

# REPORT TO COUNCIL



**Date:** May 11, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AW)  
**Application:** OCP07-0037 / Z07-0093      **Owner:** 0781540 BC LTD.  
INC. NO. BC0781540  
**Address:** 560, 561, 580 &  
583 McKay Avenue      **Applicant:** 0781540 BC LTD (G Group)  
**Subject:** Rezoning Extension  
**Existing OCP Designation:** Multiple Unit Residential - Medium Density  
**Proposed OCP Designation:** Commercial  
**Existing Zone:** RU6-Two Dwelling Housing  
**Proposed Zone:** C4-Urban Centre Commercial

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THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of the OCP and Zone Amending Bylaw Nos. 10245 & 10246 (OCP07-0037 / Z07-0093, 560, 582, 583 and 561 McKay Avenue), be extended from May 3, 2012 to November 3, 2012.

## 1.0 Land Use Management

The above noted development application to rezone the subject property from the RU6-Two Dwelling Housing zone to the C4-Urban Centre Commercial zone in order to permit the construction of a proposed mixed-use development, was originally considered at a Public Hearing by Council on November 3, 2009.

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;

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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.

By-Law No's. 10161 and 10162 received second and third readings on November 3, 2009 after the Public Hearing held on the same date.

Although supportive of this project's 4th extension application, Staff will be hesitant to support any future extensions as it has been three years since the application received second and third readings by Council.

**Report prepared by:**



Alec Warrender, Land Use Planner

**Reviewed by:**



Danielle Noble, Manager, Urban Land Use Management

**Approved for Inclusion:**



Shelley Gambacort, Director, Land Use Management

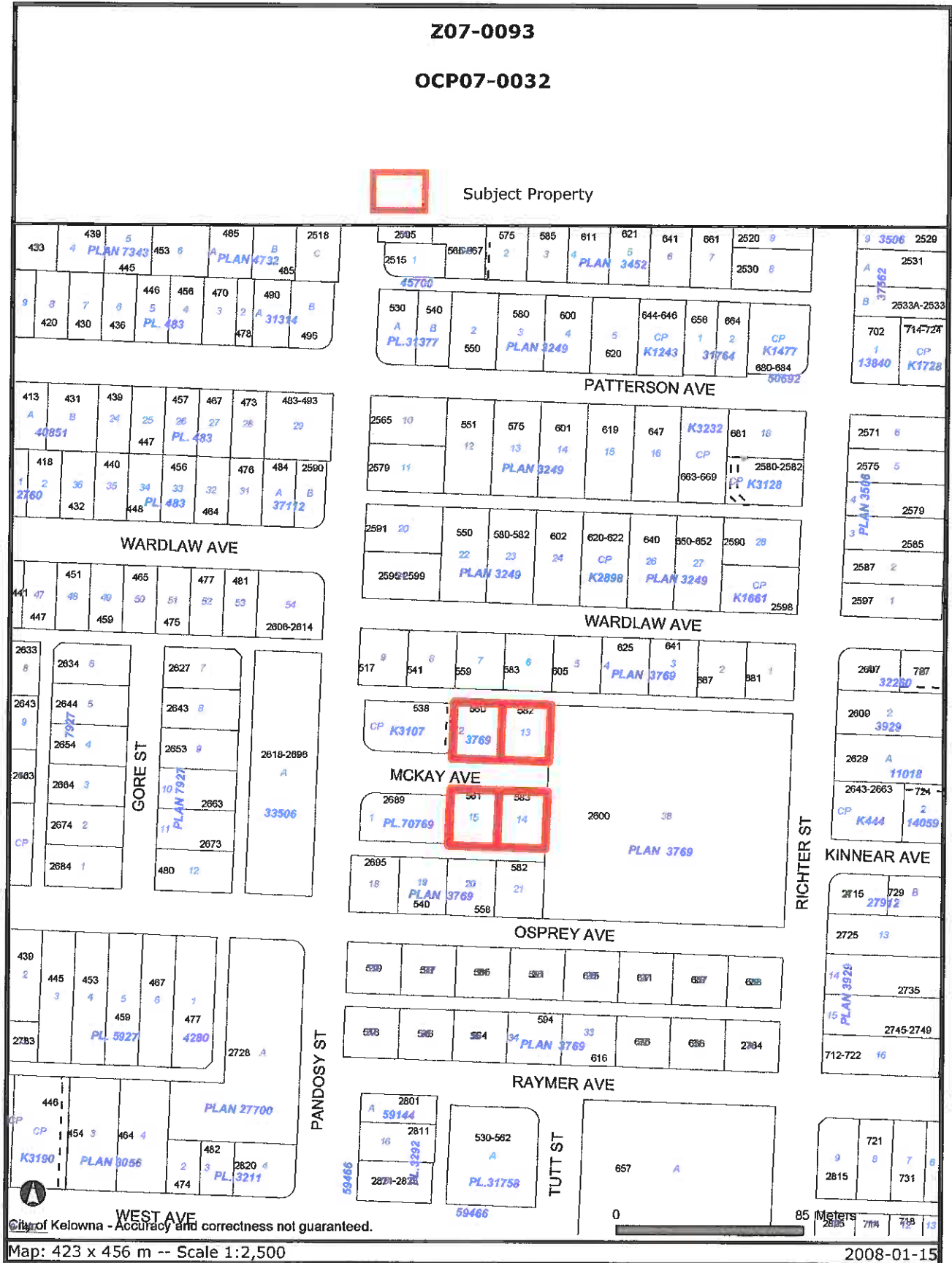
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Z07-0093

OCP07-0032



Subject Property



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 423 x 456 m -- Scale 1:2,500

2008-01-15

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.