
CITY OF KELOWNA

MEMORANDUM

Date: June 15, 2006
To: City Manager
From: Planning & Corporate Services Department
Purpose: Discharge a Land Use Contract
File No.: LUC06-0001 **Owner(s):** John Madsen
 Joyce Madsen

At: 600-602 Bolotzky Court **Applicant(s) :** John Madsen

Existing Zone: LUC76-1077 **Proposed Zone:** RU6- Two Dwelling
 Housing

Report Prepared by: RYAN SMITH

1.0 RECOMMENDATION

THAT Application No. LUC06-0001 to discharge the Land Use Contract 76-1077 for Lot 5, Section 26, Township 26, ODYD Plan 25745 located on Bolotzky Courtt, Kelowna, BC, be considered by Council;

AND THAT Application No. LUC06-0001 and zone amending bylaw be forwarded to a Public Hearing for further consideration.

2.0 SUMMARY

The applicant is seeking the discharge of Land Use Contract # LUC76-1077 in order to allow for the stratification of a side by side duplex on the subject property. The Land Use Contract controlled the development regulations for the original subdivision (See attached copy) and is no longer relevant to development on this property.

3.2 Site Context

The subject property is located at the end of Bolotzky Court which is accessed via Filuk Court.

North - RU6 – Two Dwelling Housing - Duplex
East - RU6 – Two Dwelling Housing - Duplex
South - RU6 – Two Dwelling Housing - Duplex
West - RU6 – Two Dwelling Housing - Duplex

3.3 Subject Property Map

Subject Property: 600-602 Bolotzky Court



4.0 CURRENT DEVELOPMENT POLICY

4.1 Council Strategy for the Elimination of Remaining Land Use Contracts

- that a Land Use Contract be discharged for any contract where there has been a change in use or density from what was originally intended by the Land Use Contract;
- that where the City of Kelowna had entered into a Land Use Contract that contains a cancellation clause contingent on failure to develop and use the lands, the City proceed to discharge the Land Use Contract;
- that the City of Kelowna initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts;
- that staff negotiate with owners of land under Land Use Contracts that only enabled the subdivision of land, to discharge contracts where the subdivision has been completed;
- that priority be given to terminate Land Use Contracts having a significant financial impact or those Land Use Contracts that enable development contrary to the fulfilment of community objectives.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Developments Services Department has no concerns with the discharge of the Land Use Contract from the land title of the subject property.

Shelley Gambacort
Current Planning Supervisor

Approved for inclusion

Signe Bagh
Acting Director of Planning & Corporate Services

SB/SG/rs

Attachments

- Subject Property Map
- Land Use Contract