
CITY OF KELOWNA
MEMORANDUM

Date: October 27, 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 October 30, 2004 to April 30, 2005.

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 June 7, 2004 a resolution was adopted extending, for a third time, the deadline for adoption of Official Community Plan Amending Bylaw No. 8832 and Zone Amending Bylaw No. 8833 to October 30, 2004. The Planning & Corporate Services Department has now received a fourth request for a six month extension, from the applicant on behalf of the owner.

The Applicant had previously advised that the restrictive covenant had 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 now advises that the Russo's financial situation will not allow them to complete the application requirements at this time and would appreciate a further extension being granted.

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