

# Report to Council



**Date:** August 13, 2018

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (HB)

**Application:** Z16-0033

**Owner:** LOK TIEN Enterprises Ltd., Inc.  
No 623698

**Address:** 547 Osprey Avenue

**Applicant:** LOK TIEN Enterprises Ltd., Inc.  
No 623698

**Subject:** Rezoning Application Rescindment

## **Recommendation:**

THAT Council receives, for information, the Report from the Community Planning Department dated August 9, 2018, with respect to Rezoning Application No. Z16-0033 for the property located at Lot 23 District Lot 14 Osoyoos Division Yale District Plan 3769, 547 Osprey Avenue, Kelowna, BC;

AND THAT Bylaw No. 11401 be forwarded for rescindment consideration and the file be closed.

## **Purpose:**

To rescind all three readings given to Rezoning Bylaw No. 11401 and direct staff to close the file.

## **Background:**

Application to rezone the subject property was made on May 24, 2016 to rezone from RU6 to C4 to permit parking lot use.

Bylaw No. 11401 received second and third readings at a Regular Meeting of Council on May 16, 2017, following the Public Hearing held on the same date. Final adoption of the bylaw was held pending Development Engineering department requirements of the C4 zone amendment.

The last correspondence by the City to the Applicant was on July 11, 2018 noting the potential closure of the file pending an extension request being submitted by July 25, 2018; however, there has not been any further action to date.

Given the lack of activity on the file, staff are recommending that Council rescind second and third readings and direct staff to close the file.

Should the property owner wish to consider development options in the future, a new application will be required.

## **Policy**

### **Development Applications Bylaw No. 10540:**

#### **2.2 Lapse of Application**

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 the amendment application.

#### **Application Chronology**

Date of Application Received: May 24, 2016  
Date of Public Hearing: May 16, 2017

**Report prepared by:** H. Benmore, Urban Planning

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Terry Barton, Acting Community Planning Department Manager