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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** September 25, 2002  
**File No.:** Z98-1042

**To:** City Manager

**From:** Planning & Development Services Department

APPLICATION NO. Z98-1042

OWNER: Fredor Holdings Ltd.

AT: 1361 Mountain Avenue

APPLICANT: Earth Tech Canada Inc.,  
Matt Cameron

**PURPOSE:** To rezone the subject property from the RU1 – Large Lot Housing zone to the RU5 – Bareland Strata Housing and RU6 - Two Dwelling Housing zones to facilitate a combined bare land strata and conventional subdivision development.

**EXISTING ZONE:** RU1 – Large Lot Housing

**PROPOSED ZONE:** RU5 – Bareland Strata Housing and RU6 - Two Dwelling Housing

**REPORT PREPARED BY:** Josephine Duquette

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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### 1.0 RECOMMENDATION

THAT Municipal Council authorize an extension to Rezoning application No. Z98-1042 (Bylaw No. 8506) for a period of not more than 180 days from October 4, 2002.

### 2.0 SUMMARY

The subject rezoning application was considered at a Public Hearing by Council on April 4, 2000. Section 2.10.1 of Procedure Bylaw No. 8140 states that:

Every amendment bylaw which has not been finally adopted by Council within 12 months after the date it was given third reading, lapses and will be of no force and effect, and an applicant who wishes to proceed with its application must initiate a new application.

Section 2.10.2 of the Procedure Bylaw makes provision for Council to consider an extension to an amending bylaw for up to 6 months beyond the 12 months deadline as stated in Section 2.10.1.

Zone Amending By-Law No. 8506 received second and third readings on April 4, 2000, after the Public Hearing held on the same date. Three six month extensions have been granted by Council and the applicant wishes to have this rezoning application remain open for an additional

six months in order to provide more time to resolve a number of complex technical issues regarding his concurrent subdivision application.

This project remains unchanged and is the same in all respects as originally applied for.

The Planning and Development Services Department therefore recommends that Council favourably consider the request for a six month extension from October 4, 2002.

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R.G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

**FACT SHEET**

1. **APPLICATION NO.:** Z98-1042
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Fredor Holdings Ltd.  
· **ADDRESS** 1361 Mountain Avenueue  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1Y 7H3
4. **APPLICANT/CONTACT PERSON:** Earth Tech Canada Inc. / Matt Cameron  
· **ADDRESS** 201 – 3275 Lakeshore Road  
· **CITY** Kelowna, BC  
· **POSTAL CODE** V1W 3S9  
· **TELEPHONE/FAX NO.:** 762-3727 / 762-7789
5. **APPLICATION PROGRESS:**  
Date of Application: October 9, 1998  
Date Application Complete: October 9, 1998  
Staff Report to APC: November 3, 1998  
Staff Report to Council: January 17, 2000  
Staff Report to Council: March 28, 2001  
Staff Report to Council: October 10, 2001  
Staff Report to Council: April 2, 2002  
Staff Report to Council: September 25, 2002
6. **LEGAL DESCRIPTION:** Lot A, Sec. 30, Twp. 26, ODYD, Plan 16616 except Plans 40041, KAP53261 and KAP53262
7. **SITE LOCATION:** Between Mountain Avenue and High Road
8. **CIVIC ADDRESS:** 1361 Mountain Avenue
9. **AREA OF SUBJECT PROPERTY:** 5.53 ha
10. **AREA OF PROPOSED REZONING:** 5.53 ha
11. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
12. **PROPOSED ZONE:** RU5 – Bare Land Strata and RU6 – Two Dwelling Housing
13. **PURPOSE OF THE APPLICATION:** To rezone the subject property to facilitate a combined bare land strata and conventional subdivision development.
14. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Not Applicable