## Memo

Date:

September 13, 2012

To:

City Manager

From:

Land Use Management, Community Sustainability (BD)

Application: Z08-0030

Owner:

Paul Warnock

City of

Kelowna

Address:

1230 Brookside Avenue

1947 - 1949 Pasnak Street

Applicant:

Paul Warnock

Subject:

Rezoning extension

**Existing Zone:** 

RU6 - Two Dwelling Housing zone

Proposed Zone:

RM5 - Medium Density Multiple Housing zone & P3 - Parks &

Open Space zone

## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540 the deadline for the adoption of Zone Amending Bylaw No. 10105 (Z08-0030 - Paul Warnock - 1230 Brookside Avenue and 1947 - 1949 Pasnak Street) be extended from May 25, 2012 to November 25, 2012.

## 2.0 Purpose

To rezone the subject properties from the RU6 - Two Dwelling Housing zone to the RM5 - Medium Density Multiple Housing zone and P3 - Parks and Open Space in order to accommodate 41 residential, assisted-living units for seniors.

## 3.0 Land Use Management

The above noted development application was originally considered at a Public Hearing by Council on November 25, 2008.

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.

By-Law No. 10105 received second and third readings on November 25, 2008, after the Public Hearing held on the same date.

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
- 5. November 25, 2011 to May 25, 2012

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. Since this time the applicant has moved offices and all attempts by Staff to contact the application were unsuccessful. Staff, in good faith, are recommending that one more extension be granted.

Report prepared by:

Birte Decloux, Land Use Planner

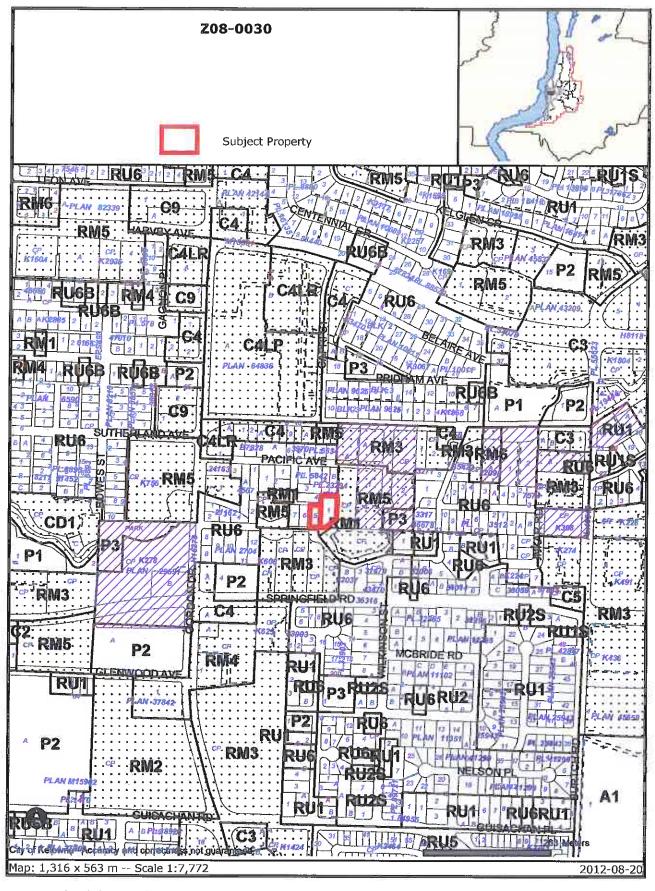
Reviewed by:

Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

BD/th



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.