

# REPORT TO COUNCIL



**Date:** July 17, 2012  
**To:** City Manager  
**From:** Community Sustainability Division (AW)  
**File No.:** Z09-0007/OCP09-0001      **Applicant:** P255 Enterprises Ltd., Inc. No. BC0920989  
**Address:** 245 Briarwood Road      **Owner:** P255 Enterprises Ltd., Inc. No. BC0920989  
**Subject:** Zone & OCP Amendment Extension  
**Existing Zone:** RM3 - Low Density Multiple Housing  
**Proposed Zone:** RM5 - Medium Density Multiple Housing

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## 1.0 RECOMMENDATION

THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw Nos. 10198 (OCP09-0001) & 10199 (Z09-0007), for 245 Briarwood Road by 0720229 BC Ltd. be extended from July 14, 2012 to January 14, 2013.

## 2.0 PURPOSE

The applicant proposes an extension for the project to include a 67-unit rental apartment complex, with a one storey parkade below grade. The application requires both an OCP amendment from Multiple Unit Residential (Low Density) to Multiple Unit Residential (Medium Density), as well as a zoning amendment from RM3 - Low Density Multiple Housing to RM5 - Medium Density Multiple Housing.

## 3.0 SUMMARY

The above noted development application was originally considered at a Public Hearing by Council on June 16, 2009, with 2nd and 3rd Readings being given July 14, 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.

Bylaw Nos. 10198 (OCP09-0001) & 10199 (Z09-0007) received second and third readings on July 14, 2009. The applicant wishes to have this application remain open for an additional six months in order to reconsider the project and in order to study their market options. 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.

Report prepared by:



Alec Warrender, Land Use Planner

Reviewed by:

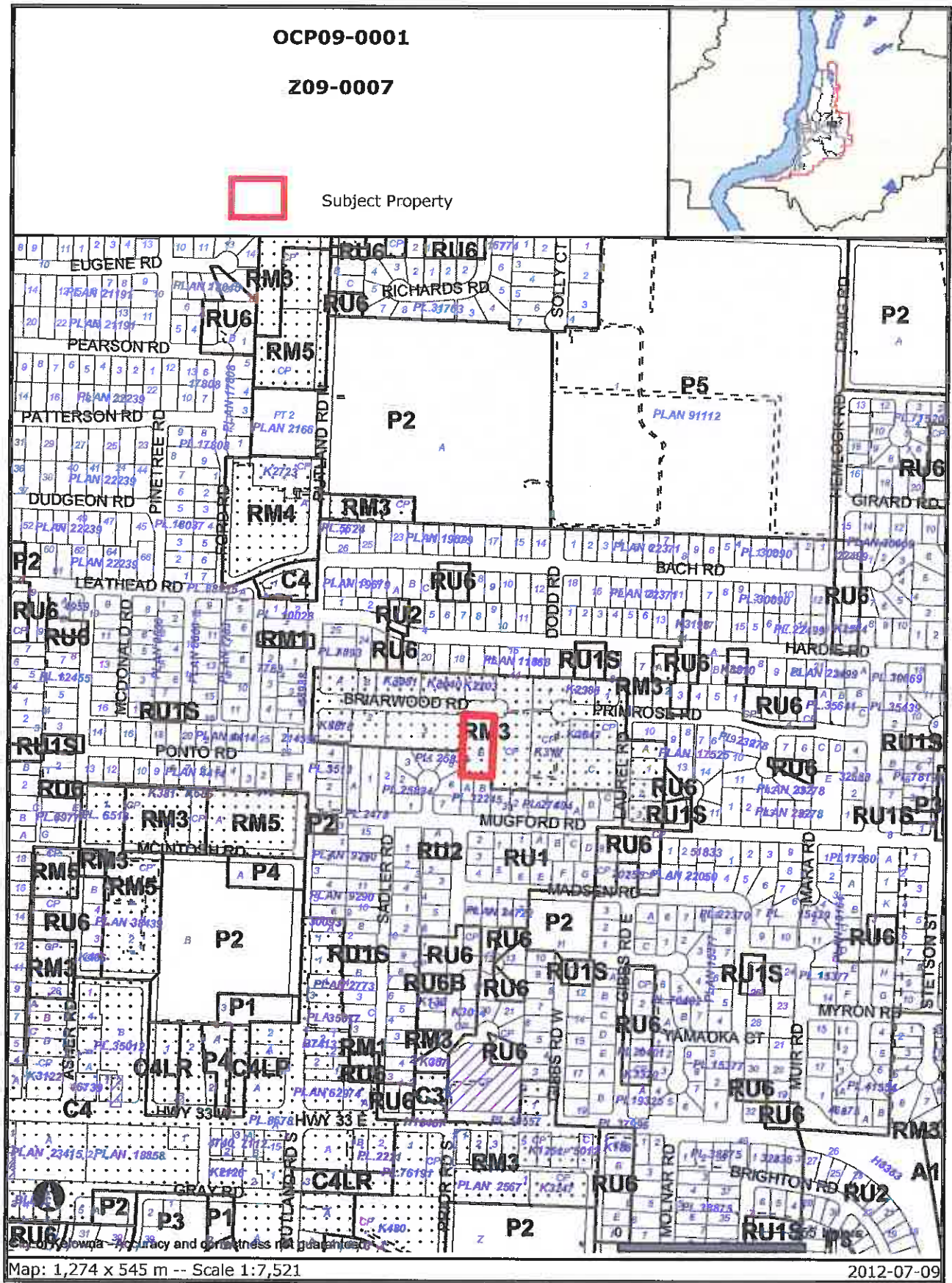


Danielle Noble, Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort, Director, Land Use Management



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.