

---

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

---

**Date:** May 25, 2004  
**File No.:** Z01-1063  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Purpose:** To extend the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) in accordance with the Development Application Procedures Bylaw.  
**Owner:** Luigi Giovanni Russo  
**Applicant:** Porter Ramsay                      **Contact Person:** Tom Smithwick  
**At:** 982 & 1040 Old Vernon Road  
**Existing Zone:** A1 – Agriculture 1    **Proposed Zones:** I2 – General Industrial  
**Report Prepared by:** Shelley Gambacort

---

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

---

**1.0    RECOMMENDATION**

THAT in accordance with the Development Application Procedures Bylaw No. 8140 the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) Old Vernon Road be considered for extension from April 30, 2004 to October 23, 2004.

**2.0    SUMMARY**

Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 (Tom Smithwick/Porter Ramsay for Russo) received second and third readings at a Regular meeting of Council held on April 30, 2002, with final adoption of the zone amending bylaw being withheld pending the registration of a 219 Covenant restricting the use of the land to those uses allowed by the Land Reserve Commission, the consideration of a Development Variance Permit on the subject property and provision of an executed Servicing Agreement and the provision of the necessary funds and/or bonding.

### 3.0 PLANNING COMMENTS

At the Regular Meeting of Council held November 26, 2003 a resolution was adopted extending the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 to April 30, 2004 for a second time. The Planning & Corporate Services Department has now received a third request for a six month extension, from the applicant on behalf of the owner.

The Applicant has advised that the restrictive covenant has not been registered, as the banker is not prepared to sign a priority agreement (to put the covenant on title ahead of their mortgage) without the banks conditions being met. The applicant further advises that the Russo's are still working on resolving this, however, need more time to address the economic issues.

The Planning & Corporate Services Department is concerned with the continued extensions to this rezoning application with no pending resolution of the outstanding issues.

---

Andrew Bruce  
Manager Development Services

AB/SG/sg

Approved for inclusion

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

AB/SG/sg

**FACT SHEET**

1. **APPLICATION NO.:** OCP01-019/Z01-1063/DVP01-10,091
2. **APPLICATION TYPE:** OCP Amendment/ Rezoning/  
Development Variance
3. **OWNER:** Luigi Giovanni Russo  
· **ADDRESS** 982 Old Vernon Road  
· **CITY/ POSTAL CODE** Kelowna, BC V1X 6T8
4. **APPLICANT/CONTACT PERSON:** Porter Ramsay/Tom Smithwick  
· **ADDRESS** 200 – 1465 Ellis Street  
· **CITY/ POSTAL CODE:** Kelowna, BC V1Y 2A3  
· **TELEPHONE/FAX NO.:** 763-7646/762-9960
5. **APPLICATION PROGRESS:**  
    **Date of Application:** December 4, 2001/ December 18, 2001 (OCP)  
    **Servicing Agreement Forwarded to Applicant:**  
    **Servicing Agreement Concluded:**  
    **Staff Report to Council:** March 15, 2002
6. **LEGAL DESCRIPTION:** Lot 2 & Lot 3, Sec. 1, Twp. 23, ODYD, Plan 546
7. **SITE LOCATION:** North side of Old Vernon Road, 100 m east of Morrison Road
8. **CIVIC ADDRESS:** 982 & 1040 Old Vernon Road
9. **AREA OF SUBJECT PROPERTY:** Lot 2 = 4.045 ha & Lot 3 = 4.045 ha  
Total Area = 8.09 ha
10. **AREA OF PROPOSED REZONING:** 8.09 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** I2 – General Industrial
13. **PURPOSE OF THE APPLICATION:** To amend the OCP Future Land Use from Rural/Agriculture to Industrial; to Rezone from A1 – Agriculture 1 to I2 – General Industrial and to waive any landscaping or paving requirements as a result of the rezoning.
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** Not Applicable

---

**Attachments**

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

---

Location Map