
CITY OF KELOWNA
MEMORANDUM

DATE: May 20, 2009
FILE NO.: Z05-0041

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. Z05-0041

OWNERS: GEORG-MICHAEL
HOLZHEY LTD. &
GABOURY HOLDINGS
INC.

AT: 205 & 210 LOUGHEED ROAD
(formerly 2630 Hollywood Rd.)

APPLICANT: GEORG-MICHAEL
HOLZHEY LTD.

PURPOSE: TO REZONE THE SUBJECT PROEPRTY FROM THE EXISTING
A1 – AGRICULTURE 1 ZONE TO THE PROPOSED I1 –
BUSINESS INDUSTRIAL ZONE TO ALLOW FOR FUTURE
INDUSTRIAL DEVELOPMENT

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: I1 – BUSINESS INDUSRIAL

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 9691 be considered by the Municipal Council;

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the existing A1 – Agriculture 1 zone to the proposed I1 – Business Industrial zone in order to facilitate future industrial development of the property. This application was considered by Council at a Public Hearing on December 12, 2006, and received second and third readings the same night. Since that time, the application has received 3 extensions, and the application is set to lapse on June 12, 2009. The applicant has completed all of the conditions for adoption consideration, except the condition requiring Council consideration of a Development Permit for the subject property.

At this time, the applicant is seeking to have final adoption consideration of the zone amending bylaw, even though there has not been application made for a Development Permit, as required in Section 2.9.1(b) of the Development Application Procedure bylaw #8140.



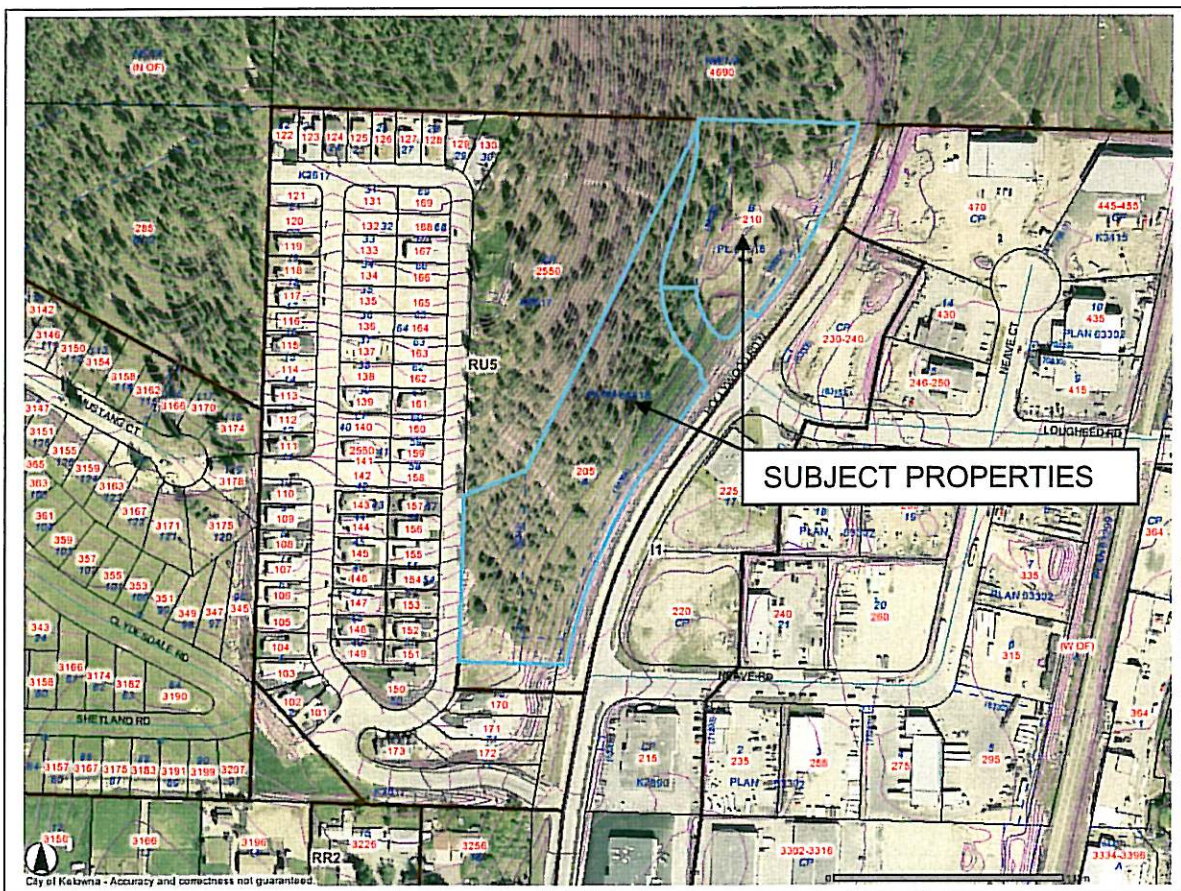
3.0 BACKGROUND

The application to rezone the subject property (Z05-0041) to the I1 – Business Industrial zone was made on May 31, 2005. That application obtained a successful Public Hearing on December 12, 2006, and received second and third readings the same night. Since that time, the application has received 3 extensions, and the application is set to lapse on June 12, 2009. The applicant has completed all of the conditions for adoption consideration, except the condition requiring Council consideration of a Development Permit for the subject property.

Now that the outstanding issues related to the Rezoning Application have been met, the applicant wishes to proceed to final adoption of the zone amending bylaw without a Development Permit application. The developer is finding it difficult to secure a purchaser for the property without the I1 – Business Industrial zone in place.

3.1 Site Context

SUBJECT PROPERTY MAP



The subject property is located on the west side of the Hollywood Road N., across from Neave and Lougheed Road. The site is sloped down towards Hollywood Road.

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1; *rural undeveloped*
- East - Hollywood Road N., I1– Business Industrial & I2 – General Industrial;
Industrial subdivision
- South - RU5 – Bareland Strata Housing; *College Heights Modular Home Park*
- West - RU5 – Bareland Strata Housing; *College Heights Modular Home Park*

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and their comments have been attached to this report.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Any development that occurs on the subject property will still trigger a Development Permit and will be subject to the full review process, which includes consideration by the Advisory Planning Commission and authorization for issuance by Council.

In this circumstance, as the property is in an established industrial area and topographically separated from any residential uses, the Land Use Management Department is recommending support for final adoption consideration of the zone amending bylaw with out the associated Development Permit application at this time.


Shelley Gambacort
Director of Land Use Management

PMc/pmc
Attachments

ATTACHMENTS

- Subject Property Map
- Site plan / diagrams



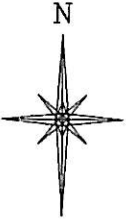
S06-0060-01

PLAN OF SUBDIVISION OF LOT 1 PLAN KAP74952 SEC. 2 TP. 23 O.D.Y.D.

PLAN No. KAP 84518

Deposited in the Land Title Office at Kamloops, B.C.
this 14th day of August, 2007

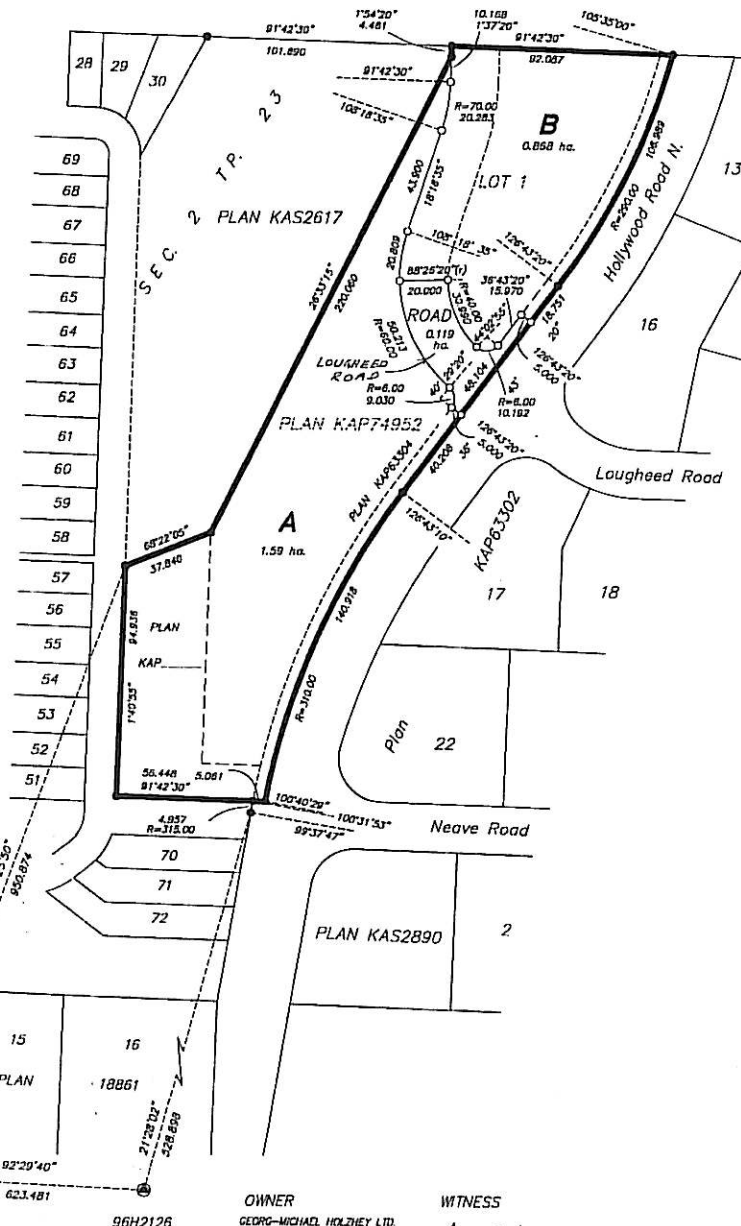
SCALE 1:1500 BCGS 82E.094



S. Lisnerka
Deputy Registrar

LA 96552

N.W. 1/4 SEC. 2 TP. 23



APPROVAL

Approved under the Land Title Act this 25th day
of July, 2007

[Signature]

Approving officer for the City of Kelowna

This plan lies within the Central Okanagan
Regional District.

LEGEND

All distances are in metres.

- Iron Post Found
- Iron Post Set
- ⊙ Standard Capped Iron Post Found
- ⊕ Control Monument Found

Grid bearings are derived from observations between
control monuments 96H2126 and 96H2130.
Integrated survey area No. 4 - City of Kelowna.

This plan shows ground-level measured distances.
Prior to computation of U.T.M. coordinates
multiply by combined factor 0.9999032.

The registered owners designated herein declare
that they have entered into a covenant in favour
of the City of Kelowna under Section 219 of the
Land Title Act.

The registered owners designated herein declare
that they have entered into a road reserve
agreement with the City of Kelowna under
Section 526 of the Local Government Act.

I, Douglas A. Goddard a British Columbia Land
Surveyor, of the City of Kelowna in British
Columbia, certify that I was present at and
personally superintended the survey represented
by this plan, and that the survey and plan are
correct. The field survey was completed on the 29th
day of September, 2006. The plan was completed
and checked and the checklist filed under # 55084
on the 4th day of October, 2006.

[Signature]
B.C.L.S.

OWNER
GEORG-MICHAEL HOLZHEY LTD.
(INC NO. 467230)

WITNESS

[Signature]
LIDA SCHIPP

[Signature]
OCCUPATION

[Signature]
AUTHORIZED SIGNATORY
EDWIN S. HURSTY

5337 HEDEMAN CRT, KELOWNA, BC
ADDRESS FILE 13900sub

ORIGINAL

D.A. Goddard Land Surveying Inc.
103-1398 ST. PAUL STREET KELOWNA PHONE 763-3733

CITY OF KELOWNA

MEMORANDUM

Date: March 26, 2009
File No.: DVP09-0027
To: Planning & Development Services Department (PM)
From: Development Engineer Manager (SM)
Subject: 205, 210 Lougheed Rd. – Lot A, B Plan KAP84518

Development and Engineering Services comments and requirements regarding this development variance permit application are as follows:

All requirements described in Z05-0041 are to be met prior to approval.

The variance application to proceed with rezoning without concurrent Development Permit does not compromise Development Engineering requirements.

Steve Muenz, P.Eng.
Development Engineering Manager

DC