

# REPORT TO COUNCIL



**Date:** February 28, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z20-0098

**Owner:** Carlyle Holdings Ltd., Inc. No. 273657

**Address:** 2789-2791 Hwy 97 N

**Applicant:** Part Nine Designs

**Subject:** Rezoning Application

**Existing OCP Designation:** RCOM – Regional Commercial

**Existing Zone:** C10 – Service Commercial

**Proposed Zone:** C10rcs – Service Commercial (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Council waives the requirement for Schedule A: City of Kelowna Memorandum to be considered in conjunction with Final Adoption of Rezoning Bylaw No. 12168;

AND THAT Final Adoption of Rezoning Bylaw No. 12168 be considered by Council.

## 2.0 Purpose

To waive a condition of adoption of Rezoning Bylaw No. 12168, and to forward the Bylaw for adoption.

## 3.0 Development Planning

Rezoning Bylaw No. 12168 received third reading in March 2021. The Schedule A: City of Kelowna Memorandum included a requirement for a road reserve on this lot along the southern property line as a condition of adoption of the bylaw. The applicant has been unable to get the property owner to agree to the road reserve, so has instead proposed a cash in lieu payment as an alternate solution, which the Development Planning and Development Engineering feel is an acceptable compromise in this specific situation. This payment will go towards the future road construction.

This road reserve connection is important to the overall transportation network and the Development Engineering Department will support requiring it at every opportunity in the future.

**Subject Property Map: 2789-2791 Hwy 97 N**



**4.0 Application Chronology**

Date of Application Received:	November 19, 2020
Date Public Consultation Completed:	December 8, 2020
Date of Initial Consideration:	February 22, 2021
Date of Public Hearing:	March 16, 2021

<b>Report prepared by:</b>	Kimberly Brunet, Planner II
<b>Reviewed by:</b>	Jocelyn Black, Urban Planning Manager
<b>Reviewed by:</b>	Terry Barton, Development Planning Department Manager
<b>Approved for Inclusion:</b>	Ryan Smith, Divisional Director, Planning & Development Services

**Attachments:**

Schedule A: City of Kelowna Memorandum