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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 12, 2003

**File No.:** File No. Z98-1032  
(3360-20)

**To:** City Manager

**From:** Planning & Development Services Department

**Purpose:** To rescind 2<sup>nd</sup> & 3<sup>rd</sup> Readings of Zone Amending Bylaw No. 8460 (Hilltop Sand & Gravel Co. Ltd. – Z98-1032) in order to proceed with a revised zoning and subdivision layout.

**Owner:** Hilltop Sand & Gravel Co. Ltd.      **Applicant/Contact Person:** Protech Consultants (1989) Ltd./Mike Young

**At:** 5065 Frost Road

**Existing Zone:** A1 – Agriculture 1      **Proposed Zones:** RU1 – Large Lot Housing, RU2 – Medium Lot Housing, P2 – Education & Minor Institutional and P3 – Parks & Open Space

**Supplemental Report Prepared by:** Shelley Gambacort

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SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

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1.0 RECOMMENDATION

THAT second and third readings given Bylaw No. 8460 (Z98-1032 - Hilltop Sand & Gravel Co. Ltd. - Frost Road) on October 25, 1999 be rescinded;

AND THAT Bylaw No. 8460 (Z98-1032 - Hilltop Sand & Gravel Co. Ltd. - Frost Road) be amended at first reading as outlined in the report from the Planning and Development Services Department dated March 12, 2003;

AND THAT Bylaw No. 8460, as amended, be forwarded to a Public Hearing for further consideration;

2.0 SUMMARY

Since the initial consideration of the Zone Amending Bylaw in 1999, there has been a change in the developer associated with the proposal and subsequent revisions have been made to the proposed subdivision layout.

The proposed subdivision associated with this original rezoning request comprised approximately 207 lots and the current proposal also comprises approximately 207 single family residential lots.

As the proposed revised subdivision layout is not consistent with the zoning boundaries as shown on Map “A” attached to the Zone Amending Bylaw No. 8460 (also attached to this report), it is necessary to rescind 2<sup>nd</sup> and 3<sup>rd</sup> readings of the Zone Amending Bylaw and that the proposed zoning as revised, and as shown on Map “B” attached to this report, be forwarded to another Public Hearing for further consideration.

### 3.0 BACKGROUND

The Public Hearing for this application to rezone land located within the Neighbourhood Two Area Structure Plan boundaries of the Southwest Okanagan Mission Sector Plan was held September 7, 1999 and third reading given October 25, 1999 with final adoption of the zone amending bylaw being withheld pending the following:

- i Approval of the neighbourhood pre-plans by the Approving Officer;
- ii Owners being responsible for all Land Title Office fees and charges resulting from the road reserves, subdivisions, rights-of-way, road dedications and road widenings associated with the application; and
- iii The applicants entering into a Servicing Agreement with the City of Kelowna prior to final adoption of the respective zone amending bylaws.

Subsequent to the third reading in 1999 there have been a number of extensions granted to Zone Amending Bylaw No. 8460, the last of which expires April 25, 2003.

The Developer now associated with this proposed rezoning has submitted a revised subdivision layout for a Preliminary Layout Review letter. As the required zoning to facilitate the proposed subdivision layout differs from the zoning designations as shown on the Map “A” attached to the Zone Amending Bylaw No. 8460 it is necessary to rescind 2<sup>nd</sup> and 3<sup>rd</sup> readings of Bylaw No. 8460 and proceed to a new Public Hearing for consideration of the proposed zoning as shown on the attached Map “B”.

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R. G. Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐

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

RGS/SG/sg

**FACT SHEET**

1. **APPLICATION NO.:** Z98-1032
2. **APPLICATION TYPE:** Rezoning
3. **OWNER**  
Hilltop Sand & Gravel Co. Ltd./  
Kathleen Mackenzie  
· **ADDRESS** RR 6, Site 9A, Comp. 1 Barnaby Road  
· **CITY/ POSTAL CODE** Kelowna, BC V1Y 8R3  
· **TELEPHONE NO.:** 317-1005
4. **APPLICANT/CONTACT PERSON:** Protech Consultants (1989) Ltd./  
Mike Young  
· **ADDRESS** 200 – 1449 St. Paul Street  
· **CITY/ POSTAL CODE** Kelowna, BC V1Y 2E4  
· **TELEPHONE NO.:** 860-1771/860-1994
5. **APPLICATION PROGRESS:**  
Date of Application: September 1, 1998  
Staff Report to Council: August 4, 1999  
Date of Public Hearing: September 7, 1999  
Date of Third Reading: October 25, 1999  
Servicing Agreement Forwarded to Applicant:  
Servicing Agreement Concluded:
6. **LEGAL DESCRIPTION:** Lot 1, DL 357, ODYD, 18352; Part of Lot 1 shown on Plan B7484, DL's 357 & 358, ODYD, Plan 4207; and Lot 1, DL 357, SDYD, Plan KAP51584
7. **SITE LOCATION:** North East end of Frost Road and South of Barnaby Road
8. **CIVIC ADDRESS:** 5065 Frost Road, 611 & 625 Barnaby Road
9. **AREA OF SUBJECT PROPERTY:** 29.398 ha
10. **AREA OF PROPOSED REZONING:** 29.398 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** RU1 – Large Lot Housing, RU2 – Medium Lot Housing and P3 – Parks & Open Space
13. **PURPOSE OF THE APPLICATION:** To extend the deadline for adoption of Zone Amending Bylaw No. 8460 (Hilltop Sand & Gravel Co. Ltd. – Z98-1032) in accordance with the Development Application Procedures Bylaw

**14. DEVELOPMENT PERMIT MAP 13.2  
IMPLICATIONS**

Not Applicable

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**Attachments**

*(Not attached to the electronic copy of the report)*

Location Map  
Map "A"  
Map "B"