

---

**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** January 6, 2003  
**File No.:** (8757) **Z01-1045/OCP01-011**

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

APPLICATION NO. OCP01-011 & OWNER: RYCHJOHN  
Z01-1045 INVESTMENTS

AT: 3163 RICHTER STREET APPLICANT: CARL SCHOLL DESIGN

PURPOSE: TO EXTEND COUNCIL APPROVAL FOR;  
TO REZONE PART OF THE PROPERTY FROM THE RM5 –  
MEDIUM DENSITY MULTIPLE HOUSING TO THE C5 –  
TRANSITION COMMERCIAL ZONE AND CHANGE THE  
FUTURE LAND USE DESIGNATION FROM MEDIUM  
DENSITY MULTIPLE FAMILY RESIDENTIAL TO  
COMMERCIAL TO ALLOW AND ADDITION TO AN EXISTING  
COMMERCIAL BUILDING

EXISTING ZONE: RM5-MEDIUM DENSITY MULTIPLE HOUSING

PROPOSED ZONE: C5-TRANSITION COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

---

**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

---

**1.0 RECOMMENDATION**

THAT Municipal Council authorize an extension to Official Community Plan Amendment No. OCP01-011 (Bylaw No. 8756) and Rezoning Application No. Z01-1045 (Bylaw No. 8757) for a period of not more than 180 days from December 11, 2002.

**2.0 SUMMARY**

The above noted development applications were considered at a Public Hearing by Council on December 11, 2001. 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 applicant has made applications for rezoning (Z01-1045) and an OCP amendment (OCP01-011) to permit an addition to the “Creekside” Professional Building. The applicant would also like to rezone an adjacent multi-family lot to accommodate the required parking. Bylaw No. 8757 received second and third readings on December 11, 2001, 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 a number of outstanding 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.

---

Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

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

RWS.  
Attach.

**FACT SHEET**

- |                                                                                                                                                                                                    |                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>1. APPLICATION NO.:</b>                                                                                                                                                                         | Z01-1045, OCP01-011                                                                                                              |
| <b>2. APPLICATION TYPE:</b>                                                                                                                                                                        | Rezoning & OCP Amendment                                                                                                         |
| <b>3. OWNER:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE                                                                                                                                           | Rychjohn Investments<br>126 Lakeshore Cr.<br>Saskatoon, SA<br>S7J 3J3                                                            |
| <b>4. APPLICANT/CONTACT PERSON:</b><br>· ADDRESS<br>· CITY<br>· POSTAL CODE<br>· TELEPHONE/FAX NO.:                                                                                                | Carl Scholl Design<br>1474 Water Street<br>Kelowna, BC<br>V1Y 1J6<br>763-7800/860-5165                                           |
| <b>5. APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | September 7, 2001<br>September 7, 2001<br>N/A<br>N/A<br>October 30, 2001                                                         |
| <b>6. LEGAL DESCRIPTION:</b>                                                                                                                                                                       | Common Property KAS896                                                                                                           |
| <b>7. SITE LOCATION:</b>                                                                                                                                                                           | East side of Richter Street, south of<br>KLO Road                                                                                |
| <b>8. CIVIC ADDRESS:</b>                                                                                                                                                                           | 3163 KLO Road                                                                                                                    |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                                                                                                                                                | 3.6ha                                                                                                                            |
| <b>10. AREA OF PROPOSED REZONING:</b>                                                                                                                                                              | 1046.5m <sup>2</sup>                                                                                                             |
| <b>11. EXISTING ZONE CATEGORY:</b>                                                                                                                                                                 | RM5 – Medium Density Multiple<br>Family                                                                                          |
| <b>12. PROPOSED ZONE:</b>                                                                                                                                                                          | C5 – Transition Commercial                                                                                                       |
| <b>13. PURPOSE OF THE APPLICATION:</b>                                                                                                                                                             | To rezone the subject property to C5<br>– Transition Commercial and change<br>the future land use designation to<br>“Commercial” |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A</b><br><b>CONTROLLED ACCESS HIGHWAY</b>                                                                   | N/A                                                                                                                              |
| <b>15. DEVELOPMENT PERMIT MAP 13.2</b><br><b>IMPLICATIONS</b>                                                                                                                                      | General Commercial<br>Natural Environment/Hazardous<br>Conditions                                                                |

