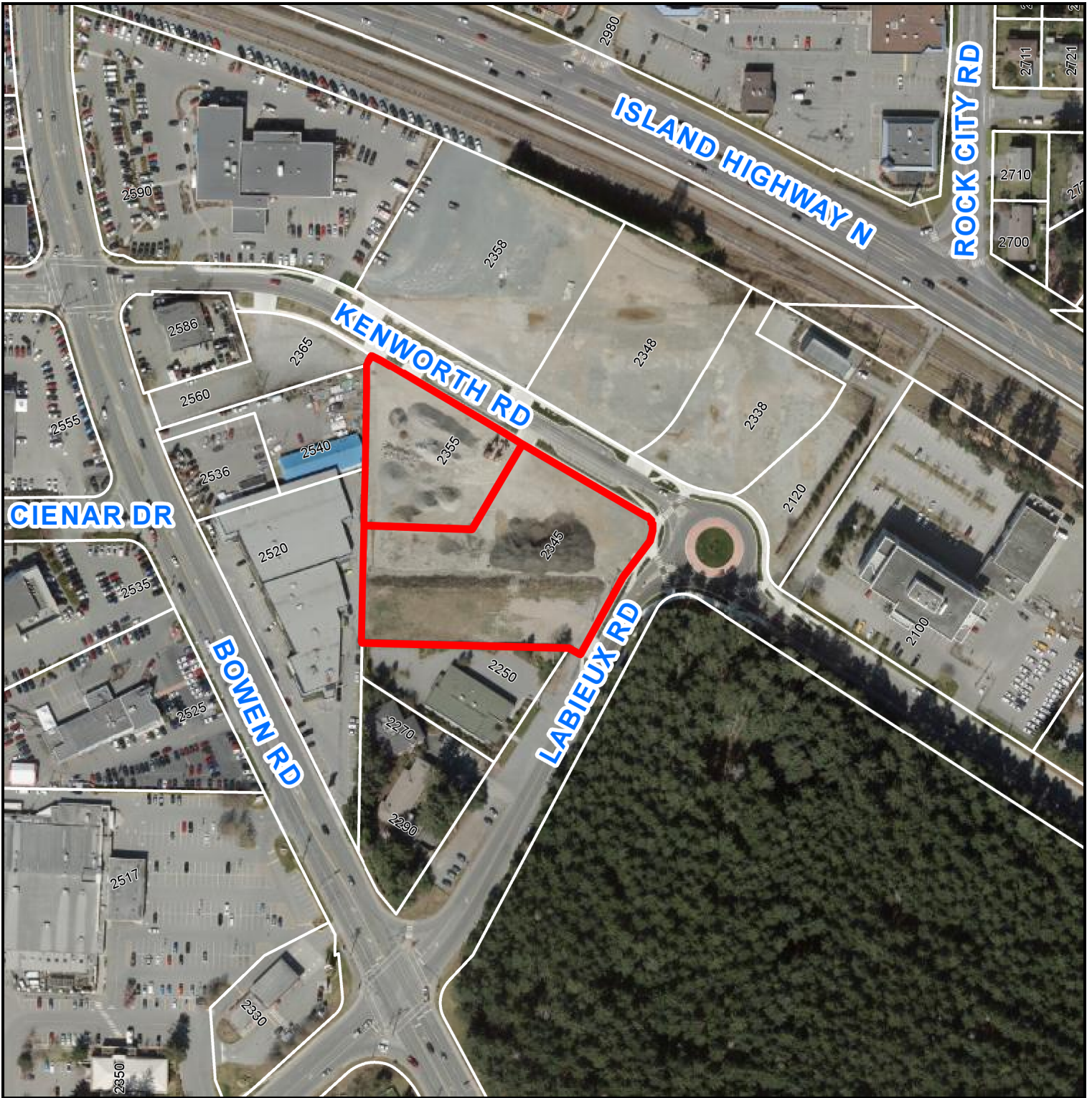
DATE: DEC 16/19
SCALE: 1:500
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FILE: 19125-1 PLA REV01
BASEPLAN 16020

**WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS**
3088 BAROKS ROAD MANAWAU B.C. V01 405
PHONE: (250) 756-7723 FACSIMILE: (250) 756-7724
EMAIL: WAP@VONCLICA

NOTES:
DISTANCES AND ELEVATIONS ARE IN METRES.
THIS PLAN REPORTS TO POSITION ONLY THE ACTUAL AND / OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE SUBJECT PARCELS.
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENTS RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCELS.
MADILL IMAGE IS CITY OF MANAWAU GIS OR OTHER PHOTOGRAPHY.
LOT ALIGNMENT IS PRELIMINARY AND DERIVED FROM REGISTERED PLANS.
THIS PARCEL MAY BE SUBJECT TO REGISTERED CHARGES & PERMITS:
- PERMIT LOCAL 145 (WATER) & RESERVE;
- EASEMENT CAPW9010, CAPW9889 & CAPW9704;
- COVENANTS CAG1211, CAPW988, CAPW986, CAPW985, CAPW989 & CAPW9710;
- STATUTORY RIGHT OF WAYS K7274, CAP70039, BEO06208, BEO06081, CAP70924, CAP70929,
CAP70930, CAP70931, CAP70932, CAP70933 & CAP70977A.
THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREIN.

NO.	DATE	REVISION
00	DEC. 6, 19	DRAFT ISSUE FOR REVIEW
01	JAN. 1, 20	FIRST ISSUE
01	NOV. 20, 20	REVISE LOT LINES BASED ON FINCD SITE PLAN DATED APR. 20, 2020.

**ATTACHMENT E
AERIAL PHOTO**



REZONING APPLICATION NO. RA000459



2345 & 2355 KENWORTH ROAD

CITY OF NANAIMO

BYLAW NO. 4500.183

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

- 1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2021 No. 4500.183".
- 2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as Lot 6, Section 20, Range 7, Mountain District, EPP92969, and a portion of Lot 5, District Lot 20, Range 7, Mountain District, Plan EPP92969 to allow Automobile Sales, Service and Rental as a site-specific use within the Community Corridor (COR3) Zone, as shown on Schedule A.

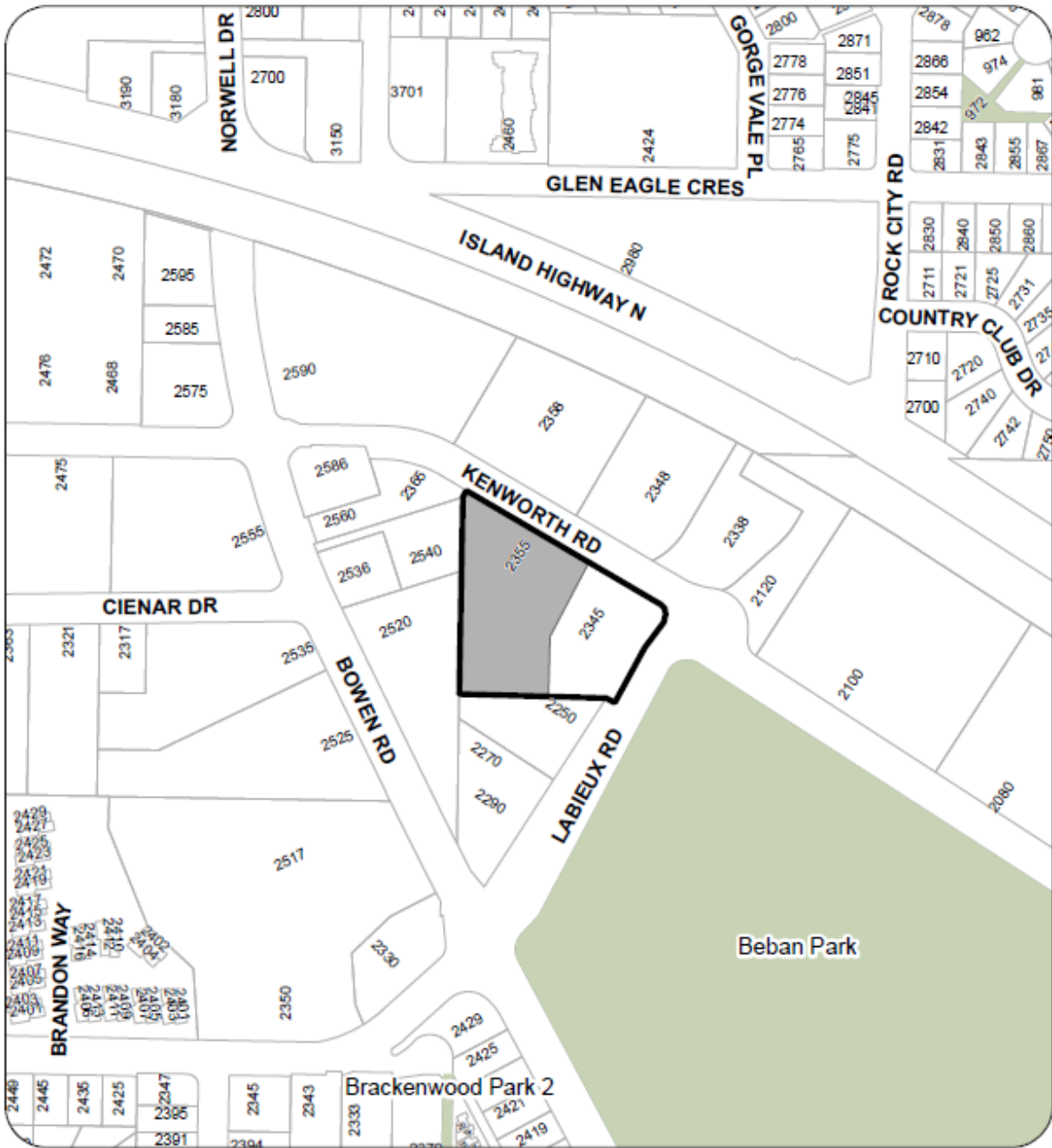
PASSED FIRST READING: _____
 PASSED SECOND READING: _____
 PUBLIC HEARING HELD: _____
 PASSED THIRD READING: _____
 MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____
 ADOPTED: _____




MAYOR

CORPORATE OFFICER

File: RA000459
Address: 2345 and 2355 Kenworth Road

Schedule A



 CIVIC: 2345 and 2355 KENWORTH ROAD
 LEGAL: LOTS 5 and 6, DISTRICT LOT 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP92969
 SUBJECT PROPERTIES
 AMEND COR3 ZONE TO ALLOW A SITE SPECIFIC USE

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Delegation Request

Delegation's Information:

Brian Senini has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is March 1, 2021.

The requested meeting is:
Council

Bringing a presentation: Yes

Details of the Presentation:

In support of Council passing 1st and 2nd Reading of Zoning Amendment Bylaw and setting Public Hearing Date.