REPORT TO COUNCIL

Date:	October 28, 2019		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z19-0106	**Owner:**	CGSB Automotive Group LTD., Inc. No. BC0731187
Address:	2155-2165 Rutland Ct	**Applicant:**	City of Kelowna
Subject:	Rezoning Application		

1.0 Recommendation

THAT Rezoning Application No. Z19-0106 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 35 Township 26 Osoyoos Division Yale District Plan 9018, located at 2155-2165 Rutland Court, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

2.0 Purpose

To consider an application to rezone the subject property from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone to be consistent with the Future Land Use designation for the site and to more accurately reflect the current uses on the property.

3.0 Development Planning

Development Planning staff support the proposed rezoning from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone as it is in line with the Official Community Plan (OCP) Future Land Use designation of SC – Service Commercial for the subject property, is located within the Permanent Growth Boundary, and is consistent with the existing uses on the property.

The existing C2 – Neighbourhood Commercial zone was in place as the underlying zone to the previous Land Use Contract on the property. It is not reflective of the current uses, which include Automotive and Minor Recreational Vehicles Sales, Rentals and Repairs. Therefore, staff have initiated a rezoning application to C10 to reflect the current uses and to conform to the Future Land Use designation of SC – Service Commercial. There are no other commercial zones that allow for the use of Automotive and Minor Recreational Vehicles Sales, Rentals and Repairs.

4.0 Proposal

4.1 Background

The property was previously regulated by a Land Use Contract (LUC77-1082), which Council approved to be terminated on July 30, 2018. Once a Land Use Contract is approved to be terminated, the termination comes into effect one year later and as such the LUC regulating the site was terminated as of July 30, 2019. Once the LUC was officially terminated, the uses on the property no longer conformed to the land use regulations permitted for the site as per the C2 – Neighbourhood Commercial zone.

4.2 Project Description

The proposed rezoning from C2 to C10 would bring the property into conformance with the Zoning Bylaw with respect to the Automotive and Minor Recreational Vehicles Sales, Rentals and Repairs use currently operating on the property.

Although the site is proposed to be rezoned from the C2 – Neighbourhood Commercial zone to the C10 – Service Commercial zone, the rezoning application does not involve a development proposal as there are no immediate changes expected to occur with respect to the existing building located on-site. Staff do not anticipate any development changes to the site in the short- to medium-term.

4.3 Site Context

The subject property is located in the Rutland City Sector near the intersections of Rutland Court, Old Vernon Road, Rutland Road North and Highway 97 North. It is in close proximity to transit routes located along Highway 97 North, Sexsmith Road, Old Vernon Road and Rutland Road North. The surrounding neighbourhood is largely comprised of C2 – Neighbourhood Commercial, I2 – General Industrial, C10 -Service Commercial and A1 – Agriculture 1 zoned properties. The surrounding Future Land Use designations include largely SC – Service Commercial, IND – Industrial and REP – Resource Protection Area.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2 – Neighbourhood Commercial	Commercial
East	A1 – Agriculture 1	Vacant Lot
South	C2 – Neighbourhood Commercial	Commercial
West	C2 – Neighbourhood Commercial	Vacant lot

Subject Property Map: 2155-2165 Rutland Court



5.0 Application Chronology

Date of Application Received: July 26, 2019
Date Public Consultation Completed: October 6, 2019

Report prepared by: Andrew Ferguson, Planner II

Reviewed by: Laura Bentley, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager