

THAT OCP Amending Bylaw No. 9109 be amended at 3rd reading by replacing the term “Comprehensive Development Project” in Section 1 with “Industrial, Commercial, and Major Park / Open Space”, and replacing Map “A” with the Revised Map “A” attached to the report of the Planning and Corporate Services Department dated July 20, 2005;

THAT Final Adoption of OCP Amending Bylaw No. 9109 be considered by Council;

THAT Final Adoption of Text Amending Bylaw No. 9110 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9111 be considered by Council.

2.0 SUMMARY

The owners of the subject property made application to develop a portion of their former gravel extraction operation in March 2003 as the first phase of an industrial business park development which is focused on airport and university-college associated uses. Council considered the OCP amending bylaw #9109, the Text Amending Bylaw #9110, and the Zone Amending Bylaw #9111 on November 18, 2003 and gave the bylaws 2nd & 3rd readings after a successful public hearing held the same night. However, the bylaws have all been held at 3rd reading pending the applicant finalizing arrangements with the Ministry of Transportation regarding the required highway improvements for Highway 97.

The applicant has been working with the Ministry of Transportation to finalize requirements for improvements to the highway corridor fronting the subject property. These requirements from MoT had become mired down in the review process since the abandonment of the Gateway Project, which involved participation of the City of Kelowna, the Ministry of Transportation, Okanagan University College (UBC Okanagan), and the Airport.

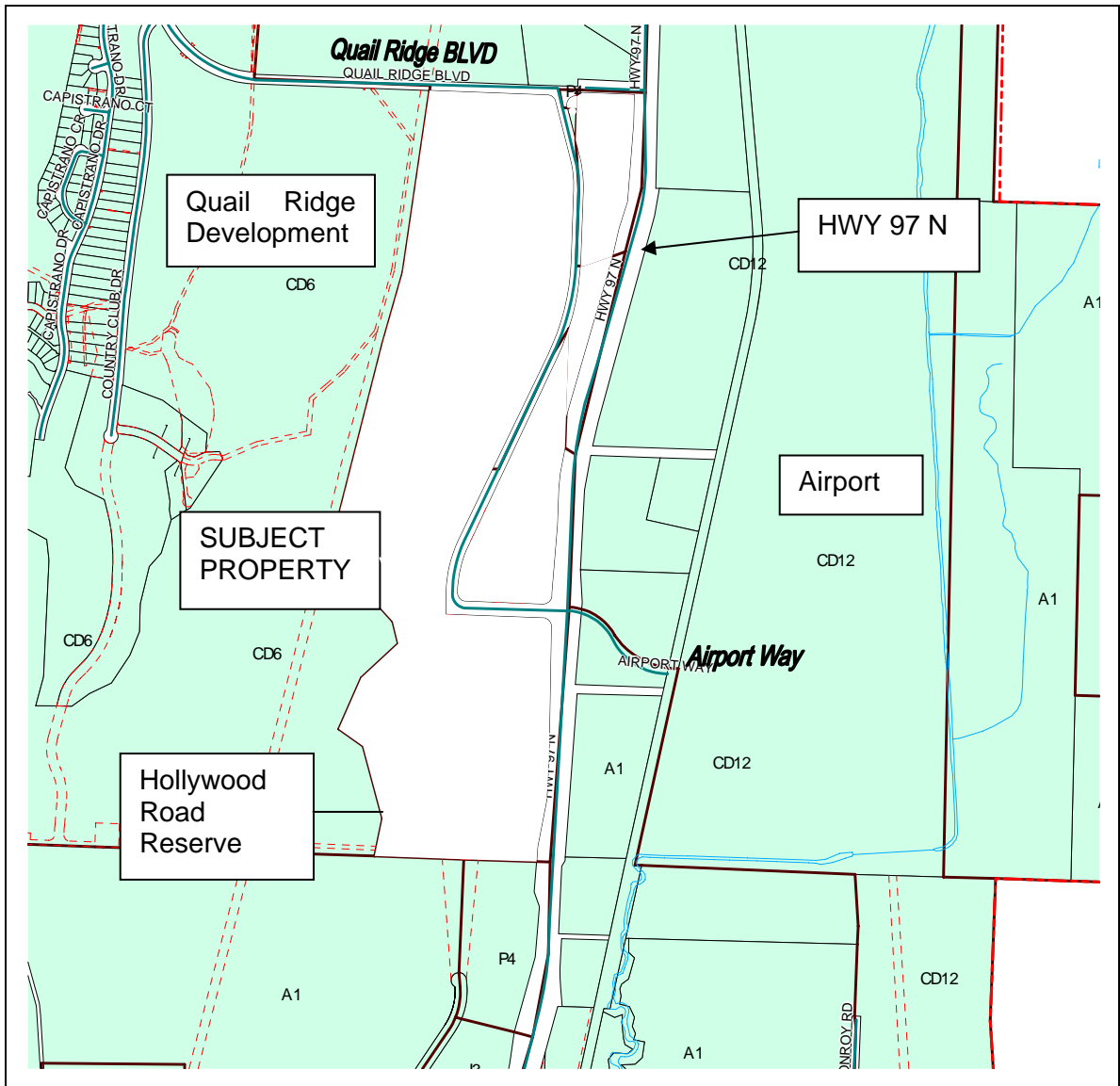
Unfortunately, when these applications were made, the associated files were not set up correctly in the automated tracking system, and the deadline dates for adoption of the bylaws as set out in the Development Application Procedure Bylaw were missed. Owing to the extenuating circumstances relating to the collapse of the Gateway Project, and the long protracted nature of receiving approval from the Ministry of Transportation, the Planning and Corporate Services Department supports the retro-active extension of the associated bylaws to extend the extend the adoption date until November 18, 2005.

The applicant has also approached the Development section of the Works and Utilities Department in order to defer the provision of an executed Servicing Agreement from the rezoning process stage to the Subdivision approval process. The Works and Utilities Department has agreed to this deferment of the Servicing Agreement.

However, owing to the length of time that has passed from the original application to the approval from the Ministry of Transportation, the City of Kelowna Official Community Plan has been amended, and the designation under application by the Official Community Plan amendment no longer exists. The OCP amendment will have to be amended to change the future land use designation from the previous designation of “Comprehensive Development Project” to the “Industrial, Commercial, and Major Park and Open Space” future land use designations, as outlined in the Airport business Industrial Park Area Structure Plan document.

Now that the outstanding issues with the Ministry of Transportation have been resolved, and the required bylaws have now been signed by the MoT, it is now appropriate for Council to consider final adoption of the bylaws.

SUBJECT PROPERTY MAP



3.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and have been identified as part of the rezoning application Z03-0016. The associated Servicing agreement will be executed prior to approval of the associated subdivision application.

4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The application for an Official Community Plan amendment, Text Amendment, and Rezoning applications were all given 2nd and 3rd readings on November 18, 2003, after a successful public hearing held the same night. The application had been held at 3rd reading to allow the applicant time to sort out the required Highway Improvements to Highway 97 fronting the property, as well as the required site servicing issues and layout relating to the associated subdivision application.

The issue regarding the highway frontage improvements had been a barrier to the applicant receiving final approval from the Ministry of Transportation, as this subject property had been part of the “Gateway Project”. The applicant has been working with the Ministry of Transportation to come to an agreement on the configuration of the road dedications triggered by the proposed highway improvements, as well as the registration of a Restrictive Covenant on the Pier-Mac lands to limit commercial development of the Tourist Commercial site to a maximum of 120 rooms and a limit on the amount of commercial development within the CD 15 – Airport Business Park zoned lands until an updated Traffic Impact Study is completed to the satisfaction of the Ministry.

The Gateway project had been structured as a joint-venture between OUC, Pier-Mac, the Ministry of Transportation, and the City of Kelowna (Airport) to establish a plan for grade separations at the main highway intersections, and an associated funding strategy. However, the Gateway project has now stalled as the partners have not agreed on a funding program.

Now that the Ministry of Transportation has signed the associated bylaws, it is now appropriate for Council to consider these bylaws for adoption.

The servicing agreement and associated bonding will be executed prior to any subdivision approvals.

Andrew Bruce
Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Community and Corporate Services

PMc/pmc
Attach.

Attachments

Subject Property Map
Revised Map A