

# Report to Council



**Date:** September 9, 2019  
**To:** Council  
**From:** City Manager  
**Subject:** Rescind Bylaw No. 11629 (Z18-0037) 475 & 495 Montgomery Road  
**Department:** Development Planning

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## **Recommendation:**

THAT Council receives, for information, the Report from the Community Planning Department dated September 9, 2019 with respect to Bylaw No. 11629 for Rezoning Application No. Z18-0037 for the property located at Lots 2 & 3 Section 26 Township 26 ODYD Plan 7783, located at 475 & 495 Montgomery Road, Kelowna, BC;

AND THAT Bylaw No. 11629 be forwarded for rescindment consideration and the file be closed.

## **Purpose:**

To rescind all three readings given to Rezoning Bylaw No. 11629 and direct staff to close the file.

## **Background:**

Application to rezone the subject property was made on December 4, 2017 to rezone from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone.

Bylaw No. 11629 received second and third readings at a Regular Meeting of Council on July 17, 2018, following the Public Hearing held on the same date. Final adoption of the bylaw was held pending the applicant satisfying the engineering requirements.

The last correspondence by the Applicant to the City was on July 17, 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 first reading 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:

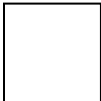
- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed.
- b) Any bylaw that has not received final adoption will be of no force and effect,
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with the amendment application.

#### **1.0 Application Chronology**

Date of Application Received: April 12, 2018

Date of Public Hearing: July 17, 2018

**Report prepared by:** Heather Benmore, Development Planning

**Approved for inclusion:**  Terry Barton, Development Planning Manager

Subject Property Map

