
CITY OF KELOWNA

MEMORANDUM

Date: January 29, 2003
File No.: File No. LUC02-0001
To: City Manager
From: Planning & Development Services Department
Purpose: Discharge a Land Use Contract

Owner(s):

Buller, Gerald and Iris
Korac, Milorad and Svetlana
Lozinski, Neil and Nicole
Bigsof, Alberto and Zeny
Mayert, Donna
Wu, Tat-Man and Yuet-Kwai
Evanson, Jennifer
Hill, Debora
James D Malcolm

Brown, Ronald and Marion
Elizabeth A Martin
Bethany J Ehl/ Janis Palmer
John B Carlson/ Trudie S Carlson
Mark A Ferner
Pierre G Piche/Amber L. Hunter
Tereza J Patrick

At:

2675 Mappin Court
2677 Mappin Court
2681 Mappin Court
2685 Mappin Court
1074 Raymer Avenue
1078 Raymer Avenue
1082 Raymer Avenue
1086 Raymer Avenue
1090 Raymer Avenue
1059 Quesnel Road
1089 Quesnel Road
2816 Gosnell Road
2812 Gosnell Road
2808 Gosnell Road

Applicant/Contact Person:

City of Kelowna

Existing Zone: LUC76-1028

Proposed Zone: RU2 – Medium Lot
Housing

Report Prepared by: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Bylaw No.8961 (Rescind Land Use Contract Authorizing Bylaw No. 4320 – Marbee Investments Ltd.) be forwarded for reading consideration;

2.0 SUMMARY

Staff is recommending the complete discharge of Land Use Contract No.76-1028 from 16 lots.

3.0 BACKGROUND

3.1 The Proposal

Staff was approached by several of the subject property owners in December of 2002 regarding the discharge of the Land Use Contract covering 16 lots between Raymer Avenue, Mappin Court, Quesnel Road and Gosnell Road. Application to discharge this land use contract was subsequently made.

The land use contract in question was approved by council in 1977 for the development of the lots by the then registered owners Marbee Investments Ltd., Dorothy Joy Pashniak, Marvin and Beatrice Dick. The land-use contract stated that the lots be developed in accordance with City of Kelowna Zoning Bylaw No.4500 R-1(b) (High Density, Single Family residential) Zoning. The corresponding zoning under current City of Kelowna Bylaw No.8000 is RU2 – Medium Lot Housing.

Section 23 of the Land Use Contract states that:

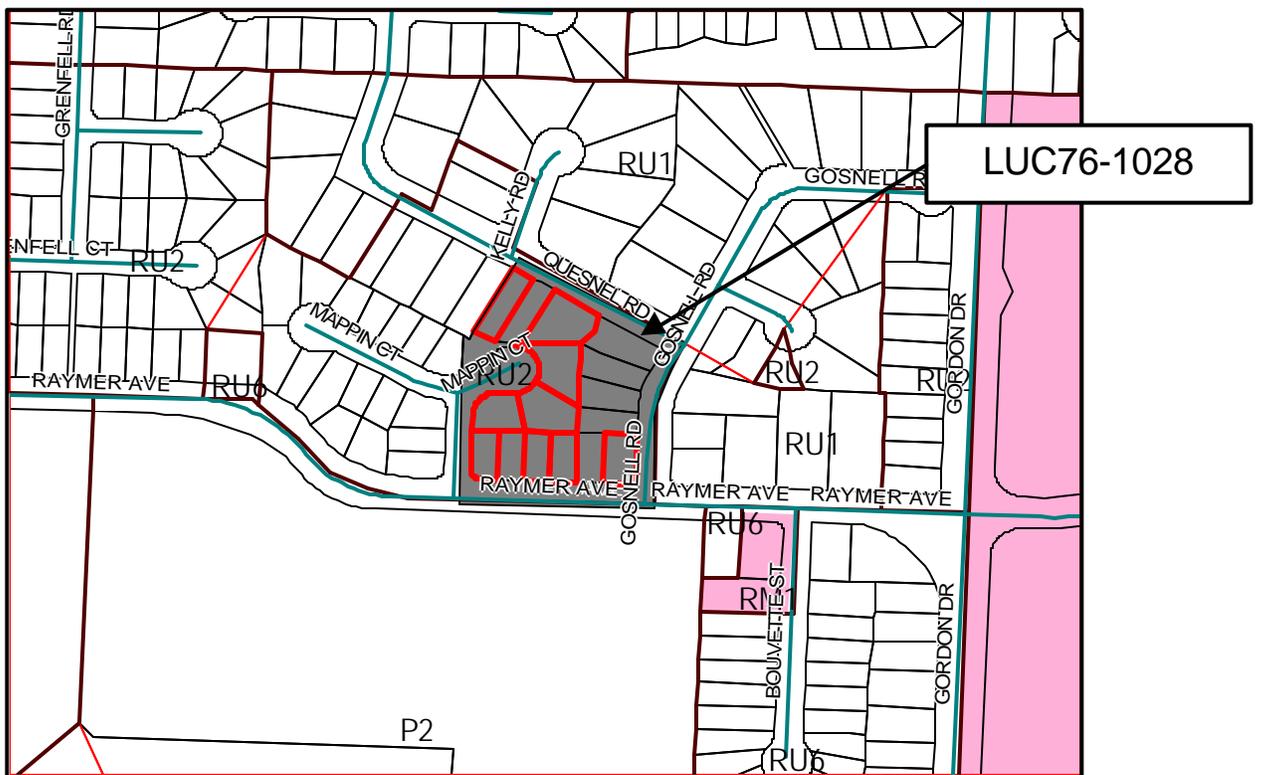
Upon completion by the Developer of all the works required to be carried out by the developer under the terms hereof and the completion and occupancy of all of the buildings to be constructed on the land, the Municipality may discharge this Land Use Contract from the records of the Land Registry Office at the City of Kamloops.

Staff has visited the site and all works required to have been completed under this Land Use Contract appear to have been completed.

3.2 Site Context

The subject land-use contract is located in the South Pandosy/KLO Sector. It extends from Raymer Avenue in the South, to Quesnel Road in the North, west to Mappin court, and East to Gosnel Road. It encompasses 16 properties.

- North - RU1 – Large Lot Housing – Single Family Dwelling
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - P2 – Education and Minor Institutional – Kelwona Senior Secondary
- West - RU2 – Medium Lot Housing – Single Family Dwelling



4.0 CURRENT DEVELOPMENT POLICY

4.1 Council Strategy for the Elimination of Remaining Land Use Contracts

Council Policy:

- 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 DEVELOPMENT SERVICES DEPARTMENT

The Planning and Developments Services Department has no concerns with the complete discharge of the subject land use contract. All works required to be carried out by the developer have long-since been completed.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

RWS.

FACT SHEET

1. **APPLICATION NO.:** LUC-0001
2. **APPLICATION TYPE:** Partial Discharge of Land Use Contract
3. **OWNERS:** Buller, Gerald and Iris
Korac, Milorad and Svetlana
Lozinski, Neil and Nicole
Bigsof, Alberto and Zeny
Mayert, Donna
Wu, Tat-Man and Yuet-Kwai
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- . **ADDRESS** 2675 Mappin Court
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1082 Raymer Avenue
1086 Raymer Avenue
1090 Raymer Avenue
1059 Quesnel Road
1089 Quesnel Road
2816 Gosnell Road
2812 Gosnell Road
2808 Gosnell Road
- . **CITY/ POSTAL CODE** Kelowna, BC
4. **APPLICANT/CONTACT PERSON:** City of Kelowna
. **ADDRESS**
. **CITY/ POSTAL CODE:**
. **TELEPHONE/FAX NO.:**
5. **APPLICATION PROGRESS:**
Date of Application: December 4, 2002
Council Consideration February 3, 2003

- 6. LEGAL DESCRIPTION:** Lot 1, District Lot 135, ODYD Plan 29776; Lot 2, District Lot 135, ODYD Plan 29776; Lot 3, District Lot 135, ODYD Plan 29776; Lot 4, District Lot 135, ODYD Plan 29776; Lot 5, District Lot 135, ODYD Plan 29776; Lot 6, District Lot 135, ODYD Plan 29776; Lot 7, District Lot 135, ODYD Plan 29776; Lot 8, District Lot 135, ODYD Plan 29776; Lot 9, District Lot 135, ODYD Plan 29776; Lot A, District Lot 135, ODYD Plan 30754; Lot B, District Lot 135, ODYD Plan 30754; Lot C, District Lot 135, ODYD Plan 30754; Lot D, District Lot 135, ODYD Plan 30754; Lot A, District Lot 135, ODYD Plan 35122; Lot B, District Lot 135, ODYD Plan 35122; Lot C, District Lot 135, ODYD Plan 35122
- 7. SITE LOCATION:** The subject land-use contract is located in the South Pandosy/KLO Sector. It extends from Raymer Avenue in the South, to Quesnel Road in the North, west to Mappin court, and East to Gosnel Road. It encompasses 16 properties.
- 8. CIVIC ADDRESS:** As Above.
- 9. AREA OF SUBJECT PROPERTY:** N/A
- 10. AREA OF PROPOSED REZONING:** N/A
- 11. EXISTING ZONE CATEGORY:** RU2- Medium Lot Housing (LUC 76-1028)
- 12. PROPOSED ZONE:** RU2- Medium Lot Housing
- 13. PURPOSE OF THE APPLICATION:** To discharge the Land Use Contract
- 14. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

Attachments

- Subject Property Map