

REPORT TO COUNCIL



Date: July 30, 2018

RIM No. 1250-30

To: City Manager

From: Community Planning Department (HB)

Application: Z18-0005

Owner:

Cornel Reuben EPP

Terra Landscaping & Bobcat
Services Ltd.

CGSB Automotive Group Ltd

Address: 155-156 Old Vernon Rd
2155-2165 Rutland Ct

Applicant: City of Kelowna

Subject: Rezoning Application Rescindment

Existing OCP Designation: IND - Industrial

Existing Zone: C2 - Neighbourhood Commercial

1.0 Recommendation

THAT Council receives, for information, the Report from the Community Planning Department dated July 30, 2018 with respect to Rezoning Application No. Z18-0005 and Land Use Contract Termination LUCT17-0003 for the properties located at 155-156 Old Vernon Rd and 2155-2165 Rutland Ct;

AND THAT Rezoning Bylaw No. 11600 be forwarded for rescindment consideration and the file be closed;

AND THAT adoption for Land Use Contract Termination Bylaw No. 11599 be considered by Council.

2.0 Purpose

To rescind all three readings given to Rezoning Bylaw No. 11600 and direct Staff to close the file; and to adopt Land Use Contract Termination Bylaw No. 11599.

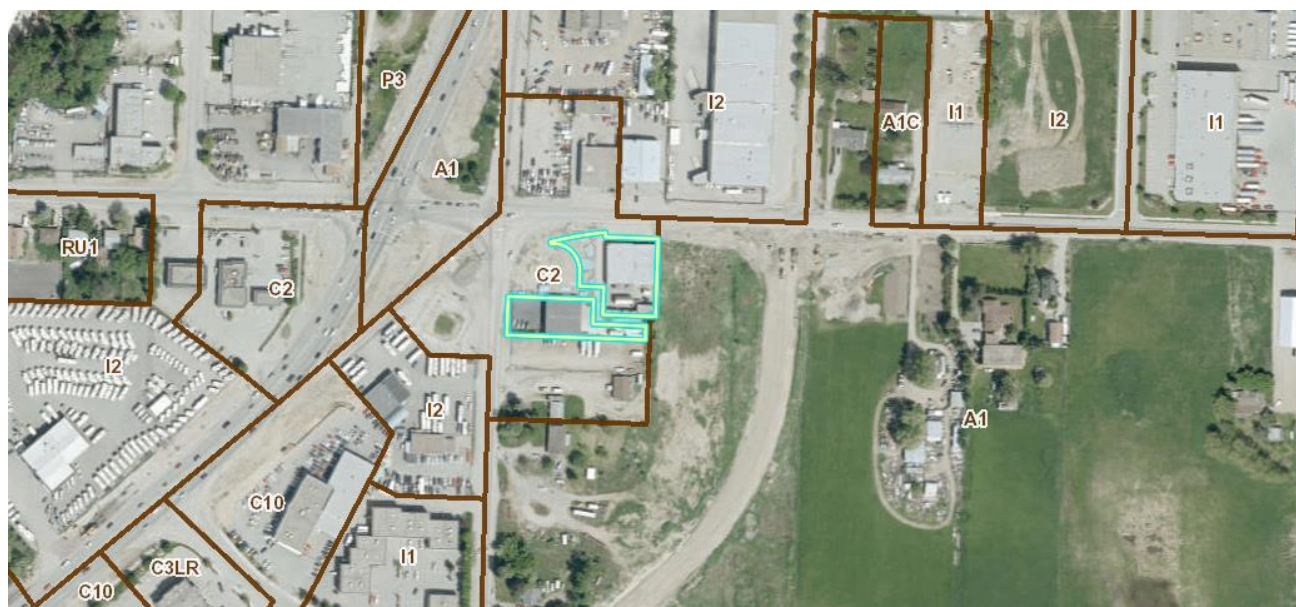
3.0 Community Planning

An application to rezone the subject property in association with a Land Use Contract Termination (LUCT17-0003) was made on January 10, 2018 to rezone from the C2 - Neighbourhood Commercial zone to the C10 – Service Commercial zone by the City of Kelowna. The City initiated this rezoning application as the current underlying uses on the property are more in line with the C10 zone rather than the existing C2 zone. The current uses include automotive repair, and warehouse sales.

Bylaws No. 11599 and No. 11600 received second and third readings at a Regular Meeting of Council on May 10, 2018, following the Public Hearing held on the same date. Final adoption of both bylaws require final approval from Ministry of Transportation. However, the Ministry expressed concern with regard to the Rezoning Bylaw, due to the large increase of uses in the C10 zone as compared to the C2 zone and requested that a 219 Restrictive Covenant be placed on the properties restricting them to their current uses. Given that the application was initiated by Staff, it would be considered a hardship to place a covenant on these private properties. Therefore, Staff are recommending to rescind all three readings of the Rezoning Bylaw No. 11600, and give fourth reading and adoption to Land Use Contract Termination Bylaw No. 11599 in accordance with Provincial Regulations to have all Land Use Contract Terminations executed by 2022.

The properties will remain with their current uses as legal non-conforming and continue their business as they exist today and under the C2 zone. Should the property owners wish to pursue other development options in the future, a new application could be considered at that time.

4.0 Subject Properties Map



5.0 Application Chronology

Date of Application Received:	January 10, 2018
Date of Public Hearing:	May 1, 2018

Report prepared by: Heather Benmore, Urban Planning

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

