
CITY OF KELOWNA
MEMORANDUM

DATE: January 15, 2008
FILE NO.: Z05-0069
TO: City Manager
FROM: Planning & Development Services Department
APPLICATION NO. Z05-0069 **OWNER:** Jud and Karen Wickwire
AT: 1281 Highway 33 East **APPLICANT:** Jud Wickwire
PURPOSE: TO EXTEND COUNCIL APPROVAL OF THE APPLICATION TO REZONE THE SUBJECT PROPERTY FROM THE A1 – AGRICULTURE 1 ZONE TO A1S – AGRICULTURE 1 ZONE WITH SECONDARY SUITE ZONE.
EXISTING ZONE: A1 – AGRICULTURE 1 ZONE
PROPOSED ZONE: A1s – AGRICULTURE 1 ZONE WITH SECONDARY SUITE ZONE
REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

1.0 **RECOMMENDATION**

THAT in accordance with Development Application Procedures Bylaw No. 8140 the deadline for the adoption of Zone Amending Bylaw No. 9536 (Z05-0069) – Jud Wickwire – 1281 Highway 33 East be extended from December 10, 2007 to June 10, 2008.


2.0 **SUMMARY**

The above noted development application was originally considered at a Public Hearing by Council on January 10th, 2006. An application for extension was approved by Council to extend the deadline for Final Reading to June 10, 2007 and then again to December 10, 2007; this is a request for a third extension.

Section 2.10.1 of Procedure Bylaw No. 8140 states that:

Every amendment bylaw which has not been finally adopted by Council within 12 months after the date it was given third reading, lapses and will be of no force and effect, and an applicant who wishes to proceed with its application must initiate a new application.

Section 2.10.2 of the Procedure Bylaw makes provision for Council to consider an extension to an amending bylaw for up to 6 months beyond the 12 months deadline as stated in Section 2.10.1.

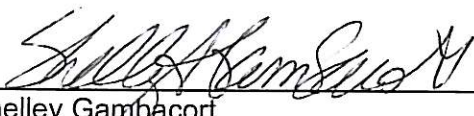


The intent of the application is to permit construction of a secondary suite in an accessory building on the subject property. The applicant is in negotiation with the Ministry of Transportation regarding requirements related to proposed upgrade of Highway 33. The representative of the applicant has indicated that the Ministry of Transportation completed the valuation of the subject property early in January 2008. It is anticipated the the Ministry of Transportation will proceed with the negotiation process in due course. The applicants are out of the country at the present time, but intend to proceed with the application in due course. The applicant hereby requests that Third Reading of the Zone Amending Bylaw be extended until such time as the highway land acquisition issue has been resolved.

By-Law No. 9536 received second and third readings on January 10, 2006, after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional six months in order to provide more time to resolve the servicing issues.

This project remains unchanged and is the same in all respects as originally applied for.

The Planning and Development Services Department recommends Council consider the request for an extension favourably.


Shelley Gambacort
Current Planning Supervisor

SUBJECT PROPERTY MAP: Subject property: 1281 Highway 33 E



