

# Report to Council



**Date:** September 9, 2019  
**To:** Council  
**From:** City Manager  
**Subject:** Rescind Bylaw No. 11576 (Z17-0114) 5008 South Ridge Drive  
**Department:** Development Planning Department

---

## **Recommendation:**

THAT Council receives, for information, the Report from the Community Planning Department dated September 9, 2019 with respect to Bylaw No. 11576 for Rezoning Application No. Z17-0114 for the property located at Lot 2, DL 1688S SDYD Plan KAP68647, 5008 South Ridge Drive, Kelowna, BC;

AND THAT Bylaw No. 11576 be forwarded for rescindment consideration and the file be closed.

## **Purpose:**

To rescind all three readings given to Rezoning Bylaw No. 11576 and direct staff to close the file.

## **Background:**

Application to rezone the subject property was made on December 4, 2017 to rezone from the C1 – Local Commercial zone to the C2 – Neighbourhood Commercial zone.

Bylaw No. 11576 received second and third readings at a Regular Meeting of Council on April 10, 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 property has since sold, and the new owners are considering their options. As a result, staff are recommending that Council rescind first reading and direct staff to close the file.

Should the new property owners 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: December 4, 2017

Date of Public Hearing: April 10, 2018

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

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

cc: T. Atwood