

REPORT TO COUNCIL



Date: February 15, 2012
To: City Manager
From: Land Use Management, Community Sustainability (LT)
Application: Z10-0044 **Owner:** Kaltenhauser, Gordon
Address: 120 Homer Road **Applicant:** Kaltenhauser, Gordon
Subject: Rezoning Extension

Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RM1 - Four Dwelling Housing
Existing Future Land Use: Multiple Unit Residential - Low Density

1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw 10403 (Z10-0044) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC, be extended from March 21, 2012 to September 21, 2012.

2.0 Land Use Management

The above noted development application was originally considered at a Public Hearing by Council on September 21, 2010.

The applicant wishes to rezone the subject property from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing in order to legalize the existing fourplex.

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;
- 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.

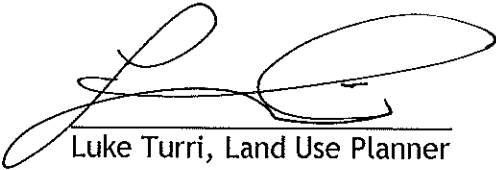
Bylaw No. 10403 received second and third readings on September 21, 2010 after the Public Hearing held on the same date. Prior to the expiry of the bylaw on September 21 2011, a six-month extension to complete outstanding requirements for final adoption of the rezoning was granted to March 21, 2012.

The applicant wishes to have this application remain open for an additional six months to allow for more time to find a new owner finance the outstanding requirements, including Development Engineering and Building & Permitting. The property has been for sale for over a year. This project remains unchanged and is the same in all respects as originally applied for.

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

It should be noted that this application was originally generated through Bylaw Enforcement action, and prolonged non-compliance would not be permitted. This is the second six-month extension being sought by the applicant.

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

