

# REPORT TO COUNCIL



**Date:** November 19, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (PMcV)  
**Application:** Z10-0094 **Owners:** 567752 BC Ltd.  
**Address:** 3190 Sexsmith Road **Applicant:** Protech Consultants Ltd.  
**Subject:** Extension Request  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** I6 - Low-Impact Transitional Industrial

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## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10447, Z10-0094 for Lot 25, Sections 2 & 3, Township 23 ODYD, Plan 18861, located at 3190 Sexsmith Road, Kelowna, BC, be extended from November 16, 2012 to May 16, 2013.

## 2.0 Purpose

The applicant proposes to rezone the subject property from the A1 - Agriculture 1 zone to the new I6 - Low-Impact Transitional Industrial zone. This zone is intended to perform a transition role allowing for reasonable industrial land uses between the general industrial land use to the south, and residential land use to the north.

## 1.0 Land Use Management

The above noted development application was originally considered at a Public Hearing by Council on November 16, 2010.

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;

A handwritten signature in black ink, appearing to be a stylized 'R' or similar character.

- b) Any bylaw that has not received final adoption will be of no force and effect;
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with that Amendment application.

Section 2.12.2 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.

Bylaw No. 10447 (Z10-0094) received second and third readings on November 16, 2010 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 complete requirements to the satisfaction of the Development Engineering Branch and Glenmore Ellison Improvement District. This project remains unchanged and is the same in all respects as originally applied for.

When the last extension application was considered by Council, the following notification was formalized to inform the applicant with respect to future bylaw extensions:

“Please be advised the Council had a general discussion with respect to extending applications at third reading and requested that you be advised that future extensions may not be granted without compelling rationale to do so.”

However, the applicant has indicated that this parcel will be submitting a Development Permit by the end of the November, 2012 and intends to move forward with securing a Servicing Agreement to bond for the service upgrades by the end of the year. This will be Staff's last favourable recommendation for an extension.

The Land Use Management Department recommends Council consider the request for an extension favourably.

**Report prepared by:**

\_\_\_\_\_  
Paul McVey, Land Use Planner

**Reviewed by:**



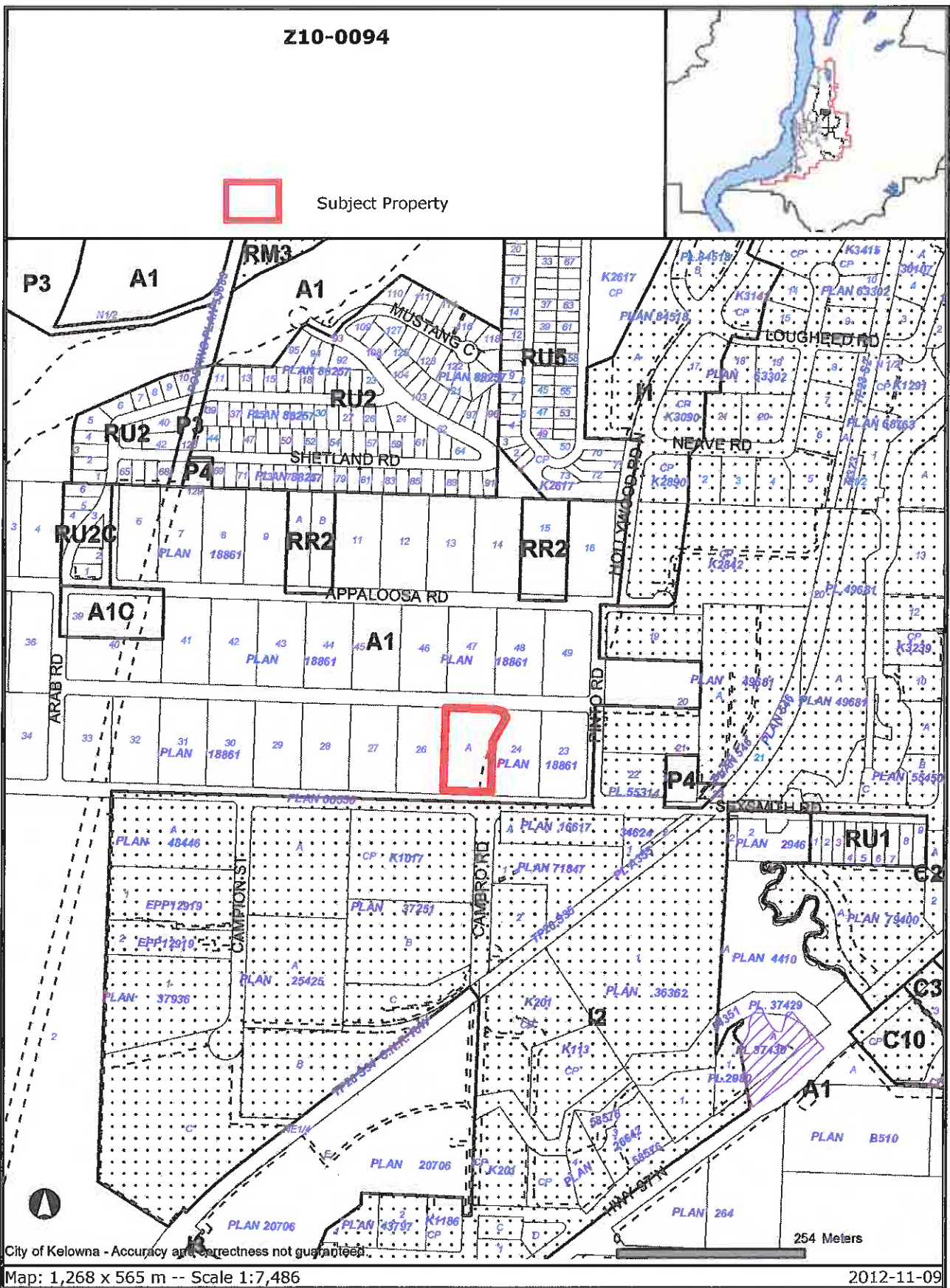
Danielle Noble, Manager, Urban Land Use Management

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

Hb/pmc



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 1,268 x 565 m -- Scale 1:7,486

2012-11-09

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

May 8, 2012

Grant Maddock  
Protech Consultants Ltd.  
200, 1461 St. Paul Street  
Kelowna, BC V1Y 2E4

Dear Mr. Maddock:

Re: Rezoning Application No. Z10-0094 - 567752 BC Ltd. (Protech Consultants Ltd.) - 3190 Sexsmith Road

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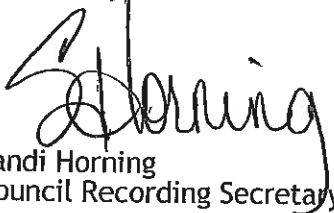
This will confirm that the following resolution was adopted at a Regular Meeting of the Municipal Council of the City of Kelowna held on Monday, May 7, 2012:

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Amending Bylaw No. 10447, Z10-0094 Lot 25 Sections 2 & 3 Township 23 ODYD Plan 18861, located at 3190 Sexsmith Road, Kelowna, BC, be extended from May 16, 2012 to November 16, 2012.

Please be advised that Council had a general discussion with respect to extending applications at third reading and requested that you be advised that future extensions may not be granted without compelling rationale to do so.

Any questions you may have concerning this extension should be directed to the Land Use Management Department 250 469-8626.

Yours truly,



Sandi Horning  
Council Recording Secretary

SH/dd

cc: Development Planner (P. McVey)  
Development Engineering Manager (S. Muenz)

567752 BC Ltd.  
1314 St. Paul Street  
Kelowna, BC V1Y 2E4

# PROTECH CONSULTANTS LTD.

#200 - 1461 ST. PAUL STREET, KELOWNA, B.C. V1Y 2E4  
TELEPHONE (250) 860-1771 • FAX (250) 860-1994  
www.protech-consulting.com

November 14, 2012  
Our File 10104

City of Kelowna  
1435 Water St.,  
Kelowna, B.C. V1Y 1J4

Attention: Paul McVey

Dear Sir:

Re: Your File Z09-0035 – Rezoning Application

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In response to your e-mail of November 13, 2012 and Council's request for rationale for extension of the rezoning, the following is a summary of each application.

Z10-0094

**3190 Sexsmith Road – 567752 BC Ltd.**

Protech is in the process of preparing the DP required to finalize the rezoning. The DP will be submitted by November 21, 2012 and required levies will be paid there after allowing the rezoning to be given Final Reading and adoption by December 15, 2012.

Z10-0092

**3150 and 3170 Sexsmith Road – Kimberly and John Berg and Shanny and Marlin Toews**

Z10-0093

The owners would like a 6 months extension to try and finalize a project they have been working on for the last 4 years. The 2007 down turn has made financing of the project difficult.

**3130 Sexsmith Road – Matthew Ewonus**

Z09-0035

Mr. Ewonus has been negotiation sale of the property with a purchaser who is presently working out of the country. The Purchase Agreement will require Mr. Ewonus to complete the rezoning, including the payment of all City levies before the end of February, 2013.

Based on the above information we request Council give consideration to allow one more 6 month extension to fulfill the rezoning requirements.

Yours truly,  
PROTECH CONSULTANTS LTD.



H. Grant Maddock

HGM/sam

**CONSULTING ENGINEERS**