

# REPORT TO COUNCIL



**Date:** July 27, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** OCP14-0027 and Z14-0059

**Owner:** 1074470 B.C. Ltd., Inc. No.  
BC1074470

**Address:** 505-525 Snowsell Street

**Applicant:** 1074470 B.C. Ltd., Inc. No.  
BC1074470

**Subject:** Bylaw Rescindment

**Existing OCP Designation:** S2RES – Single / Two Unit Residential

**Proposed OCP Designation:** COMM – Commercial

**Existing Zone:** C1 – Local Commercial

**Proposed Zone:** C2 – Neighbourhood Commercial

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## 1.0 Recommendation

THAT Council receives, for information, the Report from the Development Planning Department dated July 27, 2020 with respect to Bylaw No. 11105 for OCP Amendment Application (OCP14-0027), and Bylaw No. 11106 for Rezoning Application (Z14-0059) for the property located at Lot 1, District Lot 9, Township 23, Osoyoos Division Yale District Plan EPP21900, at 505-525 Snowsell Street, Kelowna, BC;

AND THAT Bylaw No. 11105 and Bylaw No. 11106 be forwarded for rescindment consideration and the file be closed.

## 2.0 Purpose

To rescind all three readings given to OCP Amendment Bylaw No. 11105 and Rezoning Bylaw No. 11106, and direct staff to close the file.

## 3.0 Development Planning

On December 23, 2014, the City received an Official Community Plan (OCP) Amendment and a rezoning application for the subject property. The OCP amendment application proposed to amend the future land

use designation from S2RES - Single / Two Unit Residential to COMM – Commercial, and the rezoning application proposed to rezone the property from C1 – Local Commercial to C2 – Neighbourhood Commercial.

Bylaw numbers 11105 (OCP Amendment) and 11106 (rezoning) received second and third readings at a Regular Meeting of Council on July 14, 2015, following the Public Hearing held on the same date. Final adoption of the Bylaws was held pending the applicant satisfying the Development Engineering requirements. The applicant requested and was approved by Council three separate extensions; October 2, 2016, October 16, 2017, and July 27, 2018. Council granted the third and final extension in 2018 with no further extensions.

The property has since sold and the new owners are considering their options. Given this, Staff are recommending that Bylaw 11105 and 11106 be rescinded.

**Subject Property Map:** 505-525 Snowsell St



#### **4.0 Current Development Policies**

##### **4.1 Development Applications Procedures Bylaw No. 10540**

###### *Section 2.12.1 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.

#### **5.0 Application Chronology**

Date of Application Received:	December 23, 2014
Date Public Hearing:	July 14, 2015
Date of First Rezoning and OCP Amendment Extension:	October 2, 2016
Date of Second Rezoning and OCP Amendment Extension:	October 16, 2017
Date of Third Rezoning and OCP Amendment Extension:	July 27, 2018

**Report prepared by:**

Barbara B. Crawford, Planner II

**Reviewed by and Approved for Inclusion:**

Terry Barton, Development Planning Department Manager