

REPORT TO COUNCIL



Date: August 9, 2012
To: City Manager
From: Land Use Management, Community Sustainability
Application: Z08-0030 **Owner:** Paul Warnock
Address: 1220 - 1222, 1230 Brookside Avenue **Applicant:** Paul Warnock
Subject: Rescind Bylaws
Existing Zone: RU6 - Two Dwelling Housing zone
Proposed Zone: RM5 - Medium Density Multiple Housing zone and
P3 - Parks & Open Space zone

1.0 Recommendation

THAT the deadline for adoption of Zone Amending Bylaw No. 10105 (Z08-0030) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Plan 4386 (1230 Brookside Avenue) and Lot 5, Plan 5042 (1220 - 1222 Brookside Avenue) NOT be extended from May 25, 2012 to November 25, 2012;

AND THAT Bylaw No. 10105 be forwarded for rescindment consideration and the file be closed.

2.0 Land Use Management

The applicant made application for rezoning dating back to March 27, 2008. Zone Amending Bylaw No. 10105 received second and third readings at a Regular meeting of Council held on Tuesday, November 25, 2008, with final adoption of the bylaws being withheld subject to the requirements of the Development Engineering Branch being completed, in addition to a Development Permit application being submitted which requires the services of a Registered Architect to design. These requirements remain outstanding.

The Land Use Management Department noted in their extension report dated September 30, 2011, that considering the length of time that has lapsed with no formal activity to advance this project, no further support for extensions would be granted. Notably, this application has received numerous extensions as follows:

1. November 25, 2009 to May 25, 2010
2. May 25, 2010 to November 25, 2010

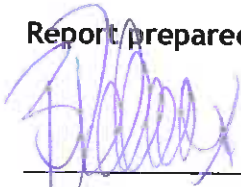
3. November 25, 2010 to May 25, 2011
4. May 25, 2011 to November 25, 2011

Since the time of the original application, the 2030 OCP has been adopted providing a higher degree of guidance on the urban design criteria. Additionally, the infrastructure servicing, parks and environmental department requirements of the time are outdated and would need to be reviewed for the project to proceed. Significantly, to advance to final adoption the applicant must provide a building design signed by a registered architect for the Development Permit. Given these outstanding requirements, it does not appear that the client will be in a position to complete all requirements within a six months time frame that an extension would afford.

At the regular Council meeting of January 9, 2012, Council granted a final 6 month extension provided that the applicant worked with Staff to meet the outstanding requirements. To date, this has not been accomplished, and Staff recommends that Council rescind 1st, 2nd and 3rd readings and direct staff to close the file.

When the applicant is ready to proceed with development options for the property at a future date, Staff would be willing to review this previous development application history and technical requirements in order to expedite a future review process.

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Hb/bd

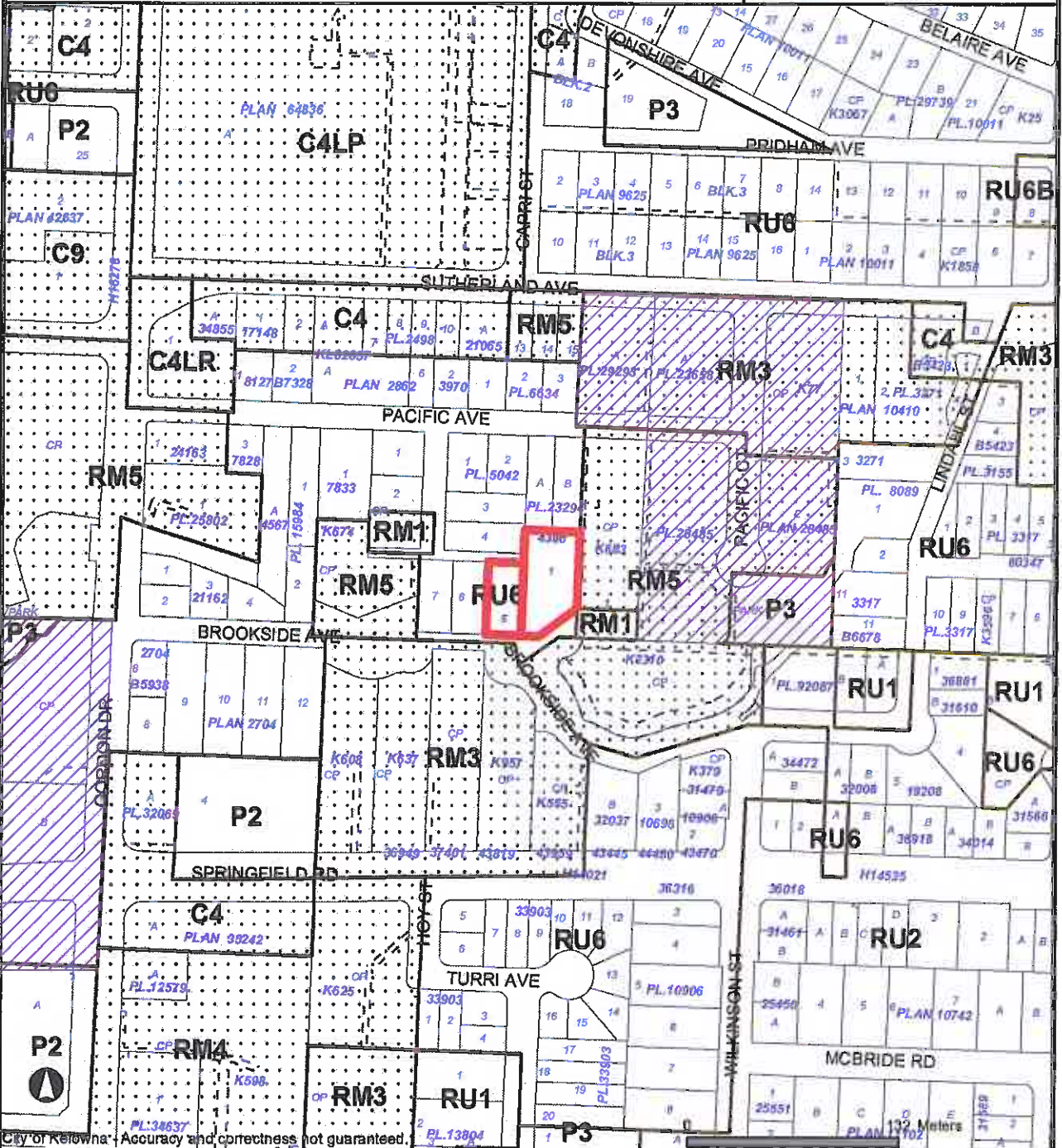
Attachments:

Subject Property Map

Z08-0030



Subject Property



City of Kelowna Accuracy and correctness not guaranteed.

Map: 658 x 281 m -- Scale 1:3,886

2012-08-09

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.