# City of Kelowna
# Regular Council Meeting
# AGENDA

**Monday, September 12, 2016**
**1:30 pm**
**Council Chamber**
**City Hall, 1435 Water Street**

**Pages**

**1. Call to Order**

This meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

**2. Confirmation of Minutes** 5 - 9

PM Meeting - August 29, 2016

**3. Development Application Reports & Related Bylaws**

**3.1 3150 & 3170 Sexsmith Road, OCP15-0017 & Z15-0054 - John & Kimberly Berg and Shanny & Marlin Toews**

**APPLICATION WITHDRAWN AT THE APPLICANTS' REQUEST.**

**3.2 760 Mitchell Road, Z16-0015 - Terence Dewar** 10 - 28

To rezone the subject property to facilitate the conversion of an existing accessory building to a carriage house on the subject property.

**3.3 760 Mitchell Road, BL11284 (Z16-0015) - Terrance Dewar** 29 - 29

To give Bylaw No. 11284 first reading in order to rezone the subject property to faciltate the conversion of an existing accessory building to a carriage house.

**3.4 1960 Paly Road, LUC16-0003 - Krista Eve Almeida & Stephen Glegg** 30 - 84

To consider an application to discharge the existing Land Use Contract on the subject property.

**3.5 1960 Paly Road, BL11285 (LUC16-0003) - Discharge of Land Use Contract LUC78-1034 (M27805) - Krista Eve Almeida & Stephen Glegg** 85 - 85

To give Bylaw No. 11285 first reading in order to discharge the existing Land Use Contract on the subject property.

**3.6 1787 Mountain Avenue, Z16-0004 - Janice & William Henry** 86 - 96

To rezone the subject property to facilitate the development of a Carriage House on the parcel.

**3.7 1787 Mountain Avenue, BL11284 (Z16-0004) - Janice & William Henry** 97 - 97

To give Bylaw No. 11282 first reading in order to rezone the subject property to faciltate the development of a carriage house.

**3.8 700 McCurdy Road, Z16-0025 - Silver City Holdings Inc.** 98 - 107

To rezone the subject property to I2 – General Industrial to facilitate a lot consolidation.

**3.9 700 McCurdy Road, BL11283 (Z16-0025) - Silver City Holdings Inc.** 108 - 108

To give Bylaw No. 11283 first reading in order to rezone the subject property to faciltate a lot consolidation.

**3.10 3441, 3451, 3461, & 3471 Lakeshore Road, Z16-0040 & OCP16-0007 - 0984342 BC Ltd. & City of Kelowna** 109 - 141

To change the future land designations and rezone the subject properties to the C4 – Urban Centre zone to facilitate a proposed 6 storey mixed use (residential, retail & office) building.

**3.11 3441, 3451, 3461 & 3471 Lakeshore Road, BL11280 (OCP16-0007) - 0984342 BC Ltd.** 142 - 142

**Requires a majority of all members of Council (5).**
To give Bylaw No. 11280 first reading in order to change the future land use designation of the subject properties to faciltate a proposed 6-storey mixed-use building.

**3.12 3441, 3451, 3461 & 3471 Lakeshore Road, BL11281 (Z16-0040) - 0984342 BC Ltd. & City of Kelowna** 143 - 144

To give Bylaw No. 11281 first reading in order to rezone the subject properties to faciltate a proposed 6-storey mixed-use building.

**3.13 720 Valley Road, Z16-0046 - Valley Land Subdivision Ltd.** 145 - 176

To consider a rezoning bylaw application, an official community plan amendment application, a zoning bylaw text amendment for density transfer and a request to discharge a defunct housing agreement covenant for the subject property at 720 Valley Road.

**3.14 720 Valley Road, BL11276 (OCP16-0010) - Valley Land Subdivision Ltd.** 177 - 178

**Requires a majority of all members of Council (5).**
To give Bylaw No. 11276 first reading in order to change the future land use designation of the subject property.

**3.15 BL11277 (TA16-0009) - CD27, Valley Lands Comprehensive Development Zone** 179 - 181

To give Bylaw No. 11277 first reading in order to a new CD27 - Valley Lands Comprehensive Development Zone.

**3.16 720 Valley Road, BL11278 (Z16-0046) - Valley Land Subdivision Ltd.** 182 - 183

To give Bylaw No. 11278 first reading in order to rezone the subject properties to the new CD27 - Valley Lands Comprehensive Development Zone.

**3.17 BL11279 - A Bylaw to Repleal Housing Agreement Authorization Bylaw No. 8477** 184 - 184

To give Bylaw No. 11279 first, second and third readings in order to repeal Housing Agreement Authorization Bylaw No. 8477.

**3.18 894 Stremel Road, BL11244 (OCP16-0001) - McBeetle Holdings Ltd.** 185 - 186

**Requires a majority of all members of Council (5).**
To adopt Bylaw No. 11244 in order to change the future land use designation of the subject property to faciltate the construction of an automobile dealer and dedicate a portion of the property as parkland.

**3.19 894 Stremel Road, BL11245 (Z16-0006) - McBeetle Holdings Ltd.** 187 - 188

To adopt Bylaw No. 11245 in order to rezone the subject property to faciltate the construction of an automobile dealer and dedicate a portion of the property as parkland.

**3.20 894 Stremel Road, DP16-0016 - McBeetle Holdings Ltd.** 189 - 209

To consider the form and character of an automobile dealership at the intersection of Stremel Road and Highway 97.

**4. Bylaws for Adoption (Development Related)**

**4.1 Upper Mission Drive (E of), BL11266 (OCP16-0011) - Calcan Investments Inc.** 210 - 211

**Requires a majority of all members of Council (5).**
To adopt Bylaw No. 11266 in order to change the future land use designation of portions of the subject property to accommodate the development of a single family subdivision.

**4.2 Upper Mission Drive (E of), BL11267 (Z16-0041) - Calcan Investments Inc.** 212 - 213

To adopt Bylaw No. 11267 in order to rezone portions of the subject property to accommodate the development of a single family subdivision.

**5. Non-Development Reports & Related Bylaws**

**5.1 125 Dundas Road, RTE16-0004 - Revitalization Tax Exemption** 214 - 243

To enter into a 10 year Revitalization Tax Exemption Agreement with Unico One Development in accordance with Revitalization Tax Exemption Program Bylaw No. 9561.

**5.2 Land Use Contract Termination Strategy** 244 - 258

To consider a strategy to terminate all existing Land Use Contracts in Kelowna.

**5.3 Mission Creek Restoration Initiative - Funding Contributions** 259 - 260

To amend the 2016 Financial Plan to include the contributions from our partners for the Mission Creek Restoration Initiative project

**5.4 3441, 3451, 3461 & 3471 Lakeshore Road (Portion adjacent to) - Road Closure** 261 - 263

To close a portion of lane adjacent to 3441 and 3451 Lakeshore Road for consolidation with the adjacent properties.

**5.5 Lakeshore Road (Portion of) - Road Closure & Removal of Highway Dedication Bylaw** 264 - 265

To give Bylaw No. 11274 first, second and third readings in order to authorize the City to permanently close and remove the highway dedication of a portion of highway on Lakeshore Road.

**6. Bylaws for Adoption (Non-Development Related)**

**6.1 BL11269 - Amendment No. 4 to Revitalization Tax Exemption Bylaw No. 9561** 266 - 267

To adopt Bylaw No. 11269 in order to amend the City of Kelowna's Revitalization Tax Exemption Bylaw.

**7. Mayor and Councillor Items**

**8. Termination**

# City of Kelowna
## Regular Council Meeting
## Minutes

| | |
|---|---|
| Date: | Monday, August 29, 2016 |
| Location: | Council Chamber<br>City Hall, 1435 Water Street |
| Members Present | Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack |
| Staff Present | City Manager, Ron Mattiussi; City Clerk, Stephen Fleming; Integrated Transportation Department Manager, Rafael Villarreal Pacheco*; Suburban & Rural Planning Manager, Todd Cashin*; Planner Specialist, Ross Soward*; Regional Programs Manager, Jerry Dombowsky*; Council Recording Secretary, Arlene McClelland |

(* Denotes partial attendance)

**1. Call to Order**

Mayor Basran called the meeting to order at 1:34 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio and video feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

**2. Confirmation of Minutes**

Moved By Councillor Hodge/Seconded By Councillor DeHart

**R638/16/08/29** THAT the Minutes of the Regular Meetings of August 22, 2016 be confirmed as circulated.

**Carried**

**3. Public in Attendance**

**3.1 Imagine Kelowna Speaker Series -Interior Health: Board Chair Erwin Malzer and CEO Chris Mazurkewich**

Rafael Villarreal Pacheco, Integrated Transportation Department Manager
- Provided an overview of the Imagine Kelowna Guest Speaker Series and invited the public to suggest additional speakers.
- Introduced Interior Health's Board Chair Erwin Malzer and CEO Chris Mazurkewich

Interior Health's Board Chair Erwin Malzer and CEO Chris Mazurkewich
- Displayed a PowerPoint Presentation on the future of health and responded to questions from Council.

## 4. Development Application Reports & Related Bylaws

### 4.1 3470 Casorso Road, A16-0002 - 678923 BC Ltd.

Staff:
- Displayed a PowerPoint presentation summarizing the application and responded to questions from Council.

**Mayor invited the Applicant, or Applicant's Representative, to come forward.**

Birte Decloux, Urban Options Planning & Permits, on behalf of Applicant
- Displayed a PowerPoint Presentation summarizing the reasons for requesting the application be forwarded to the Agricultural Land Commission.
- Confirmed that the non-farm use is for 334 square meters and not the larger amount indicated in the staff report.
- Displayed photographs showing the site remediation.
- Responded to questions from Council.

Glen Chora, Owner of Neway Landscape & Irrigation Ltd.
- Advised his business has been at this location since 2003. Was made aware in 2015 that his business was non-conforming.
- Provided history of the use of the site.
- Advised that he wants to expand the farm into a nursery.
- Expressed his willingness to work with staff to address issues and to understand what options are available.
- Raised concern over his future as well as his staff's future if not supported.
- Responded to questions from staff.

Council:
- Raised questions regarding the timing of City practice to engage the property owner with compliance and enforcement proceedings as opposed to only dealing with the lease or occupier.

City Clerk:
- Recommended this be part of the discussion during the upcoming Bylaw Enforcement Priority setting Workshop.

Moved By Councillor Stack/Seconded By Councillor Hodge

**R639/16/08/29** THAT Agricultural Land Reserve Appeal Application No. A16-0002 for The East ½ Lot C District Lot 133 ODYD Plan 1829, located at 3740 Casorso Road, Kelowna, BC for a Non-Farm Use of agricultural land in the Agricultural Land Reserve pursuant to Section 20(3) of the Agricultural Land Commission Act, NOT be supported by Council;

AND THAT the Municipal Council directs Staff to NOT forward the subject application to the Agricultural Land Commission for consideration.

**Carried**

DRAFT

### 4.2 866 Glenmore Drive, Z16-0044 - Urban Options Planning & Permits

Staff:
- Displayed a PowerPoint presentation summarizing the application.

Moved By Councillor Hodge/Seconded By Councillor Donn

**R640/16/08/29** THAT Rezoning Application No. Z16-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9, Section 29, Township 26, ODYD Plan 4101, located at 866 Glenmore Drive, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated July 25, 2016.

**Carried**

### 4.3 866 Glenmore Drive, BL11273 (Z16-0044) - Urban Options Planning & Permits

Moved By Councillor Hodge/Seconded By Councillor Donn

**R641/16/08/29** THAT Bylaw No. 11273 be read a first time.

**Carried**

## 5. Non-Development Reports & Related Bylaws

### 5.1 Revitalization Tax Exemption Bylaw Update

Staff:
- Provided a summary of the Revitalization Tax Exemption Program Bylaw.

Moved By Councillor Given/Seconded By Councillor Hodge

**R642/16/08/29** THAT Council receives for information, the report from the Planner Specialist, dated August 29th, 2016, recommending that Bylaw No. 9561 be amended as per the report from the Planner Specialist on July 25th, 2016.

AND THAT Bylaw No.11269 being Amendment No. 4 to the Revitalization Tax Exemption Program Bylaw No.9561 be forwarded for reading consideration.

**Carried**

### 5.2 Amendment No. 4 to Revitalization Tax Exemption Bylaw No. 9561

Moved By Councillor Gray/Seconded By Councillor Hodge

**R643/16/08/29** THAT Bylaw No. 11269 be read a first, second and third time.

**Carried**

DRAFT

### 5.3 Transit Future Plan, Technology, and Infrastructure updated

Jerry Dombowsky, Regional Programs Manager
- Introduced Matt Boyd, Transit Senior Manager and Rob Williams Sr. Regional Transit Manager.

BC Transit Senior Manager, Matt Boyd. Rob Williams Sr. Regional Transit Manager
- Displayed a PowerPoint Presentation summarizing the Transit Future Plan and responded to questions from Council.

Moved By Councillor Donn/Seconded By Councillor Given

**R644/16/08/29** THAT Council receives, for information, the report of the Regional Programs Manager dated August 23, 2016 with respect to BC Transit's Transit Future Action Plan and City's Integrated Transportation Planning, Custom Transit expansion, Bus Technology, Operator Safety Initiative, and Infrastructure Project update.

**Carried**

### 5.4 Board of Variance Member Appointment

Moved By Councillor Stack/Seconded By Councillor Gray

**R645/16/08/29** THAT Council received the report for information from the City Clerk dated August 29, 2016 regarding a committee member appointment to the Board of Variance;

AND THAT Council appoint Tony Markoff to the Board of Variance for the 2016-2018 term.

**Carried**

## 6. Bylaws for Adoption (Non-Development Related)

### 6.1 BL11258, City of Kelowna Municipal and Regional District Tax Bylaw

Moved By Councillor Donn/Seconded By Councillor Given

**R646/16/08/29** THAT Bylaw No. 11258 be adopted.

**Carried**

## 7. Mayor and Councillor Items

Councillor DeHart:
- Spoke to her attendance, on behalf of the Mayor, the Dragon Boat Festival this past weekend.

Councillor Hodge:
- Will be representing Council at the SILGA Executive meetings this week.

Councillor Gray:
- Spoke to her attendance, along with the Mayor, at the recent Accelerate Okanagan BBQ Block Party.

Councillor Donn:
- Thanked Festival Kelowna for their efforts to entertain the public over this past summer.

DRAFT

Mayor Basran:
- Spoke to the positive economic impacts and growth of the Tech Community in the Valley, that were recently released by Accelerate Kelowna.

**8. Termination**

This meeting was declared terminated at 4:32 p.m.

Mayor

City Clerk

/acm

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SIGN HERE

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | September 12, 2016 | | |
| **RIM No.** | 1250-30 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (LK) | | |
| **Application:** | Z16-0015 | **Owner:** | Terence Dewar |
| **Address:** | 760 Mitchell Road | **Applicant:** | Terence Dewar |
| **Subject:** | Rezoning Application | | |
| Existing OCP Designation: | S2RES – Single / Two Unit Residential | | |
| Existing Zone: | RU1 – Large Lot Housing | | |
| Proposed Zone: | RU1c – Large Lot Housing with Carriage House | | |

## 1.0 Recommendation

THAT Rezoning Application No. Z16-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department date June 13, 2016;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit & Development Variance Permit for the subject property.

## 2.0 Purpose

To rezone the subject property to facilitate the conversion of an existing accessory building to a carriage house on the subject property.

## 3.0 Community Planning

Community Planning Staff is supportive of the proposed rezoning application to allow a carriage house conversion on the subject property. The parcel has a Future Land Use designation of S2RES – Single /Two Unit Residential in the Official Community Plan (OCP) and is currently zoned RU1 – Large Lot Housing. Density of the neighbourhood has been modestly increasing as there are many

recent examples of RU6 – Two Dwelling Housing properties within the surrounding area. Rezoning the subject parcel to RU1c – Large Lot Housing with Carriage House will continue the density increase trend. The parcel is within the City of Kelowna's Permanent Growth Boundary and the Urban Core Area.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbor consultation by individually contacting the neighbours within 50 m of the subject parcel.

## 4.0 Proposal

### 4.1 Background

The parcel contains a single family dwelling which was constructed in the mid-1970's. It is a 1 ½ storey building with an attached single car garage. In 2013, the applicant applied to the City for a Building Permit to construct an accessory building. The building was designed to meet the carriage house Zoning Bylaw regulations of the day as the owner has always had the intention of converting the building to a carriage house in the future. In early 2014, the applicant applied for the rezoning and development permit applications to complete the conversion process. The applications complied with all zoning regulations of the day, but due to the City's requirement for sewer connection costs to be paid in a lump sum, the owner was unable to continue with the project at that time and the applications were cancelled and the fees refunded.

### 4.2 Project Description

The applicant is now ready to proceed with the conversion of the accessory building to a carriage house, but in the two years since the previous applications, amendments to the carriage house regulations within the Zoning Bylaw have occurred. The building, as constructed, does not meet the current regulations and will require three separate variances. The first variance is to reduce the rear yard setback from 2.0 m required to 1.58 m provided. The Zoning Bylaw setback requirement was amended from 1.5 m to 2.0 m required where a parcel does not have rear lane access. Currently, there is a six-foot-high fence to provide screening between the subject parcel and the immediate neighbours. The carriage house has two upper storey windows facing the neighbouring parcel, one is within the bathroom and the second is a small bedroom window. Both provide blinds for screening to reduce any privacy concerns.

The second variance is for the building eave projection. Due to the building not meeting the rear setback requirement, it also does not meet the projection within a setback area regulation. The regulation in the Zoning Bylaw states that an eave is allowed to project up to 0.60 m into a setback area. The building eave projects 1.02 m (+0.42 m) into the rear setback area. The intent of the setback is to provide fire protection separation to adjacent dwellings. To ensure this is addressed, the Building code will require a protected soffit be installed to increase the fire protection value. This will be addressed at time of Building Permit.

The last variance is to allow the roof peak of the carriage house to be higher than that of the primary dwelling. Prior to September 8, 2014, this rule did not exist and height of a carriage house was measured only to the mid-point of the roof. The amended regulations were then adopted to ensure the massing of a carriage house does not overwhelm the primary dwelling. This carriage house is situated directly behind the primary dwelling and the massing of it is not easily visible when viewed from the street. The carriage house roof peak is 0.82 m (2' – 9 ½ ") higher than the primary dwelling. When this neighbourhood was constructed in the 1970's, most dwellings were built as bungalows or 1-1/2 storey buildings with low sloped roofs. Many adjacent parcels have rear yard accessory buildings of similar height. This is an existing building and the overall height cannot be easily reduced.

## 4.3 Site Context

Adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | RU1 – Large Lot Housing | Single Family Dwelling |
| East | RU1 – Large Lot Housing | Single Family Dwelling |
| South | RU1 – Large Lot Housing | Single Family Dwelling |
| West | RU1 – Large Lot Housing | Single Family Dwelling |

**Subject Property Map:** 760 Mitchell Road

## 4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **RU1c ZONE REQUIREMENTS** | **PROPOSAL** |
| Existing Lot/Subdivision Regulations | | |
| Minimum Lot Area | 550 $m^2$ | 890 $m^2$ |
| Minimum Lot Width | 16.5 m | 20.63 m |
| Minimum Lot Depth | 30 m | 38.1 m |
| Development Regulations | | |
| Maximum Site Coverage (buildings) | 40% | 25.44% |
| Maximum Site Coverage (buildings, driveways and parking) | 50% | 45.09% |
| Carriage House Regulations | | |
| Max. Height | 4.8 m | 4.8m |
| Min. Side Yard (east) | 2.0 m | 2.06 m |
| Min. Side Yard (west) | 2.0 m | 8.22 m |
| Min. Rear Yard (laneless) | 2.0 m | 1.58 m❶ |

| | | |
|---|---|---|
| Height (carriage house shall not be higher than existing primary dwelling unit) | 2 storey ex. House<br>5.01 m (to mid-point)<br>5.53 m (to roof peak) | 4.8 m (to mid-point)<br>6.47 m (to roof peak) ❷ |
| Max. Carriage House Lot Coverage | 14% | 8.5% |
| Max. Accessory Building Footprint | 90 $m^2$ | 82.13 $m^2$ |
| Max. Carriage House Net Floor Area of Principal Building | 75% | 43.88% |
| Other Regulations | | |
| Minimum Parking Requirements | 3 stalls | 3 stalls |
| Minimum Private Open Space | 30 $m^2$ / dwelling | 30 $m^2$ / dwelling |
| Maximum projection into rear setback area | 0.60 m | 1.02m (+0.42m) ❸ |

❶ Indicates a requested variance to the rear yard setback of a Carriage House.
❷ Indicates a requested variance to allow the Carriage House roof peak to be higher than the existing Primary dwelling.
❸ Indicates a requested variance to allow the eave of a Carriage House to project into the required rear yard setback.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Compact Urban Form.**[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**[2] Encourage new development or redevelopment in existing residential areas to be
sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

**Carriage Houses and Accessory Apartments.**[3] Support carriage houses and accessory apartments through appropriate zoning regulations.

## 6.0 Technical Comments

### 6.1 Fire Department

- Emergency access to the carriage house must be maintained
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).
[3] City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

- All units shall have a posted address on Mitchell Rd. for emergency response.

6.2 Development Engineering

- Refer to Attachment 'A'.

**7.0 Application Chronology**

Date of Application Received: March 15, 2016
Date Public Consultation Completed: June 30, 2016

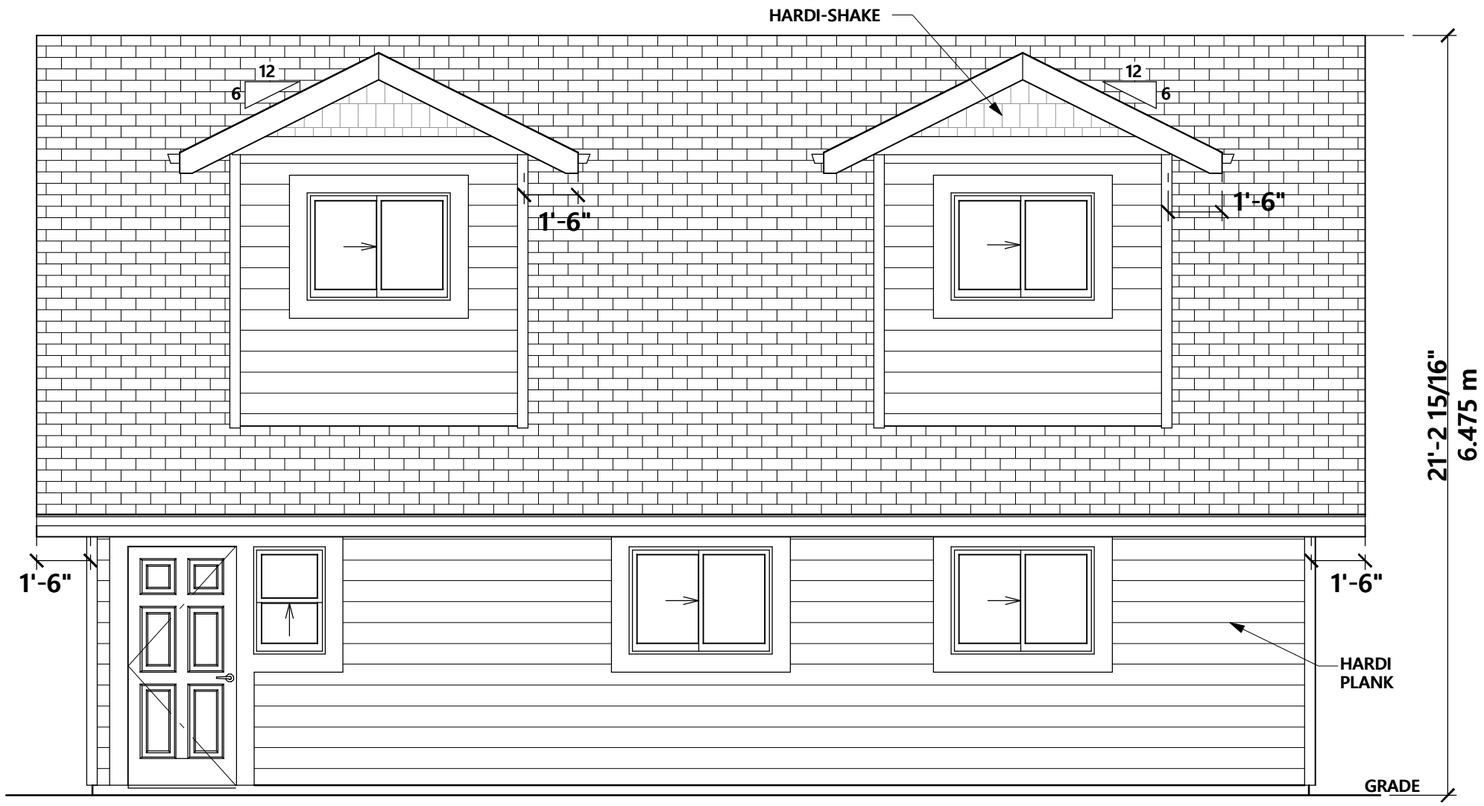
**Report prepared by:**

_____
Lydia Korolchuk, Planner

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

**Reviewed by:** Ryan Smith, Community Planning Department Manager

**Attachments:**
Attachment A: Development Engineering Memorandum dated June 13, 2016
Site Plan & Landscape Plan
Conceptual Elevations




# FRONT ELEVATION

(FACING MITCHELL ROAD)

# RIGHT ELEVATION

R-tistry Home Design
design@rtistryhomedesign.com
PH: 778-753-1051

ISSUED PLANS:

| | | |
|---|---|---|
| 1 | SUITE ADDITION | FEB 25-16 |
| 2 | PLOT PLAN REVISIONS | APRIL 6-16 |

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THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF R-TISTRY HOME DESIGN AND MAY NOT BE REPRODUCED OR USED IN ANY FORM WITHOUT PERMISSION FROM SAME

PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE:
4/6/2016

SCALE:
1/4" = 1'

SHEET:
1/13

## CITY OF KELOWNA

# MEMORANDUM

**Date:** June 13, 2016

**File No.:** Z16-0015

**To:** Urban Planning Management (LK)

**From:** Development Engineering Manager (SM)

**Subject:** 760 Mitchell Rd Lot 13 Plan 25984 Carriage House RU1C

Development Engineering has the following requirements associated with this application.

1. **Domestic Water**

   The property is located within the Rutland Water District (RWD) service area. The water system must be capable of supplying the domestic and fire flow demands of the proposed project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with RWD staff for any service improvements and the decommissioning of existing services.

2. **Sanitary Sewer**

   The subject property is located within the Local Area Service (LAS) No. 23 for South West Rutland. The proposed carriage house will trigger additional cost share for 0.5 SFE of the current payout rate for LAS No. 23 is $5,895.14 per SFE. The cost for one SFE has previously been paid out for this property and the additional cost for the proposed carriage house is **$2947.57** valid until March 31, 2017.

3. **Electric Power and Telecommunication Services**

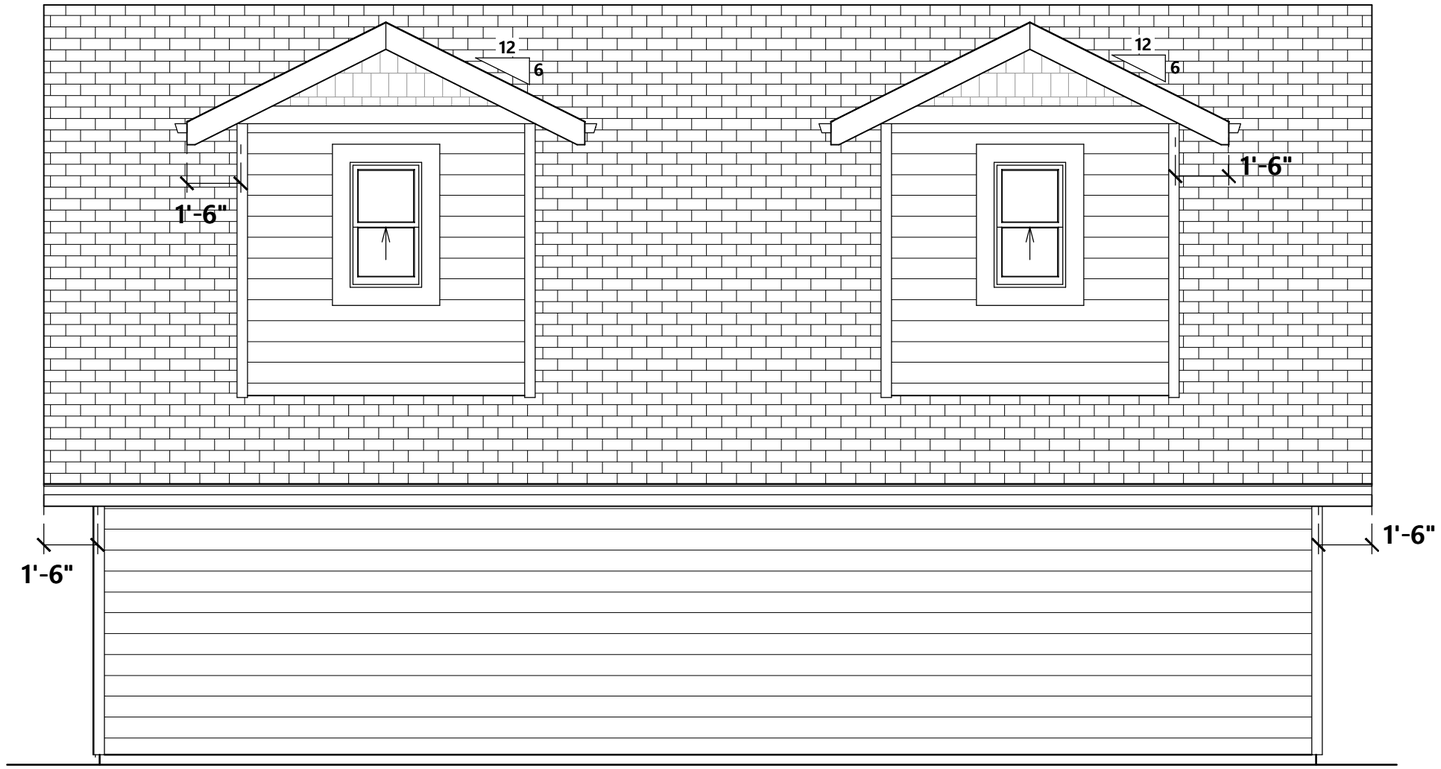
   It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

4. **Access and Parking Requirements**

   The proposed parking configuration appears acceptable.

Steve Muenz, P. Eng.
Development Engineering Manager

jo




# REAR ELEVATION

## STANDARD NOTES

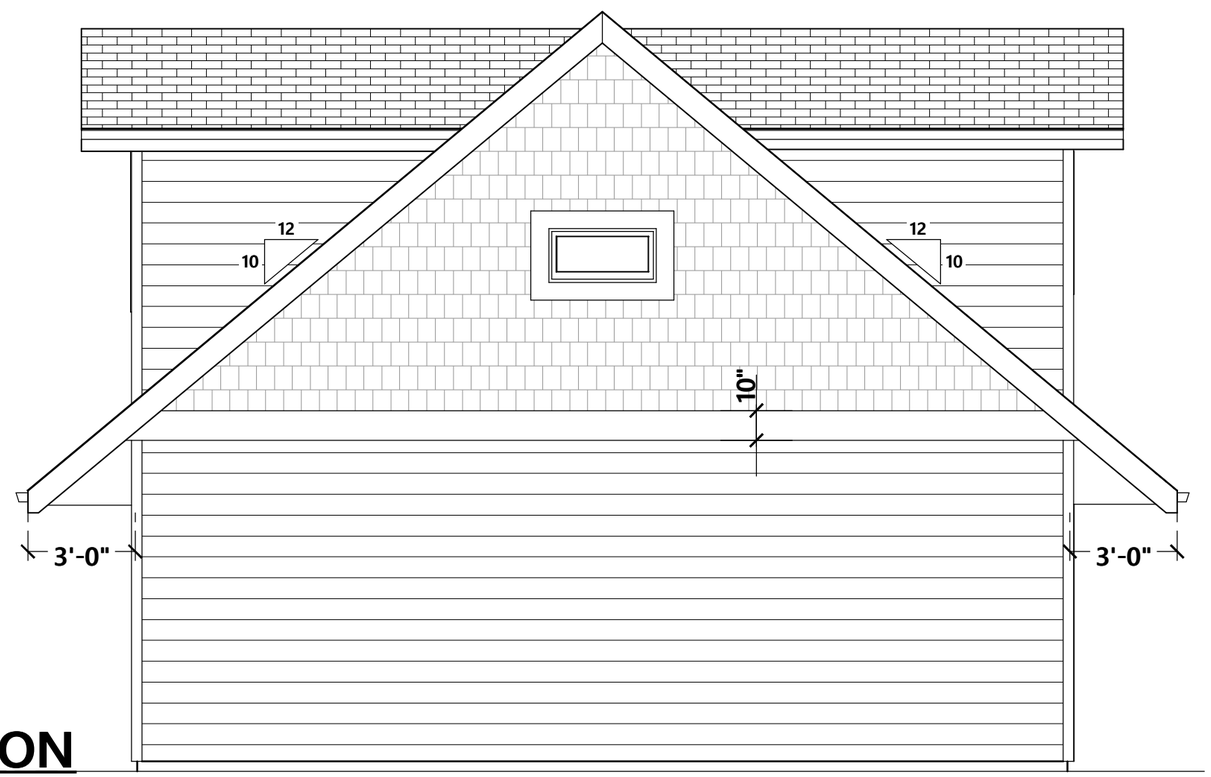
1. ALL WORK SHALL CONFORM TO THE CURRENT BUILDING CODES ADOPTED BY AUTHORITIES HAVING JURISDICTION OR LOCAL BUILDING CODES AND BYLAWS WHICH MAY TAKE PRECEDENCE.

2. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DRAWINGS.

3. "R-TISTRY HOME DESIGN" SHALL NOT BE RESPONSIBLE FOR ANY VARIANCES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ADJUSTMENT REQUIRED RESULTING FROM CONDITIONS ENCOUNTERED AT THE JOB SITE AND IS THE SOLE RESPONSIBILITY OF THE OWNER/ BUILDER.

4. CONSTRUCTION LOADS ON THE STRUCTURE CAUSED BY INTERIM STORAGE OF MATERIALS OR USE OF EQUIPMENT, SHALL NOT BE ALLOWED TO EXCEED THE DESIGN LOADINGS.

5. ALL WINDOW AND DOOR SIZES AND OPERATION ARE TO BE CONFIRMED BY OWNER/BUILDER WITH THE MANUFACTURE.




# LEFT ELEVATION

R-tistry Home Design
design@rtistryhomedesign.com
PH: 778-753-1051

ISSUED PLANS:

| | | |
|---|---|---|
| 1 | SUITE ADDITION | FEB 25-16 |
| 2 | PLOT PLAN REVISIONS | APRIL 6-16 |

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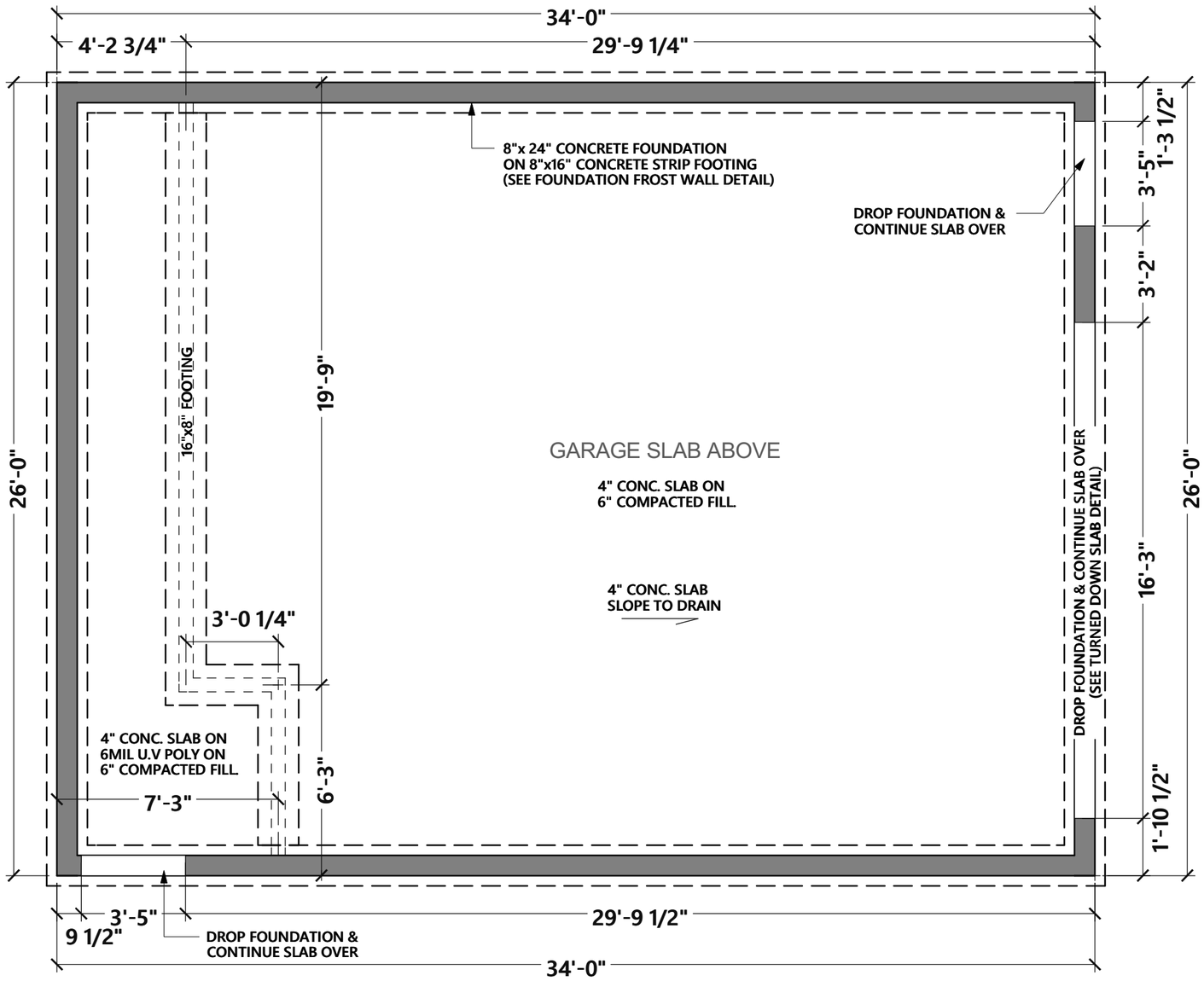
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE:
4/6/2016

SCALE:
1/4" = 1'

SHEET:
2/13




# FOUNDATION PLAN

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design@rtistryhomedesign.com
PH: 778-753-1051

ISSUED PLANS:

| | | |
|---|---|---|
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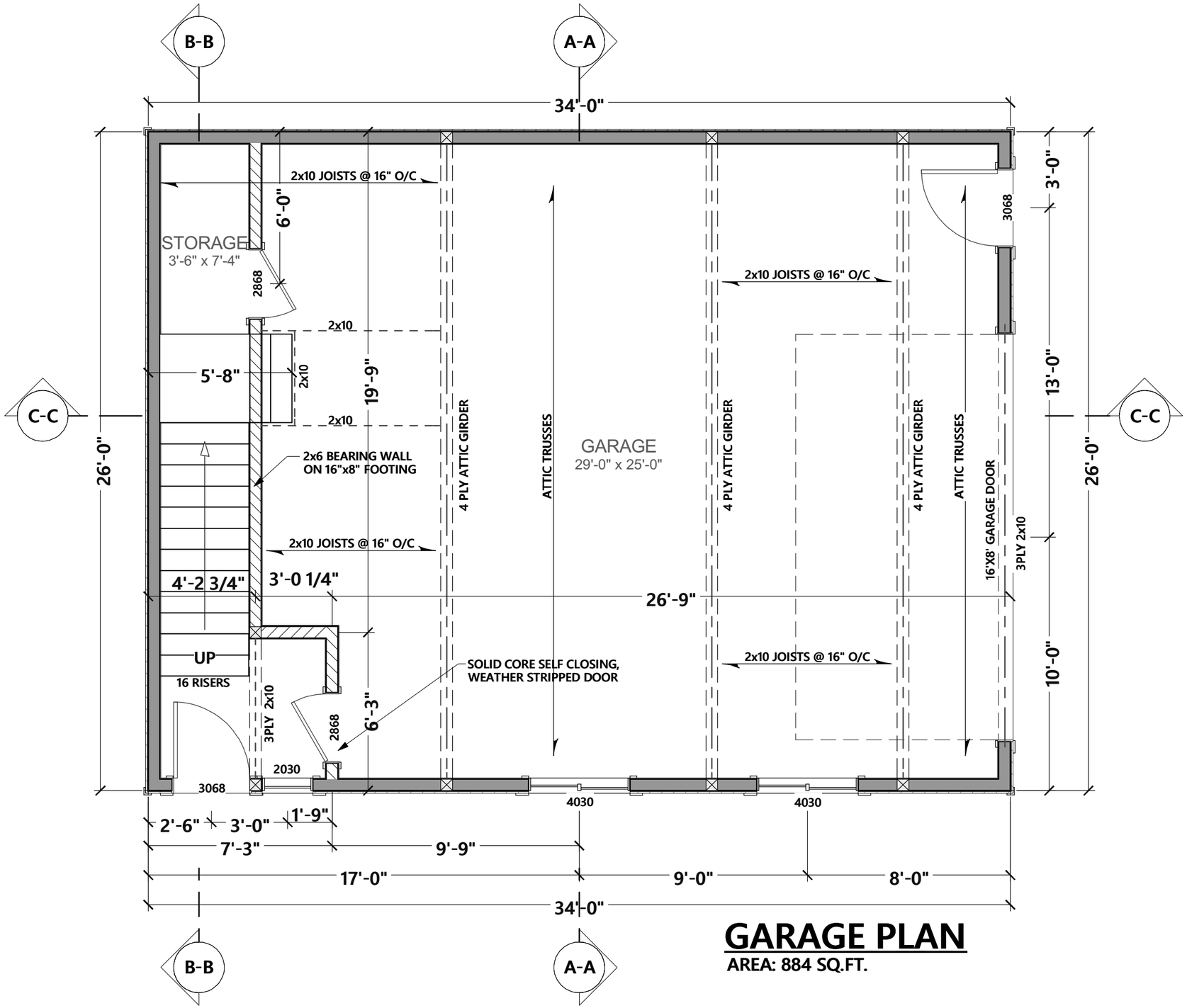
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 3/13




# GARAGE PLAN

AREA: 884 SQ.FT.

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PH: 778-753-1051

ISSUED PLANS:

| | | |
|---|---|---|
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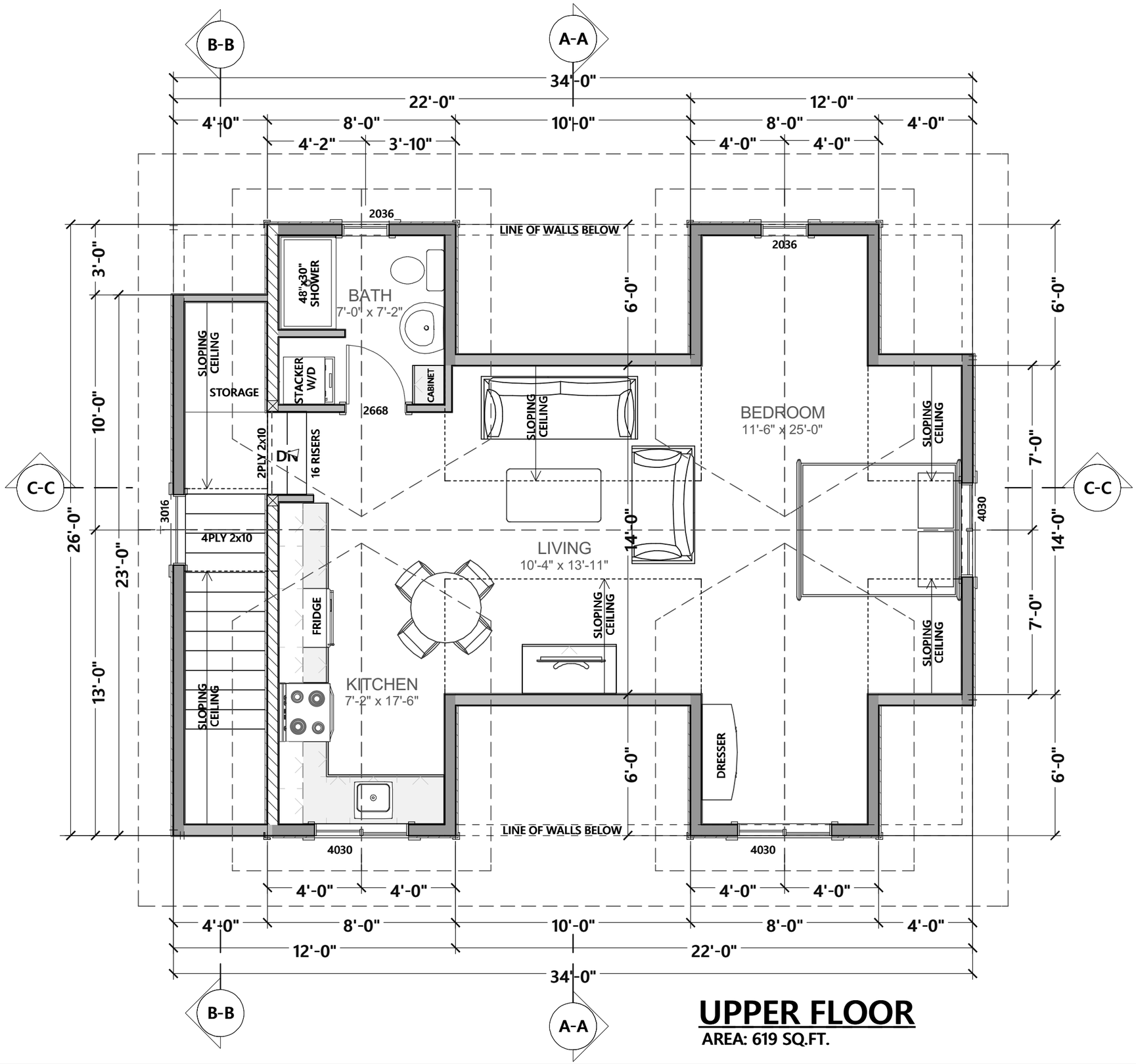
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 4/13




# UPPER FLOOR

AREA: 619 SQ.FT.

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design@rtistryhomedesign.com
PH: 778-753-1051

ISSUED PLANS:

| | | |
|---|---|---|
| 1 | SUITE ADDITION | FEB 25-16 |
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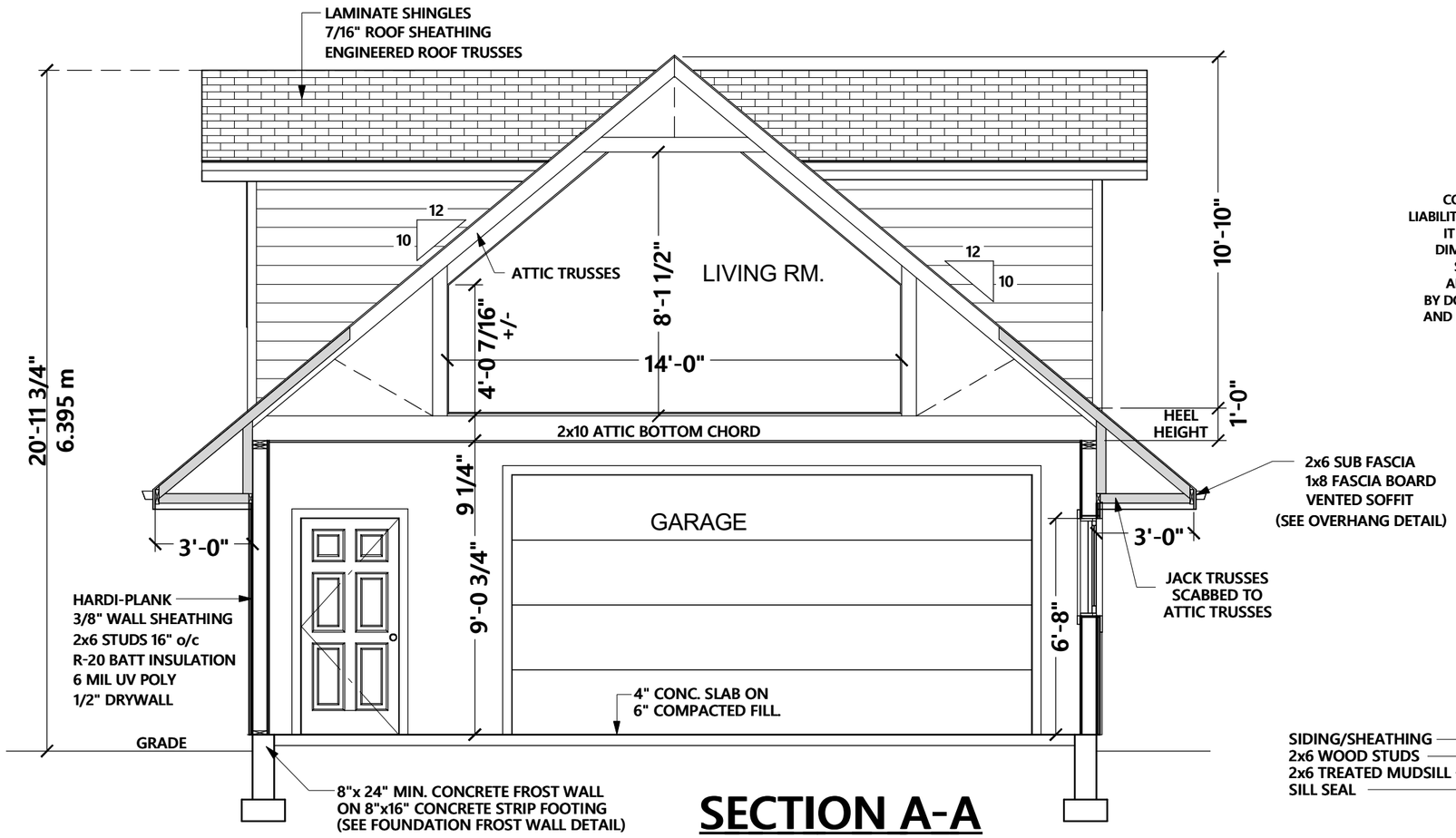
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 5/13




# SECTION A-A

## ERRORS AND OMISSIONS

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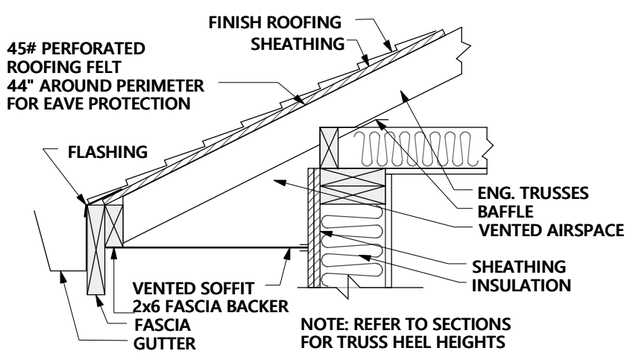
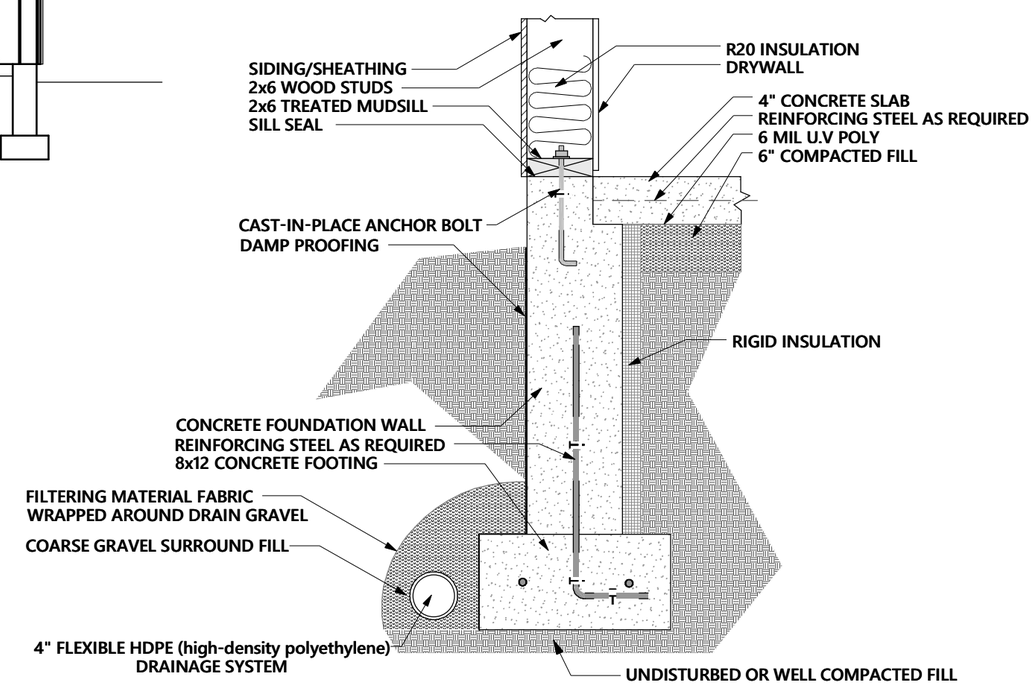



# ROOF OVERHANG

SCALE: 1" = 1'-0"




# FOUNDATION FROST WALL: 24" (MIN)

SCALE: 1" = 1'-0"

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PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 6/13

## CODES AND STANDARDS

All workmanship is to be of a standard equal in all respects to good building practice.

At the time of preparation, this plan was drawn in accordance with the current edition of the B.C. Building Code. It is the responsibility of the owner/builder to insure that changes made to the code are complied with and all amendments are incorporated in the construction of this plan. All work shall conform to local building codes and bylaws which may take precedence.

Prior to proceeding with construction, the owner/builder must verify all information, dimensions and specifications of this plan. Written dimensions always take precedence over scale measurements.

Any variance from structural drawings and specifications or from conditions encountered at the job site, shall be resolved by the owner/builder and such solutions shall be their sole responsibility.

## CONCRETE & FOOTINGS

All concrete to have a minimum compressive strength of 2,900 PSI (20 mPa) at 28 days.

Concrete footings must be placed on undisturbed or compacted soil to an elevation below frost penetration. Footings shown on these drawings have been designed for soil bearing capacity of 2,500 PSF. If a lesser bearing capacity is encountered, it is the responsibility of the owner/builder to have the footings redesigned by qualified persons to suit existing conditions.

All foundation walls 24" (600 mm) and higher should have one horizontal 10 mm reinforcing bar 3" (75 mm) from the top. Corner reinforcing to be lapped minimum 24" (600 mm).

All footings are to have two ½" reinforcing bars. The reinforcing bars are to be situated such that one bar is 3" (75 mm) clear of the side and bottom of the footing on both sides of the footing.

Grades shown on elevations are estimated. Adjust on site as required. Retaining walls other than the foundation walls of the residence are beyond the scope of these drawings unless otherwise noted.

## INSULATION / VENTILATION

Minimum insulation requirements:

Roof/Ceiling – R 44
Walls – 2 x 6 – R 20
Garage Ceiling – R 32

Ceiling insulation may be loose fill type or batt type. Wall and floor insulation must be batt type.

Walls and ceilings between residence and attached garage shall be insulated.

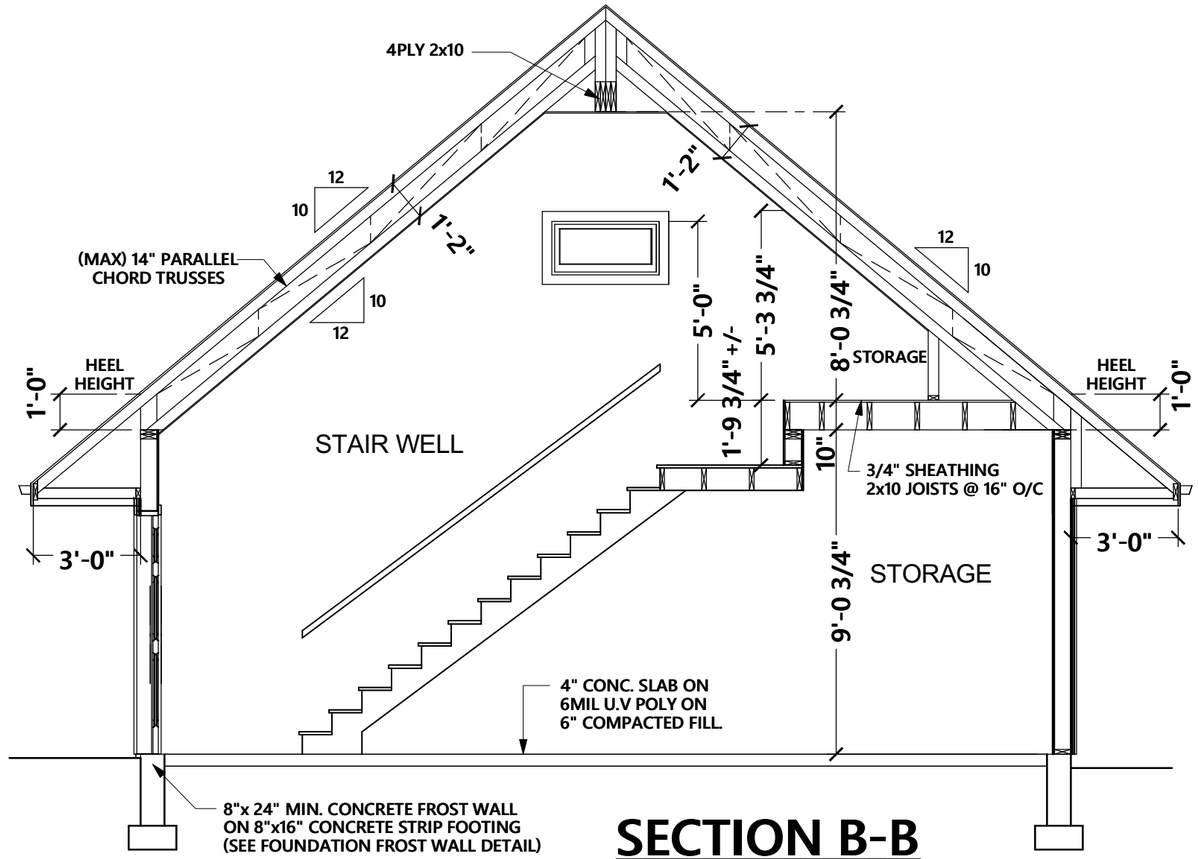
Insulation requirements may vary with heating systems and with local conditions.

All roof spaces shall be ventilated with soffit, roof or gable vents or a combination of these, equally distributed between the top of the roof space and soffits.

## ABOVE GRADE MASONRY

All above grade masonry is to conform to the BC Building Code.

If brick veneer is to be installed, counter flashing shall be installed up to 8" (200 mm) behind the building felt and below the bottom course with vertical joints raked clean. Weep holes 24" (600 mm) o.c..




**SECTION B-B**

## CARPENTRY

Framing lumber shall be number two (2) or better Spruce unless otherwise specified on the plan. All beam and lintel sizes shown on the drawings to be reviewed & confirmed by truss manufacturer and contractor. Any beam or lintel sizes provided by truss/floor manufacturer take precedence.

Joists are to be doubled under parallel partitions.

Joists shall be placed to accommodate plumbing, in the event of a discrepancy please contact floor supplier before any alterations or cuts are made.

Wood in contact with concrete shall be dampproofed with 45 lb. felt or a sill plate gasket and pressure treated with a waterborne preservative or other approved method on exterior walls.

Interior framing to be 4" (100 mm) clear of back and sides of firebox and 2" (50 mm) clear of brick chimneys. Frame exterior walls 1" (25 mm) clear from exterior fireplaces.

Plates are to be anchored to concrete with ½" anchor bolts, maximum 6 ft. o.c. or other approved method.

Flush framed wood members shall be anchored with 200 lb. joist hangers unless otherwise specified.

## MISCELLANEOUS

Caulk over and around all exterior openings using non-hardening caulking compound.

Flash all changes of materials on exterior walls.

Flash over all exterior openings.

All siding or stucco to be a minimum of 8" (200 mm) above finished grade.

All balcony railings to be 3'6" (1070 mm) in height. Maximum spacing between vertical members is 4" (100 mm). Minimum distance between horizontal rails to be 32" (800 mm). Top rail to sustain outward load of 40 lbs. per lineal foot.

Coat and clothes closets shall have at least one rod and shelf with minimum depth of 24" unless otherwise stated. Linen closet shall have 5 adjustable shelves wherever possible. Broom closets shall have on shelf.


R-tistry Home Design
design@rtistryhomedesign.com
PH: 778-753-1051


ISSUED PLANS:

| | | |
|---|---|---|
| 1 | SUITE ADDITION | FEB 25-16 |
| 2 | PLOT PLAN REVISIONS | APRIL 6-16 |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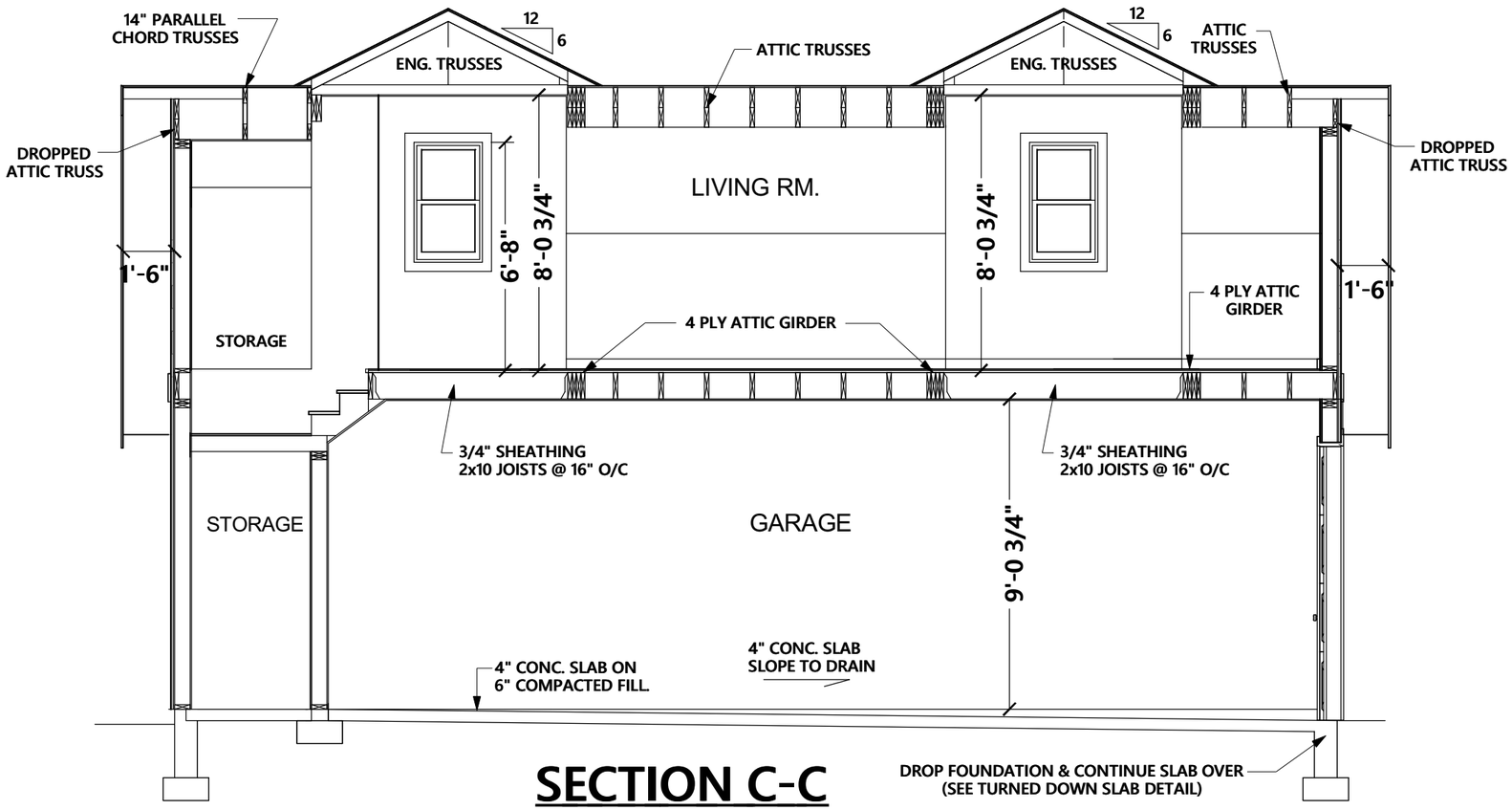
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE:
4/6/2016

SCALE:
1/4" = 1'

SHEET:
7/13




# SECTION C-C

# SPECIFICATIONS

## INTERIOR WALLS

2x4 STUDS 16" o/c
1/2" DRYWALL BOTH SIDES

## FLOOR SYSTEM

3/4" T&G SHEETING
2x10 JOISTS @ 16" O/C

## STAIR CONSTRUCTION

PRE MANUFACTURED
STAIR SYSTEM

## FOUNDATION

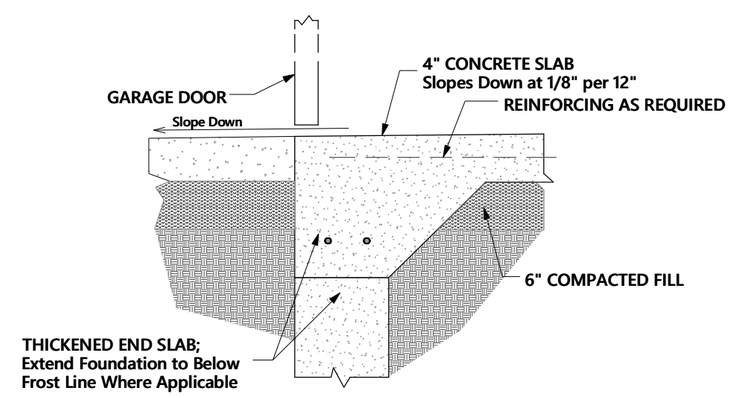
8" CONC. FOUNDATION
10MM REBAR
R12 STYROFOAM INSULATION
8"x16" CONC. FOOTING

## CONCRETE SLAB

4" CONC. SLAB
6 MIL UV POLY
6" COMPACTED GRAVEL

## DRAINAGE TILE

4" DRAIN TILE
MINIMUM 6" DRAIN ROCK
DRY SHEETING PAPER




# TURNED DOWN SLAB AT GARAGE OPENING

SCALE: 1" = 1'-0"

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ISSUED PLANS:

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|---|---|---|
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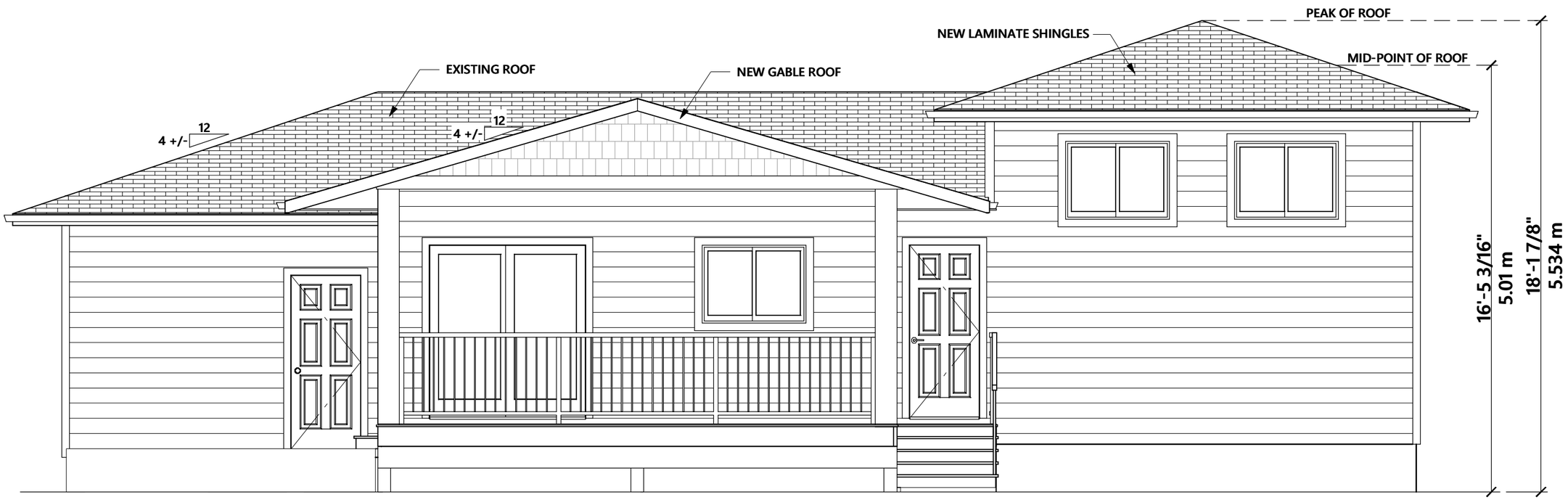
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE:
4/6/2016

SCALE:
1/4" = 1'

SHEET:
8/13




# EXISTING HOUSE - REAR ELEVATION

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design@rtistryhomedesign.com
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ISSUED PLANS:

| | | |
|---|---|---|
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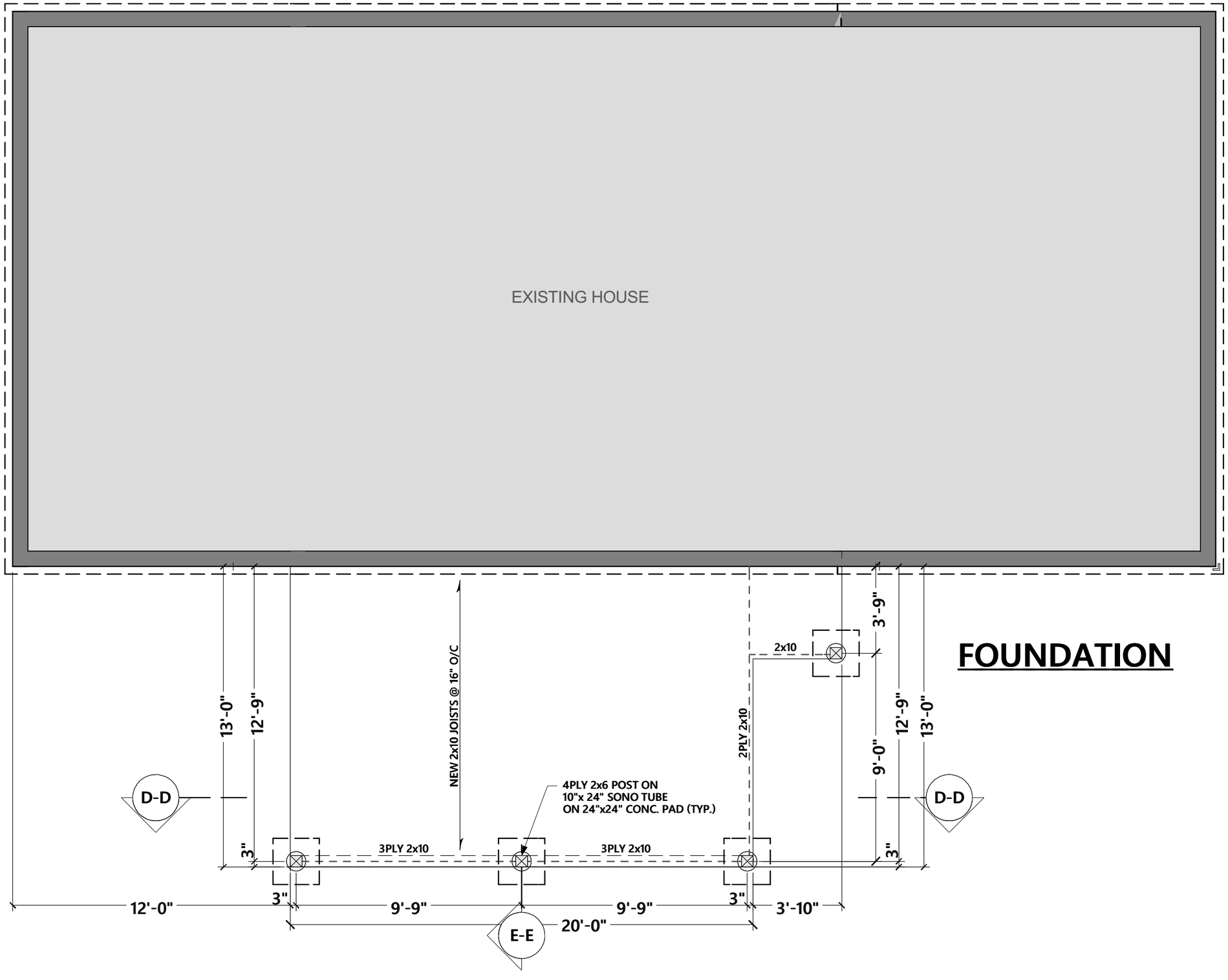
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 9/13

# HOUSE - DECK ADDITION





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PH: 778-753-1051


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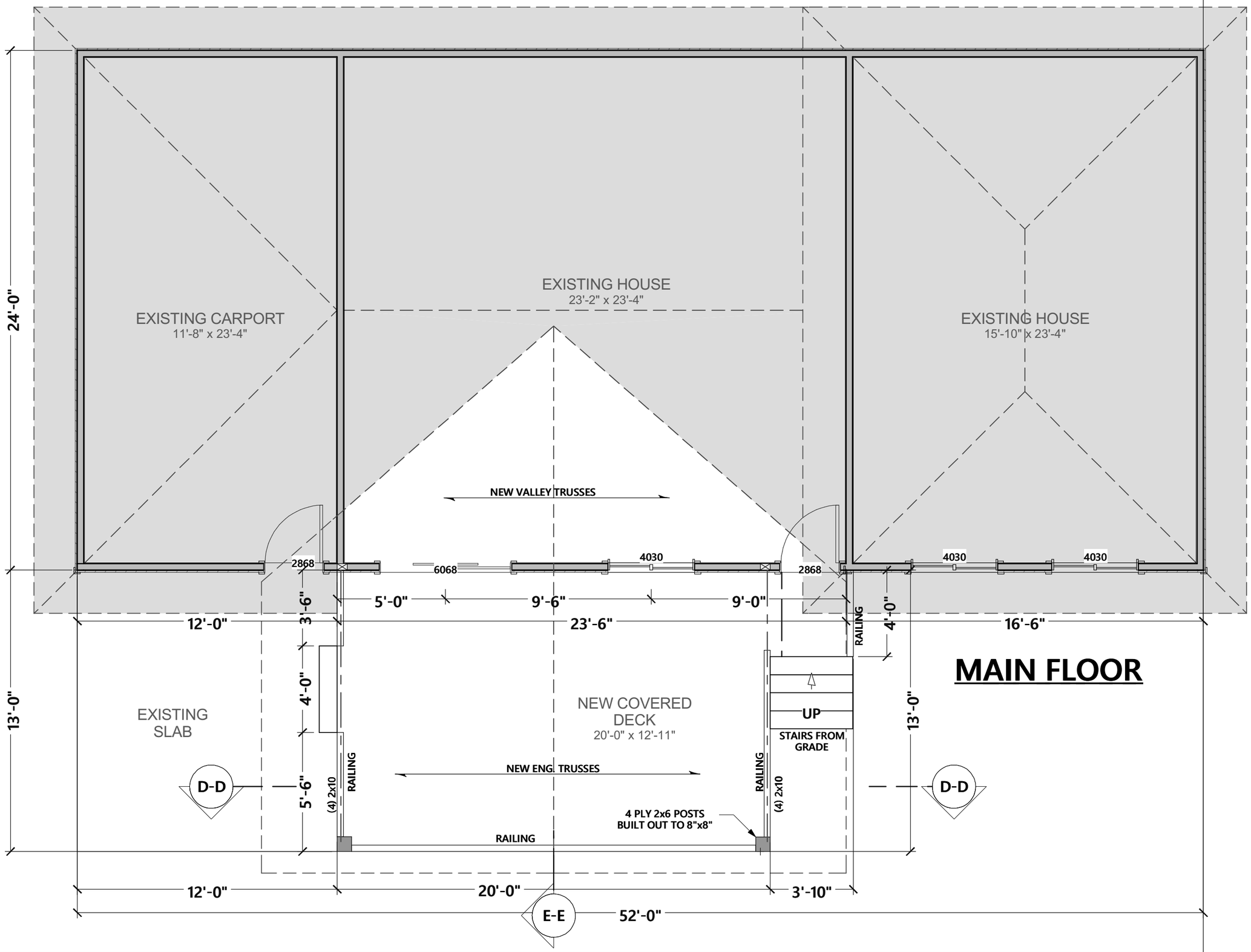
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 10/13

# HOUSE - DECK ADDITION




## MAIN FLOOR

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design@rtistryhomedesign.com
PH: 778-753-1051

ISSUED PLANS:

| | | |
|---|---|---|
| 1 | SUITE ADDITION | FEB 25-16 |
| 2 | PLOT PLAN REVISIONS | APRIL 6-16 |

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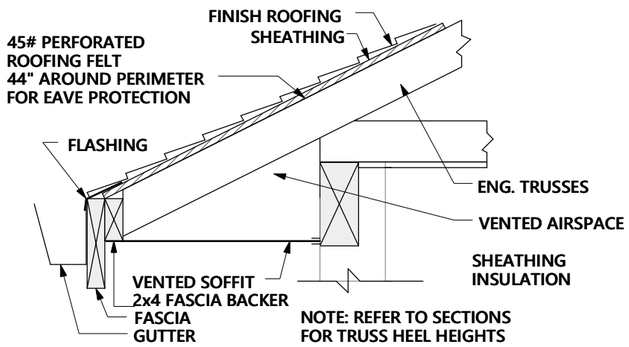
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE: 4/6/2016

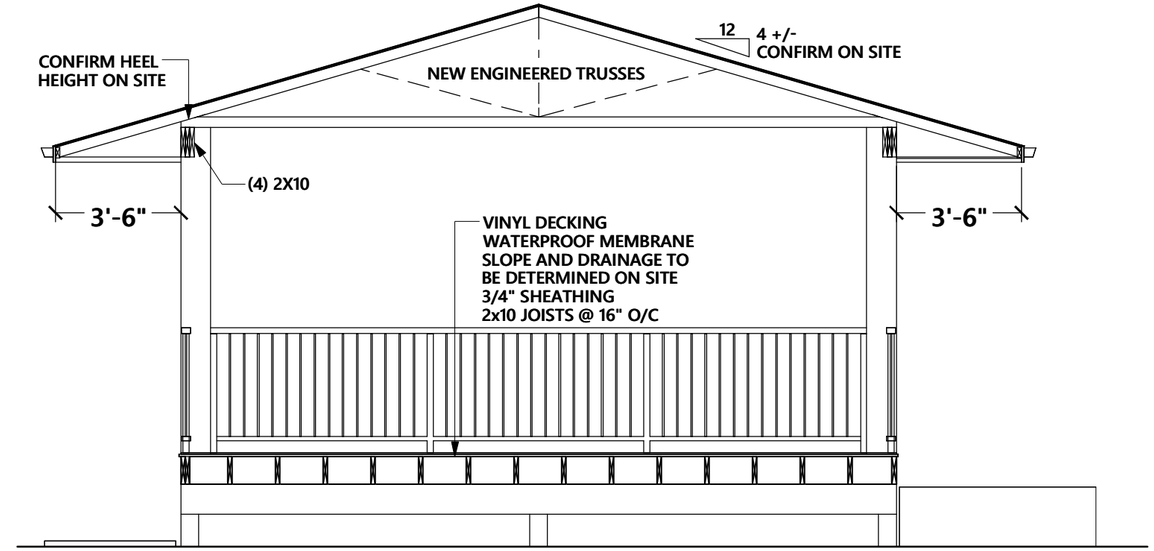
SCALE: 1/4" = 1'

SHEET: 11/13

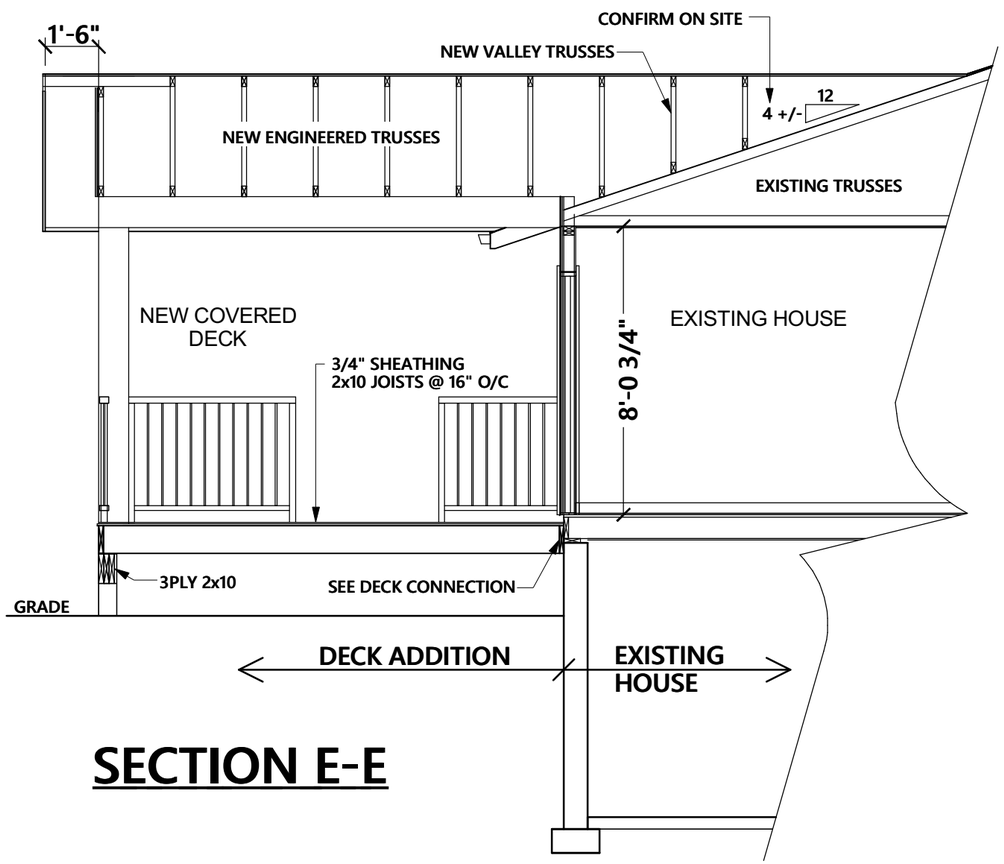



## ROOF OVERHANG

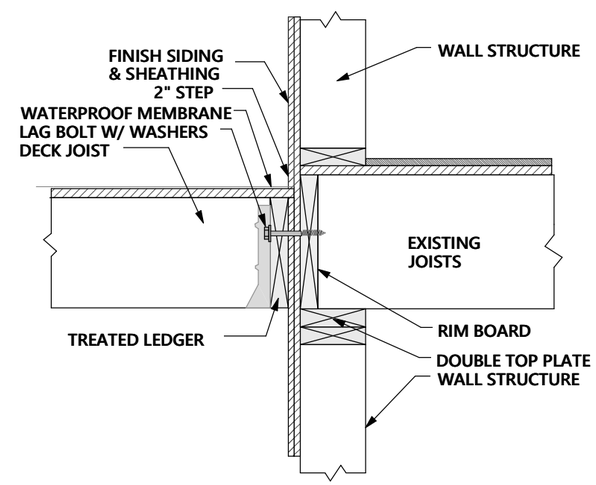
SCALE: 1" = 1'-0"




## SECTION D-D




## SECTION E-E




## DECK CONNECTION

SCALE: 1" = 1'-0"

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ISSUED PLANS:

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|---|---|---|
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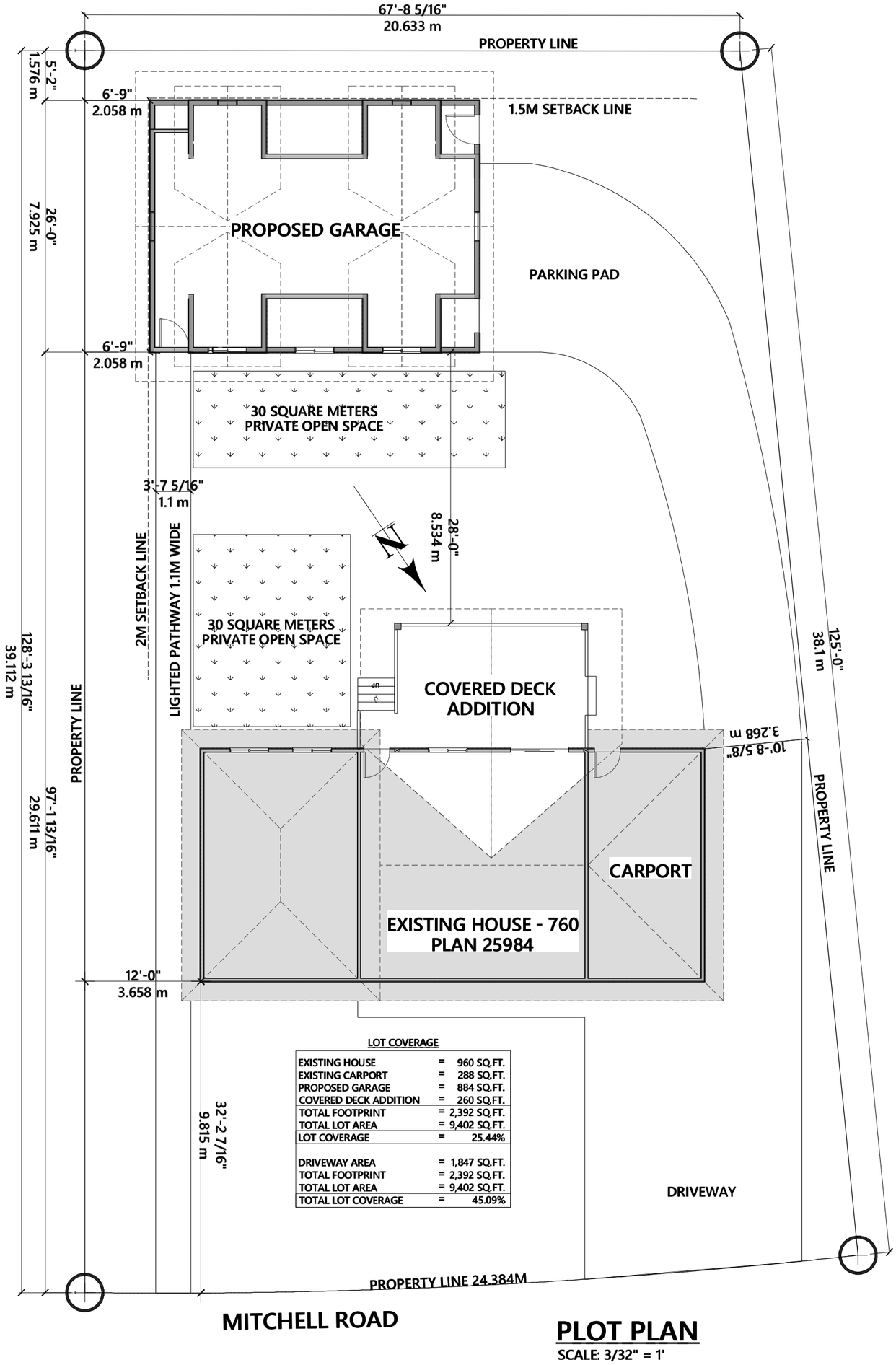
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 12/13




LOT COVERAGE

| | | |
|---|---|---|
| EXISTING HOUSE | = | 960 SQ.FT. |
| EXISTING CARPORT | = | 288 SQ.FT. |
| PROPOSED GARAGE | = | 884 SQ.FT. |
| COVERED DECK ADDITION | = | 260 SQ.FT. |
| TOTAL FOOTPRINT | = | 2,392 SQ.FT. |
| TOTAL LOT AREA | = | 9,402 SQ.FT. |
| LOT COVERAGE | = | 25.44% |
| DRIVEWAY AREA | = | 1,847 SQ.FT. |
| TOTAL FOOTPRINT | = | 2,392 SQ.FT. |
| TOTAL LOT AREA | = | 9,402 SQ.FT. |
| TOTAL LOT COVERAGE | = | 45.09% |

# PLOT PLAN

SCALE: 3/32" = 1'

| SHEET: | SCALE: | DATE: | PROJECT TITLE: |
|---|---|---|---|
| 13/13 | | 4/6/2016 | 760 MITCHELL RD.<br>KELOWNA<br>DETACHED GARAGE |

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ISSUED PLANS:

| | | | |
|---|---|---|---|
| 1 | SUITE ADDTION | | FEB 25-16 |
| 2 | PLOT PLAN REVISIONS | | APRIL 6-16 |

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design@rtistryhomedesign.com
PH: 778-753-1051

# CITY OF KELOWNA

# BYLAW NO. 11284
# Z16-0015 – Terrence Dewar
# 760 Mitchell Road

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 13, Section 22, Township 26, ODYD, Plan 25984 located on Mitchell Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# REPORT TO COUNCIL

City of Kelowna

| | | | |
|---|---|---|---|
| **Date:** | September 12, 2016 | | |
| **RIM No.** | 1250-40 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (JR) | | |
| **Application:** | LUC16-0003 | **Owner:** | Krista Eve Almeida & Stephen Glegg |
| **Address:** | 1960 Paly Road | **Applicant:** | Krista Eve Almeida |
| **Subject:** | Land Use Contract Discharge | | |
| Existing OCP Designation: | S2RES - Single / Two Unit Residential | | |
| Existing Zone: | RR3 - Rural Residential 3 | | |

## 1.0 Recommendation

THAT Application No. LUC16-0003 to discharge LUC 78-1024 from Lot 17, Section 17, Township 23, ODYD, District Plan 31701, located on 1960 Paly Road, Kelowna, BC, be considered by Council;

AND THAT the Land Use Contract Discharge be forwarded to a Public Hearing for further consideration;

## 2.0 Purpose

To consider an application to discharge the existing Land Use Contract on the subject property.

## 3.0 Community Planning

The applicant is seeking to legalize their suite. However, the property is currently under regulation of a Land Use Contract which does not permit a secondary suite. The existing Land Use Contract (LUC) on the subject property was created in 1976 to allow for one single family residential dwelling per lot on Bennett Road and Paly Road. Community Planning supports the request for the LUC discharge as it complies with the 2014 amendment of the Local Government Act.

The underlying zoning (RR3 - Rural Residential 3) fits with the established neighbourhood and is an appropriate zone for the existing land use. The Land Use Contract uses and regulations fit within the RR3 zone however, the new zone does permit more uses (e.g. secondary suite).

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the surrounding neighbours within a 50 metre radius.

## 4.0 Proposal

### 4.1 Background

The province first experimented with contract zoning in 1971. The Land Use Contract was a tool that entered into use in the 1970's before it was eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

However, issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. From 1978 to 2014, municipalities or the owners of the land could not unilaterally discharge, cancel, or modify the land use contract without the other party's consent. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date. This provides property owners with ten years to complete any development authorized by their land use contract unless the LUC is terminated prior to that date. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination.

In addition, local governments must provide notice to each owner that the termination of land use contract is occurring 1 year after adoption and must provide notice of what the new zoning regulations are that apply to the land.

### 4.2 Project Description

The applicant is seeking to legalize their suite. The current LUC does not permit a suite as a secondary use, however the underlying zone (RR3) does. Therefore, to allow a secondary suite the current LUC must be discharged. The property has an existing single family dwelling, where the suite is located, and an accessory building.

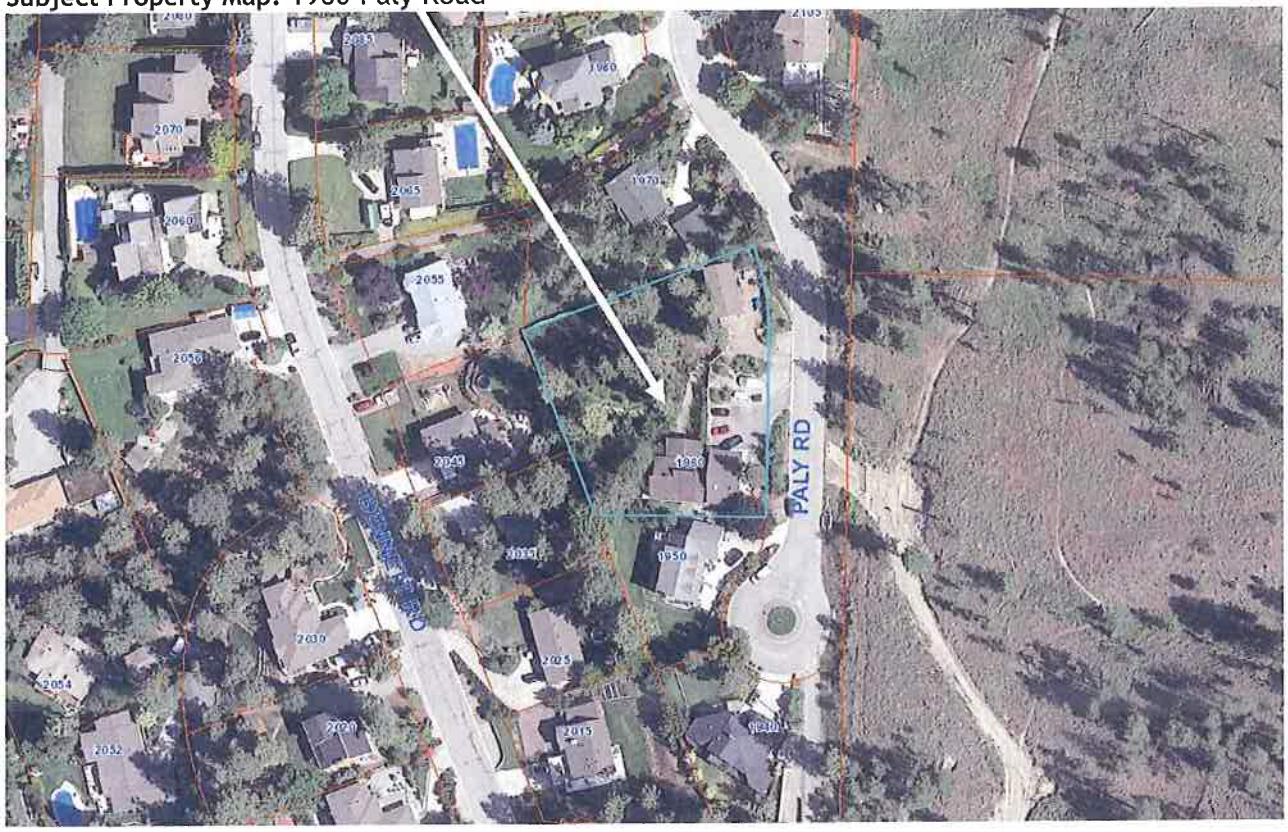
### 4.3 Site Context

The subject property is located at the end of Paly Road. The property is designated S2RES - Single / Two Unit Residential in the Official Community Plan and the surrounding area is low density residential. The subject property is 3035 $m^2$.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | LUC78-1024 (RR3 - Rural Residential 3) | Single family residential |
| East | A1 - Agirculture | Farming |
| South | LUC78-1024 (RR3 - Rural Residential 3) | Single family residential |
| West | LUC78-1024 (RR3 - Rural Residential 3) | Single family residential |

**Subject Property Map:** 1960 Paly Road




## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Compact Urban Form.**[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

### 5.2 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

**Council Policy No. 282.**[2] Includes the following statements:

- That a Land Use Contract be discharged for any contract where there has been a change in use or density from what it was originally intended by the Land Use Contract;
- That the City of Kelowna initiate proceedings to discharge the contacts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts;
- That priority be given to terminate Land Use Contracts having a significant financial impact or those Land Use Contract that enable development contrary to the fulfilment of community objectives.

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No objections

### 6.2 Development Engineering Department

See attachment

## 7.0 Application Chronology

| | |
|---|---|
| Date of Application Received: | July 25, 2016 |
| Date Public Consultation Completed: | August 16, 2016 |

**Report prepared by:**

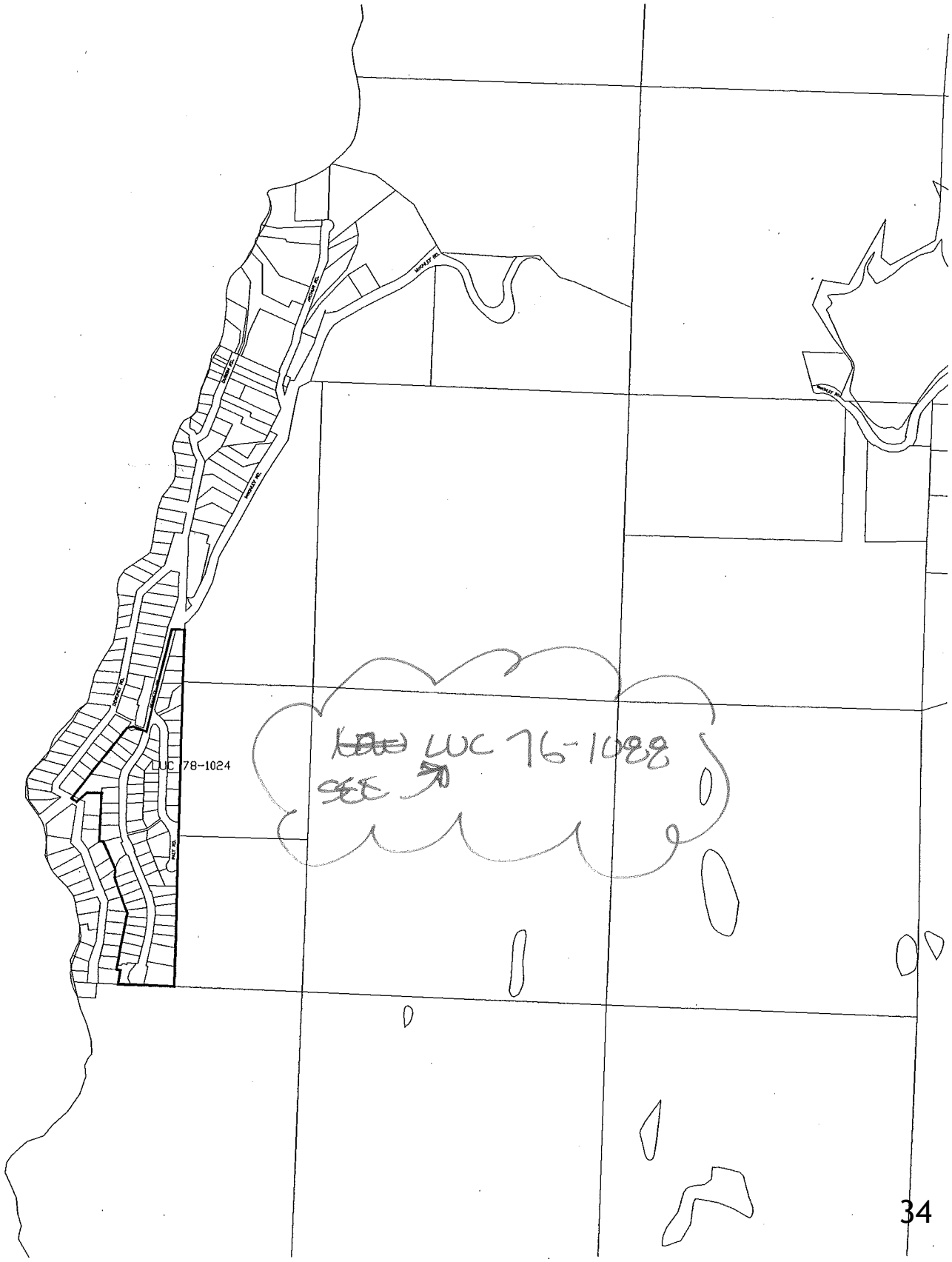
Jenna Ratzlaff, Planner

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

**Approved for Inclusion:** ☐ Ryan Smith, Community Planning Department Manager

**Attachments:**

Development Engineering Services Memo


LUC 78-1024
LUC 76-1088
SEE

BY-LAW NO. 4666

LAND USE CONTRACT NO. 78-1024

NAME: PRITCHARD HOLDINGS LTD.

LOCATION: BENNETT RD. (MCKINDLEY)

AMENDMENTS:

| BY-LAW/DP/DVP NO. | DATE | LEGAL | COMMENTS |
|---|---|---|---|
| ~~BY-LAW 5033-80~~ | ~~80.11.03~~ | ~~N½ of E½ of NW¼, Sec 17, Twp. 23~~ | |

SEE B/LAW 4194 (276-1088) FOR COMPLETE L.U.C.

Lot 4 31701 23-17

QUIT CLAIMS:

| BY-LAW NO. | DATE | LEGAL | COMMENTS |
|---|---|---|---|
| | | | |

COMMENTS

4666 AMENDED 4194.

CITY OF KELOWNA

BY-LAW NO. 4666-78

(Pritchard Holdings Ltd. Land Use Contract Modification Agreement Authorizing By-Law - LUC78-1024 - McKinley Landing)

WHEREAS Subsection (3) of Section 702A of the "Municipal Act", being Chapter 255 of the Revised Statutes of British Columbia, 1960, provides in part that the Council may, by by-law, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the "Municipal Act", enter into a land use contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and the development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Pritchard Holdings Ltd, of 1630 Ellis Street, Kelowna, B.C.;

THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Ltd., 1630 Ellis Street, Kelowna, B.C., in the form of Land Use Contract attached hereto and forming part of this by-law.

2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts, and other documents in connection with the attached Land Use Contract and affix the corporate Seal of the City of Kelowna to same.

Read a first time by the Municipal Council this 26th day of September, 1978.

Considered at Public Hearing on the 10th day of October, 1978.

Read a second time by the Municipal Council this 10th day of October, 1978.

Read a third time by the Municipal Council this 10th day of October, 1978.

Reconsidered, finally passed and adopted by the Municipal Council of the City of Kelowna this 19th day of December, 1978.

Mayor

D. A. Hoene
Deputy City Clerk

THIS AGREEMENT made the 23rd day of October , A.D., 1978.

BETWEEN:

CITY OF KELOWNA
a municipal corporation having its municipal offices at 1435 Water Street, in the City of Kelowna, Province of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LTD.
(Incorporation No. 125972)
a body corporate duly incorporated under the laws of the Province of British Columbia having its registered office at 1630 Ellis Street, in the City of Kelowna, Province of British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of an estate in fee simple of ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna, in the Province of British Columbia and being more particularly known and described as:

Firstly: Lot 7
Sections 17 and 20
Township 23
Osoyoos Division Yale District
Plan 17310

Secondly: Lots 2,4 and 6
Section 17
Township 23
Osoyoos Division Yale District
Plan 17310

(hereinafter called the "Land")

AND WHEREAS the Municipality and the Developer have entered into a land use contract respecting the Land which said Land Use Contract was registered in the Land Registry Office at the City of Kamloops, in the Province of British Columbia on the 17th day of May, A.D., 1977 under number M27805;

AND WHEREAS the Developer has applied to the Municipality for a modification of the Land Use Contract as hereinafter appearing;

AND WHEREAS the Municipality and the Developer mutually acknowledge and agree that the Council of the Municipality cannot enter into this Agreement for the modification of the said Land Use Contract until the Council has held a public hearing thereon in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing and unless a majority of all of the members of Council present at the meeting and entitled to vote on the authorizing by-law, vote in favour of the Municipality entering into this Agreement for the modification of the said Land Use Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth the Municipality and the Developer covenant and agree as follows:

1. The said Land Use Contract is amended and modified by deleting therefrom Schedule "C" thereof and by substituting therefor the Schedule attached hereto and marked Schedule "1" and forming a part hereof.

2. The Developer has obtained the consent of all persons holding any registered interest in the Land as set out in the Schedule of Consents set forth herein which consents are attached hereto.

3. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement and in the said Land Use Contract.

4. This Agreement shall have the force and effect of a restrictive covenant running with the Land and shall, when registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act, be construed as an amendment and modification to the Land Use Contract hereinbefore described.

5. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the parties so require.

6. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

A public hearing on this Agreement was held on the day of , A.D., 1978.

The terms of this Contract were approved by the Ministry of Highways and Public Works on the day of , A.D., 1978.

This Agreement was approved on the day of , A.D., 1978 by a majority vote of all the members of the Council present at the meeting at which the vote was taken and entitled to vote on the authorizing by-law.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE CITY OF KELOWNA was hereunto affixed in the presence of:

Mayor

Deputy Clerk

THE CORPORATE SEAL OF PRITCHARD HOLDINGS LTD. was hereunto affixed in the presence of its proper officers in that behalf:

PRESIDENT

PARKS

FORM NO. 208 ACKNOWLEDGMENT OF OFFICER OF A CORPORATION.

# Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the 30th day of November, 19 78 at Kelowna, in the Province of British Columbia, Dudley Acheson Pritchard (whose identity has been proved by the evidence on oath of , who is) personally known to me, appeared before me and acknowledged to me that he is the President of Pritchard Holdings Ltd., and that he is the person who subscribed his name to the annexed instrument as President of the said Pritchard Holdings Ltd. and affixed the seal of the Pritchard Holdings Ltd. to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Kelowna in the Province of British Columbia, this 30th day of November one thousand nine hundred and Seventy-eight

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

*E—WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAME, STRIKE OUT THE WORDS IN BRACKETS.

# CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of

510 Bernard Avenue, Kelowna, B.C. being

the holders of a charge by way of mortgage registered

in the Land Registry Office at Kamloops under

Number L31952 against all and singular that certain parcel of

tract of land and premises being in the City of Kelowna

in the Province of British Columbia and known and described as:

Firstly: Lots 2, 3, 4, 5, and 6,
Section 17
Township 23
Osoyoos Division Yale District
Plan 17310

Secondly: Lot 7
Section 17 and 20
Township 23
Osoyoos Division Yale District
Plan 17310

in consideration of the sum of One Dollar ($1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the Registered Owner of the said Lands and the City of Kelowna dated the

day of 197 , against the aforementioned

Lands in priority to the said charge in the same manner and to the same effect

as if it had been dated and registered prior to the said charges.

IN WITNESS WHEREOF The Royal Bank of Canada has caused these presents to be signed by its duly authorized attorneys in that behalf at Vancouver, B.C. this 23rd day of October, 1978.

APPROVED FOR SIGNATURE

SIGNED, SEALED AND DELIVERED
in the presence of:

DOREEN A. WYMAN
208-2275 OXFORD STREET
VANCOUVER, B.C.
SECRETARY

THE ROYAL BANK OF CANADA by its lawful attorneys:

# STATUTORY DECLARATION OF ATTORNEYS

We, Harvey Thomas Botham and Clive Roland Schindler

of the City of Vancouver in the Province of British Columbia,

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.

2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.

3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.

4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

AND WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

SEVERALLY DECLARED before me at the City of Vancouver, in the Province of British Columbia,

this 23rd day of October A.D. 19 78.

A Commissioner for taking affidavits within British Columbia

H. W. HENSON

# CONSENT

KNOW ALL MEN by these presents that:

WALLACE CORMACK BENNETT of

Post Office Box 169, Kelowna, British Columbia being

the holder of a charge by way of Mortgage registered in the Land Registry Office at Kamloops under Number K1578 against all and singular that certain parcel or tract of land and premises being in the City of Kelowna in the Province of British Columbia and known and described as:

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7)
Sections Seventeen (17) and Twenty (20),
Township Twenty-three (23)
Osoyoos Division Yale District
Plan Seventeen Thousand Three Hundred and Ten (17310)

in consideration of the sum of One Dollar ($1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said Lands and the City of Kelowna dated the 23rd day of October, 1978, against the aforementioned Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED )
in the presence of: )

Name

R. S. POWER
BARRISTER & SOLICITOR
Address 346 Lawrence Avenue
KELOWNA, B.C.

Occupation

Wallace Cormack Bennett

# CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT of

Post Office Box 169, Kelowna, British Columbia being

the holder of a charge by way of Mortgage registered in the Land Registry Office at Kamloops under Number K1578 against all and singular that certain parcel or tract of land and premises being in the City of Kelowna in the Province of British Columbia and known and described as:

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7)
Sections Seventeen (17) and Twenty (20)
Township Twenty-three (23)
Osoyoos Division Yale District
Plan Seventeen Thousand Three Hundred and Ten (17310)

in consideration of the sum of One Dollar ($1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said Lands and the City of Kelowna dated the 23rd day of October, 1978, against the aforementioned Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED )
in the presence of: )

Name

R. S. [illegible]
BARRISTER & SOLICITOR
346 Lawrence Avenue
KELOWNA, B.C.

Address

Occupation

Berenice Martha Bennett

HARK
Form 208

# Acknowledgment of Maker

I HEREBY CERTIFY that, on the 27th day of November, 19 78, at Kelowna, in the Province of British Columbia

WALLACE CORMACK BENNETT ~~oath of~~ ~~(whose identity has been proved by the evidence on oath of~~ ), who is personally known to me, appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as party thereof, and that he has executed the same voluntarily, and that he knows the contents is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at Kelowna in the Province of British Columbia, this 27th day of November 1978.

~~A Notary Public in and for the Province of British Columbia.~~
A Commissioner for taking Affidavits for British Columbia.
ROBERT STUART PORTER

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

CONSENT

KNOW ALL MEN by these presents that:

JEAN ELIZABETH MORRIS of P.O. 162 KELOWNA B.C. being the holder of a charge by way of MORTGAGE registered in the Land Registry Office at Kamloops B.C. under Number K1578 against all and singular that certain parcel or tract of land and premises being in the CITY of KELOWNA B.C. in the Province of British Columbia and known and described as:

LOTS - 2, 3, 4, 5, 6, 7.
SECTION - 17 AND 20.
TOWNSHIP - 23.
OSOYOOS DIVISION YALE DISTRICT.
PLAN - 17310.

in consideration of the sum of One Dollar ($1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said Lands and the CITY of KELOWNA B.C. dated the 23 day of OCT. 1978, against the aforementioned Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Wayne Mullins
200 - 4545 KINGSWAY
BURNABY, B.C.
SOLICITOR

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

MAKER
no 208

# Acknowledgment of Maker

I HEREBY CERTIFY that, on the 28th day of NOVEMBER, 19 78, at ~~Kelowna~~ BURNABY, in the Province of British Columbia

JEAN ELIZABETH MORRIS

~~oath of~~ ~~(whose identity has been proved by the evidence~~ on before me and acknowledged to me that she is the person ), who is personally known to me, appeared mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as party that she knows the contents thereof, and that she has executed the same voluntarily, and is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at ~~Kelowna~~ BURNABY in the Province of British Columbia, this 28th day of NOVEMBER 1978.

Wayne Mullins

~~A Notary~~ Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

This is Schedule "I" to a Land Use Contract Modification Agreement between City of Kelowna and Pritchard Holdings Ltd., dated the day of , A.D., 1978.

SCHEDULE "I"

CONSTRUCTION REQUIREMENTS

The quality of material and workmanship provided for all utilities and services shall be equivalent to City of Kelowna Standards and as approved by the City Engineer.

Construction requirements shall include:

BENNETT ROAD - from McKinley Road south, to the southerly boundary of the development and more particularly:

(a) Reconstruct the Bennett Road-McKinley Road intersection.

(b) Curb and gutter on both sides. (See note on page 3 hereof).

(c) Twenty-eight foot (28') width hot mix asphaltic concrete. (See note below).

(d) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island at the south end.

(e) Rough grade the boulevard.

(f) Approved drainage facilities.

(g) Fire protection (hydrants).

(h) Underground wiring (power and communication).

(i) Street lighting at the corner of Bennett Road and McKinley Landing Road, at the north corner of Lot 27, at the north corner of Lot 12, and at the end of the cul-de-sac on Bennett Road.

(j) Traffic control and street name signs.

NOTE: Bennett Road from McKinley Road, south to the intersection of Lot 5 and Bennett Road and more particularly:

eighteen foot (18') width of hot mix asphaltic concrete

The above eighteen foot (18') construction must be completed prior to November 15, 1978, ~~and~~ be bonded in the form of a Letter of Credit in the amount of Thirty-One Thousand Two Hundred and Fifty Dollars ($31,250.00) before final reading of the By-Law.

PALY ROAD - from Bennett Road in a southerly direction to the cul-de-sac and more particularly:

(a) Curb and gutter on both sides.

(b) Twenty-five foot (25') width hot mix asphaltic concrete.

(c) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island centered on the bulb.

(d) Rough grade the boulevard areas.

(e) Approved drainage facilities.

(f) Domestic water system.

(g) Fire protection (hydrants).

(h) Underground wiring (power and communication).

(i) Street lighting at the end of the cul-de-sac on Paly Road.

(j) Traffic control and street name signs.

PRIVATE ACCESS ROAD - from the south end of Paly Road south for a distance of 600' ±.

A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.

B) Approved drainage facilities.

C) Traffic control signs.

PRIVATE ACCESS ROAD - serving the southerly lots on the east side of Bennett Road.

A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.

B) Approved drainage facilities.

C) Traffic control sign.

PRIVATE ACCESS ROAD - serving the northerly lots on the east side of Paly Road.

A) Twelve foot (12') hot mix asphaltic concrete centered on a sixteen foot (16') surface.

B) Approved drainage facilities.

C) Traffic control sign.

WALKWAY - at the southerly end of Paly Road west to Bennett Road.

(a) Construct and pave a ten foot (10') width.

(b) Traffic control sign "Walkway".

LOTS 3 AND 5, PLAN 17310 AS SHOWN ON SCHEDULE "A"

That Lots 3 and 5, Plan 17310, remain as private roads (with right of access for all abutting property owners), and that the road surfaces be paved to appropriate standards, as approved by the Director of Engineering, for this type of road.

CURB AND GUTTER ON BOTH SIDES OF BENNETT ROAD

The provision of curb and gutter on both sides of Bennett Road from the north property line of proposed Lot 1, south, to the termination point of Bennett Road will be accomplished by the Developer ~~petitioning the City for a Local Improvement By-Law. The~~ Developer covenants and agrees to petition the City pursuant ~~to Part~~ XVI of the Municipal Act to have the works done by ~~Local Improvement~~ and such petition shall be sufficient pursuant ~~to Section~~ 592 of the Municipal Act and shall be delivered to the Clerk of ~~the Municipality prior to the final adoption of this By-Law.~~ petitioning the City for a Local Improvement By-Law for the portion of the said works fronting the land and by paying for the construction of the curb and gutter on the west side of Bennett Road from the north property line of the proposed Lot 1 on the west side of Bennett Road north to a point opposite the north boundary of Lot 7, Plan 17310 within sixty (60) days of completion of work by the City.

Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon, and thereafter the use and development of the land shall, notwithstanding any by-law of the municipality, or Section 712 or 713 of the said Act, be in accordance with the Land Use Contract;

AND WHEREAS the Municipal Council of the City of Kelowna is desirous of entering into a Land Use Contract with Pritchard Holdings Limited, 1630 Ellis Street, Kelowna, B.C.

THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Limited, 1630 Ellis Street, Kelowna, B.C. in the form of Land Use Contract attached hereto and forming part of this By-Law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts and other documents in connection with the attached Land Use Contract and affix the corporate seal of the City of Kelowna to same.
3. This by-law may be cited for all purposes as the "Pritchard Holdings Limited Land Use Contract Authorization By-Law, 1976, No. 4194."

Read a first time by the Municipal Council this 21st day of December, 1976.

Considered at a public hearing on January 18, 1977.

Read a second time by the Municipal Council this 1st day of February, 1977.

Read a third time by the Municipal Council this 1st day of February, 1977.

Reconsidered /

Acting Mayor

City Clerk

(LUC-76-1088)

of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LIMITED
(Incorporation No. 125972) a
company duly incorporated under
the laws of the Province of
British Columbia, having its
office at 1630 Ellis Street,
Kelowna, British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS as a result of the mass rezoning carried out in the City of Kelowna following the boundary extensions to the City of Kelowna the Land was zoned Rural Residential RR-1 Zone but the Council agreed to consider a Land Use Contract to permit the development of the property into a maximum of seventy (70) lots despite the provisions of the zone and so as to preserve the value of the property and to avoid imposing a hardship upon the Developer;

AND WHEREAS it is acknowledged that this Land Use Contract was agreed upon only because of the extraordinary situation arising out of the mass rezoning that Council of the Municipality deemed to injuriously affect the Developer unless this Contract was entered into;

AND WHEREAS Pritchard Holdings Limited is the registered owner in fee of an undivided interest in and to the Land and whose interest is subject to a mortgage in favour of Berenice Martha Bennett, Jean Elizabeth Morris and Wallace Cormack Bennet registered under number K1578 and a mortgage in favour of The Royal Bank of Canada registered under number K1579.

AND WHEREAS the Land has been designated a development area pursuant to Section 702A(2) of the Municipal Act;

AND WHEREAS the Municipal Act requires that the Municipal Council consider the criteria set out in Section 702(2) and 702A(1) in arriving at the terms, conditions and consideration contained in a Land Use Contract;

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises that would be in contravention of the new zoning of the Municipality and has requested that the Council of the Municipality enter into this Contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Council of the Municipality, having given due consideration to the criteria set forth in Sections 702(2) and 702A(1) of the Municipal Act, have agreed to the terms, conditions and considerations herein contained;

AND WHEREAS the Land is within an area of the Municipality designated as the development area pursuant to Section 702A of the Municipal Act;

AND WHEREAS if the Land is within a radius of one-half mile of the intersection of a controlled access highway and another highway, the approval of the Minister of Highways to the terms hereof must be obtained;

AND WHEREAS the Municipality and the Developer both acknowledge that the Council of the Municipality could not enter into this Agreement, until the Council held a public hearing in relation to this Agreement, and considered any opinions expressed at such hearing, and unless two-thirds of all of the members of the Council voted in favour of the Municipality entering into this Contract;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

ner

1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Kelowna in the Province of British Columbia, and being more particularly known and described as:

registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

Development

3. The Land may be subdivided into a maximum of seventy (70) lots generally as shown on Schedules "A" and "B" annexed hereto, provided each lot and the entire subdivision meet all of the requirements of the Medical Health Officer and all by-laws and policies of the Municipality in effect as at the date of application for preliminary approval of such subdivision except as herein specifically provided. Should the Developer wish to develop the property by phases he shall first file with the Municipality a plan of the entire development and providing such entire development is given preliminary approval by the Municipality he may develop the proposed subdivision by phases provided each phase is in compliance with the approved plans of the entire proposed development and each phase meets the requirements of all the by-laws and policies of the Municipality except as herein specifically provided and all other lawful requirements.

Compliance

4. It is understood and agreed that any development of the Land done by the Developer shall be subject to and in compliance with the by-laws and regulations of the Municipality in effect as at the date of application for preliminary approval of any subdivision of the Land and that the only exception granted to any by-laws or policies of the Municipality by this Contract is the development of the Land into a maximum of seventy (70) lots as permitted in the immediately preceding section.

Construction

5. The Land shall be developed strictly in accordance with the construction requirements annexed hereto as Schedule "C".

Representation

6. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those in this Contract.

Registration

7. This Agreement shall be construed as running with the Land and shall be registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act.

DEDICATION

7A. ~~The Developer shall dedicate as highway Lots 3 and 5, Plan 17310~~ as shown on Schedule "A". The roadways constructed upon the lots shall be upgraded at the expense of the Developer to the standards set out in Schedule "C" hereto. Following dedication and construction to the standards set out in Schedule "C" these roadways will be maintained by the Municipality but only to that standard as is required for roads of a similar nature ~~constructed out of general revenue funds.~~

PROSPECTUS

7B. The Developer shall insert in large bold type in the prospectus for the Land required by the Real Estate Act of the Province of British Columbia, the following statement, "Prospective purchasers of the lots in this subdivision are cautioned that this development is located in a rural area of the City of Kelowna, and that normal urban services, including but not restricted to sanitary sewage collection and treatment, public transportation, recreational services, upgrading of arterial roads, snow removal and street cleaning, cannot be expected."

Suite Allowed



Interpretation

8. Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

Uses

9. For the purpose of determining the use of land, including the surface of water, buildings and structures within the Land and the regulation of the size, shape and siting of buildings and structures and the provision of off-street parking and other zoning regulations the Land shall be deemed to be zoned R-1 - Single Family Residential as described in the new City of Kelowna Zoning By-law, a copy of which regulations are annexed hereto as Schedule "D" and the Land shall be used and developed strictly in compliance with such regulations.

Incorporation

10. Schedule "D" hereinbefore referred to is hereby incorporated into and made a part of this Agreement.

Legal Fees

11. The Developer agrees to pay all of the legal costs incurred by the Municipality in the preparation of this Contract.

Binding

12. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

A public hearing on this Contract was held on the day of , 1976.

THIS AGREEMENT WAS APPROVED by the affirmative vote of at least two-thirds of all the members of the Council of the Municipality present at the meeting on the day of , 1976.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

THE CORPORATE SEAL OF THE CITY OF KELOWNA was hereunto affixed in the presence of: )

_____
Mayor

_____
Clerk

THE CORPORATE SEAL OF PRITCHARD HOLDINGS LIMITED was hereunto affixed in the presence of its proper officers ~~in that behalf~~: )

_____

_____

LAND USE CONTRACT

Schedule of Persons Having a Registered Interest in the Land Whose Consents are Required.

| Full Name | Address | Occupation | Nature of Charge |
|---|---|---|---|
| Berenice Martha Benett )<br>Jean Elizabeth Morris )<br>Wallace Cormack Bennett ) | | | Mortgage |
| The Royal Bank of Canada | | | Mortgage |

CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of

being

the holder of a charge by way of mortgage registered in the Land Registry Office at Kamloops under Number K1579 against all and singular that certain parcel or tract of land and premises being in the City of Kelowna in the Province of British Columbia and known and described as:

Lots 2,3,4,5,6 and 7
Sections 17 and 20
Township 23
Osoyoos Division
Yale District
Plan 17310

in consideration of the sum of One Dollar ($1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said Lands and the City of Kelowna dated the day of March, 1976, against the aforementioned Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

~~THE CORPORATE SEAL OF THE~~ )
ROYAL BANK OF CANADA was )
hereunto affixed in the )
presence of its proper )
officers in that behalf: )
)
)
)
)
)
)

IN WITNESS WHEREOF THE ROYAL BANK OF CANADA has caused these presents to be signed by its duly authorized attorneys in that behalf at Vancouver, British Columbia, this .....

8th day of March 19 77

SIGNED, SEALED AND DELIVERED
in the presence of:

V. E. Carter

(Witness as to both signatures)

THE ROYAL BANK OF CANADA
by its lawful attorneys:

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS, WALLACE CORMACK BENNETT of c/o R.R.1, KELOWNA, BRITISH COLUMBIA being the holder of a charge by way of mortgage registered in the Land Registry Office at Kamloops under Number K1578 against all and singular that certain parcel or tract of land and premises being in the City of Kelowna in the Province of British Columbia and known and described as:

Lots 2,3,4,5,6 and 7
Sections 17 and 20
Township 23
Osoyoos Division
Yale District
Plan 17310

in consideration of the sum of One Dollar ($1.00) hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said Lands and the City of Kelowna dated the day of March, 1976, against the aforementioned Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charges.

SIGNED, SEALED AND DELIVERED)
in the presence of:

Name: [illegible]

Address: 346 Lawrence Avenue, Kelowna, B.C.

Occupation: Solicitor
(as to all three signatures)

B.M. Bennett
BERENICE MARTHA BENNETT

Jean E. Morris
JEAN ELIZABETH MORRIS

W.C. Bennett
WALLACE CORMACK BENNETT

Form No. 208 — Acknowledgment of Maker

PARK STATIONERS AND PRINTERS LTD.

# Acknowledgment of Maker

I HEREBY CERTIFY that, on the 13th day of April, 19 77, at the City of Kelowna in the Province of British Columbia BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS and WALLACE CORMACK BENNETT~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ (whose identity has been proved by the evidence on oath of the aforesaid parties), who is/~~are~~ personally known to me, appeared before me and acknowledged to me that they/~~are~~ the person~~s~~ mentioned in the annexed instrument as the maker~~s~~ thereof, and whose name~~s are~~ subscribed thereto as part~~ies~~ that they/~~are~~ know the contents thereof, and that they executed the same voluntarily, and they/~~are~~ of the full age of nineteen years. years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at the City of Kelowna, in the Province of British Columbia, this day of April, in the year of our Lord one thousand nine hundred and seventy-seven.

Robert Stuart Porter~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

~~A Notary Public in and for the Province of British Columbia.~~
A Commissioner for taking affidavits within British Columbia.

NOTE.—Where the person making the acknowledgement is personally known to the officer taking the same, strike out the words in brackets.

LAND USE CONTRACT between
The Royal Bank of Canada and
Pritchard Holdings Limited

# STATUTORY DECLARATION OF ATTORNEYS

We, Thomas Bernard Smith and Joseph Rene Denis Fontaine

of the City of Vancouver in the Province of British Columbia,

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.

2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.

3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.

4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

AND WE make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the "Canada Evidence Act".

SEVERALLY DECLARED before me at the City of Vancouver, in the Province of British Columbia,

this 8th day of March A.D. 19 77.

A Commissioner for taking affidavits within British Columbia

APPEAL NO.: 44

PUBLIC HEARING TO BY-LAW 4500: January 14, 1976

LEGAL: Lots 2, 3, 4, 5,6 & 7, Sec. 17, Tp. 23 O.D.Y.D. Plan 17310

APPLICANT: Lupton Agencies
(Pritchard Holdings Limited)

LOCATION: McKinley Landing

Appeal # 44

Lupton Agencies - Pritchard Holdings Ltd.

Draft Land Use Contract drawn up by J. Galt Wilson.

To date - no separate L.U.C. file started.

Add schedule of Construction requirements off site

PHONE (604) 763-4108
Appeal # 47
Suite 1, 246 Lawrence Avenue
Kelowna, B.C. V1Y 6L3

In Account With

# J. GALT WILSON

Barrister & Solicitor

April 5, 1976

| | FEES | DISBURSEMENTS |
|---|---|---|
| City of Kelowna<br>City Hall<br>1435 Water Street<br>Kelowna, B.C. | | |
| 0114 - City of Kelowna - Land Use Contracts | | |
| TO ALL PROFESSIONAL SERVICES RENDERED, to date, including: | | |
| to check searches, Skogland, Pritchard Holdings, Blackmore & McConachie, Lombardy Developments, Vintage Management | | |
| to work on Contracts | | |
| to telephone call from Lupton Agencies | | |
| to work on Skoglund Contract | | |
| to work on Lombardy Developments Contract, etc. | | |
| to search re R & E and Wrexham Holdings | | |
| to drafting of Contracts | | |
| to work on R & E Enterprises Contract | | |
| to work on Clairex Holdings and Wrexham Holdings Contracts | | |
| TO OUR FEES HEREIN | $704.00 | |
| Disbursements: | | |
| to payment of 12 searches to Chertkow, Thomas et al | | $132.00 |
| to photocopying | | 25.60 |
| TO OUR ACCOUNT | $861.60 | |

RECEIVED
APR 21 1976
CITY OF KELOWNA
PLANNING DEPT.

Approved - Apr. 26/76
CP 3-76

E. & O. E.

March 30, 1976.

Lupton Agencies Limited,
6 Shops Capri,
Kelowna, B.C.

Attention: Mr.D.G. McConachie, Pres.

Dear Sirs:

Re: Appeal #44 - Pritchard Holdings Ltd., Lots 2,3,4,5,6 & 7, Plan 17310

With regard to your appeal concerning the above noted property, please be advised that a land use contract, together with a number of other land use contracts recommended by Council in the appeal procedure, will be prepared immediately following the adoption of the new City of Kelowna Zoning By-law. This By-law has been prepared by this department and will be presented to Council within the next seven days.

The adoption procedure for the new Zoning By-law is expected to take from 30 to 60 days. Please note that this By-law is a necessary legal prerequisite to the adoption of any of the land use contracts considered under the appeal procedure due to the fact that the declaration of a development area must precede a land use contract in accordance with Section 702A of the Municipal Act.

Yours truly,

J. Stendebach,
City Planner.

JS:el

Appeal #4

**LUPTON AGENCIES LTD.**

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

March 25, 1976

RECEIVED
MAR 26 1976
CITY OF KELOWNA
PLANNING DEPT.

City Planner
City of Kelowna
1435 Water Street
Kelowna, B.C.

Dear Sir:

Land Use Contract
City of Kelowna and Pritchard Holdings Ltd.

On behalf of our above-noted client, we have reviewed the drafted Land Use Contract provided us by your office. We would suggest the following changes:

1. Removal of the following clause from the preamble to the contract on Page 2:-

   "And whereas, if the land is within a radius of 1/2 mile of the intersection of a Controlled Access Highway and another highway, the approval of the Minister of Highways to the terms thereof must be obtained;"

   As the lands contained in this contract are not within a 1/2-mile radius of a Controlled Access Highway, the approval of the Minister of Highways is not required, and we believe to leave this section in the Land Use Contract may cause some problems at the time of public hearing and/or processing through the Clerk's Department. Should you not agree to the removal of this section, kindly ensure that the City Clerk is advised that the Minister of Highways does not have to approve of this Land Use Contract.

2. Removal of "Lots 3 and 5" from the legal description contained in Paragraph 1, on Pages 2 and 3 referred to therein as the "Land".

   Neither of these two lots are included within the red outline on the subdivision plans creating the proposed development. It is suggested that prints of the two relevant subdivision plans be annexed to the contract as Schedule "A".

3. Substitution of the following paragraph in place of Paragraph 3 of Page 3:-

   "The Land may be subdivided strictly in accordance with the plans annexed hereto as Schedule "A" provided each lot and the entire subdivision meet all of the requirements of the Medical Health Officer and all by-laws and policies of the Municipality in effect as at the date of approval of the subdivision except as herein specifically provided."

In addition to the foregoing changes, we would appreciate the opportunity of reviewing the proposed R-1 (Single-Family Residential) zone which as mentioned in Paragraph 4, Page 3, is to become Schedule "B" of the Contract.

Your continued assistance in ensuring the earliest possible completion and registration of this Land Use Contract would be appreciated, and in this regard, we would appreciate receiving from you some estimate as to the time requirements to achieve registration from this date.

Yours truly,

D. G. McConachie, R.I. (B.C.)
President
LUPTON AGENCIES LTD.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

CITY OF KELOWNA

March 12, 1976.

CP3-76

Mr. J.T.F. Horn,
City Solicitor,
Weddell, Horn, Jabour & Pearce,
Barristers & Solicitors,
1460 Pandosy St.,
Kelowna, B.C.

Dear Sir:

Re: Items forwarded to J. Galt Wilson within the last 30 days

Please be advised that the following five Land Use Contracts were originally forwarded to J. Galt Wilson through the City Solicitor, J.T.F. Horn as per instructions to the City Planner from the City Administrator dated February 7, 1976, a copy of which is attached.

1. Timberline Development re Lombardy Developments Ltd.
2. McKinley Landing Development of Pritchard Holdings Ltd.
3. Fairfield Park Property being a development by Skoglund Holdings Ltd.
4. Fairfield Park Property being developed by B.&M. Holdings.
5. Fairfield Park Property being developed by Vintage Management Ltd.

In addition to these five items, the Zoning By-law and two Land Use Contracts which you are already aware of were forwarded to J. Galt Wilson on instructions of the City Administrator.

These are the only items which the Planning Department has forwarded to J. Galt Wilson and it is my understanding that all items from March 8th forward will be directed to yourself as City Solicitor.

If you have any further questions regarding these matters, please feel free to contact me.

Yours truly,

Original Signed by
J. STENDEBACH

J. Stendebach,
City Planner.

JS:el

DAY FILE 69

PHONE (604) 763-4108
Res. (604) 762-7543

J. GALT WILSON
Barrister & Solicitor

Suite 1, 246 Lawrence Avenue
Kelowna, B.C. V1Y 6L3

Your File No.:

Our File No.: 0114

March 9, 1976

RECEIVED
MAR 11 1976
CITY OF KELOWNA
PLANNING DEPT.

City of Kelowna
City Hall
1435 Water Street
Kelowna, B.C.

Attention: J. Stendebach

Dear Sirs:

Re: Land Use Contracts - Skoglund Enterprises Ltd. Pritchard Holdings Limited, Donald McConachie and John Blackmore, Vintage Management Ltd., Lombardy Developments Ltd.

Please find enclosed proposed Land Use Contracts for your approval.

If the contracts meet with your approval please pass them on to the Developers for their approval and signatures.

Yours truly,

J. GALT WILSON

JGW:eal
Encls.

These should be passed on to Planning Department

CITY OF KELOWNA

# MEMORANDUM

February 11th, 1976.

RECEIVED
FEB 12 1976
CITY OF KELOWNA
PLANNING DEPT.

**TO:** City Planner.

**FROM:** City Administrator.

**SUBJECT:** VARIOUS MATTERS OF CORRESPONDENCE ARISING FROM THE ZONING BOARD OF APPEAL MEETINGS.

I am referring the following planning matters to you from Lupton Agencies Ltd. addressed to myself with instructions that they be processed through City Solicitor J.T.F. Horn to J. Galt Wilson for the purpose of drawing the respective Land Use Contracts in connection with the various development proposals:

1. Letter dated January 20th, 1976 in connection with "Timberline Development" re Lombardy Developments Ltd.

#44

2. Letter dated January 21st, 1976 in connection with the "McKinley Landing Development" of Pritchard Holdings Ltd.

3. Letter dated January 22nd, 1976 in connection with "Fairfield Park Property" being a development by Skoglund Holdings Ltd.

4. Letter dated January 22nd, 1976 in connection with a development by B. & M. Holdings under the title of "Fairfield Park Property".

5. Letter dated January 22nd, 1976 in connection with a development by Vintage Management Ltd. under the title of "Fairfield Park Property".

When you refer these matters to Galt Wilson through the City Solicitor I would request that a meeting be held with yourself, Mr. Don McConachie and Galt Wilson in the first instance in order to discuss the ramifications of the terms and conditions of each specific Land Use Contract.

By way of a copy of this memorandum I am advising Don McConachie of Lupton Agencies Ltd. of this course of action in order that he will be aware of the fact that he will be given an opportunity to be involved in the details of the subject documents at the outset.

D.B. Herbert

D.B. Herbert,
City Administrator.

DBH/rc
Encl.

c.c. Mr. D.G. McConachie,
Lupton Agencies Ltd.,
6 Shops Capri,
Kelowna, B.C.
V1Y 3H4

LUPTON AGENCIES LTD.

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3R4 / 604/762-4400

RECEIVED
FEB 12 1976
CITY OF KELOWNA
PLANNING DEPT.

OFFICE OF THE CITY CLERK
FEB 11 1976
CITY OF KELOWNA

February 10, 1976

City of Kelowna
1435 Water Street
Kelowna, B.C.

Attn: City Clerk

Dear Sir:

Pritchard Holdings Ltd. versus City of Kelowna
Application to Quash Blanket Rezoning By-Laws
Your File CC2-76

I enclose herein a photostatic copy of letter of January 22, 1976 from City Planner to Weddell & Company, Solicitors for the City of Kelowna relative to the above caption.

I am pleased to advise that as a result of the intentions of the City of Kelowna to allow the development as proposed, our clients, for the time being, have withdrawn their action against the City of Kelowna.

I trust that the required Land Use Contract and other approvals may be obtained at the earliest possible date, due to the considerable financial strain presently being placed upon our client, and our sincere desire to complete the project in a manner acceptable to our client and the City of Kelowna.

Yours truly,

D. G. McConachie, R.I. (B.C.)
President

LUPTON AGENCIES LTD.

Agents for Pritchard Holdings Ltd.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

# CITY OF KELOWNA

763-6011 CITY HALL, 1435 WATER ST., KELOWNA, B.C.

January 22nd, 1976.

Weddell & Co.,
Barristers & Solicitors,
#103 - 1460 Pandosy Street,
KELOWNA, B.C.

Attention: Mr. J.T.E. Horn, City Solicitor

Dear Sir:

Re: Pritchard Holdings Ltd.,
Applications to quash Blanket Rezoning By-Laws.
File CC1-76.

Please be advised that the Zoning Board of Appeal dealt with the appeal of Pritchard Holdings Ltd. on Lots 2,3,4,5,6, Plan 17310, ODYD, and Lot 7, Plan 17310 on January 14th, 1976, and the following resolution was passed:

> "THAT a by-law be prepared to rezone the properties to proposed Rural Residential RR-1 zone;
>
> AND THAT a Land Use Contract be negotiated to permit development of the property and establish a maximum of seventy (70) lots."

It should be noted that the Rural Residential RR-1 zone allows one-half acre minimum parcel size. It should be further noted that the seventy residential lots exceeds the half-acre parcel size and in fact, allows the plan as proposed by the developer. I would suggest that Council's recommendations regarding the appeal against the Blanket Rezoning by Pritchard Holdings Ltd. would negate any adverse effects on Pritchard Holdings Ltd. arising from the passage of the Blanket Rezoning By-Laws.

Yours very truly,

J.M. Stendebach,
City Planner.

JMS:st.

LUPTON
AGENCIES
LTD.

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

January 21, 1976

City of Kelowna
1435 Water Street
Kelowna, B.C.

Attn: D. B. Herbert, Administrator

Dear Sir:

Zoning Board of Appeal
"McKinley Landing Development"
Pritchard Holdings Ltd.
Land Use Contract
Lots 2, 3, 4, 5, 6 and 7, Plan 17310, O.D.Y.D.

With reference to our telephone conversation January 19, 1976, and further to the Zoning Board of Appeal meeting of January 14, 1976, it would be appreciated if you would ensure the immediate preparation of a Land Use Contract as agreed in principle by Council on January 14, 1976. In this regard, you may recall that Council agreed to a simple Land Use Contract, allowing development in conformity with the proposed "RR-1 (Rural Residential) Zone", with the exception that the Land Use Contract would allow for a density of up to 70 lots, providing the developer can meet all other legal requirements of the City of Kelowna.

Prior to a detailed Land Use Contract being prepared, we'd appreciate the opportunity of meeting with you to discuss any matters that may need to be resolved between the City and our clients. As was made aware to Council at the January 14th meeting,

interest and carrying costs on this particular development exceed $1,000 per week, and as we have been waiting for a response from the Approving Officer since October 22, 1974, your earliest attention to this matter would be appreciated.

Yours truly,

D. G. McConachie, R.I. (B.C.)
President

LUPTON AGENCIES LTD.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

# CITY OF KELOWNA

762-2212 CITY HALL, 1435 WATER ST., KELOWNA, B.C.

December 15th, 1975.

Lupton Agencies Limited,
6 Shops Capri,
KELOWNA, B.C.

Atten: Mr. D.G. McConachie, Pres.

Dear Sir:

Re: Zoning Board of Appeal,
Pritchard Holdings Ltd.,
Lots 2,3,4,5,6,7, Plan 17310.

This is to advise that your appeal against the City of Kelowna's blanket rezoning as it affects the above property, will be heard by the Zoning Board of Appeal at its Hearing on January 8th, 1976, at 3 p.m. in the Council Chambers, 1354 Water Street, Kelowna, B.C.

Yours very truly,

D. A. Heene.

D.A. Heene (Mrs.)
Deputy City Clerk.

DAH:st

c.c. City Planner

LUPTON AGENCIES LTD.

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

44 ? 39

September 12, 1975

McKinley landing ?
outside of Urban defined area but may be logical infilling
site inspect

His Worship the Mayor
and Council
City of Kelowna
1435 Water Street
Kelowna, B.C.

Your Worship and Council:

Proposed By-Law No. 3928

opposed

Further to our letters of August 7th and 26th, 1975 submitted on behalf of our client, Pritchard Holdings Limited, we outline below, for members of Council, a brief history of the time delays encountered to date in obtaining approval for this development.

October 22, 1974 - Application was made to the Approving Officer for Preliminary Layout Approval. No correspondence has as yet been received.

In view of the delays encountered to date, we would again request that these lands legally described below be excluded from the proposed rezoning:

- Lots 2, 3, 4, 5 and 6, Section 17, Township 23, O.D.Y.D., Plan 17310; and

- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

OFFICE OF THE CITY CLERK
SEP 15 1975
CITY OF KELOWNA

As previously mentioned, we would have no objection to these lands being rezoned "Residential-1" which would permit continuing development of residential lots in this existing residential development area.

Yours very truly,

LUPTON AGENCIES LTD.

for D. G. McConachie
President

Agents for Pritchard Holdings Ltd.

DGMC:kpr

LUPTON AGENCIES LTD.

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

August 7, 1975

No

His Worship
Mayor and Aldermen
City of Kelowna
1435 Water Street
Kelowna, B. C.

Your Worship and Council:

Proposed Bylaw No. 3938

On behalf of our clients, Pritchard Holdings Ltd., please accept this letter as an objection to the above noted Bylaw as it will effect the following properties in our "McKinley Landing" development as shown on the enclosed map:

- Lots 2, 3, 4, 5, and 6, Section 17, Township 23, O.D.Y.D., Plan 17310

- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

We would request that the above noted legal descriptions not be included in your rezoning as to do so will further delay the development of residential lots in a continuing development.

As you are no doubt aware, these lands were purchased for residential development and we are concerned that the rezoning of this property to City of Kelowna "R" Rural zoning as proposed, will further delay the development of additional stages, which at this time, are in process with your approving authorities. We would have no objection to these lands being rezoned "Residential-1" which would permit continuing development of residential lots in this existing residential development.

Yours truly,

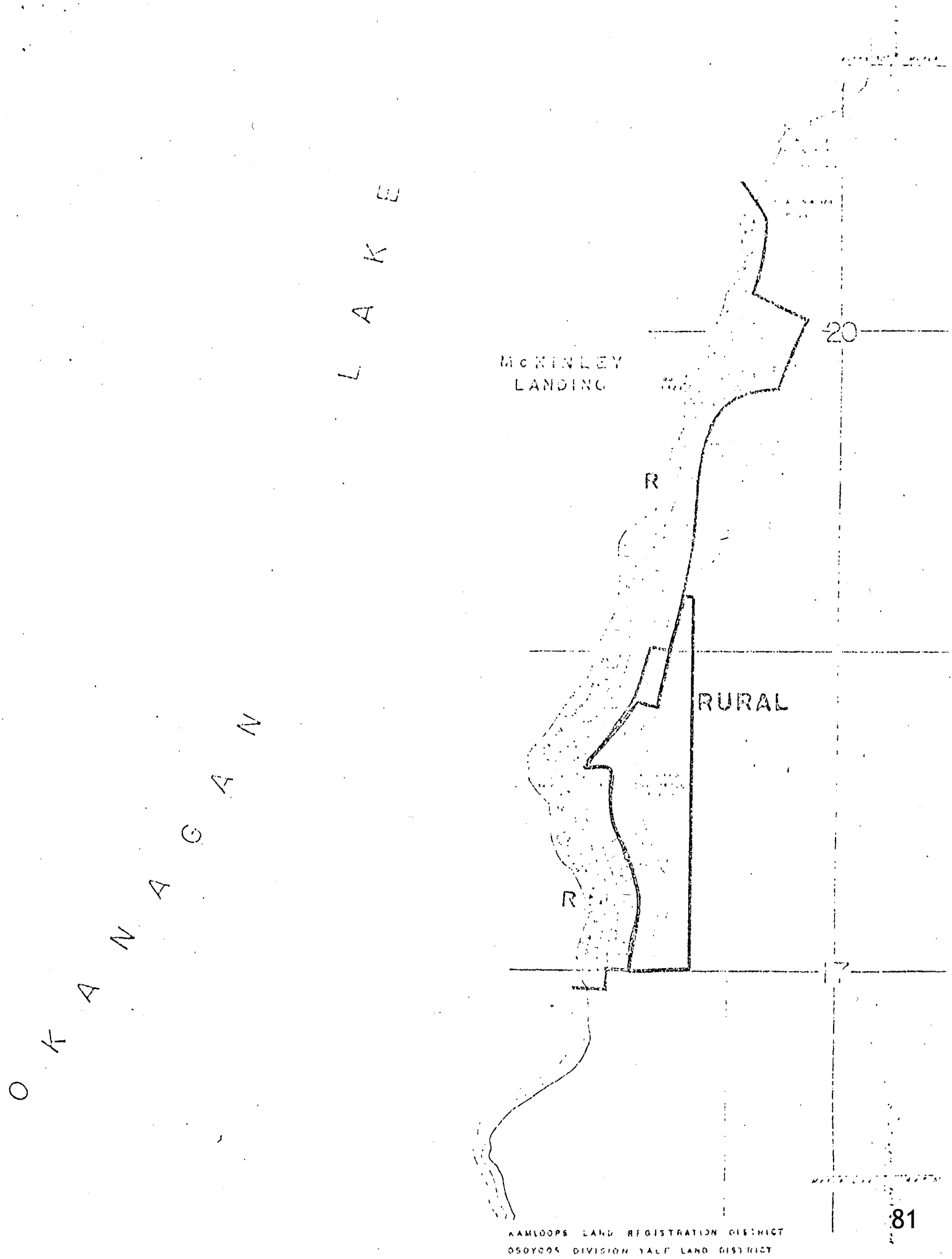
D. G. McConachie
President

LUPTON AGENCIES LTD.

Agents for Pritchard Holdings Ltd.

DGMC:cmp

CC: Pritchard Holdings Ltd.


OKANAGAN LAKE
McKINLEY LANDING
20
R
RURAL
R
17
KAMLOOPS LAND REGISTRATION DISTRICT
OSOYOOS DIVISION YALE LAND DISTRICT

LUPTON
AGENCIES
LTD.

6 Shops Capri / Kelowna / British Columbia / Canada / V1Y 3H4 / (604) 762-4400

August 26, 1975

His Worship
Mayor and Aldermen
City of Kelowna
1435 Water Street
Kelowna, B.C.

Your Worship and Council:

Proposed Bylaw No. 3938

Further to our letter of August 7, 1975 submitted on behalf of our client, Pritchard Holdings Ltd., you will recall the original Public Hearing of that date was adjourned to this evening in order that Council may consider the comments made by those in attendance and those submitting letters in response to the proposed Bylaw.

In this regard, we would appreciate being advised as to Council's decision regarding our specific request to have the following lands zoned to "Residential-1" rather than the proposed "R" Rural zoning. For your information, the legal descriptions of the properties involved in this request were as follows:

- Lots 2, 3, 4, 5 and 6, Section 17, Township 23, O.D.Y.D., Plan 17310;

- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

We trust Council's decision with regard to this specific request can be made public to us prior to the close of this Public Hearing.

Yours truly,

D. G. McConachie
President

LUPTON AGENCIES LTD.

Agents for: Pritchard Holdings Ltd.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

## CITY OF KELOWNA

# MEMORANDUM

**Date:** August 9, 2016
**File No.:** LUC16-0003

**To:** Land Use Management Department (AC)

**From:** Development Engineering Manager (PI)

**Subject:** 1960 Paly Rd Lot 17 Plan 31701

The discharge of the Land Use Contract LUC78-1024 does not compromise the Development Services Branch.

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager

RO

# CITY OF KELOWNA

# BYLAW NO. 11285

## Discharge of Land Use Contract
## LUC78-1024 - (M27805)
## 1960 Paly Road

---

WHEREAS a land use (the "Land Use Contract") is registered at the Kamloops Land Title Office under number M27805 against lands in the City of Kelowna particularly known and described as Lot 17, Section 17, Township 23, ODYD, Plan 31701 (the "Lands"), located at 1960 Paly Road, Kelowna, B.C.;

WHEREAS Section 546 of the *Local Government Act* provides that a land use contract that is registered in a Land Title Office may be discharged in the manner specified in the Land Use Contract, by bylaw following a public hearing on the proposed bylaw;

NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited for all purposes as "Land Use Contract LUC78-1024 Discharge Bylaw".

2. The Land Use Contract is hereby cancelled and of no further force and effect and the City of Kelowna is hereby authorized and empowered to apply for the discharge of the Land Use Contract from the Lands.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | September 12, 2016 | | |
| **RIM No.** | 1250-30 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (LK) | | |
| **Application:** | Z16-0004 | **Owner:** | Janice & William Henry |
| **Address:** | 1787 Mountain Avenue | **Applicant:** | Janice & William Henry |
| **Subject:** | Rezoning Application | | |
| Existing OCP Designation: | S2RES – Single / Two Unit Residential | | |
| Existing Zone: | RU1 – Large Lot Housing | | |
| Proposed Zone: | RU1c – Large Lot Housing with Carriage House | | |

## 1.0 Recommendation

THAT Rezoning Application No. Z15-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 29 Township 26 IDYD Plan EPP62461, located at 1987 Mountain Avenue, Kelowna, BC from RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered.

## 2.0 Purpose

To rezone the subject property to facilitate the development of a Carriage House on the parcel.

## 3.0 Community Planning

Community Planning staff supports the proposal to rezone the parcel to facilitate the development of a new carriage house on the subject parcel. The parcel is within the Permanent Growth Boundary and has a Future Land Use designation of S2RES – Single / Two Unit Residential; therefore, the application to rezone the parcel to RU1c – Large Lot Housing with Carriage House is consistent with the guidelines of the Official Community Plan (OCP). The OCP supports the densification of neighbourhoods through the appropriate infill development. The additional density in the neighbourhood is well supported by amenities such as sidewalks, nearby schools & parks, transit on Glenmore Road and a modest amount of commercial at the corner of Glenmore Road and Mountain Avenue.

The carriage house design is consistent with the objectives of the Intensive Residential Design Guidelines within the OCP. This includes compatibility with the existing dwelling and the surrounding neighbourhood.

The subject parcel is a corner lot located at the southeast intersection of Mountain Avenue and Calmels Crescent.

## 4.0 Proposal

### 4.1 Background

Subdivision application S15-0024 was recently completed to subdivide the existing 1346.20 m² (0.33 ac) parcel into two lots. The existing house was centrally located on the parcel prior to the subdivision. It has now been relocated to the subject parcel, which is a corner lot that has street frontage on both Mountain Avenue and Calmels Crescent. The second parcel of the subdivision will be developed independently of this application.

### 4.2 Project Description

The subject application is to rezone the corner parcel to RU1c to accommodate the construction of a Carriage house. If the Rezoning application is approved, the development permit will be considered at a Staff level as the application meets all Zoning Bylaw regulations for a one storey carriage house.

The carriage house proposal requires three parking stalls, two for the primary dwelling and one for the carriage house. Two stalls are provided within the carriage house with the third stall located along the south side of the building. Driveway access to all parking is from Calmels Cresent as the parcel does not have laneway access.

The primary dwelling, which has been relocated on the parcel, is currently undergoing renovations. Part of the renovations includes a small addition to the existing dwelling. The additions to the primary dwelling are reviewed through the building permit process to ensure Zoning Bylaw compliance. Outdoor amenity space for the carriage house is located between the primary dwelling and the proposed carriage house.

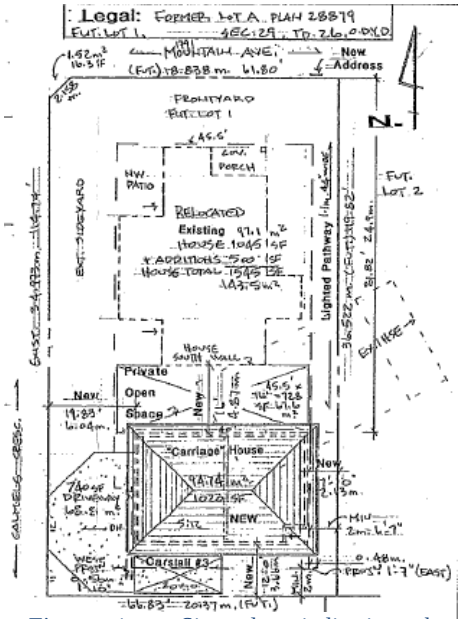



*Figure 1* – Site plan indicating the proposed carriage house.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50 m radius were provided with a circulation package in regards to the development.

All Development Engineering requirements have been addressed through the recently completed subdivision application.

### 4.3 Site Context

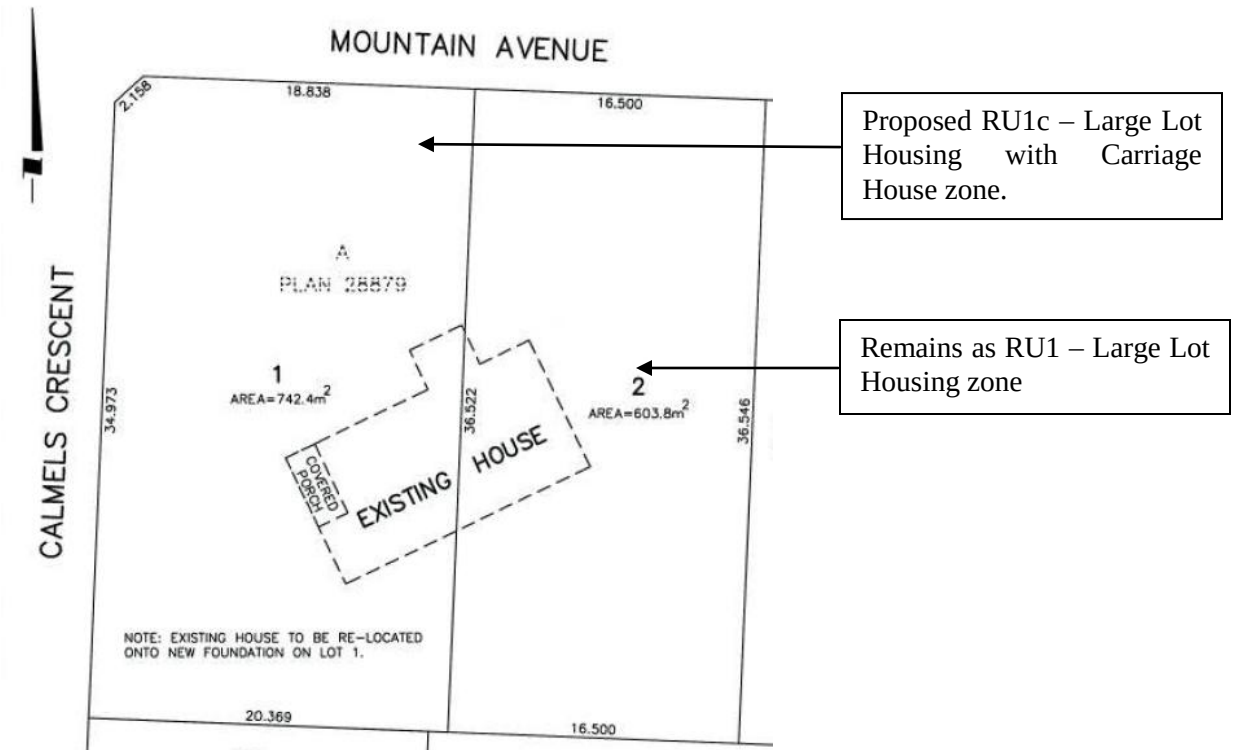
The subject property is located on the southeast corner of Mountain Avenue and Calmels Cresent in the Glenmore/Clifton/Dilworth Sector of Kelowna.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | RU1 – Large Lot Housing | Single Dwelling Housing |
| East | RU1 – Large Lot Housing | Single Dwelling Housing |
| South | RU1 – Large Lot Housing | Single Dwelling Housing |
| West | RU1 – Large Lot Housing | Single Dwelling Housing |

**Subject Property Map:** 1787 Mountain Avenue

**Approved Subdivision Layout:**


MOUNTAIN AVENUE
CALMELS CRESCENT
2.158
18.838
16.500
A
PLAN 28879
1
AREA=742.4m2
2
AREA=603.8m2
34.973
36.522
36.546
EXISTING HOUSE
COVERED PORCH
NOTE: EXISTING HOUSE TO BE RE-LOCATED ONTO NEW FOUNDATION ON LOT 1.
20.369
16.500
Proposed RU1c – Large Lot Housing with Carriage House zone.
Remains as RU1 – Large Lot Housing zone

### 4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **RU1c ZONE REQUIREMENTS** | **PROPOSAL** |
| Existing Lot/Subdivision Regulations | | |
| Minimum Lot Area | 550 $m^2$ | 742.4 $m^2$ |
| Minimum Lot Width | 17.0 m for corner lot | 18.84 m |
| Minimum Lot Depth | 30 m | 36.52 m |
| Development Regulations | | |
| Site Coverage | 40% | 32.1% |
| Site Coverage: accessory buildings or structures and carriage house (one storey) | 20% | 12.76% |
| Floor area of carriage house (footprint) | 100 $m^2$ | 94.74 $m^2$ |
| Max. area of carriage house (total building area) | 130 $m^2$ | 94.74 $m^2$ |
| Max. net floor area of carriage house to total net floor area of principal building | 75% | 66.02% |
| Setback from Principal Dwelling | 3.0 m | 4.57 m |
| Carriage House Regulations | | |
| Max. Height | 4.8 m | 4.03 m |
| Min. Side Yard (east) | 2.0 m | 2.13 m |
| Min. Side Yard (west) | 4.5 m (flanking street) | 6.04 m |
| Min. Rear Yard (laneless) | 2.0 m | 3.66 m |
| Height (carriage house shall not be higher than existing primary dwelling unit) | 2 storey ex. House<br>4.14 m (to mid-point)<br>5.43 m (to roof peak) | 1 storey Carriage house<br>4.03 m (to midpoint)<br>4.07 m (to roof peak) |
| Other Regulations | | |
| Minimum Parking Requirements | 3 stalls | +3 stalls provided |
| Minimum Private Open Space | 30 $m^2$ | 30 $m^2$ |

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Compact Urban Form.**[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill**[2] Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

## 6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- See Attachment 'A'

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- All units shall have a posted address on Mountain Ave. for emergency response.

## 7.0 Application Chronology

| | |
|---|---|
| Date of Application Received: | January 13, 2016 |
| Date Public Consultation Completed: | February 26, 2016 |
| Date of Subdivision Completion: | August 2, 2016 |

**Report prepared by:**

_____

Lydia Korolchuk, Planner

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

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment A: Development Engineering Memorandum
Site Plan & Floor Plan
Conceptual Elevations
Colour Schedule
Site Photos

## CITY OF KELOWNA

## MEMORANDUM

| | | |
|---|---|---|
| **Date:** | February 11, 2016 | |
| **File No.:** | Z16-0004 | |
| **To:** | Community Planning (LK) | |
| **From:** | Development Engineer Manager (SM) | |
| **Subject:** | 1791 Mountain Ave | RU1 to RU1c |

The Development Engineering comments and requirements regarding this Development Permit application are as follows:

1. **General.**

   a) All the offsite infrastructure and services upgrades are addressed in the Subdivision Engineering Report under file: S15-0024.

   b) This rezoning application does not trigger additional requirements.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

# CITY OF KELOWNA

# MEMORANDUM

**Date:** February 11, 2016

**File No.:** DP16-0011

**To:** Community Planning (LK)

**From:** Development Engineer Manager (SM)

**Subject:** 1791 Mountain Ave

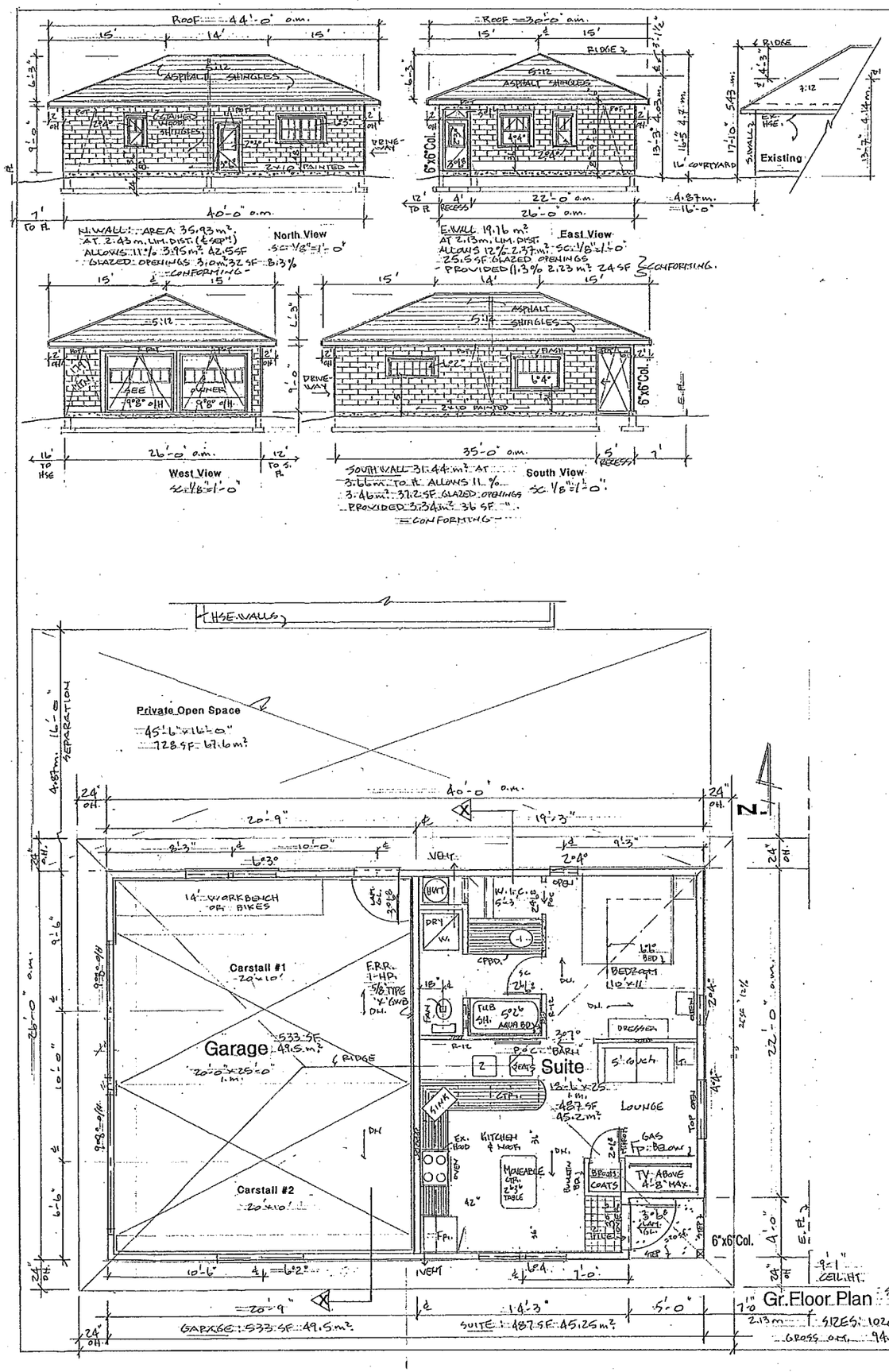
The Development Engineering comments and requirements regarding this Development Permit application are as follows:

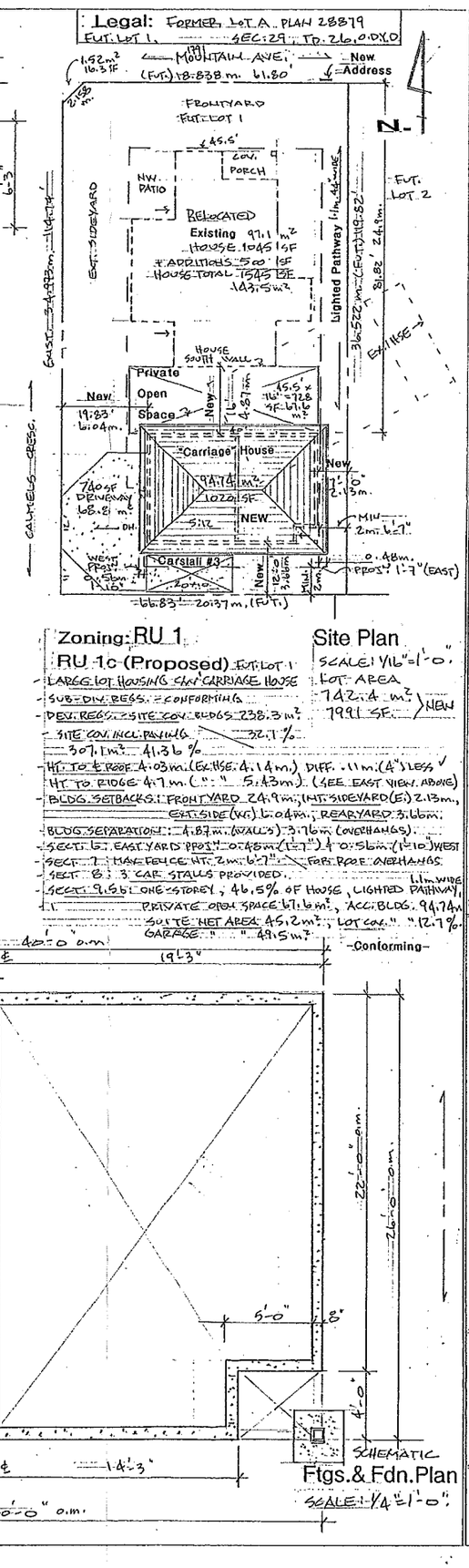
1. **General.**

   a) All the offsite infrastructure and services upgrades are addressed in the Subdivision Engineering Report under file: S15-0024.

Steve Muenz, P. Eng.
Development Engineering Manager

SS





Peter J. Chataway, B.Sc., B.Arch.
HOUSE PLANS AND DESIGN
380 Dodder Ave., Kelowna, B.C. V1Y 5N1
Office: (250) 763-1334 E-mail: munsha@telus.net
Home: (250) 763-5367


NOTES: R.C. = REINF. CONC., SC = SOLID CORE DOOR

J.& M.HENRY "Carriage" House

1791 Moutain Ave., Kelowna, B.C. V1Y7U4

PROJ. No. 2015-11-10

SCALE: AS SHOWN

DWG: RTC

DATE: DEC.8, 2015.

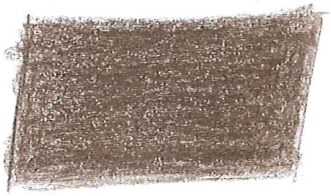
DWG. No. 1 OF 1

# Colour Board

matches existing house colour scheme

**Roof :** mid-tone browns

**Walls :**



cedar shingle siding

VC 32
Craftsman
Benjamin Moore
Historical Colours

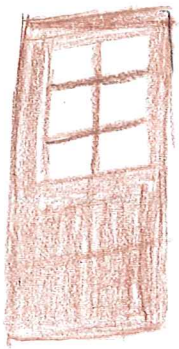
**Trim :**

white.

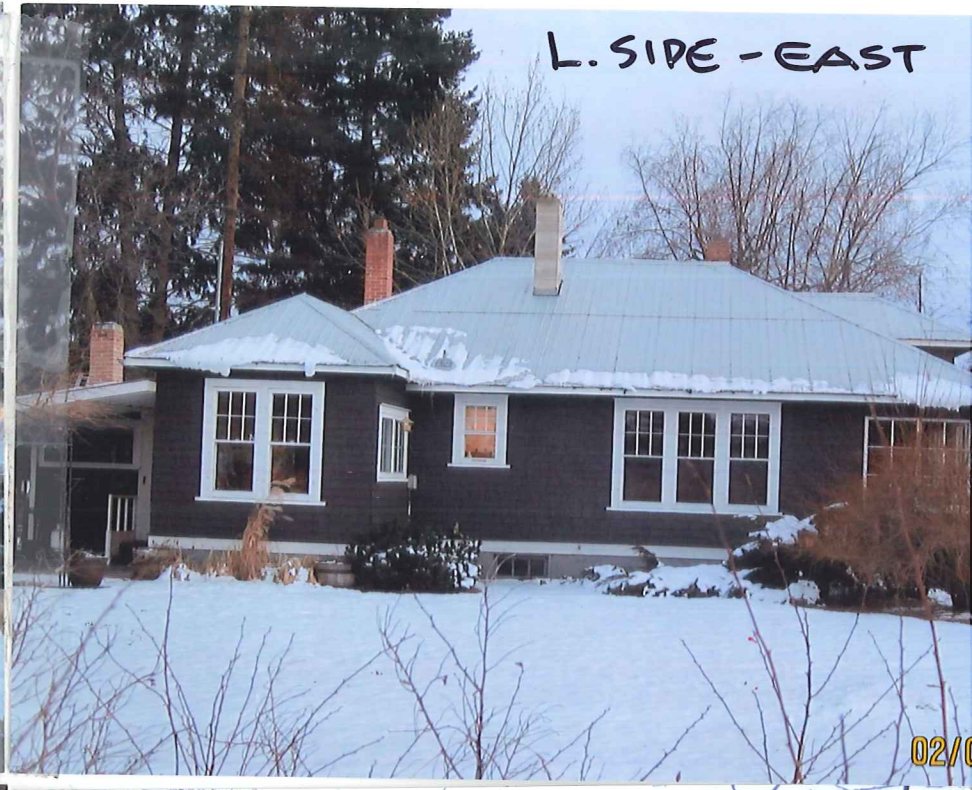
VC1
Oxford Ivory.

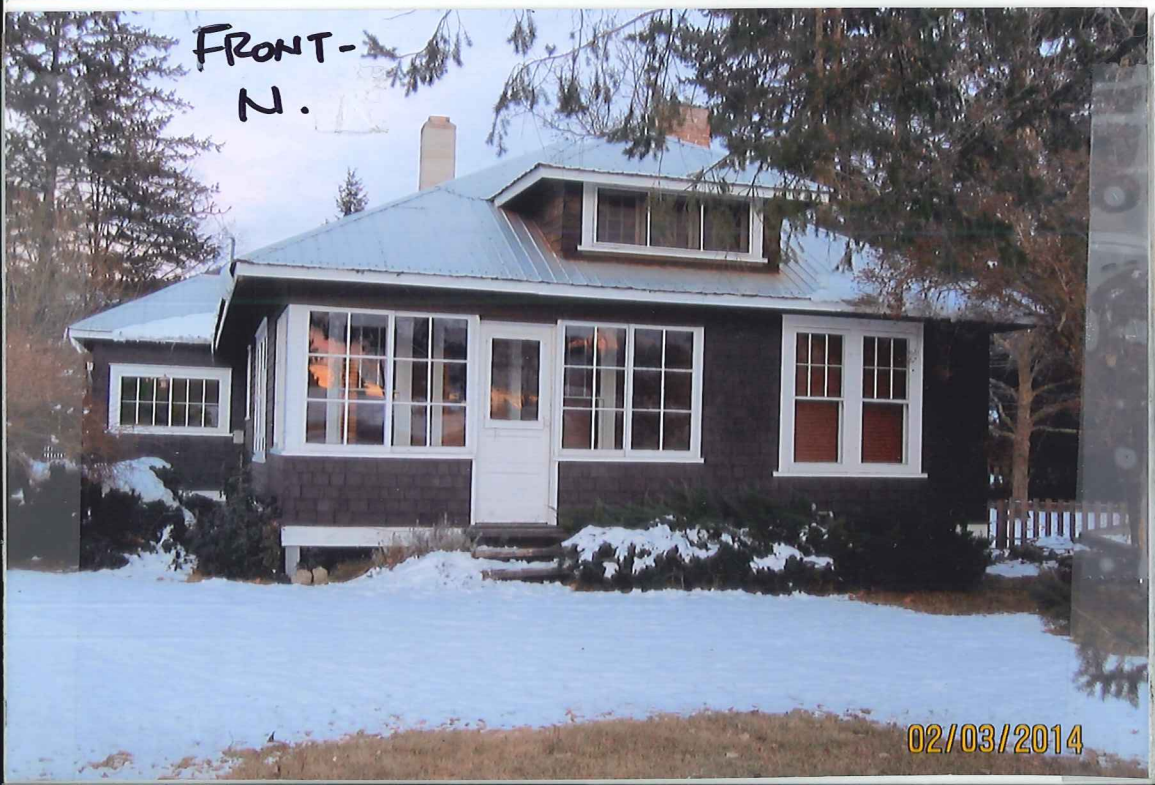
**Sash :**

**Other :** Doors - Railings



REAR S.E.
1791
02/03/2014


L. SIDE - EAST


FRONT-
N.
02/03/2014

R. SIDE - W.
NEW
ADDITION

# CITY OF KELOWNA

# BYLAW NO. 11282
# Z16-0004 – Janice and William Henry
# 1787 Mountain Avenue

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 1, Section 29, Township 26, ODYD, Plan EPP62461 located on Mountain Avenue, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | September 12, 2016 | | |
| **RIM No.** | 1250-30 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (TB) | | |
| **Application:** | Z16-0025 | **Owner:** | Silver City Holdings Inc, Inc No 243348 |
| **Address:** | 700 McCurdy Road | **Applicant:** | Urban Options Planning & Permits |
| **Subject:** | Rezoning Application | | |
| Existing OCP Designation: | IND - Industrial | | |
| Existing Zone: | A1 – Agriculture 1 | | |
| Proposed Zone: | I2 – General Industrial | | |

## 1.0 Recommendation

THAT Rezoning Application No. Z15-0000 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, DL 143, ODYD, Plan 23765, located at 700 McCurdy Road, Kelowna, BC from the A1 – Agriculture 1 zone to the I2 – General Industrial zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated July 18, 2016;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered subsequent to the lot consolidation of the subject properties; Lot A DL 143 ODYD Plan 23765 located at 700 McCurdy Road, Kelowna BC; and Lot 1 Section 26 Township 26 and of DL 143 ODYD Plan KAP55507, located at 690 McCurdy Road, Kelowna BC; as indicated in Schedule "B" attached to the Report from the Community Planning Department.

## 2.0 Purpose

To rezone the subject property to I2 – General Industrial to facilitate a lot consolidation.

## 3.0 Community Planning

Community Planning supports the proposed rezoning from A1 – Agriculture 1 to I2 – General Industrial as it is consistent with the Official Community Plan Future Land Use Designation of IND – Industrial. The proposed rezoning would be consistent with the surrounding industrial neighbourhood and modestly increase the industrial land supply in the City.

In fulfillment of Council Policy No. 367 regarding public notification, the applicant undertook neighbourhood notification by informing all properties within a 50 m radius of the subject property via registered letter.

## 4.0 Proposal

### 4.1 Background

The subject property had a 1980's single family dwelling located on it that has recently been demolished in anticipation of rezoning. A previous applicant successfully rezoned the property to I2 – General Industrial in 2000, however the bylaw was rescinded prior to selling to the current owner.

### 4.2 Project Description

The subject property is currently zoned A1 – Agriculture, and is not located in the Agricultural Land Reserve. The OCP Future Land Use Designation is IND – Industrial. The proposed rezoning would allow a lot consolidation with 690 McCurdy Road, providing a larger and more useable industrial site.

The existing tenants at 690 McCurdy Road propose to use the increased land for indoor storage, parking, and some outdoor storage. There is no construction or development indicated at this time. This application is consistent with the Official Community Plan that supports more intensive use of under-utilized industrial sites.

While the subject property does not meet the current size requirements for the I2 zone, it will meet the requirements once lot consolidation of the subject properties is complete prior to final consideration of the bylaw by Council.

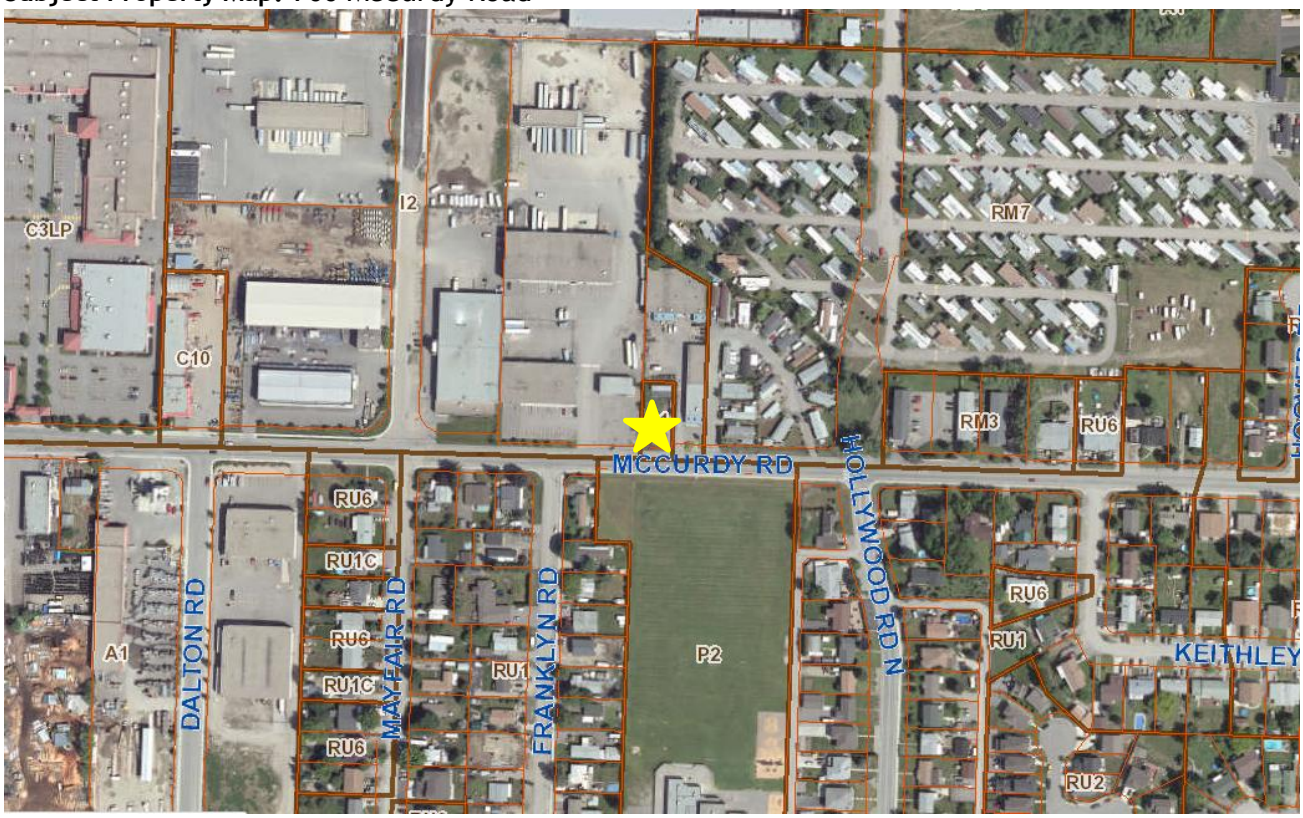
### 4.3 Site Context

The property is located on the north side of McCurdy Road west of Hollywood Road N. The property is bordered on three sides by Industrial zoned lands, and the neighbourhood has a mix of Industrial, Residential, Commercial, and Public/Institutional.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | I2 – General Industrial | Industrial |
| East | I2 – General Industrial | Industrial |
| South | P2 – Educational & Minor Institutional | Elementary School |
| West | I2 – General Industrial | Elementary School |

**Subject Property Map:** 700 McCurdy Road




## 4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **I2 ZONE REQUIREMENTS** | **PROPOSAL (After consolidation with 700 McCurdy Road)** |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 4000 $m^2$ | 4612.7 $m^2$ |
| Lot Width | 40 m | 40.29 m |
| Lot Depth | 35 m | 101.85 m |

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Industrial Land Use Intensification.**[1] Encourage more intensive industrial use of currently under-utilized industrial sites during site redevelopment or by permitting lot subdivision where new lots can meet the minimum lot size requirements of the Zoning Bylaw.

**Industrial Supply Protection.**[2] Protect existing industrial lands from conversion to other land uses by not supporting the rezoning of industrial land to preclude industrial activities unless there are environmental reasons for encouraging a change of use.

[1] City of Kelowna Official Community Plan, Policy 5.29.1 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.30.1 (Development Process Chapter).

## 6.0 Technical Comments

6.1 Black Mountain Irrigation District

- BMID's only comment is that the existing 19mm water service to Lot A Plan 23765, 700 McCurdy Rd, must be abandoned at the time of the lot consolidation.

6.2 Development Engineering Department

- Please see attached Schedule "A" dated July 18, 2016.

6.3 FortisBC Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along McCurdy Road, but not within the proposed dedication area. To date, arrangements have not been completed to meet the requirements to service the proposed subdivision. The applicant is responsible for costs associated with changes to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

- Otherwise, FBC(E) has no concerns with this circulation.

- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.4 Ministry of Transportation

- Preliminary Approval is granted for the rezoning for one year pursuant to Section 52(3)(a) of the Transportation Act.

## 7.0 Application Chronology

Date of Application Received: April 21, 2016
Date Public Consultation Completed: August 2, 2016

**Report prepared by:**

_____
Trisa Brandt, Planner I

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

**Approved for Inclusion:** ☐ Doug Gilchrist, Divisional Director, Community Planning & Real Estate

**Attachments:**
Schedule "A" dated July 18, 2016
Schedule "B" dated April 13, 2016

SCHEDULE A
This forms part of development
Permit # Z16-0025
Planner Initials TB
City of Kelowna
COMMUNITY PLANNING

# CITY OF KELOWNA

# MEMORANDUM

**Date:** July 18, 2016

**File No.:** Z16-0025

**To:** Urban Planning Management (TB)

**From:** Development Engineering Manager (SM)

**Subject:** 700 McCurdy Rd A1 to I2

The Development Engineering Department has the following comments and requirements associated with this application to rezone the property at 700 McCurdy Rd from A1 to I2 in order to consolidate with 690 McCurdy Road to allow for additional parking.

The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Jason Ough

## 1. Domestic Water and Fire Protection

a) The property is located within the Black Mountain Irrigation District (BMID) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with BMID staff for any service improvements and the decommissioning of existing services. Only one water service will be permitted to a consolidated lot.

b) A water meter is mandatory for each property and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

## 2. Sanitary Sewer

The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. Our records indicate the subject property does not have an existing sanitary sewer service. The applicant will arrange, if necessary, for any service improvements that are required at the applicants cost.

## 3. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of a storm drainage

SCHEDULE A
This forms part of development
Permit # Z16-0025
City of Kelowna
COMMUNITY PLANNING
Planner Initials TB

service for the lot and /or recommendations for onsite drainage containment and disposal systems. The on-site drainage systems may be connected to the existing municipal drainage system on McCurdy Rd with an overflow service at the applicants cost.

**4. Road Improvements**

a) Driveway access to 700 McCurdy Rd must be removed and restoration of continuous barrier curb and sidewalk is required at the developer's expense. Verify that physical driveway access will satisfy City requirements for the consolidated lot.

b) The existing asphalt sidewalk does not meet Bylaw requirements. The applicant will provide a cash in lieu payment of **$7,250** for sidewalk and boulevard improvements.

**5. Road Dedication and Subdivision Requirements**

a) Dedicate the widening 700 McCurdy Rd as shown in the proposed site layout submission.

b) Grant Statutory Rights Of Way if required for utility services.

c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

**6. Electric Power and Telecommunication Services**

All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

**7. Design and Construction**

a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

SCHEDULE A
This forms part of development
Permit # Z16-0025
Planner Initials TB
City of Kelowna
COMMUNITY PLANNING

**8. Survey Monuments and Iron Pins**

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of $1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

**9. Other Engineering Comments**

a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**10. Servicing Agreements for Works and Services**

a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than $5,000,000 and the City is to be named on the insurance policy as an additional insured.

**11. Administration Charge**

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST)

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager

jo

SCHEDULE A

This forms part of development Permit # Z16-0025

Planner Initials TB

City of Kelowna COMMUNITY PLANNING

## CITY OF KELOWNA

# MEMORANDUM

**Date:** July 21, 2016

**File No.:** S16-0042, Z16-0025

**To:** Community Planning (TB)

**From:** Development Engineering Manager (PI)

**Subject:** Subdivision Application – Road Dedication

LOCATION: 700 McCurdy Rd

APPLICANT: Urban Options Planning & Permits

LEGAL: Lot A Plan KAP23765

The Development Engineering Branch comments and requirements regarding this subdivision application are as follows:

The proposed consolidation 700 and 690 McCurdy Road does not impact existing municipal infrastructure.

Offsite improvement requirements are addressed in the rezoning application file: Z16-0025.

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager

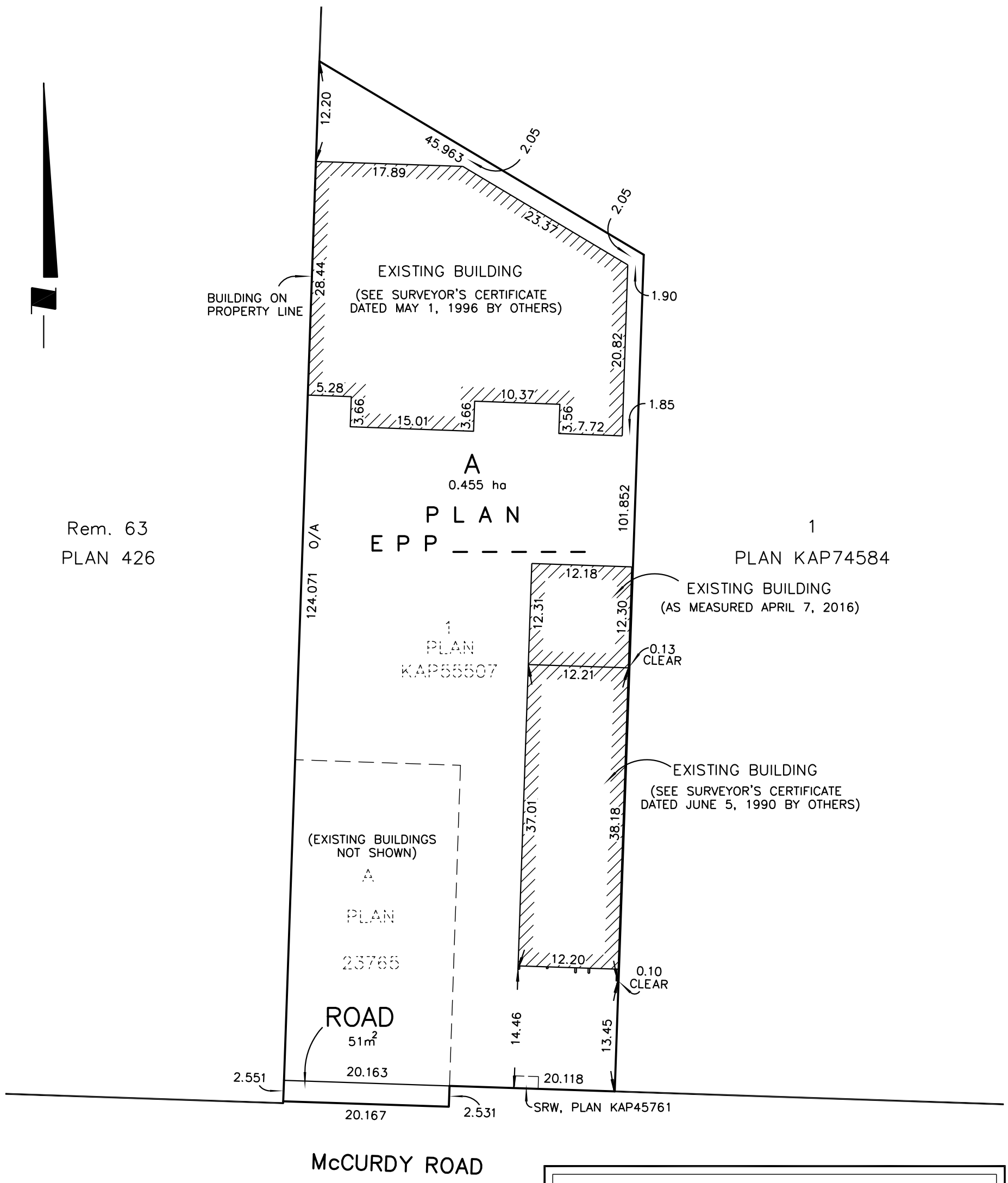
jo

SCHEDULE B
This forms part of development
Permit # Z16-0025
Planner Initials TB
City of Kelowna COMMUNITY PLANNING

# PLAN OF PROPOSED CONSOLIDATION AND ROAD DEDICATION OF LOT 1 SECTION 26 TOWNSHIP 26 AND OF DISTRICT LOT 143 ODYD PLAN KAP55507 AND LOT A DISTRICT LOT 143 ODYD PLAN 23765

SCALE: 1:500 METRES

15 10 5 0 10 25 50 METRES




ADDRESS: 690 & 700 McCURDY ROAD
DATE: APRIL 7, 2016

THIS PLAN IS FOR THE EXCLUSIVE USE OF OUR CLIENT AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

PLEASE NOTE AREAS AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO CHANGE UPON FINAL SURVEY.


**Ferguson Land Surveying & Geomatics Ltd.**
B.C. AND CANADA LAND SURVEYORS
404-1630 PANDOSY STREET, KELOWNA, B.C.
TELEPHONE (250) 763-3115 FAX (250) 763-0321


JOB No 20558-PROP-SUB

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DRFTD BY: FL FB/PG: N/A

# CITY OF KELOWNA

# BYLAW NO. 11283
# Z16-0025 – Silver City Holdings Inc., Inc. No. 243348
# 700 McCurdy Road

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot A, District Lot 143, ODYD, Plan 23765 located on McCurdy Road, Kelowna, B.C., from the A1 – Agriculture 1 zone to the I2 – General Industrial zone.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

_____
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | September 12th, 2016 | | |
| **RIM No.** | 1250-30 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (AC) | | |
| **Application:** | Z16-0040 & OCP 16-0007 | **Owner:** | City of Kelowna & Inc. No. 0984342 B.C. Ltd. |
| **Address:** | 3441, 3451, 3461, & 3471 Lakeshore Rd | **Applicant:** | Zeidler BKDI Architects (Jean Guy Beliveau) |
| **Subject:** | Rezoning and OCP Amendment Application | | |
| Existing OCP Designation: | MXR – Mixed Use (Residential / Commercial) & S2RES Single / Two Unit Residential | | |
| Proposed OCP Designation | MXR – Mixed Use (Residential / Commercial) | | |
| Existing Zone: | C9 – Tourist Commercial & RU6 – Two Dwelling Housing | | |
| Proposed Zone: | C4 – Urban Centre Commercial | | |

## 1.0 Recommendation

THAT Official Community Plan (OCP) Amendment Application No. OCP16-0007 to amend the City of Kelowna's Official Community Plan Bylaw No. 1050 by changing the OCP's land use designation of Lot 36, District Lot 134, ODYD, Plan 3886, located on 3471 Lakeshore Rd, Kelowna, BC, from the S2RES - Single / Two Unit Residential designation to the MXR – Mixed Use (Residential / Commercial) designation be considered by Council;

AND THAT Rezoning Application No. Z16-0040 to amend the City of Kelowna's Zoning Bylaw No. 8000 by changing the zoning classification of the following lots be considered by Council:

- Lot 36, District Lot 134, ODYD, Plan 3886, located on 3471 Lakeshore Rd, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone;
- Lot 37, District Lot 134, ODYD, Plan 3886, except Plan 40525 located on 3461 Lakeshore Rd, Kelowna, BC from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone;
- Lot 38, District Lot 134, ODYD, Plan 3886, except Plan 40525 located on 3461 Lakeshore Rd, Kelowna, BC from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone;

- Lot 39, District Lot 134, ODYD, Plan 3886, except Plan 76671 located on 3451 Lakeshore Rd, Kelowna, BC from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone;
- Lot 3, District Lot 134, ODYD, Plan 38150, located on 3441 Lakeshore Rd, Kelowna, BC from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone;

AND THAT the Official Community Plan and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Official Community Plan and Zone Amending Bylaw be subsequent to the following:

> The outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated August 15th 2016.

## 2.0 Purpose

To change the future land designations and rezone the subject properties to the C4 – Urban Centre zone to facilitate a proposed 6 storey mixed use (residential, retail & office) building.

## 3.0 Community Planning

### 3.1 Zoning and OCP Amendment

The Official Community Plan's (OCP) Future Land Use Map identifies 4 out of the 5 lots as MXR – Mixed Use (residential / commercial). The remainder corner lot is identified as single family. Staff are supportive of redevelopment of all the lots between Richter St and Swordy Rd as one comprehensive mixed use project. Therefore, redesignating the corner lot and rezoning all the lots to the C4 – Urban Centre Commercial zone is consistent with this vision. Adding additional density within the South Pandosy Urban Centre will increases the viability and vibrancy of the nearby commercial area and walkability within the neighbourhood. The density is further supported by the close proximity of Boyce-Gyro Beach Park, the shops and services of the South Pandosy Town Center are within a 10-minute walk and Okanagan College is within a 20-minute walk. The Walk Score for the properties are 74 out of 100. This means the site is very walkable and most errands can be accomplished on foot.

The proposed land uses and density reinforce the City's goals for urban centre revitalization as described in the Urban Centres Roadmap. For example, the incorporation of three floors of residential will add much needed residential density to the South Pandosy Urban Centre. Currently, the population density is approximately 25 people per hectare in South Pandosy, but the long-term goal for the urban centre is upwards of 100 people per hectare. Moreover, the ground floor retail and public space along Lakeshore Road will complement the nearby park and beach activities at Gyro Beach, providing additional amenities at the south end of the South Pandosy Urban Centre. In addition, the project will serve as an effective transition from the townhouse development on the adjacent lot and the commercial development on Lakeshore within the South Pandosy Urban Centre.

In summary, Community Planning supports the rezoning and OCP amendment required for this mixed-use infill project. This project is a positive example of how urban infill projects can support the revitalization of an urban centre, adding people and employment to the area and improving the surrounding public realm.

### 3.2 Initial Commentary on Proposed Variances

The proponent has well developed plans for the site. See Section 4.1 Project Description and the attachments for further information. There are some Development Permit details such as but not limited to: parking stall sizes, cash-in-lieu of parking, and material selection that needs to be finalized prior to Council reviewing the Development Permit. The zoning analysis of the proposal has determined three potential variances. One variance is potentially a 15 vehicle stall reduction or approximately 10%. The site is within the South Pandosy Cash-in-Lieu of Parking Area and this variance will be eliminated when the applicant participates in the program.

The long-term goal for urban centres is to reduce parking and shift more trips to walking, cycling and transit. However, a shift to alternative transportation generally requires parking management and improved alternative transportation options. To further justify the parking variance, the applicant could provide a car-share vehicle, car-share memberships for the residents, or some other means of alternate transportation as a means to reduce the reliance on single-occupancy vehicles for the residents.

Another potential variance is the ratio of parking stall sizes. However, that detail is still to be determined as the applicant may choose to add additional smaller sized stalls onsite. A final determination on how the parking deficit is handled will be clarified when the Development Permit / Development Variance Permit is considered by Council.

The last potential variance is related to building height. In the C4 zone, the base permitted height is 4 storeys with various bonuses that can increase that height up to 7 storeys. This proposal does not qualify for the C4 zone height bonuses because those height bonuses were prescriptive and directly related to the original SOPA Square development. The proposal is for 6 storeys, therefore, a height variance is necessary. Staff was initially going to propose a series of text amendments to change the height bonusing within the C4 zone. The purpose of changing the height rules would be to develop a series of height bonusing that could viably apply to other developments. Rather than expediting a text amendment in association with this application, Staff plans to review the entire C4 zone in 2017 and propose a series of text amendments that overhaul the zone. Changing the height provisions will be a part of that review. In the meantime, Staff will support taller mixed use developments on a case by case basis when height variances are apply for.

### 3.3 Notification

Council's Public Notification Policy #367 has been met by informing property owners within 50 metres of the proposed development and holding a public open house. The public open house was held on August 4th 2016 from 6:00pm to 8:00pm at 201 – 3975 Lakeshore Road.

## 4.0 Proposal

### 4.1 Project Description

The two of the five subject properties are currently used as temporary public parking. The remainder lots are currently vacant. The proposed building is six storeys high, with a retail base, a dedicated office-oriented second floor, and three levels of market rental housing (89 units) located above the podium. The massing of the upper levels is stepped back allowing the retail area to frame the public plaza in manner that accentuates the pedestrian friendly feeling while hiding the parking facilities. The proximity of the beach naturally led the design to provide plenty of on-site open space for café and restaurant patios at grade. Fitted with a breezeway, the project allocates the commercial parking underneath the building and at the rear of the site. This frames multiple views to the beach from the mid-block public plaza. Residential parking is hidden in a semi-open air parkade integrated into the rear of the podium. A Development Permit

will identify further details associated with the form and character of the project and Staff will comment on the merits of the variances at that time.

## 4.2 Site Context

The site is located at the south end of the South Pandosy Urban Centre across from Gyro Beach. Specifically, the adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | C9 – Tourist Commercial | Vacant |
| East | P4 - Utilities | Utilities |
| South | RM3 – Low Density Multiple Housing | Residential |
| West | P3 – Parks and Open Space | Park |

**Subject Property Map:** 3441, 3451, 3461, & 3471 Lakeshore Rd

## 4.3 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **C4 ZONE REQUIREMENTS** | **PROPOSAL** |
| Development Regulations | | |
| Height | 15.0 m / 4.0 storeys | 20.5 m / 6 storeys ❶ |
| Front Yard (north) | 0.0 m | 0.0 m |
| Side Yard (east) | 0.0 m | 0.0 m |
| Side Yard (west) | 0.0 m | 0.0 m |
| Rear Yard (south) | 0.0 m | 0.0 m |
| Site coverage of buildings | 75 % | 55.8 % |

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **C4 ZONE REQUIREMENTS** | **PROPOSAL** |
| FAR | Base Far: 1.3<br>+ Parking within Bldg bonus: 0.1<br>+ Public plaza bonus: 0.18<br>= 1.58 | 1.385 |
| Parking Regulations | | |
| Minimum Parking Requirements | 158 parking stalls | Main floor / site: 59 stalls<br>+ 2nd Floor: 37 stalls<br>+ 3rd Floor: 47 stalls<br>= 143 parking stalls ❷ |
| Minimum Loading Spaces | 2 spaces | 2 spaces |
| Ratio of Parking Stalls | Full size: 50% Min<br>Medium Size: 40% Max<br>Small Size: 10% Max | Full size: TBD ❸<br>Medium Size: TBD<br>Small Size: TBD |
| Minimum Drive Aisle Width | 7.0 m | 7.0 m |
| Other Regulations | | |
| Minimum Bicycle Parking Requirements | Class 1: 53 bikes<br>Class 2: 29 bikes | Class 1: 53<br>Class 2: 29 bikes |
| Private Open Space | 795 $m^2$ | 869 $m^2$ |
| ❶ A variance to increase the permitted height is requested unless the recommended Staff Text Amendment is approved.<br>❷ A variance to reduce the number of permitted parking stalls is required unless the applicant chooses to pay cash-in-lieu of parking as per Bylaw #8125<br>❸ A variance to amend the ratio of parking stalls may be needed. Detailed drawings outlining the exact proportions will be provided with the Development Permit / Development Variance Permit. | | |

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

**Chapter 5: Development Process**

**Compact Urban Form.**[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**[2] Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**Contain Urban Growth.**[3] Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

**Housing Mix.**[4] Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).
[3] City of Kelowna Official Community Plan, Goals for a Sustainable Future, Objective 1 (Chapter 1 Introduction)

**Building Height[5]:**

- **Other Urban Centres:** Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.
- **South Pandosy:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for 8 storeys where an architecturally distinct and significant buildings is placed at a corner, gateway or view terminus location that is of significance to the community or where a building is of cultural significance to the community.
- **Rutland:** Generally, 4 storeys. Six storeys within C4 or C9 zoned areas. Potential for up to 44 m height (12-14 storeys) in the core of Rutland, as identified in the C7 zone of the Zoning Bylaw.
- **Midtown:** 16 storeys, where the OCP designation provides for high-density multiple-units.
- **Capri/Landmark:** Generally, 4 storeys. Greater height (up to 12 storeys) may be supported on the Capri Shopping Centre site and in the area bordered by Dickson Avenue, Dayton Avenue, Springfield Road and Kirschner Road upon approval of a Council-endorsed comprehensive development plan for the site that provides for a variety of housing types (including but not limited to ground-oriented and rental apartment housing) and the provision of commercial space that is of an amount that, at minimum, equals that which existed in 2010.
- **Elsewhere:** For all areas of the City outside the Urban Centres, buildings heights shall be a maximum of four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- Requirements of the City of Kelowna fire prevention regulations bylaw No. 10760 for buildings 6 stories and greater are to be shown on the building permit drawings
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
  a. An alternative solution proposal for code requirements must be accepted by the Chief Building Inspector prior to the release of the Development Permit
  b. Door swings and proper exit distance for means of exiting are required. Door swings can not cross property and an additional stairwell may be required for travel distance of the residential floors
  c. Additional doors and/or corridors may be required to meet minimum exiting requirements of the commercial space. This may include moving of the internal rated

[4] City of Kelowna Official Community Plan, Policy 5.27.11 (Development Process Chapter)
[5] City of Kelowna Official Community Plan, Policy 5.8.1 (Development Process Chapter)

exit stairwells to meet minimum distances and addition of rated corridors and additional doors.

d. Spatial calculation are required between commercial units which may affect the form and character is glazing is required to be reduced.
e. Dedicated exits are required from the amenity deck to the public corridor.
f. Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
g. Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.

- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s).
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located.
- An exit analysis is required as part of the code analysis at time of building permit application. The exit analysis is to address travel distances within the units, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits etc.
- Size and location of all signage to be clearly defined as part of the development permit. This should include the signage required for the building addressing to be defined on the drawings per the bylaws on the permit application drawings.
- Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storeys. The location and noise from these units should be addressed at time of Development Permit.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure at time of permit application.

6.2 <u>Development Engineering Department</u>

- See Memo (Attachment 'A') dated August 15th 2016

6.3 <u>Fortis BC (Electric)</u>

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Lakeshore Road and Swordy Road. However, given the proposed building and transformer location noted on the plans provided, extension work might be required to service the proposed development, the cost of which may be significant. Furthermore, FBC(E) requires guaranteed tractor trailer access in order to service the adjacent substation to the east. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

- Otherwise, FBC(E) has no concerns with this circulation.

6.4 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivsion Bylaw #7900. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant
- All buildings shall be addressed off of the street it is accessed from.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD
- Fire Department access is to be met as per BCBC 3.2.5.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed.
- Ensure FD connection is clearly marked and visible from the street
- Standpipes to be located on intermediate landings.
- Sprinkler zone valves shall be accessible as per fire prevention bylaw - less than 7 feet from floor
- Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage
- Do not issue BP unless all life safety issues are confirmed

6.5 Real Estate and Building Services

- No on-street parking on any of the frontage around this proposed development. Would not be supportive of any variances to reduce the parking requirements. This is a high parking demand area especially in the summer season.

## 7.0 Application Chronology

| | |
|---|---|
| Date of Application Received (complete): | July 4th 2016 |
| Date of Notification Letters: | July 20th 2016 |
| Date of Public Open House: | August 4th 2016 |

**Report prepared by:**

_____
Adam Cseke

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

**Approved for:** ☐ Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment A - Development Engineering Memo
Attachment B – Applicant's Rationale
Schedule A – Initial Drawings

**CITY OF KELOWNA**

# MEMORANDUM

**Date:** August 15, 2016
**File No.:** Z16-0040

**To:** Community Planning (AC)

**From:** Development Engineering Manager(PI)

**Subject:** 3451,3471,3441,3461,3461 Lakeshore Rd. C9 & RU6 to C4

Development Engineering has the following requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

.1) Domestic Water and Fire Protection

a) The development site is presently serviced with 3 (19-mm) water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.

b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service. The estimated cost of this construction for bonding purposes is **$12,000.00.**

c) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

.2) Sanitary Sewer

a) The development site is presently serviced with 3 100mm-diameter sanitary sewer services. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing services and the installation of a new larger service. The new service should tie in to the main on Swordy Rd. The estimated cost of this construction for bonding purposes is **$10,000.00**

.3) Storm Drainage

(a) The developer must engage a consulting civil engineer to provide a storm water management plan for these sites which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The storm water management plan must also include provision of lot grading plans, minimum basement elevations (MBE), if applicable, and provision of a storm drainage

Attachment A
This forms part of development
Permit # Z16-0040
City of Kelowna

service and recommendations for onsite drainage containment and disposal systems.

(b) Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service. The estimated cost of this construction for bonding purposes is **$10,000.00**

.4) Road Improvements

(a) Lakeshore Rd fronting this development must be upgraded to an urban standard to including new barrier curb & gutter, concrete sidewalk, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **$92,300.00**

(a) Swordy Rd fronting this development must be upgraded to an urban standard to including barrier curb & gutter, concrete sidewalk, and relocation or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The estimated cost of the road improvements for bonding purposes is **$25,400.00**

.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

a) Dedicate ~7m width along the full lane frontage of 3441,3451,3461,3461 Lakeshore Rd.
b) Dedicate ~10m width along the full frontage of 3471 Lakeshore Rd.

c) Grant statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

The electrical and telecommunication services to this building as well as the local distribution wiring must be installed in an underground duct system, and the building must be connected by underground ducting. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

.7) Engineering

Road and utility construction design, construction supervision, and quality control supervision of all off-site and site services including on-site ground recharge drainage collection and disposal systems, must be performed by an approved consulting civil engineer. Designs must be submitted to the City Engineering Department for review and marked "issued for construction" by the City Engineer before construction may begin.

.8) Design and Construction

a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

Attachment A
This forms part of development
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b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

.9) Servicing Agreements for Works and Services

a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than $5,000,000 and the City is to be

.10) Latecomer Protection

Under provisions of Section 990 of the BC Municipal Act, and in conformance with the City of Kelowna Subdivision Development & Servicing Bylaw No. 7900, the owner is eligible to apply for latecomer protection for the following:

i) Storm main on Swordy Rd.

.11) Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of $1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

.12) Bonding and Levy Summary

(a) Bonding

| | |
|---|---|
| Storm service upgrade | $10,000.00 |
| Water service upgrade | $12,000.00 |
| Sanitary service upgrade | $10,000.00 |
| Road Frontage Improvements | $117,700.00 |
| Total Bonding | **$149,700.00** |

Attachment A
This forms part of development
Permit # Z16-0040
City of Kelowna

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated by 140% to include engineering design and contingency protection and are provided for information purposes only. The owner should engage a consulting civil engineer to provide detailed designs and obtain actual tendered construction costs if he wishes to do so. Bonding for required off-site construction must be provided, and may be in the form of cash or an irrevocable letter of credit, in an approved format.
The owner must also enter into a servicing agreement in a form provided by the City.

.13) Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

14) Development Permit and Site Related Issues

Access and Manoeuvrability

(i) The future, access and egress from the driveway to the north of the site may be restricted to right-in and right-out onto Richter Street with a future median.

(ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

15. Geotechnical Report

As a requirement of this application the owner must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

(a) Area ground water characteristics.
(b) Site suitability for development, unstable soils, etc.

(c) Drill and / or excavate test holes on the site and install pisometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.

(d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

(e) Additional geotechnical survey may be necessary for building foundations, etc.

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager
SS

Attachment A
This forms part of development
Permit # Z16-0040
City of Kelowna

**CITY OF KELOWNA**

# MEMORANDUM

**Date:** August 16, 2016
**File No.:** OCP16-0003

**To:** Community Planning (AC)

**From:** Development Engineering Manager (PI)

**Subject:** 3451 3441,3461,3471 Lakeshore Rd

The Development Engineering Branch comments and requirements regarding this OCP amendment application are as follows:

**1. General**

All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z16-0040.

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager
SS

Attachment A
This forms part of development
Permit # Z16-0040
City of Kelowna

**CITY OF KELOWNA**

# MEMORANDUM

**Date:** August 16, 2016

**File No.:** DP16-0160

**To:** Community Planning (AC)

**From:** Development Engineering Manager (PI)

**Subject:** 3451 3441,3461,3471 Lakeshore Rd

The Development Engineering Branch comments and requirements regarding this Development Permit application are as follows:

**1. General**

All the offsite infrastructure and services upgrades are addressed in the Rezoning Engineering Report under file Z16-0040.

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager

SS

Attachment A
This forms part of development
Permit # Z16-0040
City of Kelowna

CITY OF KELOWNA

# MEMORANDUM

**Date:** August 16, 2016

**File No.:** DVP16-0161

**To:** Community Planning (AC)

**From:** Development Engineering Manager (SM)

**Subject:** 3451 3441,3461,3471 Lakeshore Rd

Development Engineering comments and requirements regarding this development variance permit application are as follows:

This development variance permit application to vary the building height to 6 storeys and reduce the number of stalls by 15 stalls does not compromise any municipal services.

Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager

SS

Attachment A
This forms part of development
Permit # Z16-0040
City of Kelowna

zeidler
bkdi

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**TAREK EL-KHATIB** | ARCHITECT
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**CATHERINE RICHARDSON** | LICENSED INTERIOR DESIGNER
AAA, IDA, IDNS, IDC
**BILL MITCHELL**
**JEAN GUY BELIVEAU**

PRINCIPALS
**MARTIN VEENHOVEN** | ARCHITECT
AAA, AIBC, MRAIC, AIA (WA)

June 20, 2016

Design Rationale Statement

**RE: CITY OF KELOWNA REZONING / OCP AMMENDMENT / DP APPLICATION: THE SHORE DEVELOPMENT**

Located across the street from Gyro Beach, Kelowna, this development proposal takes advantage of the vibrant street corner created by the intersections of Richter Street, Lakeshore Road, and Swordy Road. In broad terms, the project concept is centered around an interplay of uses that respond to the site context, zoning bylaws, and the Official Community Plan.

The proposed building is six storeys high, with a robust retail base, a dedicated office-oriented second floor, and three levels of market rental housing located above the podium. One of the strongest generating principles for this combination was the project's siting – its adjacency to the beach, its proximity to transit and Mission Park Shopping Centre, and the pedestrian oriented environment afforded by the corner location. As such it was paramount to provide a stepped back massing that allowed the retail to frame the urban realm in such a way as to hide parking facilities while maximizing pedestrian exposure. The proximity of the beach naturally led the design to provide plenty of on-site open space for café and restaurant patios at grade. Fitted with a breezeway, the project tucks away all of the commercial parking underneath the building at the rear of the site, framing multiple views to the beach from it's mid block public plaza. In turn, residential parking is hidden in a semi-open air parkade seamlessly integrated into the rear of the podium. This organizing principle for the massing also allows the project to exceed the zoning-required Daylighting Standards Vertical Angles by relying on voluntary setbacks on at the property line on Richter Street, and Swordy and Lakeshore Roads. It is also both the parking arrangement and the provision of the public plaza that afford the project an additional 0.28 floor area ratio as permitted by the zoning bylaw.

Vehicular access to the site is provided via Richter Street and Swordy Road satisfying the requirements of the Fortis right-of-way for service access to the existing facility to the east. Once out of the car, the visitor to the site is funnelled through the breezeway into the heart of the project, thus satisfying general accessibility requirements for retail. The main residential and office entrance for the pedestrian coming in from the parking area or the public plaza is also conveniently located at the breezeway making it an active connector across the site. Designated firefighter access is located on Swordy Road.

All of the floors contain ample outdoor amenity spaces. The office floors contain view responsive corner windows, and the 4th floor residential amenity level opens up to an amenity deck overlooking the panoramic views. Visually, the project offers a fresh reinterpretation of the Kelowna vernacular, providing a contemporary twist on local materials.

From an OCP standpoint, the proposed project responds to the densification trends underway in Kelowna. It concentrates a number of mixed uses in one location proximate to an urban centre, therefore containing urban sprawl. It also creates a distinctive and attractive destination - a landmark development in a growing neighbourhood The site's proximity to transit stops across the street and half a block north on Lakeshore Road, address the recommended environmental sustainability. The site's location next to a public park and beach, easy access to retail and

Attachment B
This forms part of development
Permit # Z16-0040
City of Kelowna

zeidler
bkdi

restaurants at grade and medical offices on the 2nd floor, as well as its market rental residential offerings, address the social sustainability requirements outlined in the OCP.

Last but not least, the design actively responds to servicing needs. Waste and recycling facilities are enclosed underneath the building at the rear of the site. It is anticipated that waste and recycling will be staged in the lane with thru-access for the trucks. Loading stalls are tucked away out of sight underneath the building as well, allowing clear sight lines to the service areas on the site mandated by CPTED. The site is provided with appropriate landscaping required on public plazas and adjacent public streets. It is also fitted with a few landscape buffer areas that screen the surface parking lot.

Sincerely,
**Zeidler BKDI Architects**

Jean Guy Beliveau
Partner



Attachment B
This forms part of development
Permit # Z16-0040
City of Kelowna

Attachment B
This forms part of development
Permit # Z16-0040
City of Kelowna

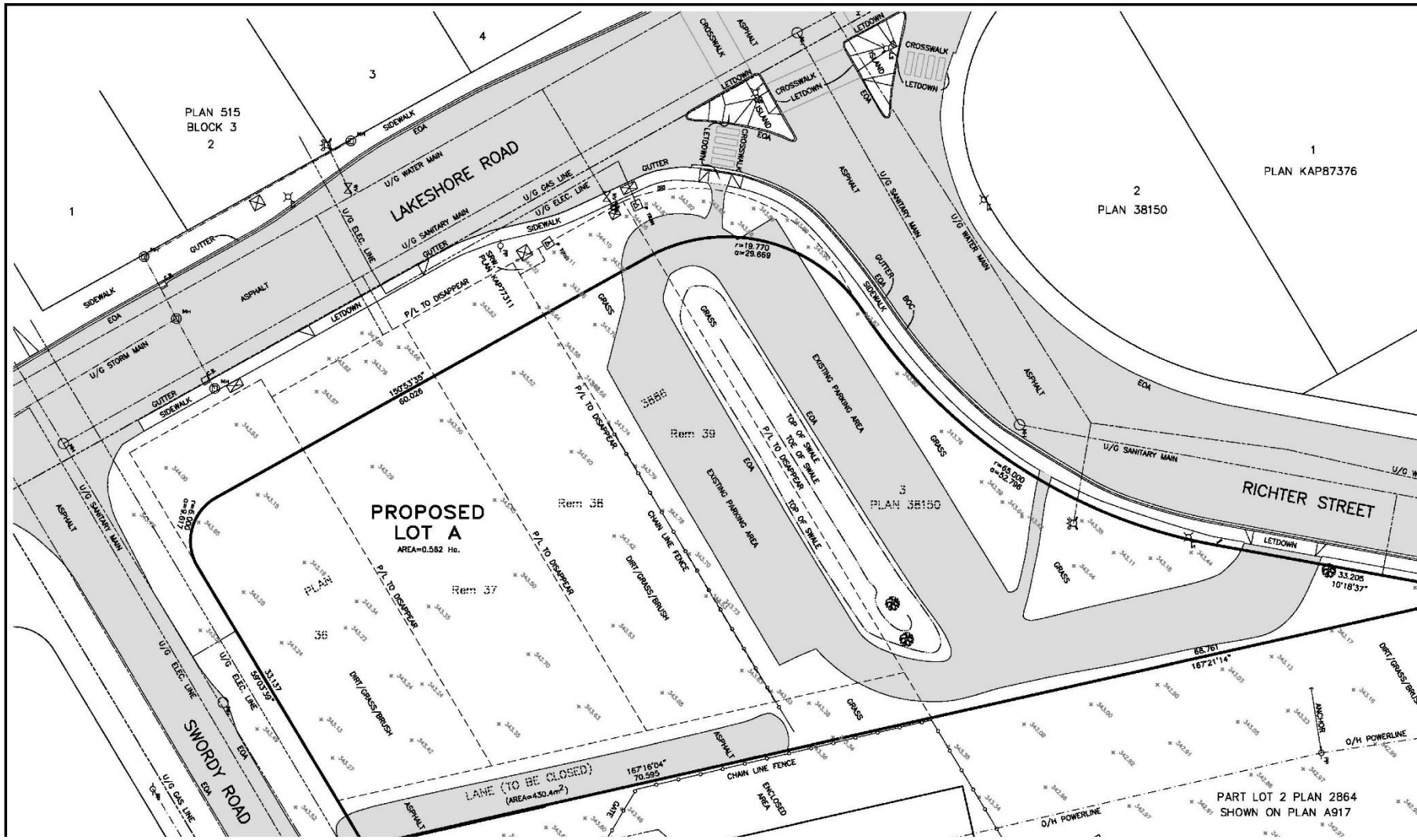
SCHEDULE A
This forms part of development
Permit # Z16-0040

City of Kelowna

# RISE COMMERCIAL DEVEL

THE SHORE

SCHEDULE A
This forms part of development
Permit # Z16-0040
City of Kelowna




SCHEDULE A
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Permit # Z16-0040

City of Kelowna

SCHEDULE A
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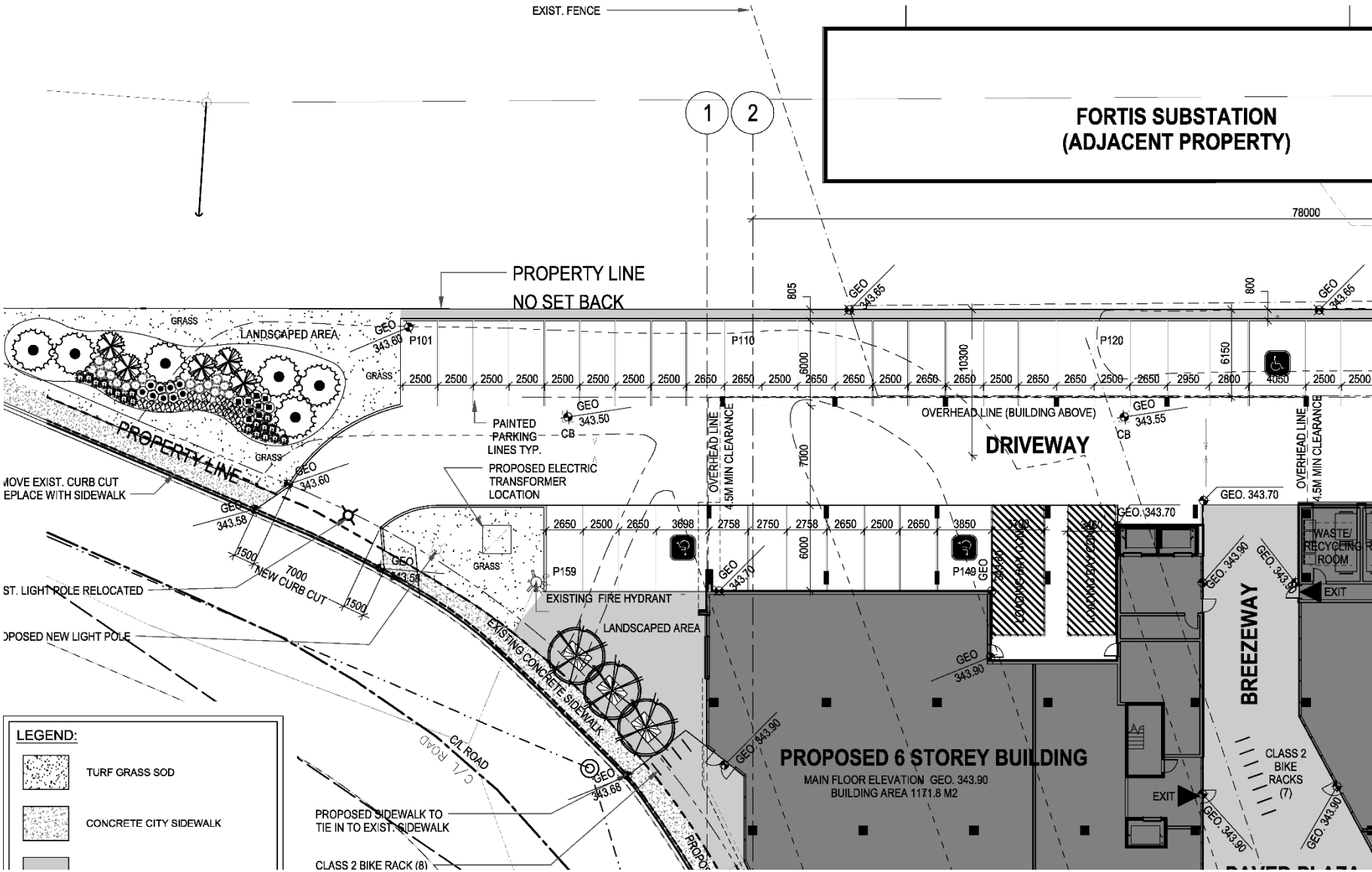
Permit # Z16-0040
City of Kelowna

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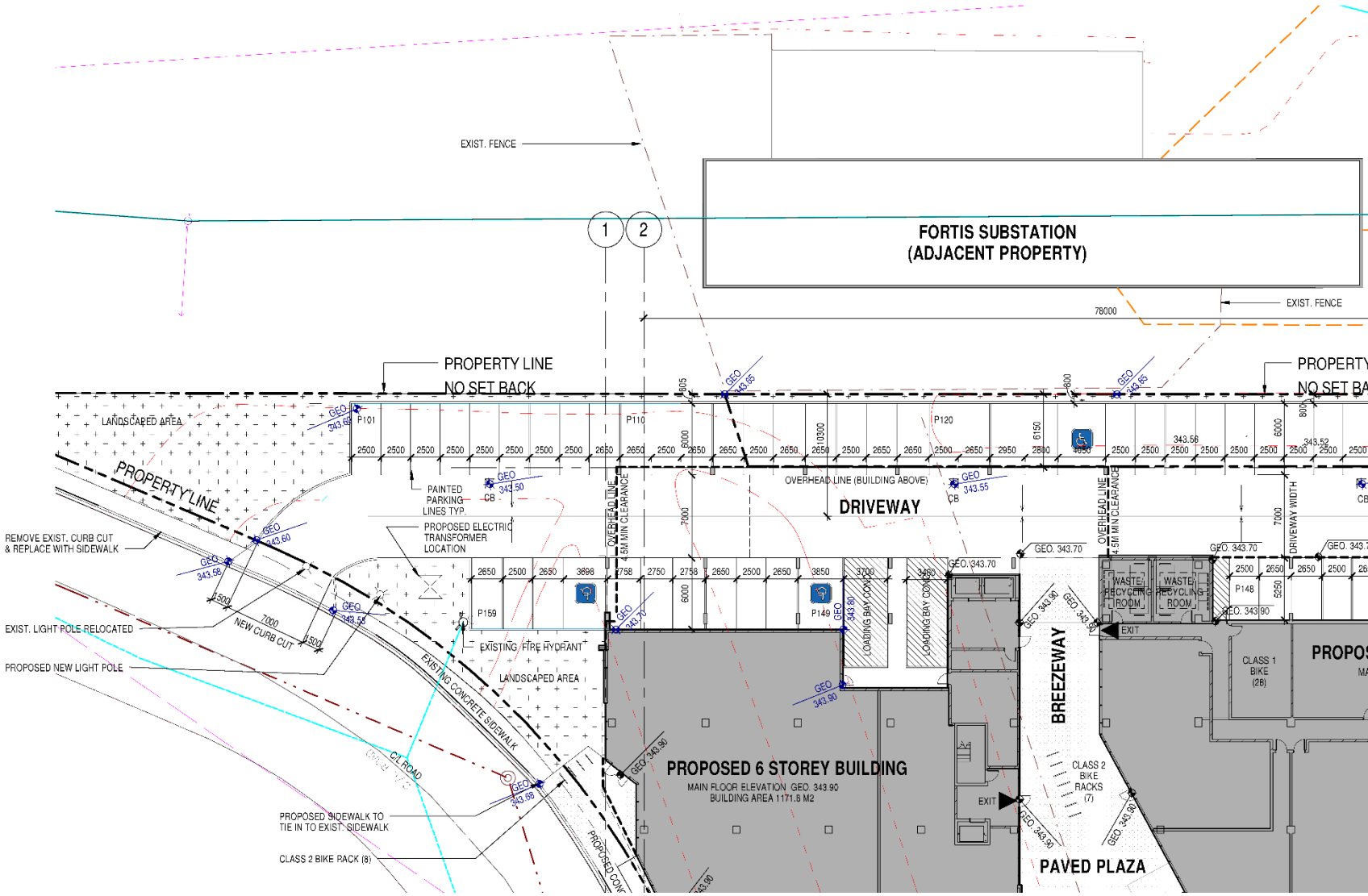
Permit # Z16-0040

City of Kelowna

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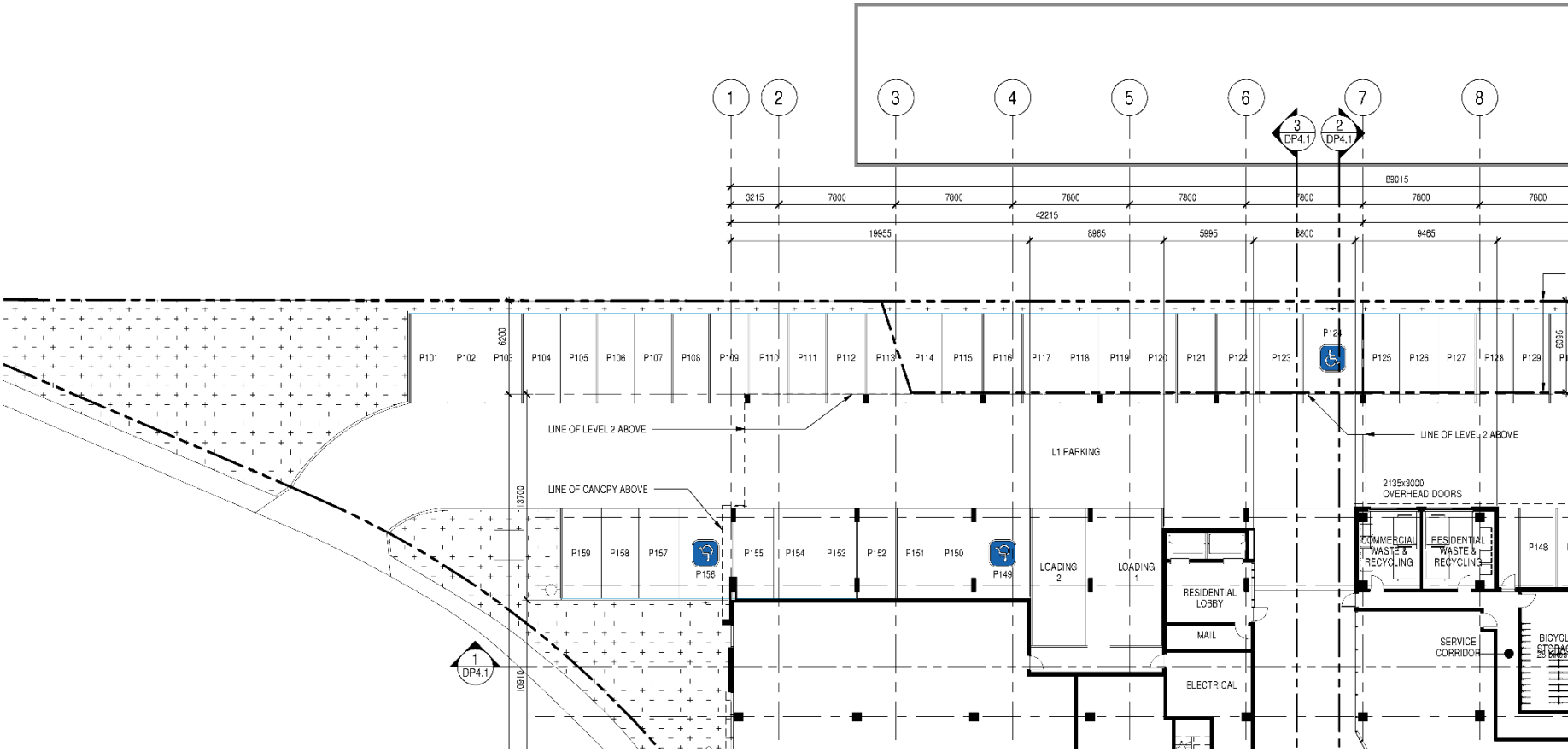
Permit # Z16-0040

City of Kelowna

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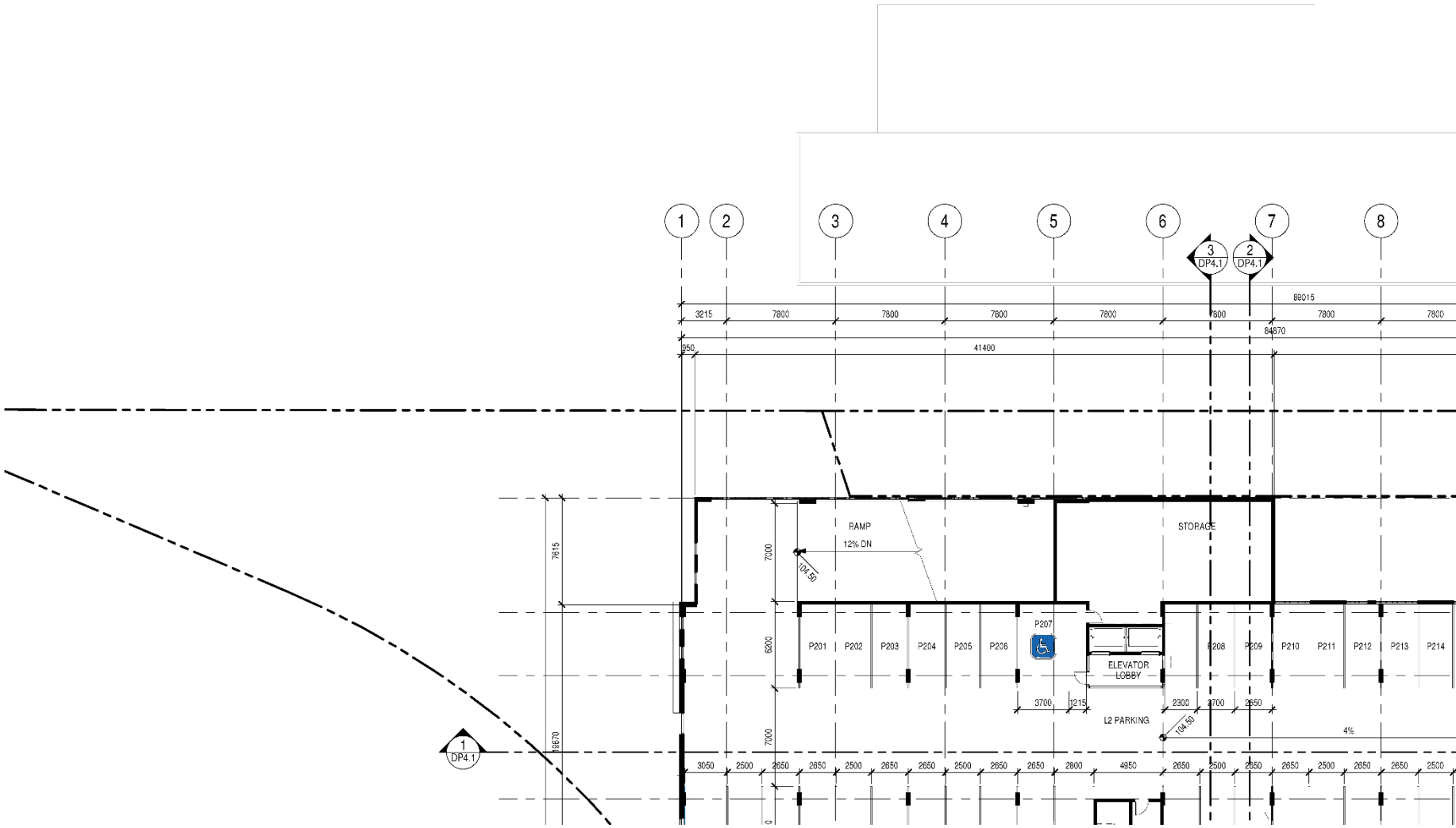
Permit # Z16-0040

City of Kelowna

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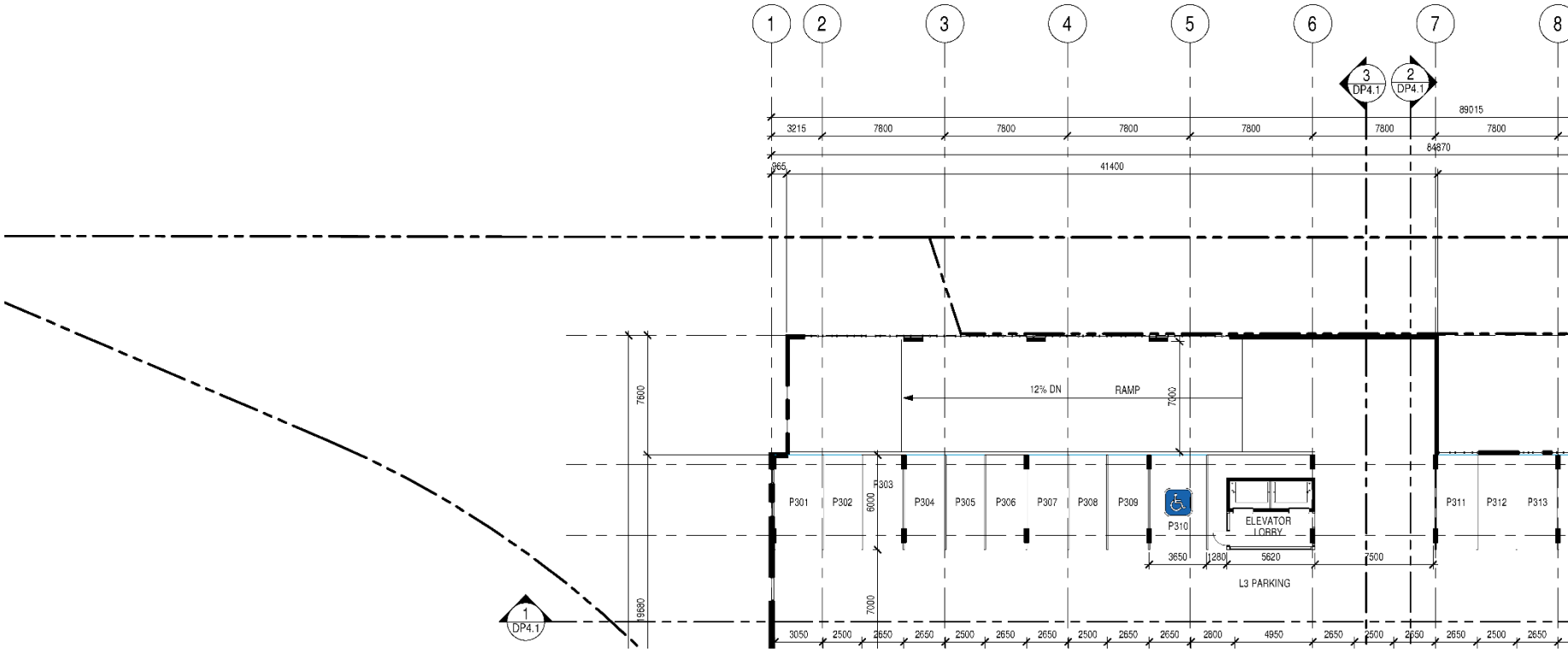
Permit # Z16-0040

City of Kelowna

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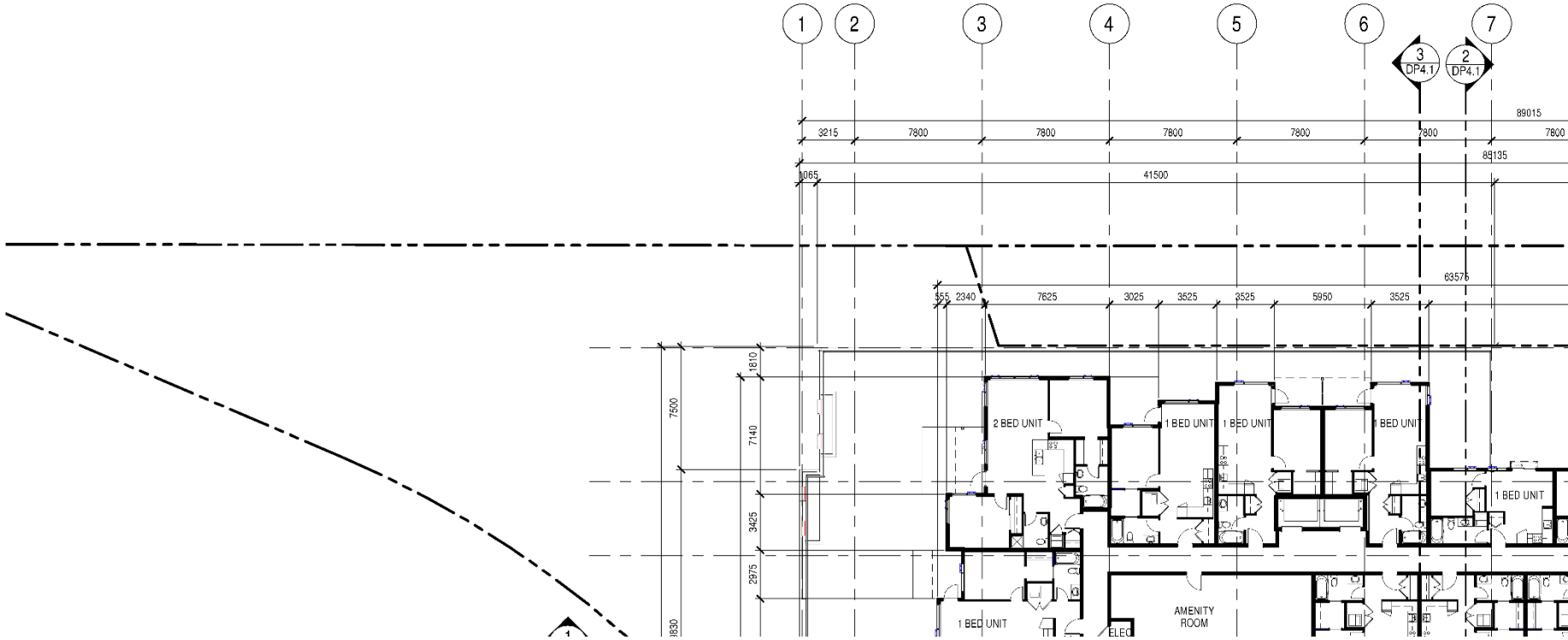
Permit # Z16-0040

City of Kelowna

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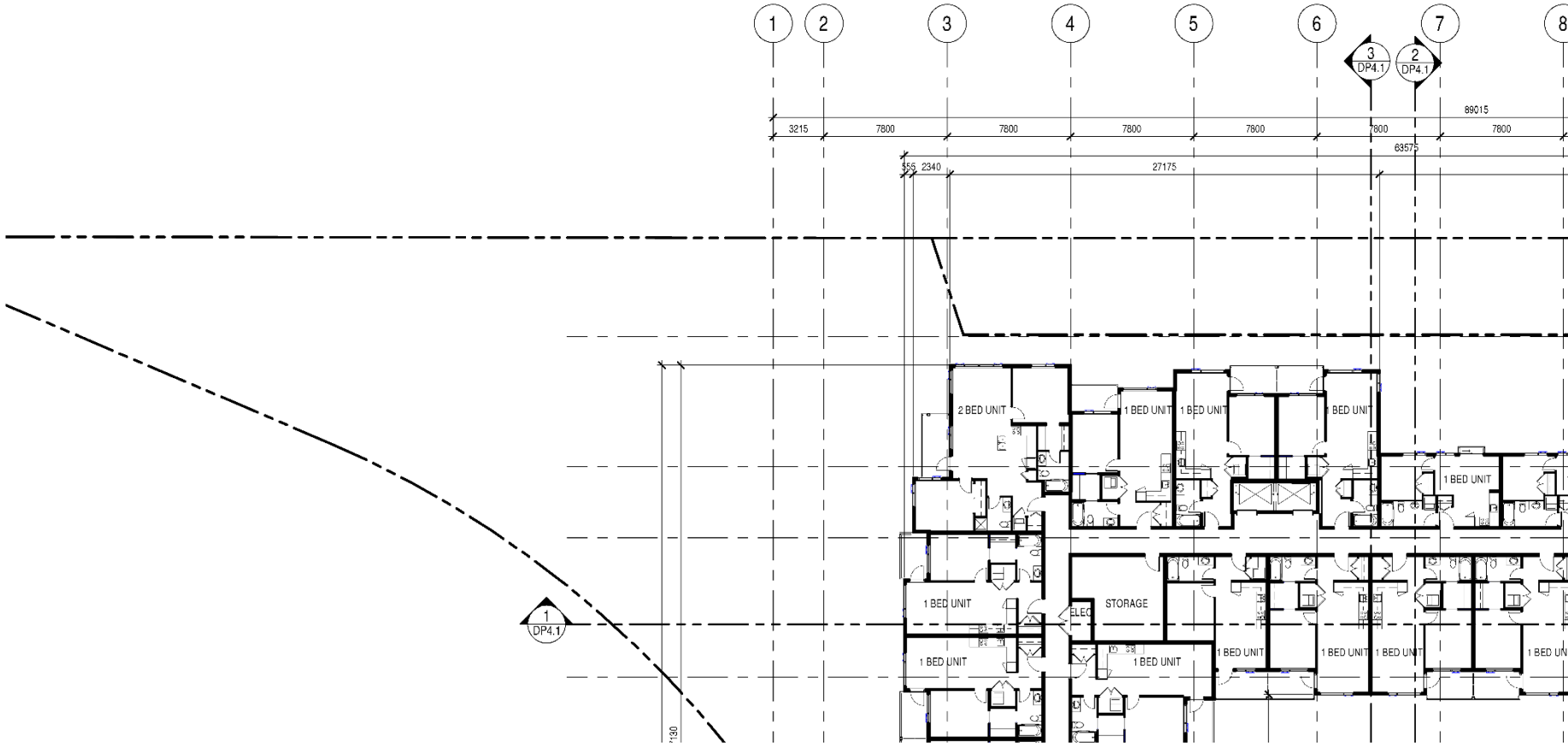
City of Kelowna

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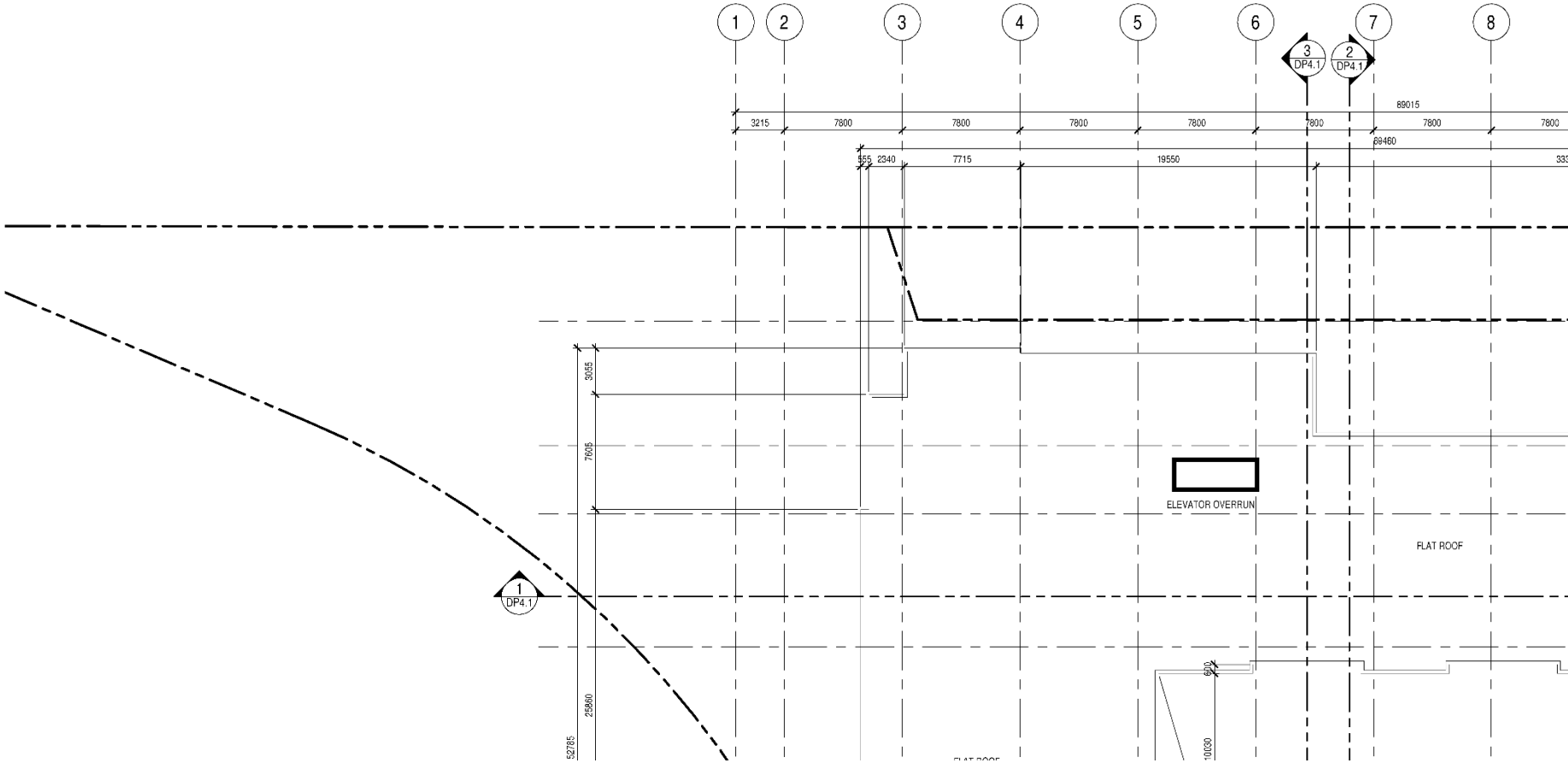
City of Kelowna

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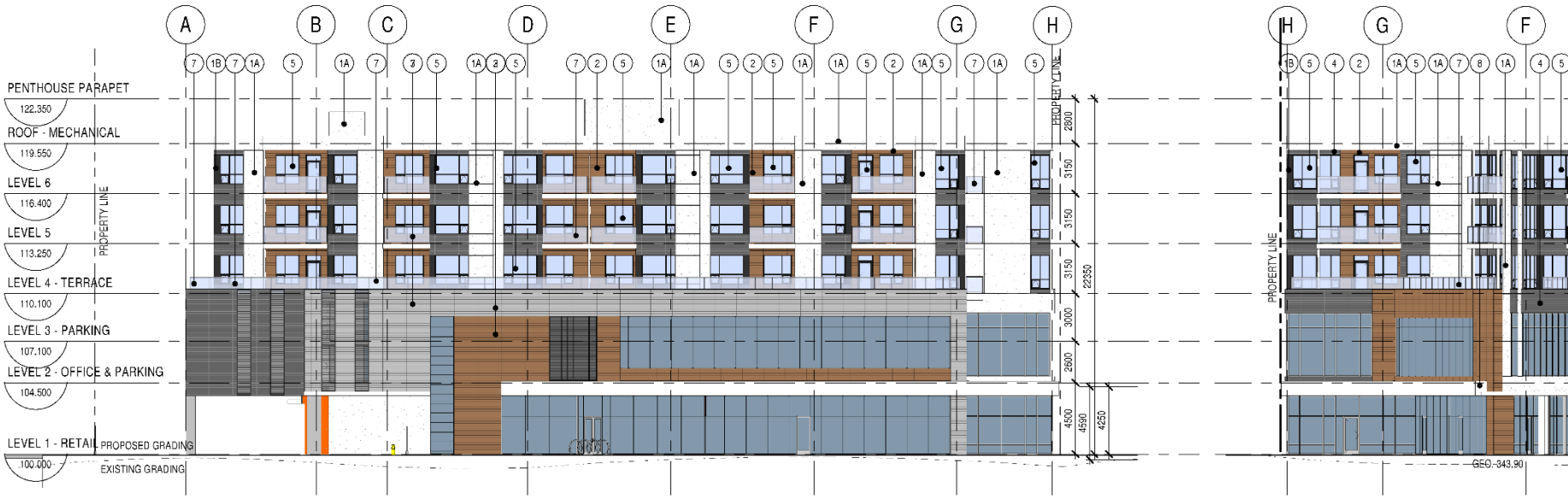
City of Kelowna




4 DP3.1 BUILDING ELEVATION - NORTH

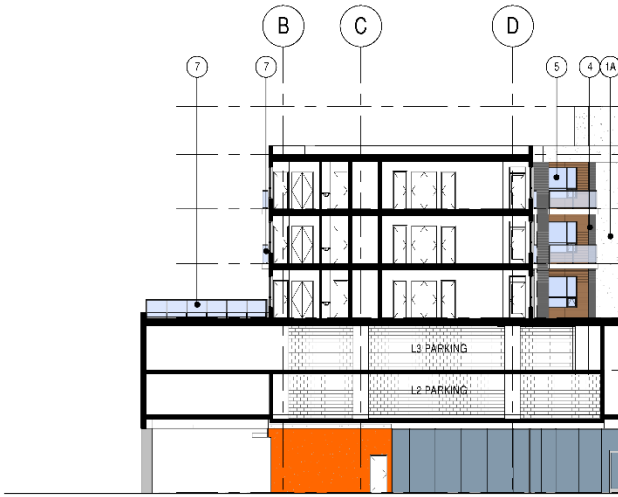
SCALE: 1 : 200

SCHEDULE A

This forms part of development

Permit # Z16-0040

City of Kelowna




SCHEDULE A
This forms part of development
Permit # Z16-0040

City of Kelowna

# CITY OF KELOWNA

# BYLAW NO. 11280

## Official Community Plan Amendment No. OCP16-0007
## 0984342 BC Ltd., Inc. No. 0984342
## 3441, 3451, 3461 & 3471 Lakeshore Road

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 36, District Lot 134, ODYD, Plan 3886, located on Lakeshore Road, Kelowna, B.C., from the S2RES – Single / Two Unit Residential designation to the MXR – Mixed Use (Residential / Commercial) designation;

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

# CITY OF KELOWNA

# BYLAW NO. 11281
# Z16-0040 – 0984342 BC Ltd., Inc. No. 0984342 and the City of Kelowna - 3441, 3451, 3461, 3471 Lakeshore Road

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of:

   Lot 36, District Lot 134, ODYD, Plan 3886 located on 3471 Lakeshore Road, Kelowna, BC from the RU6 – Two Dwelling Housing zone to the C4 – Urban Centre Commercial zone;

   Lot 37, District Lot 134, ODYD, Plan 3886, except Plan 40525 located on 3461 Lakeshore Rd, Kelowna, from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone;

   Lot 38, District Lot 134, ODYD, Plan 3886, except Plan 40525 located on 3461 Lakeshore Rd, Kelowna, from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone;

   Lot 39, District Lot 134, ODYD, Plan 3886, Except Plan KAP76671 located on 3451 Lakeshore Rd, Kelowna, from the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone; and

   Lot 3, District Lot 134, ODYD, Plan 38150, located on 3441 Lakeshore Rd, Kelowna, the C9 – Tourist Commercial zone to the C4 – Urban Centre Commercial zone.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____

City Clerk

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | September 12, 2016 | | |
| **RIM No.** | 1250-30 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (RR) | | |
| **Application:** | Z16-0046 / OCP16-0010 | **Owner:** | Valley Land Subdivision Ltd. |
| **Address:** | 720 Valley Road | **Applicant:** | Kent MacPherson |
| **Subject:** | Rezoning and Official Community Plan Amendment | | |

| | |
|---|---|
| Existing OCP Designation: | MRM – Medium Density Multiple Family |
| Proposed OCP Designation: | MRM – Medium Density Multiple Family and MRL – Low Density Multiple Family |
| Existing Zone: | A1 – Agricultural |
| Proposed Zone: | CD27 – Comprehensive Development Zone |

## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0010 to amend Map 4.1 in the Kelowna 2030 – Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of a portion of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720 Valley Road, Kelowna, BC from the MRM – Multiple Unit Residential (Medium Density) designation to the MRL – Multiple Unit Residential (Low Density) designation, as shown on Map "A" attached to the Report from the Community Planning Department dated September 12, 2016 be considered by Council;

AND THAT Rezoning Application No. Z15-0000 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061, located at 720 Valley Road, Kelowna, BC from the A1 – Agricultural zone to the CD27 – Comprehensive Development Zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment Application No. TA16-0009 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated September 12, 2016 be considered by Council;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the Purpose of Section 475 of the Local Government Act, as outlined in the Report from the Community Planning Department dated September 12, 2016;

AND THAT the OCP Amending Bylaw, Rezoning Bylaw and Text Amendment Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated September 16, 2016;

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Master Development Permit for the subject property;

AND THAT Council authorizes staff to release the Housing Agreements registered on title under numbers KN110164 and KN111083;

AND THAT Council consider a Bylaw which would authorize the City of Kelowna to repeal Bylaw No. 8477 being Housing Agreement Authorization Bylaw Marona Estates Ltd, and all amendments thereto, for Lot A Sections 32 and 29 Township 26 ODYD Plan EPP54061;

AND FURTHER THAT the repeal of Bylaw No. 8477, being Housing Agreement Authorization, be forwarded for reading consideration.

## 2.0 Purpose

To consider a rezoning bylaw application, an official community plan amendment application, a zoning bylaw text amendment for density transfer and a request to discharge a defunct housing agreement covenant for the subject property at 720 Valley Road.

## 3.0 Community Planning

Community Planning staff support the proposed development, and recommend that the associated bylaws be advanced to a public hearing for further consideration. These applications are the results of extensive work between the applicants and staff.

The development site is designated for higher density residential development in the Official Community Plan. However, previous development proposals have proven uneconomical. The proposed development is attainable and appropriate for the site, acting as a transition between the existing Conservatory building and the neighbouring properties, including the adjacent ALR lands and low density residential housing to the north.

The site is located on a major roadway with access to transit. It is on major multi-modal transportation corridors with direct access to Downtown and the Landmark areas. It has ready access to commercial and service nodes. The site has ready access to schools and services, with commercial services on site.

The proposed development and density is well suited for the site and location.

## 4.0 Proposal

### 4.1 Background

The proposed developments will be the final projects on the former Conservatory site. There have been multiple developments approved on the site since the late 1990's, with developments moving in fits and starts as new owners took over the project.

Recently, Council approved a commercial development on the south west corner of the larger Conservatory site, which is well underway. Council has also approved an 87 unit multiple-family building which will complete the original tower building, which will start construction in the near future.

The subject property under consideration is the land not rezoned during the initial approvals of the Conservatory. The property has been designated for future multiple family development in the Official Community Plan, but was not zoned during the approvals of the initial phases of the Conservatory.

4.2 Approvals Process

The proposed development is a large scale and complex project that will require a number of applications to be considered by Council as part of the approvals process. At this time, the process is expected to go through the following steps:

1. OCP / Rezoning application (Council approval)
2. Removal of Housing Agreement Covenants (Council approval)
3. Master Development Permit (Council approval)
4. Subdivision (Staff approval)
5. Development Variance Permits (if required) (Council approval)
6. Environmental Development Permit(s) (Staff approval)

7. Individual Form and Character Development Permits – between 4 to 8 (Council approvals)
8. Building Permits (staff approval)
9. Rental Grants (if applicable) (Council approval)

4.3 Project Description

The applicant has applied to re-designate a portion of the property from future MRM to MRL in the Official Community Plan, and to re-zone the property from A1 – Agriculture to a Comprehensive Development zone modelled on the RM3 – Low Density Multiple Family and RM5 – Medium Density Multiple Family. The applicant's long run goals are to develop the property with approximately 448 multi-family units and 48 townhome units.

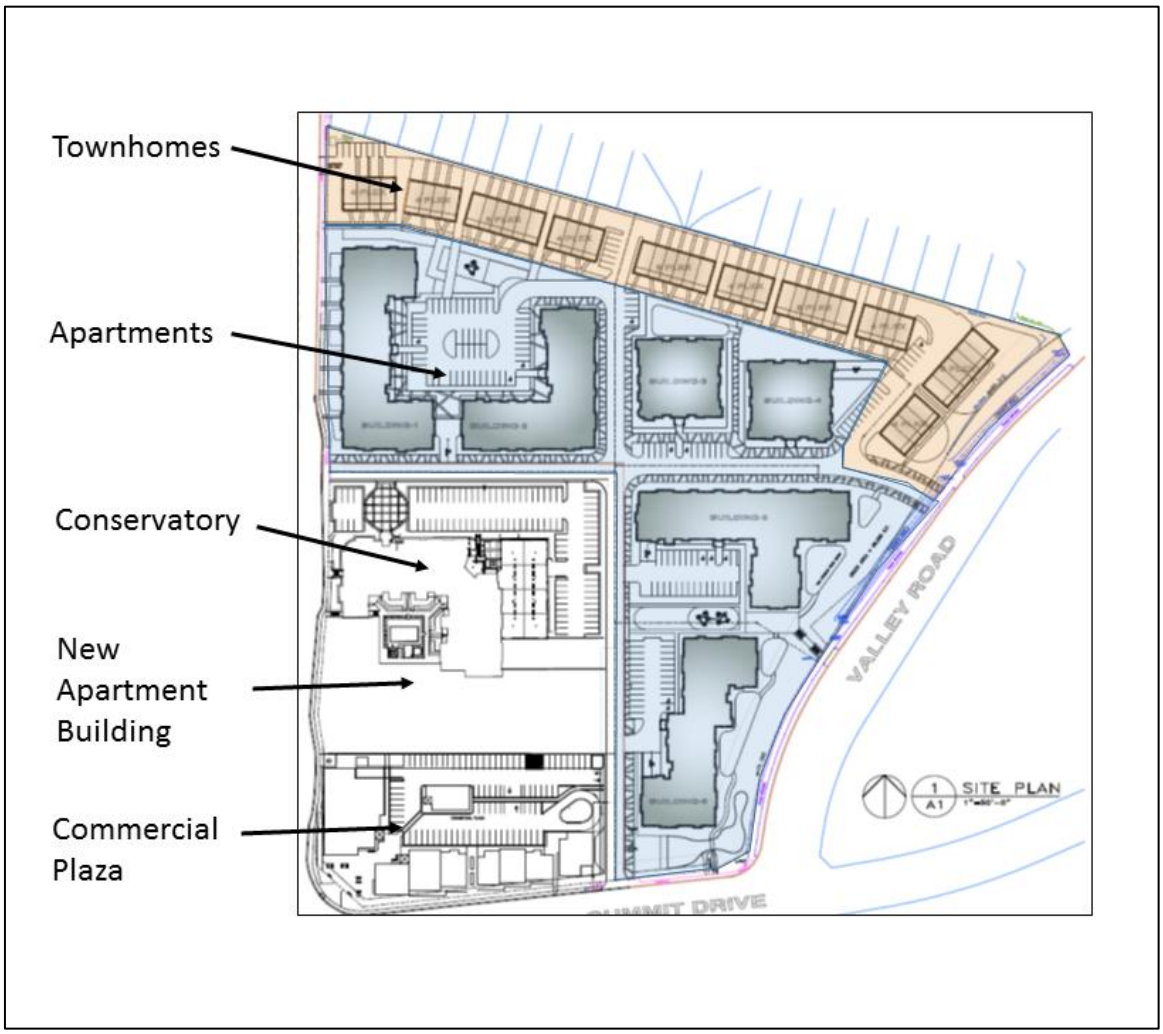



*Figure 1 Site Plan*

The proposed site layout would see the northern part of the property developed with townhomes to allow a sensitive transition to the existing low density housing to the north. The townhomes would not exceed 3 stories, rather than higher apartment buildings.

Six apartment buildings would be constructed around the existing Conservatory site. At this time, the CD27 zone would allow the buildings to be as high as 4 ½ stories. The Conservatory building itself is 6 stories above ground. The developer has indicated that there may be variance requests for building height at a later date, but those variances are not required at this time.

4.4 Total Buildout

Overall, if the entire Conservatory site (all phases, all ownership groups) were to build out as planned, there would be almost 700 residential units at this location.

| **Buildings** | **Units** |
|---|---|
| Conservatory (existing) | 108 units |
| Conservatory (new) | 87 units under construction |
| Proposed Apartments | 448 units |
| Proposed Townhomes | 48 units |

Additionally, there is a 22,000 sq. ft commercial plaza currently under construction on the site.

4.5 Density Transfer

At this time, the subject parcel is designated MRM in the Official Community Plan, which allows for apartment building level zoning over the entire site. As part of the design process, staff and the applicant agreed that locating 4 ½ storey apartment buildings directly adjacent to the Chartwell subdivision to the north was inappropriate, and would unduly effect the established neighbourhood. Staff requested that the applicant "down-designate" a portion of the property to restrict development to townhomes in order to provide a more sensitive land use transition.

The applicant agreed to "down-designate" the property from MRM to MRL, reducing the development potential on the north portion of the site. However, the developer has requested that that foregone density be transferred to the remainder of the site, allowing the apartment portion of the property to develop to a slightly higher density in exchange for the reduced density on the northern portion of the property.

Staff consider this an appropriate request. The applicant purchased the property as an MRM designated property, with the expectation that it could be fully built out. Staff have requested that the northern portion of the property be under-developed to minimize impact on the neighbours, so it seems an appropriate compromise to allow additional development on the remaining portions of the property.

The down-designation of the northern portion of the site will reduce the potential development on the site by 4870 $m^2$. The applicant has requested that 3260 $m^2$ of this density be transferred to the remainder of the site.

To accommodate this request, the CD27 zone has been designed to incorporate a density gradient across the site, allowing additional development along the south areas at the expense of limiting density along the north property line.

*Figure 2 Building Massing*

4.6 Site Design and Master Development Permit

The applicant has submitted a site plan as part of the rezoning application. The current owner does not intend to develop all of the buildings on the site itself. The owner, Trane Construction, intends to develop between 2 to 4 of the apartment buildings, and sell other apartment sites and townhomes to other developers.

To ensure the orderly development of the site, a Master Development Permit will be required. This permit will enshrine the site plan, including road layout, landscaping generalities and building footprints. Future developers will be required to apply for individual Development Permits for the building designs.

This strategy is similar to the strategy employed by the City as part of the Central Green approvals process. It allows Council to have assurances as to an orderly building layout while still giving some flexibility to amend building designs as styles or needs change.

Staff are recommending that consideration of a Master Site Development Permit be made a condition of bylaw adoption.

*Figure 3 Site Rendering*

4.7 Housing Agreement Discharge

During the initial design and approvals of the first Conservatory, a Housing Agreement was registered on site. At the time, the City of Kelowna Zoning Bylaw allowed Housing Agreements to be used as a tool to increase density on a site in exchange for the developer dedicating a certain number of units for affordable housing and seniors housing.

In 2011, Council removed this provision from the zoning bylaw, and requested that Housing Agreements of this nature be discharged as they no longer had any force or meaning. This discharge requires Council approval, and is included in the recommended resolution.

In addition to the Housing Agreement being discharged by bylaw, there are two other Housing Agreements registered on title. These also reference previous iterations of the development, and staff recommend these Housing Agreements be discharged.

The site owner and developer has indicated that at least the first two apartment buildings will be purpose built rental, and that they may be applying for City Rental Grants in the future. As a condition of these grants, registration of a separate covenant would be required.

## 4.8 Traffic and Road Works

Based on the traffic study conducted as part of the application process, the developer will need to construct several road improvements. Most significantly, a traffic light will be required at the intersection of Valley and Summit Roads. This traffic light will be programmed to coordinate with the light at Glenmore and Summit to improve overall network functionality.

The traffic light and other road works will be required to be fully operational prior to any buildings on the site being granted occupancy.

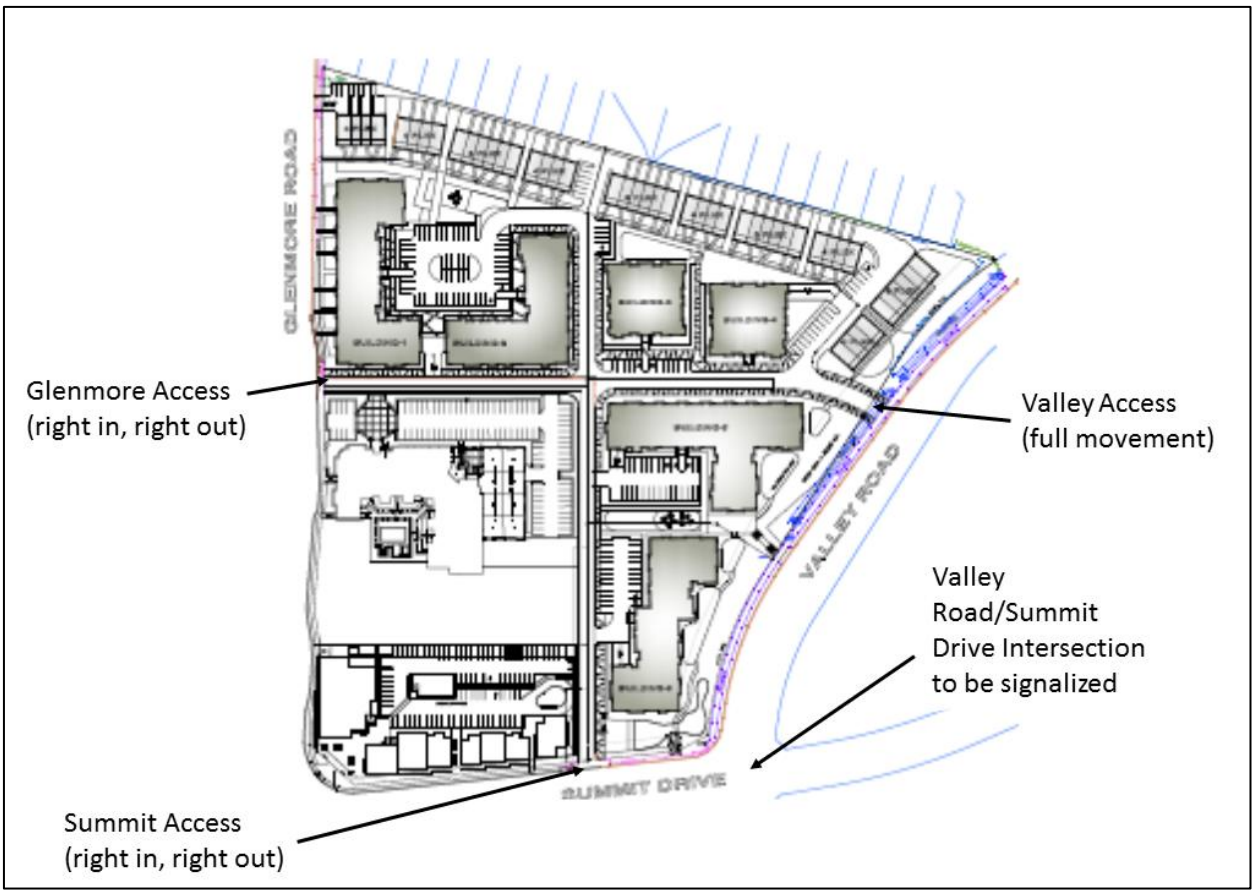



*Figure 4 Access Points*

## 4.9 Environmental Considerations

Brandt's Creek runs through a pipeline along the east property line. At a minimum, the developer will be required to daylight Brandt's Creek, removing it from the pipeline and running it through

a semi-naturalised channel along the east property line. The developer would be required to protect a 15 m strip of land along the east property line as riparian area as per the guidelines of the Official Community Plan.

Staff and the developer are exploring an alternative option that would see Brandt's Creek returned to its natural channel, across Valley Road on the eastern side. Brandt's Creek originally ran along the east side of Valley, but was moved into a new channel as the Glenmore Valley Neighbourhood developed. Best management practice is to naturalize creeks wherever possible to reduce maintenance costs and best return to natural ecosystems.

The option is currently being explored, and will form part of the Master Development Permit for the site. In either outcome, a 15 m strip along the east property line will be protected as open space, with the use and programming being dependent on the creek configuration.

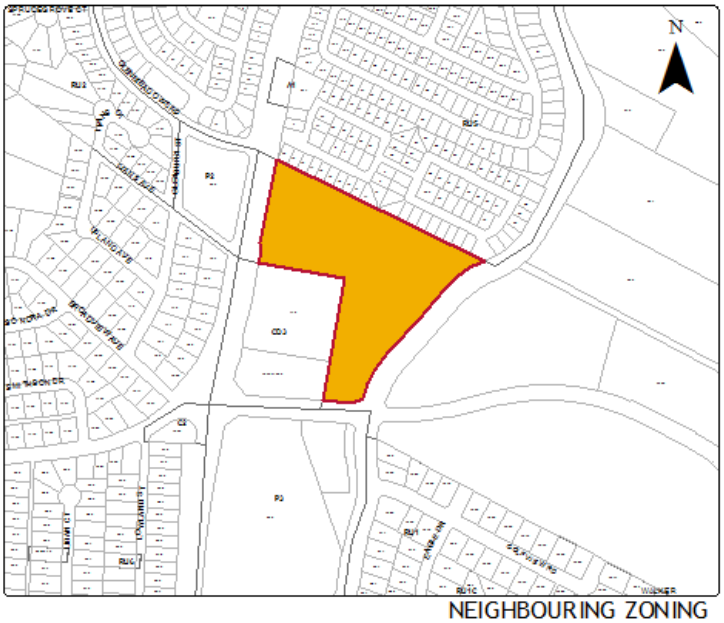
## 4.10 Site Context

Adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | RU5 – Bareland Strata Housing | Duplex Residential |
| East | A1 - Agricultural | Agricultural |
| South | P3 – Parks and Open Space | Golf Course/ Park |
| West | P2 / RU1 | School / Single Family Residential |

**Subject Property Map:**

CONTEXT




NEIGHBOURING ZONING

SUBJECT PROPERTY

4.11 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **RM3 ZONE REQUIREMENTS** | **PROPOSAL** |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 900 $m^2$ | 10,826 $m^2$ |
| Lot Width | 30 m | 30 m |
| Lot Depth | 30 m | 83 m |
| Development Regulations | | |
| Floor Area Ratio | 0.75 | 0.63 |
| Height | 3 stories or 10 m | Up to 3 stories |
| Front Yard | 4.5 m | 6.0 m |
| Side Yard (south) | 4.0 m | 10.0 m |
| Side Yard (north) | 4.0 m | 6.0 m |
| Rear Yard | 7.5 m | 10.0 m |

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **RM5 ZONE REQUIREMENTS** | **PROPOSAL** |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 1,400 $m^2$ | 32, 591 $m^2$ |
| Lot Width | 30 m | 54 m |
| Lot Depth | 35 m | 100 m |
| Development Regulations | | |
| Floor Area Ratio | 1.2 | 1.3 * |
| Height | 4.5 stories | 6 stories ** |
| Front Yard | 6.0 m | 6.0 m |
| Side Yard (south) | 4.5 m | 4.5 m |
| Side Yard (north) | 4.5 m | 4.5 m |
| Rear Yard | 9.0 m | 10.0 m |

| |
|---|
| * Requires density re-allocation<br>** Will require variances |

## 5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Complete Communities. Support the development of complete communities with a minimum intensity of approximately 35 – 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

5.2 Council Policy 367

In accordance with Council Policy 367, the Developer advertised and held an open house on August 23, 2016. Based on staff observations, approximately 80 residents from nearby neighbourhoods attended.

The developer has also met with the Chartwell strata council, representing residents of the strata development to the north of the site, to solicit design input and build relationships.

## 6.0 Technical Comments

6.1 Building & Permitting Department

- A Geotechnical report for the requirements in the Glenmore clays should accompany the sub division. Drywells and roof water may require special attention for any future buildings.

6.2 Development Engineering Department

- See attached Memorandum dated August 3, 2016.

6.3 Fire Department

1. Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.

2. Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900. New hydrants on this property shall be operational prior to the start of construction and shall be deemed a private hydrant

3. All buildings shall be addressed off of the street it is accessed from.

4. A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD

5. Fire Department access is to be met as per BCBC 3.2.5. - the interior access road does not appear to meet these requirements

6. Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted

7. All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met

8. Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.

9. Contact Fire Prevention Branch for fire extinguisher requirements and placement.

10. Fire department connection is to be within 45M of a fire hydrant - unobstructed.

11. Ensure FD connection is clearly marked and visible from the street.

12. Standpipes to be located on intermediate landings.

13. Sprinkler zone valves shall be accessible as per fire prevention bylaw - less than 7 feet from floor

14. Dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.

## 7.0 Application Chronology

Date of Application Received: July 15, 2016
Date Public Consultation Completed: August 23, 2016

**Report prepared by:**

_____
Ryan Roycroft, Planner

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

**Approved for Inclusion:** ☐ Ryan Smith, Community Planning Department Manager

**Attachments:**

Applicant's Rationale
Site Plan
Conceptual Elevations
Landscape Plan
Shadow Studies
Development Engineering Memorandum
Draft CD27 Zone

Kent•Macpherson

July 15, 2016

Current Planning Department
City of Kelowna
1435 Water Street
Kelowna, BC, V1Y 1J4

**Attention: Ryan Roycroft, Community Planning Supervisor**

**Re: OCP Amendment, Rezoning Application and Development Permit**
**720 Valley Road, Kelowna – Lot A, Plan EPP 54061, ODYD**

**Applicant: Valley Land Subdivision Ltd**

Please accept this application for the following:

| | |
|---|---|
| OCP Amendment | To amend the current OCP from Multiple Unit Residential (Medium Density) to Multiple Unit Residential (Low Density) for ~2.68 acres along the north boundary of the site |
| Rezoning Application | Rezone the site from A1 (Agricultural) to RM3 and RM5 in accordance with the proposed changes to the OCP |
| Development Permit | To propose the development of ~6 multi-family buildings containing ~448 apartment units in the proposed RM5 zone, and ~48 townhouse units in the proposed RM3 zone |

The subject property is located in the Glenmore Valley and has been identified for medium density development since 2000 in the City of Kelowna's OCP (Bylaw 8600). The entire site is located outside of the Agricultural Land Reserve, and within the City's Permanent Growth Boundary.

This application is the first step in realizing appropriate and suitable infill on the subject property. The densification of the site is in line with the City of Kelowna's Official Community Plan.

As the development to the north of the subject property is currently zoned RU5 (Bareland Strata Housing) and has a maximum building height of 2 ½ storeys (9.5 m), we are proposing to 'down zone' the OCP to restrict buildings along our northerly boundary to RM3 (Low Density Multiple Housing) with a maximum building height of 3 storeys (10 meters). This will allow the project to develop with appropriate height transitions.

We would request that the site still be able to retain an overall FAR of 1.1 (as per the RM5 Zone), by transferring the density lost from 'downzoning' the OCP to RM3 – and transferring that FAR to the remaining RM5 parcels. We are requesting that the four RM5 parcels have this FAR increased from 1.1 to 1.2. In addition, we would still like to retain the RM5 provision that would allow the FAR to be increased by the percentage of required parking provided under the building to a maximum net floor area for the zone of
1.3.

We look forward to working with the City to see this vacant site finally developed into a quality residential project in the community.

If you have any questions pertaining to these Applications, please do not hesitate to contact me.

Sincerely,

**KENT-MACPHERSON**

Per: _____
J. Hettinga, B.Sc., RI



304 - 1708 Dolphin Ave, Kelowna, BC V1Y 9S4 • Tel 250-763-2236 • Fax 250-763-3365 WWW.KENT-MACPHERSON.COM

1 / A1 SITE PLAN
1"=50'-0"

2 / A1 KEY PLAN
N.T.S.


efg architects inc.
9834-105 Street
Edmonton, AB t5k 1A6
Office: (780) 423-3424
Fax: (780) 425-0536


Architect's Seal

Client
TRAINE CONSTRUCTION
500 1708 DOLPHIN AVE,
KELOWNA, BC

Consultant's

# VALLEY ROAD MIXED USE

City Posse Number

Project Address

| NO | DATE | DESCRIPTION |
|---|---|---|

Project No. EG1074

Version: V8

Date: 07/15/2016

Drawing Title
SITE PLAN

Drawing No.
A1

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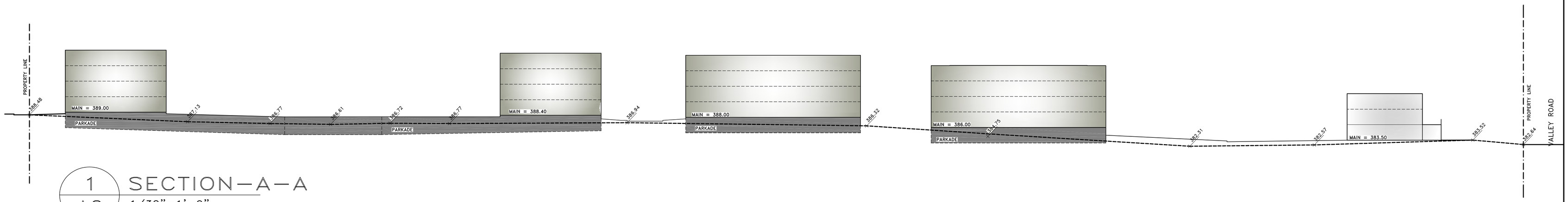


1 / A2 SECTION—A—A

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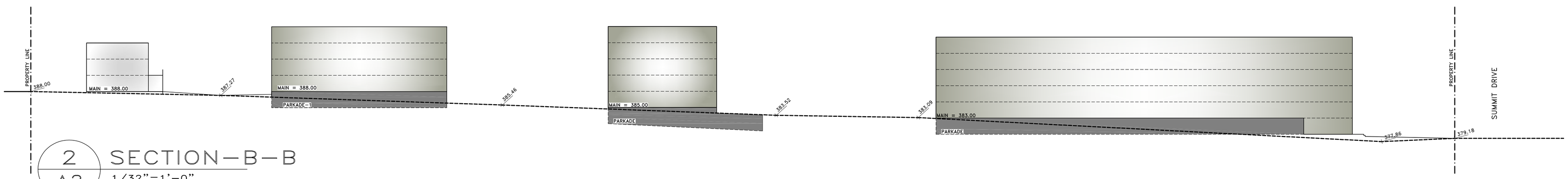


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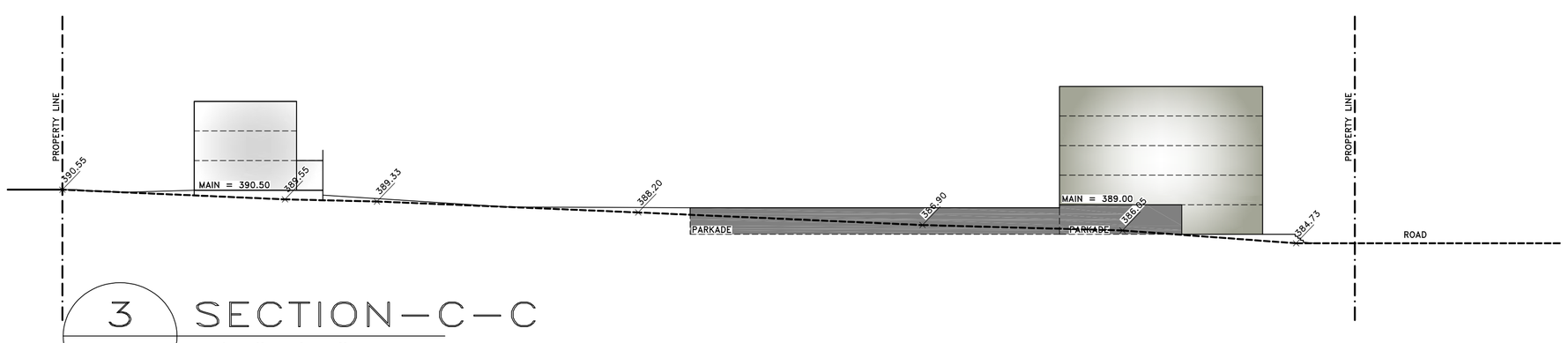


3 / A2 SECTION—C—C

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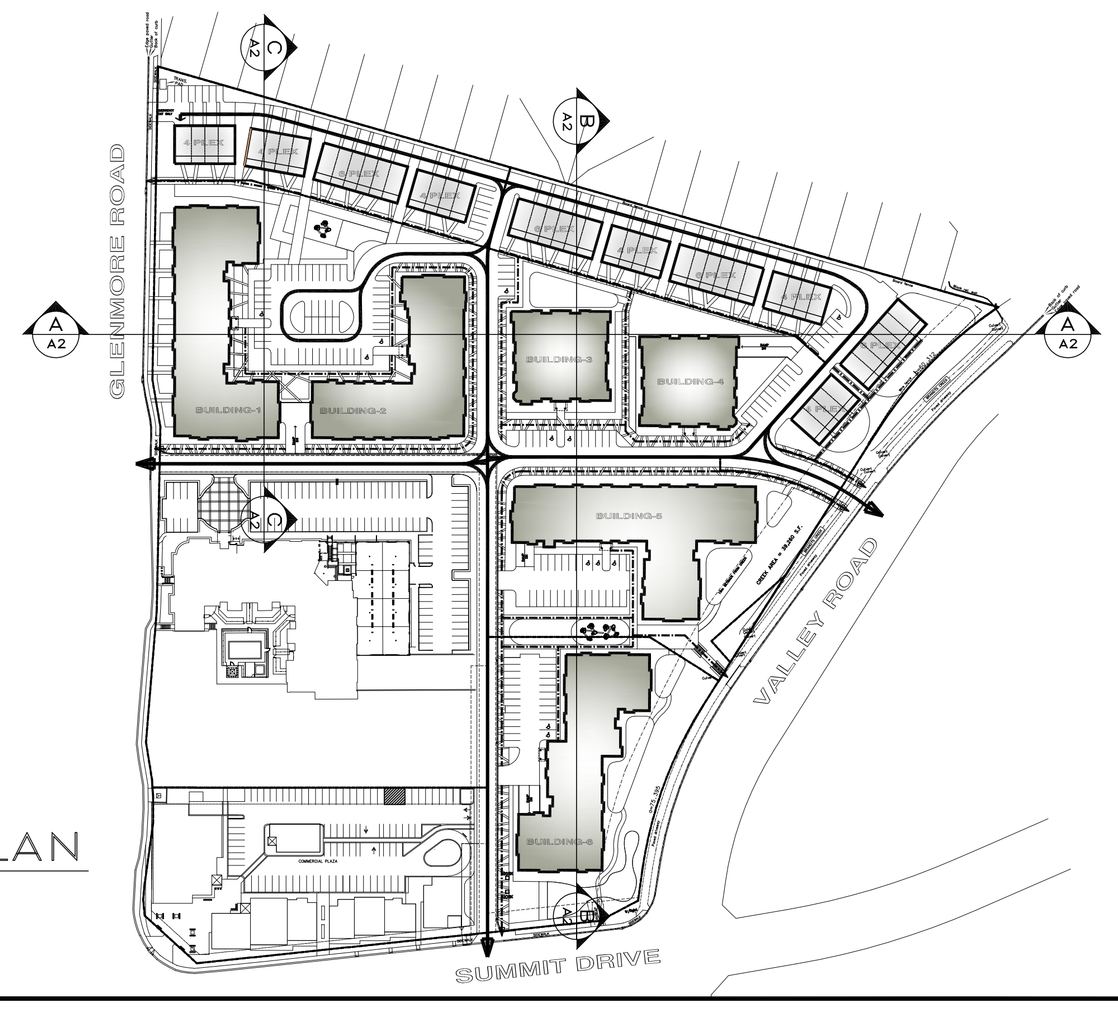


4 / A2 KEY PLAN

N.T.S.

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KELOWNA, BC

Consultant's

# VALLEY ROAD MIXED USE

City Posse Number

Project Address

| NO | DATE | DESCRIPTION |
|---|---|---|
| | | |

Project No. EG1074

Version: V5

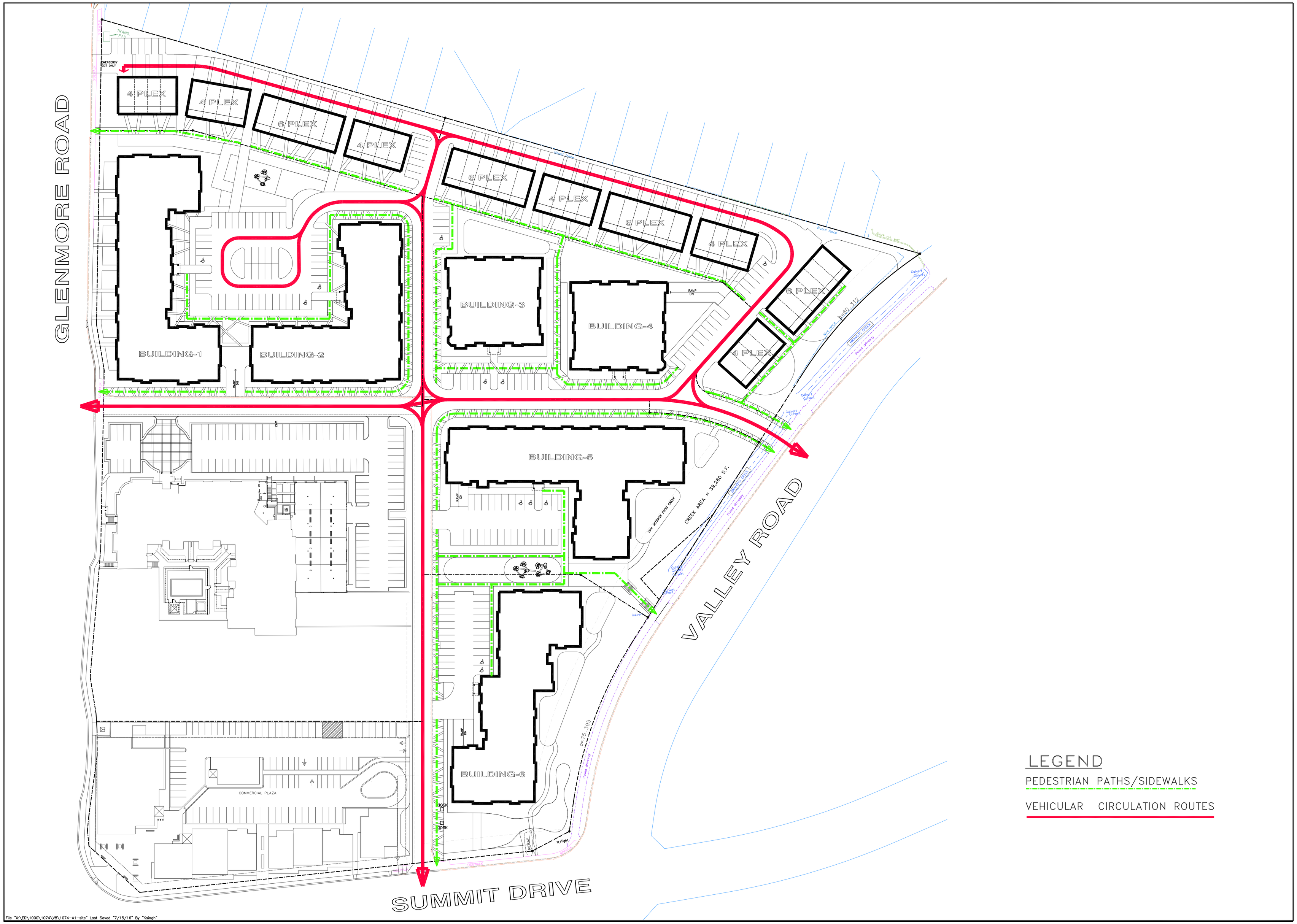
Date: 07/15/2016

Drawing Title

SITE SECTIONS

Drawing No.

A2

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City Posse Number

Project Address

| NO | DATE | DESCRIPTION |
|---|---|---|
| | | |

Project No. EG1074

Version: V8

Date: 07/15/2016

Drawing Title
VEHICULAR CIRCULATION

Drawing No.
A3

AERIAL VIEW - 1

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# VALLEY ROAD MIXED USE

City Posse Number

Project Address

| NO. | DATE | DESCRIPTION |
|---|---|---|

Project No. EG1074

Version: V8

Date: 07/14/2016

Drawing Title

3D SITE MASSING

Drawing No.

P1

AERIAL VIEW - 2

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VALLEY ROAD
MIXED USE

City Posse Number

Project Address

| NO. | DATE | DESCRIPTION |
|---|---|---|
| | | |

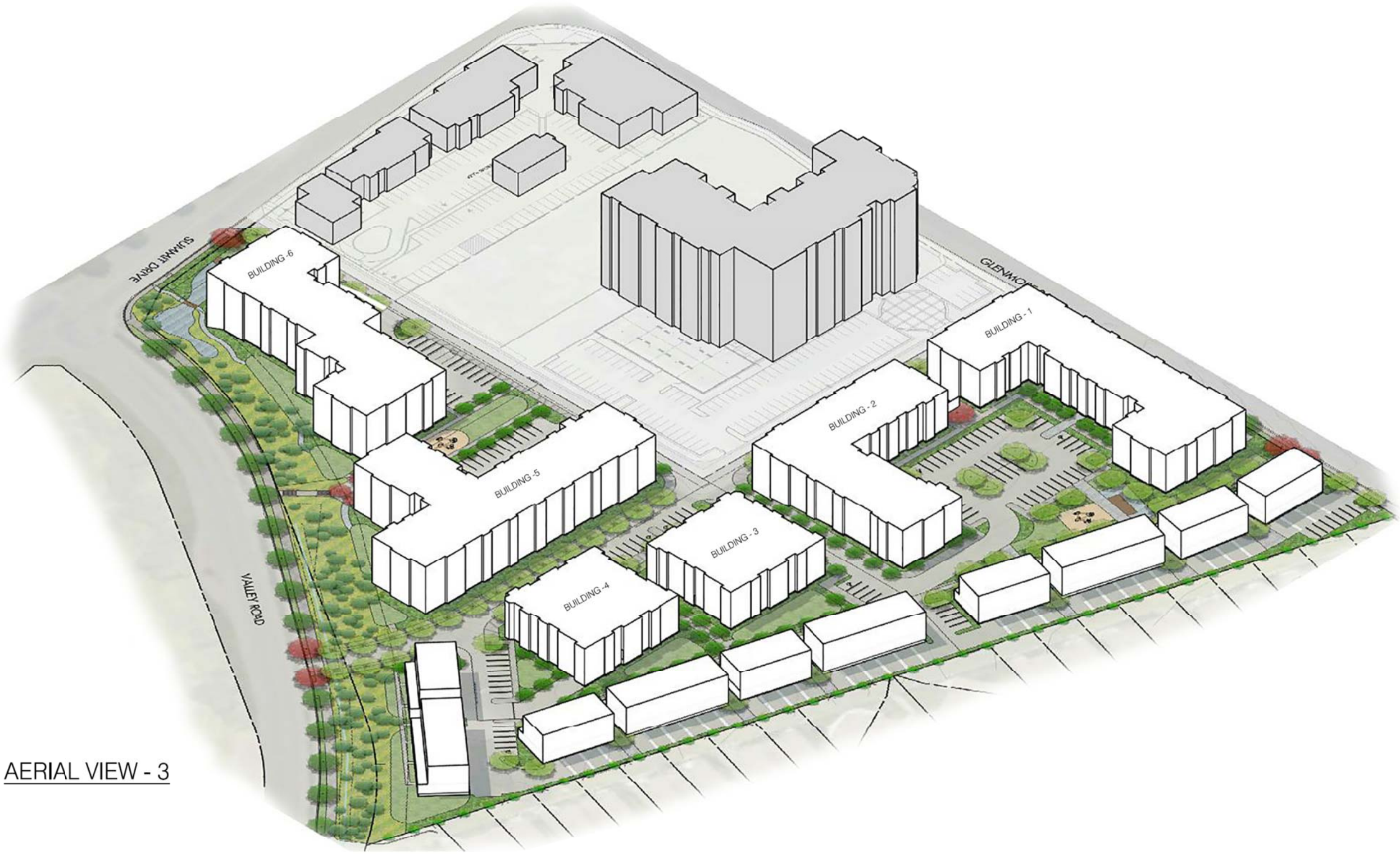
Project No. EG1074

Version: V8

Date: 07/14/2016

Drawing Title
3D SITE MASSING

Drawing No.
P2




AERIAL VIEW - 3

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KELOWNA, BC

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VALLEY ROAD
MIXED USE

Project Address

City Posse Number

| No. | DATE | DESCRIPTION |
|---|---|---|

Project No. EG1074
Version: V8
Date: 07/14/2016

Drawing Title
3D SITE MASSING

Drawing No.
P3

AERIAL VIEW - 4

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KELOWNA, BC

Consultant's

VALLEY ROAD
MIXED USE

City Posse Number

Project Address

| NO | DATE | DESCRIPTION |
|---|---|---|

Project No. EG1074

Version: V8

Date: 07/14/2016

Drawing Title
3D SITE MASSING

Drawing No.
P4

1 SS-1 June 21 - 930am
1" = 160'-0"

2 SS-1 June 21 - 1230pm
1" = 160'-0"

3 SS-1 June 21 - 330pm
1" = 160'-0"

4 SS-1 March/Sept 21 - 930am
1" = 160'-0"

5 SS-1 March/Sept 21 - 1230pm
1" = 160'-0"

6 SS-1 March/Sept 21 - 330pm
1" = 160'-0"

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Architect's Seal

Client
**TRAINE CONSTRUCTION**
**500 1708 DOLPHIN AVE**
**KELOWNA, BC**

Consultant"s

VALLEY ROAD MIXED USE

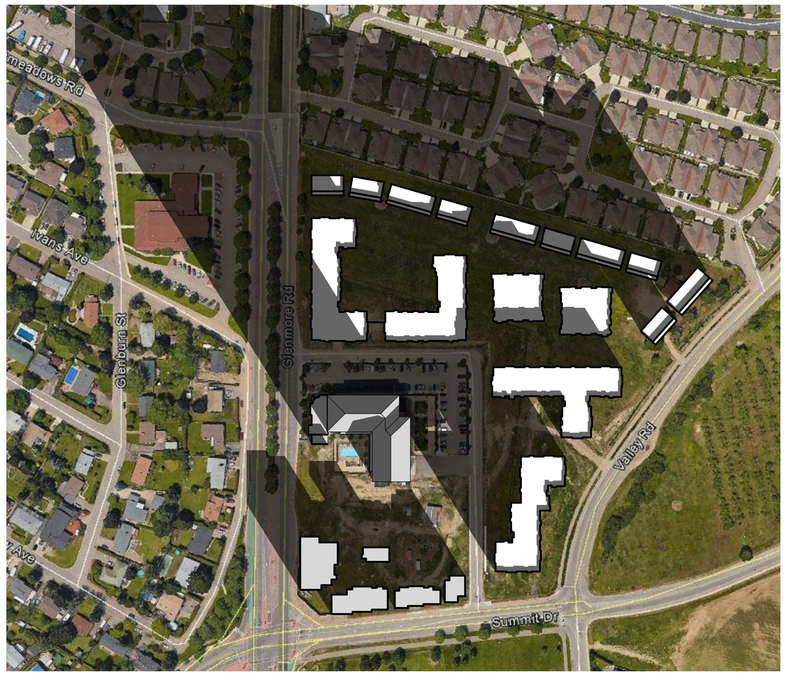
City Posse

Project Address
720 VALLEY ROAD
KELOWNA, B.C.

| NO. | DATE | DESCRIPTION |
|---|---|---|

Project No. EG1074
Version: V8
Date: 07/15/16
Drawing Title: SUN STUDY
Drawing No. SS-1

2
SS-2
Dec 21 - 1230pm
1" = 160'-0"




1
SS-2
Dec 21 - 930am
1" = 160'-0"

3
SS-2
Dec 21 - 330 pm
1" = 160'-0"

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architects inc.
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Edmonton, AB t5k 1A6
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Architect's Seal

Client
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**500 1708 DOLPHIN AVE**
**KELOWNA, BC**

Consultant"s

VALLEY ROAD
MIXED USE

City Posse

Project Address
720 VALLEY ROAD
KELOWNA, B.C.

| NO. | DATE | DESCRIPTION |
|---|---|---|

Project No. EG1074
Version: V8
Date: 07/15/16
Drawing Title: SUN STUDY
Drawing No. SS-2

## CITY OF KELOWNA

# MEMORANDUM

**Date:** August 3, 2016

**File No.:** Z16-0046

**To:** Planning & Development Services (RR)

**From:** Development Engineering Manager (PI)

**Subject:** 720 Valley Rd A1 to RM3 & RM5

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technologist for this project is Ryan O'Sullivan

The Development Services Branch comments and requirements regarding this application to rezone the subject property from A1 to RM3 & RM5 are as follows:

**1. General.**

a) Provide easements and Right of Ways as required.

**2. Geotechnical Study.**

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:
- Overall site suitability for the proposed development.
- Slope analysis (i.e. 0-10 %, 10-20 %, 20-30% and over 30 %).
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Potential site erosion.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards

**3. Domestic water and fire protection.**

(a) The property is located within the Glenmore Ellison Irrigation District (GEID) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with GEID staff for any service improvements and the decommissioning of existing services. Only one water service will be permitted to a consolidated lot.

(b) A water meter is mandatory for each property and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost. Boulevard landscaping, complete with underground irrigation system, must be integrated with the on-site irrigation system.

(c) Boulevard landscape irrigation system, must be integrated with the on-site irrigation system.

**4. <u>Sanitary Sewer.</u>**

a) The developer's consulting civil engineer will determine sanitary sizing and design for this development. Depending on Sizing Developer to tie into 375mm PVC on Summit Drive or 525mm RC on Valley Road.

b) Perform a downstream capacity analysis of the City's Sanitary Sewer system based on the proposed development unit count.

**5. <u>Drainage.</u>**

a) The developer is to provide an overall Storm Water Management Plan for the entire parent parcel of land which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900. The overall Storm Water Management Plan sets the maximum storm release rate for the subject property and the development of the property will require a Storm Water Management Plan that will respect the maximum release rates.

**6. <u>Power and Telecommunication Services.</u>**

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

**7. <u>Street lights.</u>**

Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan.

**9. <u>Road improvements.</u>**

(a) Valley Rd must be upgraded and extended with road dedication and constructed to SS-R12 urban standard along the full frontage of this proposed development, including curb and gutter, bike lanes, Asphalt MUP, drainage system including catch basins, manholes and pavement removal and replacement and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. This includes left and right turn lanes for Development entrance on Valley Road.

(b) Summit Drive and Valley Road intersection must be fully signalized with left turn bays on all legs.

(c) Right and Left turn lanes into development from Valley Road are required.

(d) Upgrades to Brant's creek must be complete with offsite construction with MOE and city of Kelowna approved permits.

## 10. Road Dedication and Subdivision Requirements

(a) Grant Statutory Rights of Way if required for utility services.

(b) Emergency access road must be constructed SS_R2 standards.

(c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.

## 11. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of $1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

## 12. Design and Construction

a) Design, construction supervision and inspection of all off-site civil works and site servicing performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

## 13. Servicing Agreements for Works and Services

a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings or reports and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than $5,000,000 and the City is to be named on the insurance policy as an additional insured.

## 14. Other Engineering Comments

(a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

(b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

## 15. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

## 16. Development Permit and Site Related Issues

(a) Access and Manoeuvrability

(i) An MSU standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.

(ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

(iii) Direct the roof drains into on-site rock pits or splash pads.

(iv) The access to this sites must be from Dedicated left and right turn lanes on Valley Rd, right in right out on Glenmore Dr. and right in right out on Summit Dr.

## 17. Administration Charge

An administration charge will be assessed for processing of this application, review and approval of engineering designs and construction inspection. The administration charge is calculated as (3.5% of Total Off-Site Construction Cost plus GST).

_____
Purvez Irani, MS, P.Eng, PTOE
Development Engineering Manager
RO

# CD27 – Valley Land Subdivision

**1.1 Purpose**
The purpose is to provide a **zone** for the orderly multiple unit residential development of the properties at the intersection of Valley Road and Summit Drive.

**1.2 Principal Uses**
The **principal uses** in this **zone** are:
a) **boarding and lodging houses**
b) **community garden**
c) **multiple dwelling housing**
d) **supportive housing**

**1.3 Secondary Uses**
The **secondary uses** in this **zone** are:
a) **agriculture, urban**
b) **child care centre, major**
c) **community recreation services**
d) **home based businesses, minor**
e) **multi-residential shared gardens**

**1.4 Buildings and Structures Permitted**

In areas shown as Area 1 in Figure 1 – CD27 Area, the following buildings and structures are permitted:
a) **apartment housing**
(b) permitted **accessory buildings** and **structures**

**Area 2**
In areas shown as Area 2 in Figure 1 – CD27 Area, the following buildings and structures are permitted:
(a) **stacked row housing**
(b) permitted **accessory buildings** and **structures**

**Area 3**
In areas shown as Area 3 in Figure 1 – CD27 Area, the following buildings and structures are permitted:
a) **Public parks**
**b) Community Garden**
**c) Participant Recreation Services, outdoor**
**d) Community Garden**

**1.5 Subdivision Regulations**
(a) The minimum **lot width** is 15.0 m.
(b) The minimum **lot depth** is 35.0 m.
(c) The minimum **lot area** is 1400 m².

**1.6 Area 1 - Development Regulations**
In areas shown as Area 1 in Figure 1 – CD27 Area, the following development regulations apply:

DRAFT

(a) The maximum **floor area ratio** is 1.1
Where the required **parking spaces** (excluding visitor stalls) are provided totally beneath habitable space of a principal **building** or beneath **use**able common amenity areas providing that in all cases, the **parking spaces** are screened from view, the **floor area ratio** may be increased by the percentage of required parking provided under the building to a maximum net floor area for the zone of 1.35.

(b) The maximum **site coverage** is 40%.
This may be increased to 50% if the developer can achieve additional **private open space** (a minimum of 20% on top of the bylaw requirement) within the footprint of the building.

The maximum **site coverage** of **buildings**, driveways, and parking areas is 65%.

(c) The maximum **height** is the lesser of 18.0 m or 4.5 **storeys**, except it is 4.5 m for accessory **buildings** and **structures**.

(d) The minimum **site front yard** is 6.0 m.

(e) The minimum **site side yard** is 4.5m for a portion of a **building** not over 2½ **storeys**, and 7.0m for portions of a **building** in excess of 2½ **storeys.**

(f) The minimum **site rear yard** is 9.0 m.

**1.7 - Area 2 Development Regulations**
In areas shown as Area 2 in Figure 1 – CD27 Area, the following development regulations apply:

(a) The maximum **floor area ratio** is 0.75.
Where at least 75% **parking spaces** are provided totally beneath habitable space of a principal **building**, beneath useable common amenity areas, or in a garage/carport providing that in all cases, the **parking spaces** are screened from public view, the floor area ratio may be increased by 0.05.

(b) The maximum **building site coverage** is 40% but may be increased to a maximum of 50% if **private open space** for each unit can be provided on a deck, patio, balcony or rooftop deck which exceeds the bylaw requirement by 10%.

The maximum **site coverage** of **buildings**, driveways, and parking areas is 60%.

(c) The maximum **height** is the lesser of 10m or 3 **storeys**, except it is 4.5 m for accessory **buildings** and **structures**.

Any portion of a building within 7.5m of an abutting **lot** with a Single/Two Unit, Resource Protection Area, or Hillside Residential designation in the City's Official Community Plan must not be greater than 9.5m or 2 ½ **storeys** in height.

(d) The minimum **site front yard** is 1.5m for ground-oriented housing with a front door facing the street. In any other circumstance, the site front yard is 4.5m or 6.0m for a garage or carport.

DRAFT

(e) The minimum **site side yard** is 4.0m. From a **flanking street** it is 4.5m except it may be reduced to 1.5m from a **flanking street** for ground-oriented housing with a front door facing that street. The **site side yard** to a garage or carport is 6.0m.

(f) The minimum **site rear yard** is 7.5 m.

(g) No principal **building** shall be closer than 3.0 m to another principal **building**.

(h) For **multiple dwelling housing, congregate housing, group home, major** or **supportive housing, major** developments up to 1.0m of required **rear yard landscaping** buffer may be transferred to a **multi-residential shared garden** on the same parcel.

**1.8 Other Regulations**
(a) A minimum area of 7.5 $m^2$ of **private open space** shall be provided per **bachelor dwelling**, **congregate housing bedroom** or **group home bedroom**, 15.0 $m^2$ of **private open space** shall be provided per 1 **bedroom dwelling**, and 25.0 $m^2$ of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.

(b) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

DRAFT

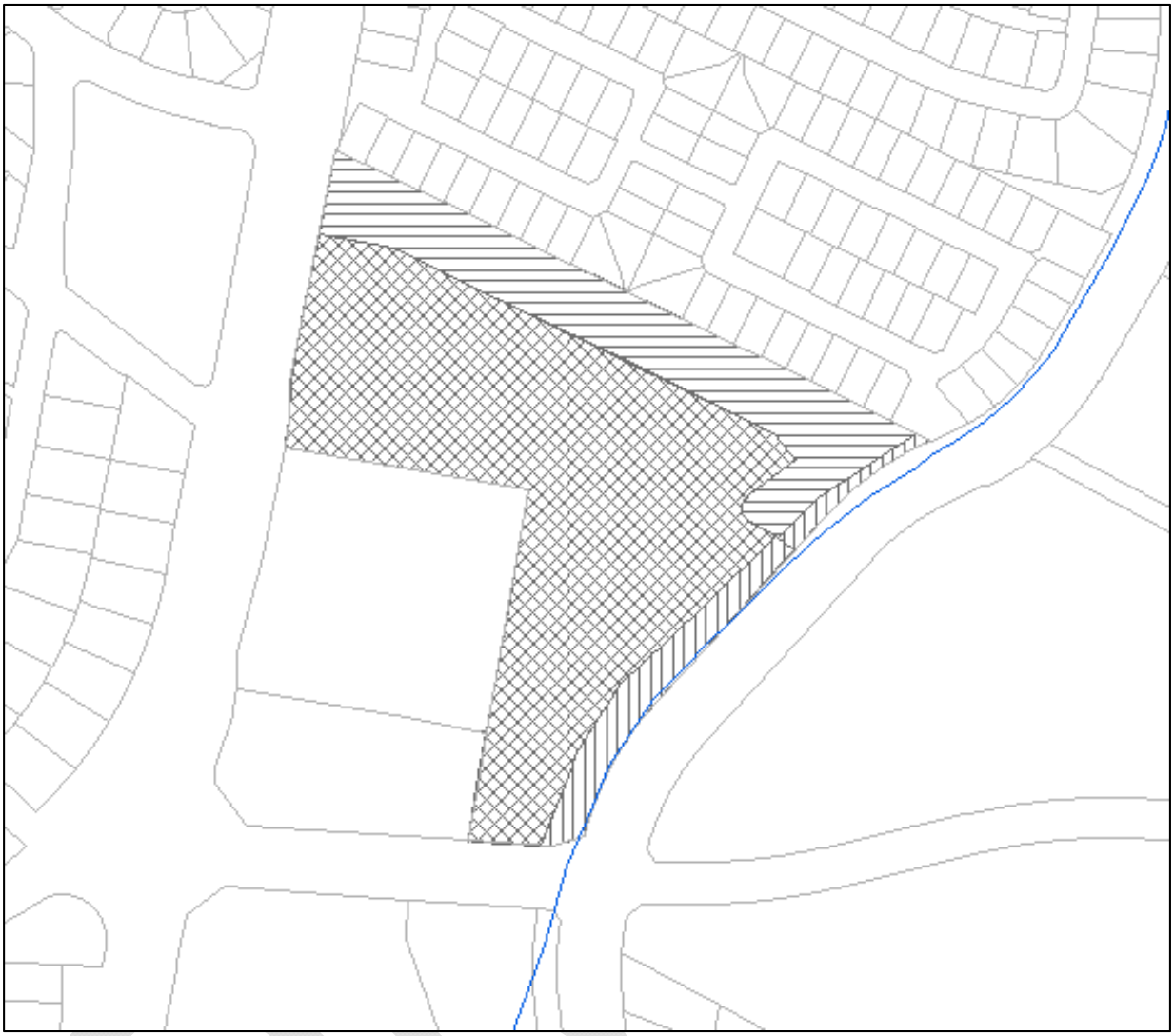


*Figure 1 CD-27 Areas*

# CITY OF KELOWNA

# BYLAW NO. 11276

## Official Community Plan Amendment No. OCP16-0010 – Valley Land Subdivision LTD., Inc. No. BC1078341 720 Valley Road

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of Lot A, Sections 32 and 29, ODYD, Plan EPP54061, located on Valley Road, Kelowna, B.C., from the MRM – Multiple Unit Residential (Medium Density) designation to the MRL – Multiple Unity Residential (Low Density) designation as per Map "A" attached;

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

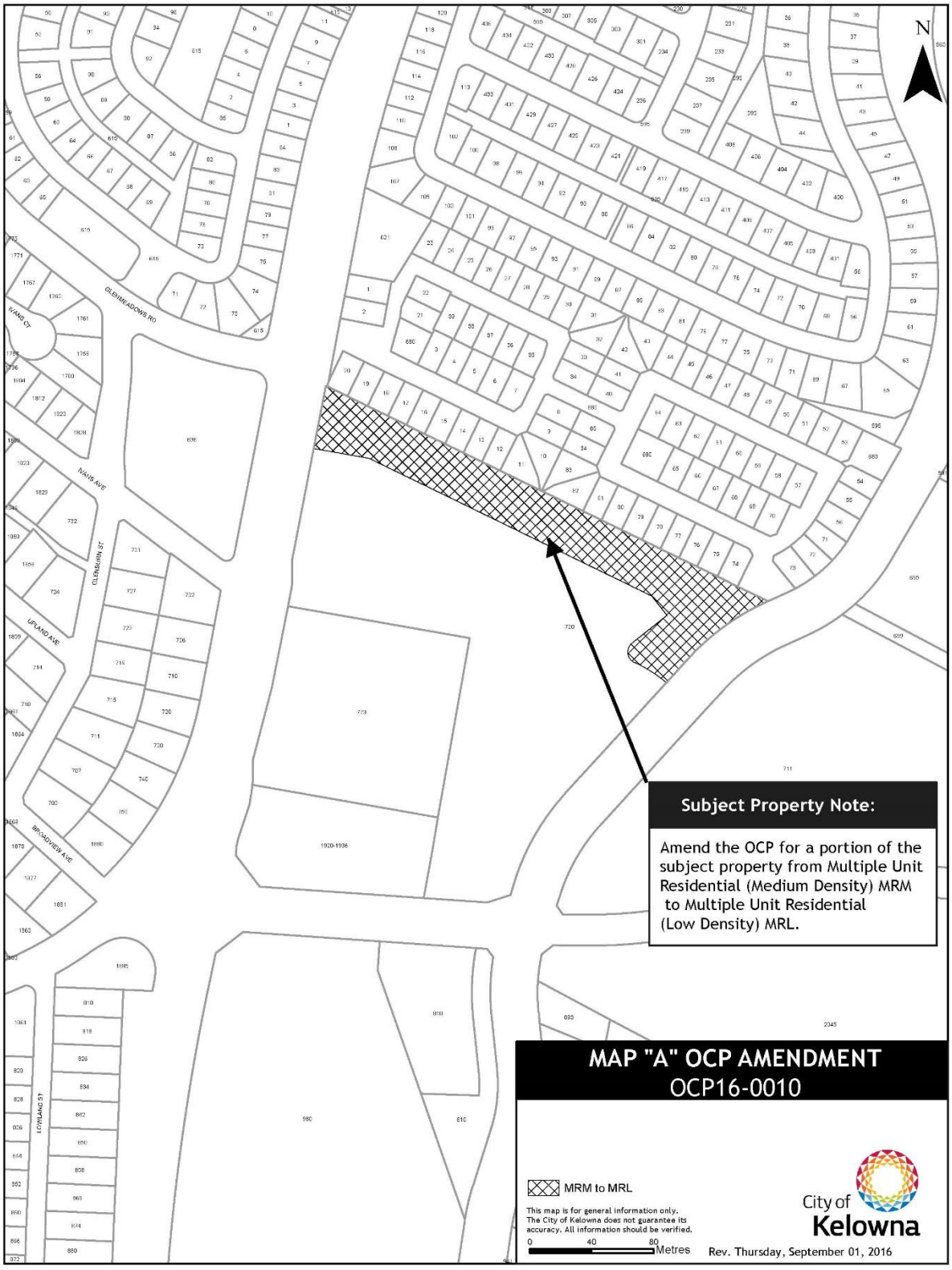
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk


N
GLENMEADOWS RD
HAYS AVE
GLENHURN CT
UPLAND AVE
BROADVIEW AVE
LOWLAND ST
Subject Property Note:
Amend the OCP for a portion of the subject property from Multiple Unit Residential (Medium Density) MRM to Multiple Unit Residential (Low Density) MRL.
MAP "A" OCP AMENDMENT
OCP16-0010
MRM to MRL
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 40 80 Metres
City of Kelowna
Rev. Thursday, September 01, 2016

# CITY OF KELOWNA

# BYLAW NO. 11277
# TA16-0009 – CD27 – Valley Lands Comprehensive Development Zone

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by adding to Schedule B – Comprehensive Development Zones a new **CD27 – Valley Lands Comprehensive Development zone** as attached to and forming part of this bylaw;

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Approved under the Transportation Act

_____
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# CD27 – Valley Land Subdivision

## 1.1 Purpose

The purpose is to provide a **zone** for the orderly multiple unit residential development of the properties at the intersection of Valley Road and Summit Drive.

## 1.2 Principal Uses

The **principal uses** in this **zone** are:

a) **boarding and lodging houses**
b) **community garden**
c) **congregate housing**
d) **group home, major**
e) **multiple dwelling housing**
f) **supportive housing**

## 1.3 Secondary Uses

The **secondary uses** in this **zone** are:

a) **agriculture, urban**
b) **child care centre, major**
c) **community recreation services**
d) **home based businesses, minor**
e) **multi-residential shared gardens**

## 1.4 Buildings and Structures Permitted

a) **apartment housing**
b) **stacked row housing**
c) permitted **accessory buildings** and **structures**

## 1.5 Subdivision Regulations

a) The minimum **lot width** is 15.0 m.
b) The minimum **lot depth** is 35.0 m.
c) The minimum **lot area** is 1400 m².

## 1.6 Development Regulations

(a) The maximum **floor area ratio** is 1.2

Where the required **parking spaces** (excluding visitor stalls) are provided totally beneath habitable space of a principal **building** or beneath **use**able common amenity areas providing that in all cases, the **parking spaces** are screened from view, the **floor**

**area ratio** may be increased by the percentage of required parking provided under the building to a maximum net floor area for the zone of 1.35.

(b) The maximum **site coverage** is 40%.

This may be increased to 50% if the developer can achieve additional **private open space** (a minimum of 20% on top of the bylaw requirement) within the footprint of the building.

The maximum **site coverage** of **buildings**, driveways, and parking areas is 65%.

(c) The maximum **height** is as permitted in the RM5 – Medium Density Multiple Housing zone.

(d) The minimum **site front yard** is 6.0 m.

(e) The minimum **site side yard** is 4.5m for a portion of a **building** not over 2½ **storeys**, and 7.0m for portions of a **building** in excess of 2½ **storeys.**

(f) The minimum **site rear yard** is 9.0 m.

**1.8 Other Regulations**

(a) A minimum area of 7.5 m² of **private open space** shall be provided per **bachelor dwelling**, **congregate housing bedroom** or **group home bedroom**, 15.0 m² of **private open space** shall be provided per 1 **bedroom dwelling**, and 25.0 $m_2$ of **private open space** shall be provided per **dwelling** with more than 1 **bedroom**.

(b) In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 6 (accessory **development**, **yards**, projections into **yards**, lighting, stream protection, etc.), the **landscaping** and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific **use** regulations of Section 9.

# CITY OF KELOWNA

# BYLAW NO. 11278
# Z16-0046 – Valley Land Subsivision Ltd., Inc. No. BC1078341
# 720 Valley Road

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A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A, Sections 32 and 29, Township 26, ODYD, Plan EPP54061 located on Valley Road, Kelowna, B.C., from the A1 – Agricultural 1 zone to the CD27 – Valley Lands Comprehensive Development zone as per Map "B" attached;

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this

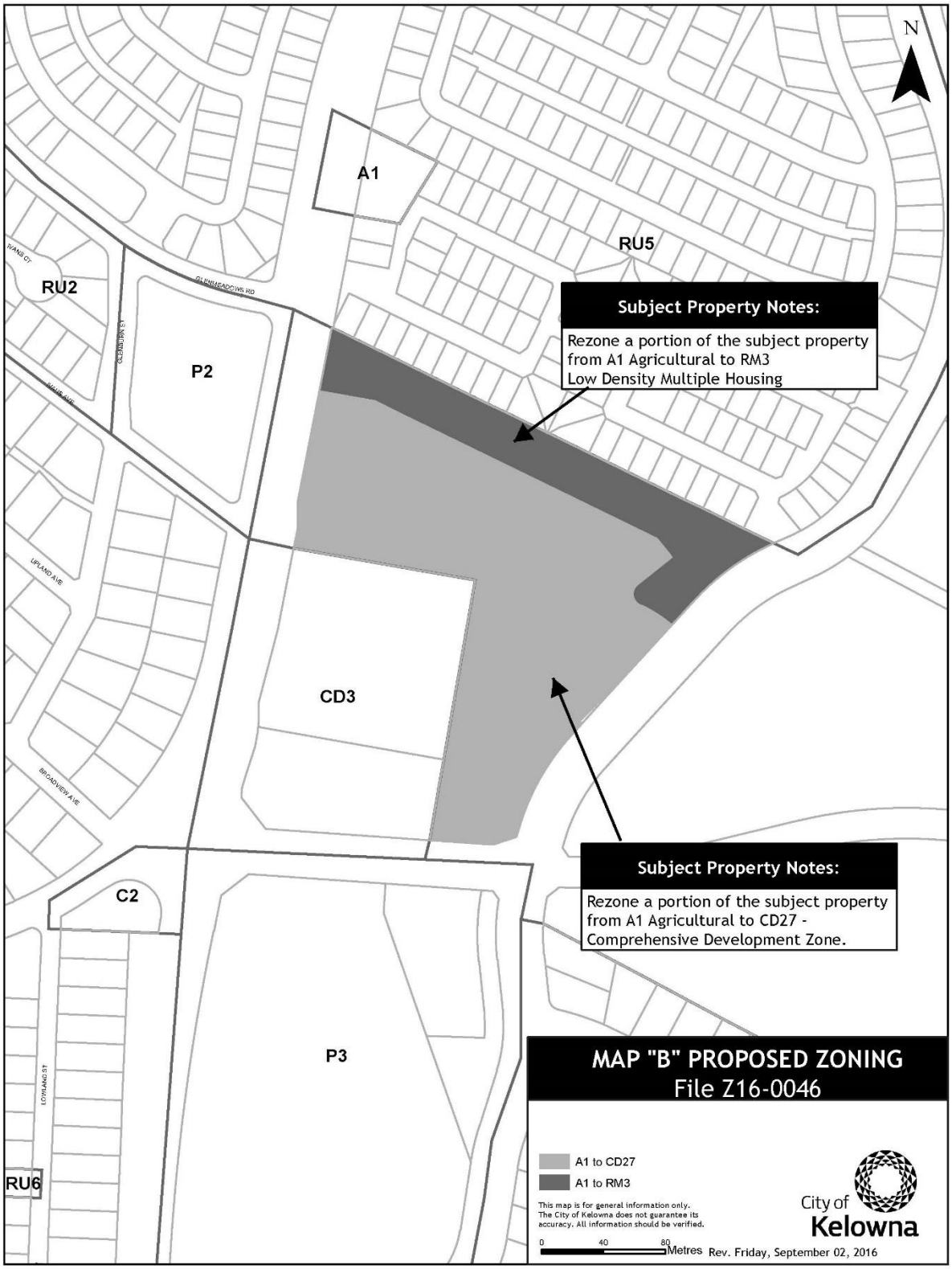
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk


N
A1
RU5
RU2
P2
CD3
C2
P3
RU6
GLENMEADOWS RD
CLENDON ST
MAIR AVE
UPLAND AVE
BROADVIEW AVE
LOVIANO ST
Subject Property Notes:
Rezone a portion of the subject property from A1 Agricultural to RM3 Low Density Multiple Housing
Subject Property Notes:
Rezone a portion of the subject property from A1 Agricultural to CD27 - Comprehensive Development Zone.
MAP "B" PROPOSED ZONING
File Z16-0046
A1 to CD27
A1 to RM3
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 40 80 Metres
Rev. Friday, September 02, 2016
City of Kelowna

# CITY OF KELOWNA

# BYLAW NO. 11279

## A Bylaw to Repeal Housing Agreement Authorization Bylaw No. 8477

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Housing Agreement Authorization Bylaw Marona Estates Ltd - Valley Road and Glenmore Road Bylaw No. 8477, and all amendments thereto, be repealed.

2. This bylaw may be cited for all purposes as "Bylaw No. 11279, being Repeal Bylaw to Housing Agreement Authorization Bylaw for Valley Road and Glenmore Road Bylaw No. 8477."

3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# CITY OF KELOWNA

# BYLAW NO. 11244

## Official Community Plan Amendment No. OCP16-0001
## McBeetle Holdings
## 894 Stremel Road

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot A, Section 34, Township 26, ODYD, Plan EPP53299, located on Stremel Road, Kelowna, B.C., from the IND – Industrial designation to the SC – Service Commercial designation and the PARK – Major Park / Open Space designation as per Map "A" attached to and forming part of this bylaw;

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of May, 2016.

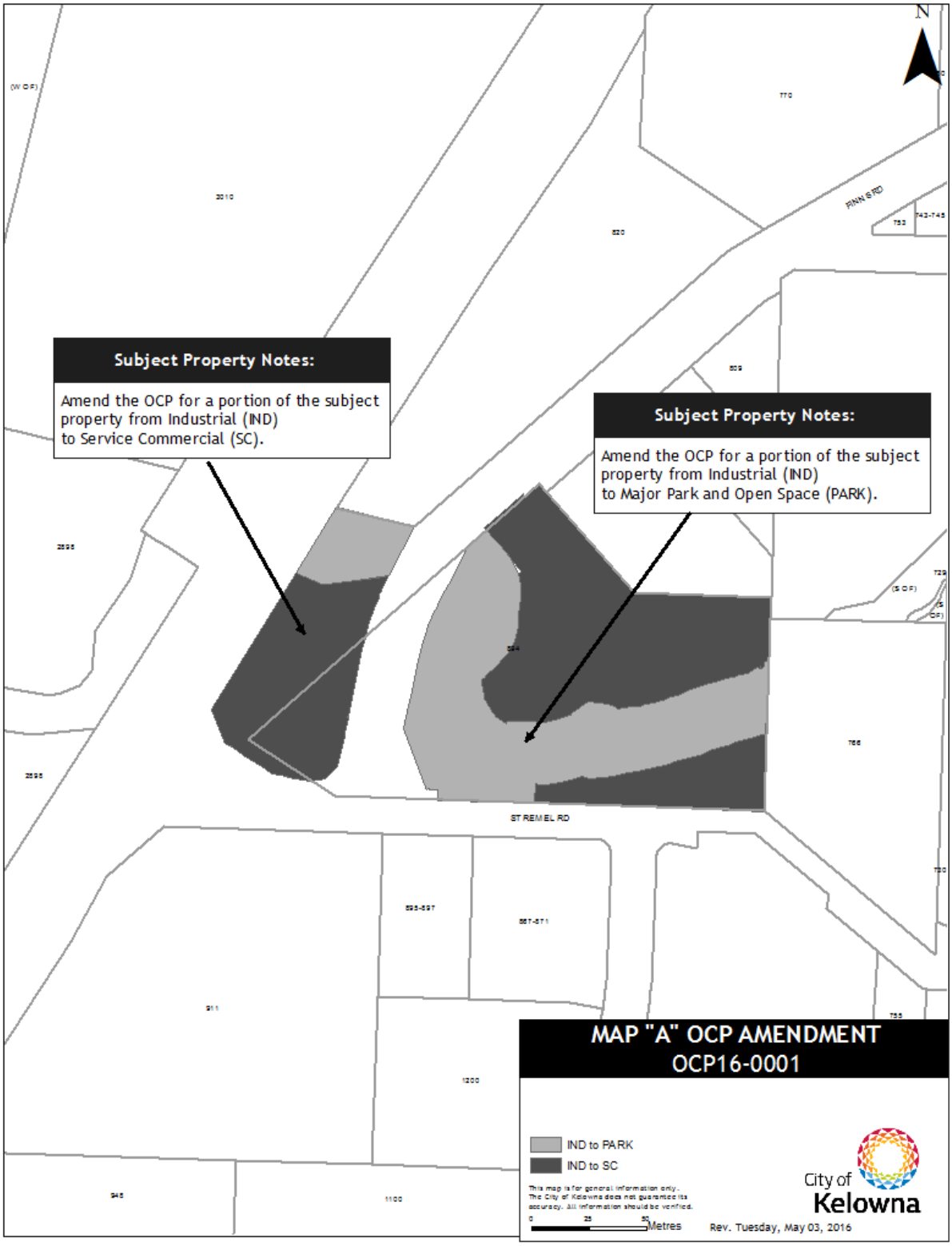
Considered at a Public Hearing on the 31st of May, 2016.

Read a second and third time by the Municipal Council this 31st of May, 2016.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk


N
Subject Property Notes:
Amend the OCP for a portion of the subject property from Industrial (IND) to Service Commercial (SC).
Subject Property Notes:
Amend the OCP for a portion of the subject property from Industrial (IND) to Major Park and Open Space (PARK).
FINN RD
ST REMIEL RD
MAP "A" OCP AMENDMENT
OCP16-0001
IND to PARK
IND to SC
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 25 50 Metres
City of Kelowna
Rev. Tuesday, May 03, 2016

# CITY OF KELOWNA

# BYLAW NO. 11245
# Z16-0006 – McBeetle Holdings
# 894 Stremel Road

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of portions of Lot A, Section 34, Township 26, ODYD, Plan EPP53299 located on Stremel Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the C10 – Service Commercial zone and the P3 – Parks and Open Space zone as per Map "B" attached to and forming part of this bylaw.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 16th day of May, 2016.

Considered at a Public Hearing on the 31st of May, 2016.

Read a second and third time by the Municipal Council this 31st of May, 2016.

Approved under the Transportation Act this 20th day of July, 2016

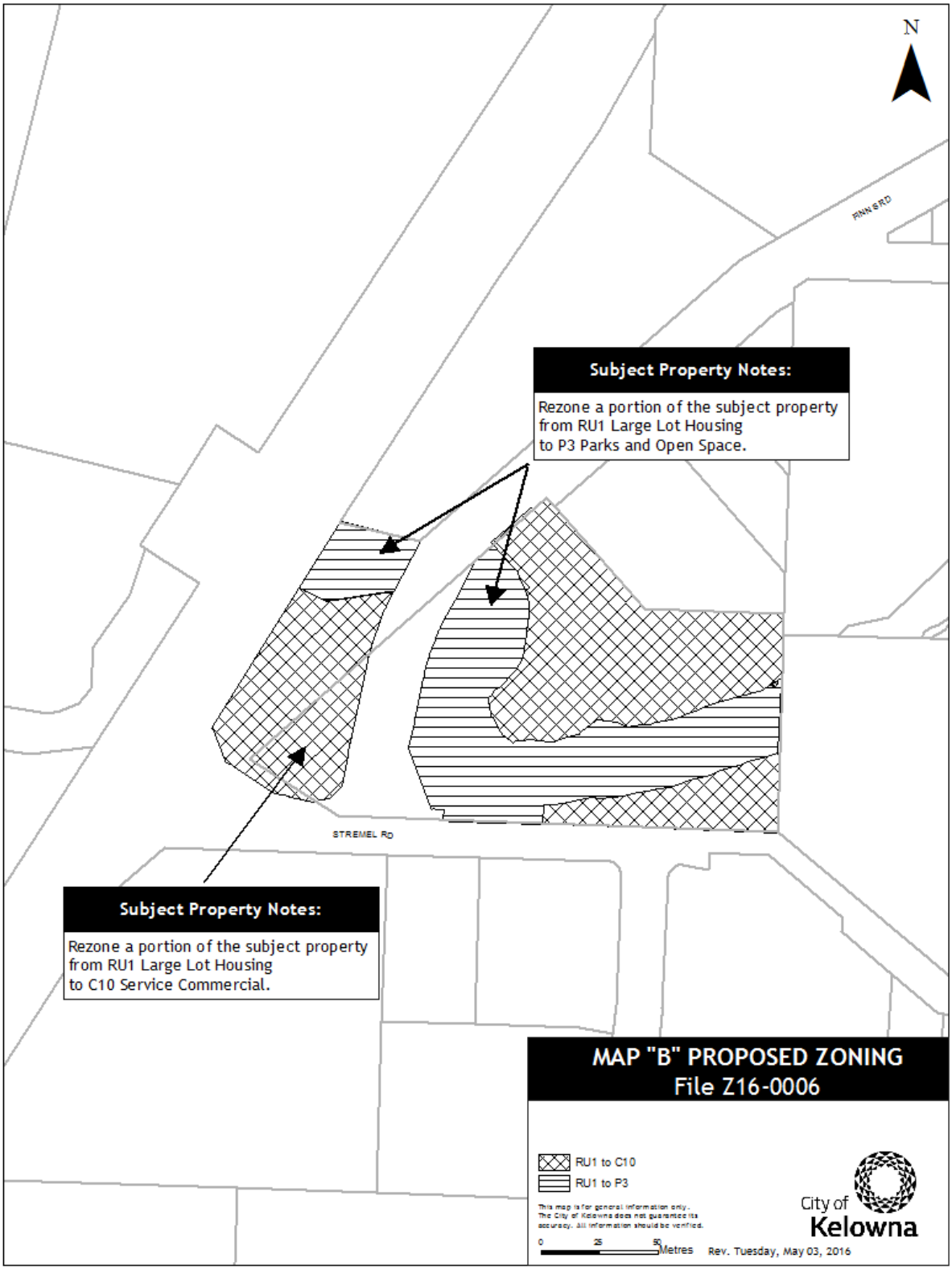
"Audrie Henry"

(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk


N
FINN S RD
Subject Property Notes:
Rezone a portion of the subject property from RU1 Large Lot Housing to P3 Parks and Open Space.
STREMEL RD
Subject Property Notes:
Rezone a portion of the subject property from RU1 Large Lot Housing to C10 Service Commercial.
MAP "B" PROPOSED ZONING
File Z16-0006
RU1 to C10
RU1 to P3
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 25 50 Metres
Rev. Tuesday, May 03, 2016
City of Kelowna

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | August 25, 2016 | | |
| **RIM No.** | 0940-00 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (EW) | | |
| **Application:** | DP16-0016 | **Owner:** | McBeetle Holdings |
| **Address:** | 894 Stremel Road | **Applicant:** | McBeetle Holdings |
| **Subject:** | Form and Character Development Permit | | |
| Existing OCP Designation: | IND - Industrial | | |
| Proposed OCP Designation: | COMM – Commercial / PARK – Major Park /Open Space | | |
| Existing Zone: | C10 – Service Commercial / P3 – Parks and Open Space | | |

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP16-0016 for Lot A, Section 34, Township 26, ODYD Plan EPP53299, located at 894 Stremel Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A,"

2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B";

3. Landscaping to be provided on the land be in accordance with Schedule "C";

4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated (April 12, 2016);

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To consider the form and character of an automobile dealership at the intersection of Stremel Road and Highway 97.

## 3.0 Community Planning

Staff recommend that the development permit be authorized by Council. The project fits into the existing neighbourhood development pattern of automotive dealerships. The building sits along the Highway 97 frontage, concealing the vehicle inventory and parking from the roadway.

The proposed design complies with relevant design guidelines. The large ground floor windows will animate the frontage to a degree, enhancing the feel of the building.

## 4.0 Proposal

### 4.1 Background

Council considered the re-zoning application for the subject property in May, and gave the rezoning second and third reading in June. The arrangements for the land swap and property reconfiguration are in place, and are in the process of being registered.

### 4.2 Project Description

The building itself is a two storey structure with extensive windows along the main floor to display inventory. Unlike more traditional automotive dealerships, the proposed site plan would see no parking along Highway 97, with parking and inventory being placed along the Stremel frontage. Vehicles would only be visible through the glass facing the highway. This approach helps build the character of the Highway 97 corridor. It will be further enhanced by trees along the boulevard.

*Figure 1 Stremel Elevation*

The building exposes a curved frontage to the highway, taking advantage of what could be an awkward parcel configuration to create a unique building. The building will be clad in silvered aluminium cladding, with dark aluminium along the north side.

As an alternative to pole or free standing signage along the highway, the developer has proposed large fascia signs on the building.

*Figure 2 Highway Elevation*

A staff-issued environmental development permit will also be required as part of the proposed development, which will formalize the protect and planting of the riparian area on the north of the site.

## 4.3 Site Context

The portion of the property to be developed is along Highway 97. It is north of the Orchard Ford dealership, in a light industrial and service commercial neighbourhood. The owner of the property has also applied to re-zone the parcel to the north to allow an additional automobile dealership.

The creek running along the north side of the property will be protected by a 15m deep park dedication to the City.

Adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | I1 – Business Park Industrial | Light Industrial Rental |
| East | RU1 – Large Lot Housing | Residential |
| South | C10 – Service Commercial | Automotive Dealer |
| West | Highway 97 | Highway 97 |

**Subject Property Map:**

4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **C10 ZONE REQUIREMENTS** | **PROPOSAL** |
| Development Regulations | | |
| Maximum Floor Area Ratio | 0.65 | 0.395 |
| Maximum Site Coverage (buildings) | 60% | 31% |
| Maximum Height | 12.0 m and 3 storeys | m |
| Minimum Front Yard | 2.0 m | 10+m |
| Minimum Side Yard (south) | 2.0 m | 2.0 m |
| Minimum Side Yard (north) | 0.0 m | 20+ m |
| Minimum Rear Yard | 2.0 m | 4.0 m |
| Other Regulations | | |
| Minimum Parking Requirements | 32 | 32 |

## 5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

**Comprehensive Development Permit Guidelines**

• Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;

• Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;

• Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;

• Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;

• Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;

• Incorporate architectural features and detailing of buildings and landscapes that define an area's character.

**6.0 Technical Comments**

6.1 Building & Permitting Department

1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction

2 This building may be required to be sprinklered throughout. It appears that this building has three major occupancies as per the building code . Any proposed deviance from this requirement of BCBC 12 requires an approved alternate solution report to be submitted and approved by the architect of record prior to the release of the Development Permit.

3 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces. This building may be designed to low, which may affect the form and character of the building.

4 A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):

4.1 The British Columbia Building Code (BCBC 2012) may define this development as two separate buildings with possibly three separate major occupancies (D & E in building 1 and D & F2 in building #2). If a firewall is to be utilized, a complete building code analysis would be required to be reviewed prior to complete comments (at time of building permit application) being provided for the spatial separation between the two buildings. Fire shutters would be a requirement and hooked to the fire alarm system to allow for the unprotected openings between buildings and a 900mm High non combustible fire wall must be constructed to separate the two structures. A 900mm high firewall parapet will affect the form and character of the building(s).

4.2 The exits from the building do not appear to meet minimum code requirements (number of exits, travel distance, etc). The code analysis is to contain a plan showing travel distances along with a code compliance analysis for the interconnected floors, 2nd stories, horizontal exits, convenience stairs and rated stairwell exits. This can be submitted at time of building permit application, but additional exterior doors may be required depending on the code analysis, which may affect the form and character of the building(s).

4.3 Any security system that limits access to exiting needs to be addressed in the code analysis by the architect

4.4 Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.

4.5 Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings. Screening of this equipment may be required and should be addressed as part of the Development permit.

4.6 Interior climbable guardrails are not code compliant as depicted in the illustrations and are required to be defined at time of permit application

5 Size and location of all signage to be clearly defined as part of the development permit

6 Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s). The drawings submitted for building permit is to clearly identify how this rating will be achieved and where these area(s) are located. Refer to fire department bylaws for placement of exterior garbage containers in relation to the building.

7 Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation are being applied to this structure.

6.2 Development Engineering Department

See attached Memorandum dated April 8, 2016.

6.3 Fire Department

The Fire Department has no concerns with the proposed development.

**Report prepared by:**

_____

Emily Williamson, Planner

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

**Approved for Inclusion:** ☐ Ryan Smith, Community Planning Department Manager

**Attachments:**

Summary of Technical Comments
Draft Development Permit

# DEVELOPMENT PERMIT

City of Kelowna

## APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP16-0016

| | |
|---|---|
| **Issued To:** | McBeetle Holdings |
| **Site Address:** | 894 Stremel Road |
| **Legal Description:** | Lot A, Section 34, Township 26, ODYD Plan EPP53299 |
| **Zoning Classification:** | C10 - Service Commercial |
| **Developent Permit Area:** | Comprehensive Form and Character |

### SCOPE OF APPROVAL

This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0016 for Lot A, Section 34, Township 26, ODYD Plan EPP53299, located at 894 Stremel Road, Kelowna, BC to allow the construction of a Automotive Dealership be approved subject to the following:

a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";

b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";

c) Landscaping to be provided on the land be in accordance with Schedule "C";

d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

a) Cash in the amount of $_____ OR

b) A Certified Cheque in the amount of $_____ OR

c) An Irrevocable Letter of Credit in the amount of $_____ .

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

## 3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

## 4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.

b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

_____ _____

Signature of Owner / Authorized Agent Date

_____ _____

Print Name in Bold Letters Telephone No.

**5. APPROVALS**

Issued and approved by Council on the _____ day of _____, 20 .

_____ _____

Todd Cashin, Acting Community Planning Department Manager
Community Planning & Real Estate

Date

**The PERMIT HOLDER is the CURRENT LAND OWNER.**
**Security shall be returned to the PERMIT HOLDER.**

## CITY OF KELOWNA

# MEMORANDUM

**Date:** April 12, 2016

**File No.:** Z16-0006

**To:** Urban Planning Management (RR)

**From:** Development Engineering Manager (SM)

**Subject:** 894 Stremel Road Lot 11 Plan 3236 Zone: RU1 to C10

The Development Engineering Department has the following comments and requirements associated with this application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

The Development Engineering Technologist for this project is Jason Ough

## 1. General

a) These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

b) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.

c) The 2030 OCP identifies a linear park project that must be included in the development plan. This public corridor will follow Francis Brook through the subject property.

d) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.

## 2. Geotechnical Report

Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:

**<u>NOTE</u>: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

(i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

(ii) Site suitability for development.

(iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).

(iv) Any special requirements for construction of roads, utilities and building structures.

(v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.

(vi) Recommendations for items that should be included in a Restrictive Covenant.

(vii) Any items required in other sections of this document.

(viii) Recommendations for erosion and sedimentation controls for water and wind.

(ix) Recommendations for roof drains and perimeter drains.

(x) Recommendations for construction of detention or infiltration ponds if applicable.

## 3. Domestic Water and Fire Protection

a) The property is located within Black Mountain Irrigation District (BMID) service area. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. The developer is responsible, if necessary, to arrange with BMID staff for any service improvements and the decommissioning of existing services.

b) Boulevard landscape irrigation system, must be integrated with the on-site irrigation system.

## 4. Sanitary Sewer

The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. The existing lot is serviced with a 150mm diameter sanitary service. Only one service per lot will be permitted for this development. If required, the applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service at the applicants cost.

## 5. Storm Drainage

The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.

## 6. Road Improvements and Dedication

(a) Property frontage on Finns Road must be upgraded to a full urban standard (SS-R5).
Design will include separate sidewalk, landscaped boulevard complete with street trees, curb and gutter, piped storm drainage system, fillet pavement, boulevard grading street lights, and adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction.

(b) Property frontage on Stremel Road must be upgraded to a full urban standard (SS-R5).
Design will include separate sidewalk, landscaped boulevard complete with street trees, curb and gutter, piped storm drainage system, fillet pavement, boulevard grading street lights, and adjustment and/or re-location of existing utility appurtenances, if required, to accommodate this construction.

(c) The estimated cost of required road improvement works, for bonding purpose, must be determined based upon a design provided by the developer to be reviewed by the City of Kelowna and MOTI.

## 7. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

## 8. Design and Construction

(a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

(b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

(c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

(d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.

(e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

**9. Servicing Agreements for Works and Services**

(a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.

(b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than $5,000,000 and the City is to be named on the insurance policy as an additional insured.

**10. Other Engineering Comments**

(a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

(b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**11. Development Permit and Site Related Issues**

(a) Access and Manoeuvrability

(i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.

(ii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.

Steve Muenz, P. Eng.
Development Engineering Manager

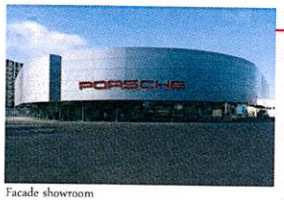
jo

PORSCHE

SCHEDULE A
This forms part of development
Permit # DP16-0016

# Concept Description

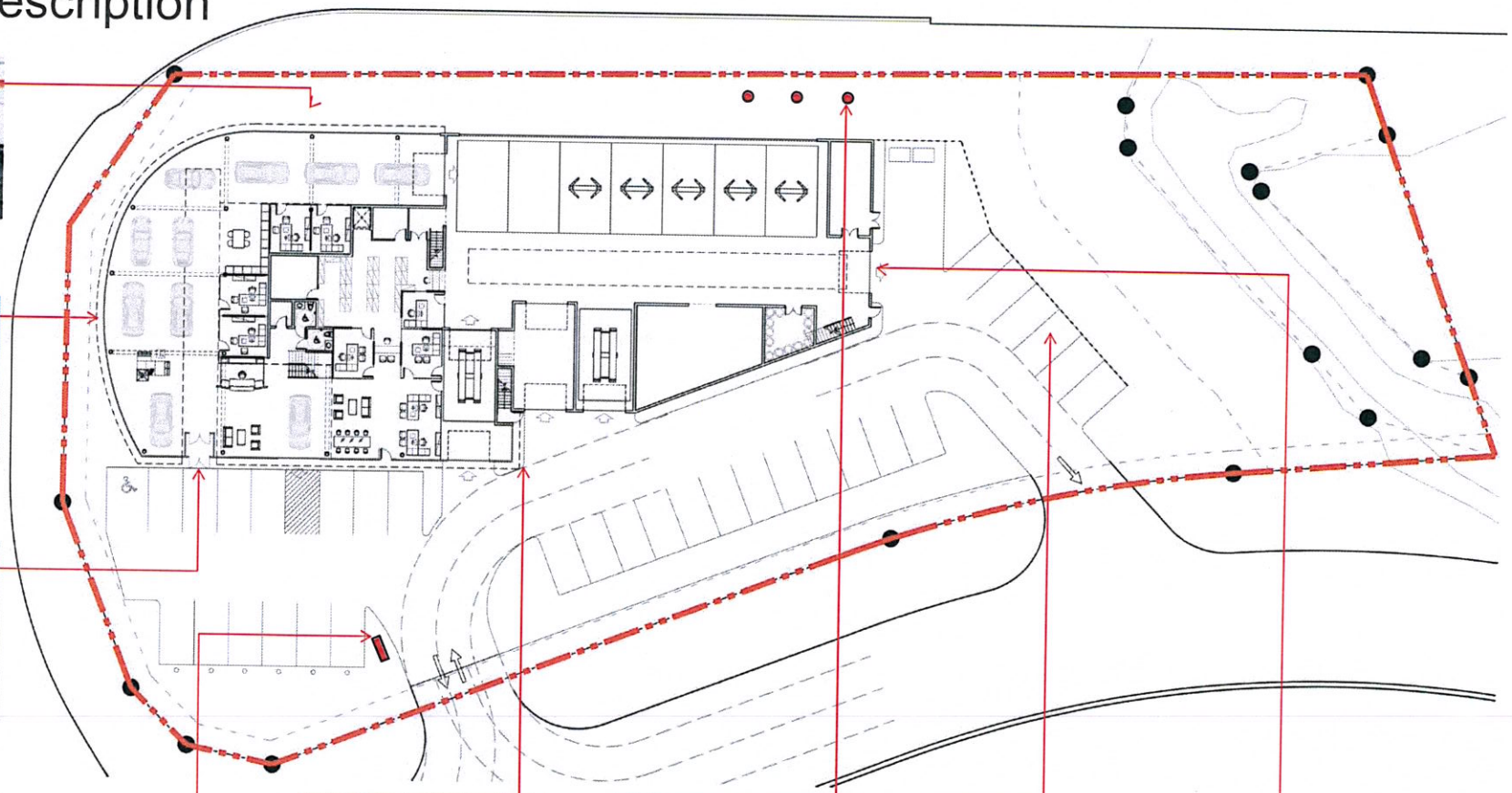
Red Porsche logo



Facade showroom

Main Entrance with Light Slot

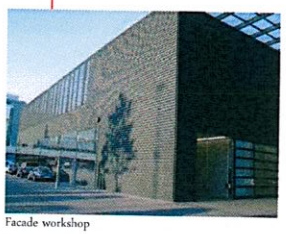
Exterior Porsche Pylon



Service Access

Porsche flags

Exterior Parking


Facade workshop

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Porsche Centre Kelowna

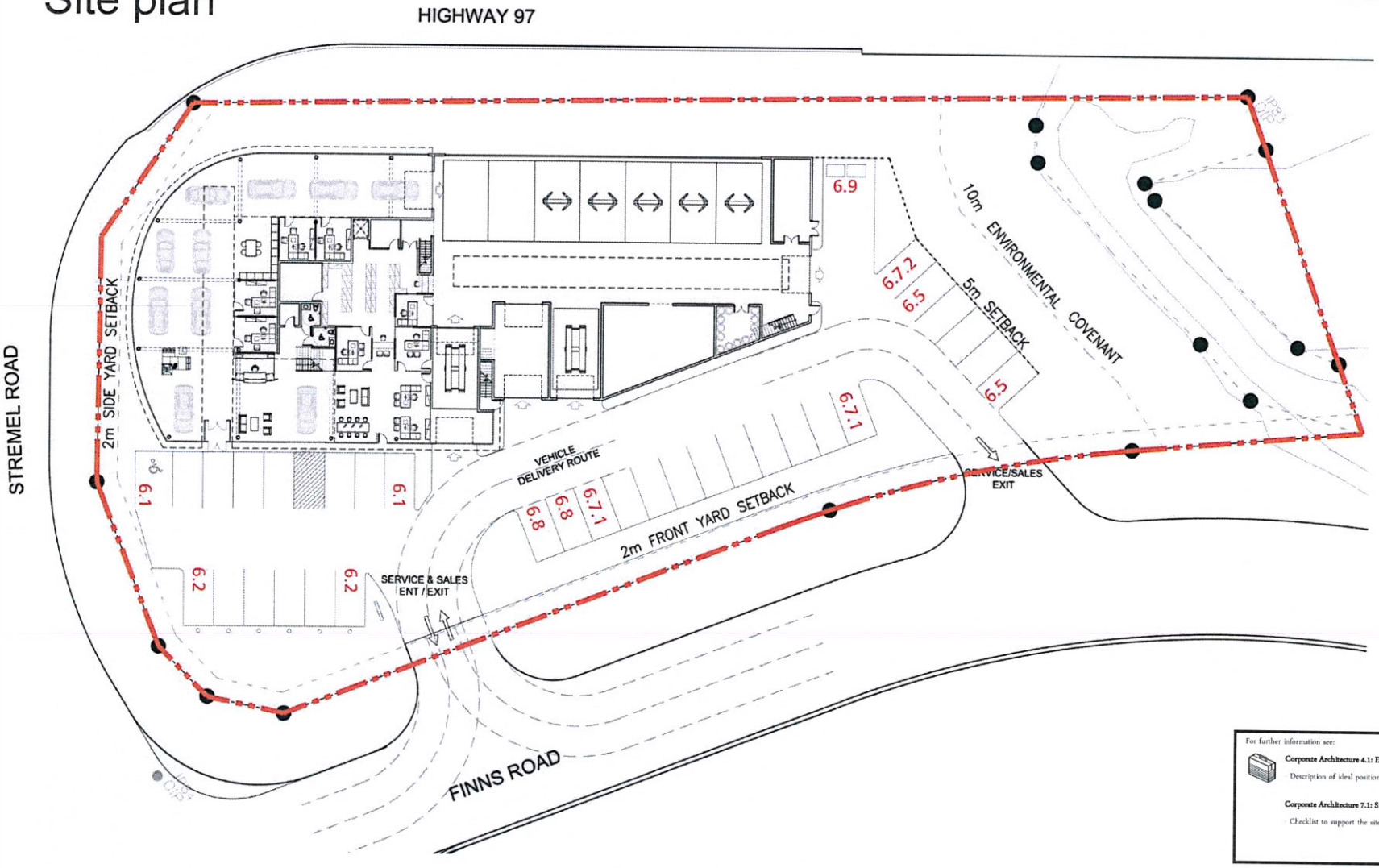
2.3.2

October 2015

PORSCHE

SCHEDULE A
This forms part of development
Permit # DP16-0016

# Site plan




## Exterior areas

- 6.1/ 6.1c Customer parking/ roofed (3m Wide)
- 6.2 Demonstration vehicle
- 6.4/ 6.4c Pre-owned cars/ roofed
- 6.5 Employee parking
- 6.6 Landscaped areas
- 6.7.1/ 6.7.1c/ 6.7.1r Parking for serviced customer cars/ roofed
- 6.7.2 Parking for scrap vehicles
- 6.8 Parking for customer substitute vehicles
- 6.9 Waste collection
- 6.99 Circulation and driving space

## Additional car storage

- 7.1 New cars
- 7.2 Pre-owned cars

## Key data

| | |
|---|---|
| Site of site | 5,354 m² |
| Footprint | 1,651 m² |
| Floor area | 2,115 m² |
| Site area ratio | 60% |
| Floor area ratio | 40% |
| Site showroom | 512 |
| Number of work bays | 8 |
| Number of parking lots (Site) | 32 |
| Number of parking lots (Basement) | n/a |

Extension possibilities *(Please mark in site plan if possible)*

| | |
|---|---|
| • Site | NO |
| • Showroom | NO |
| • Workshop | NO |

For farther information see:

**Corporate Architecture 4.1: Exterior planning**
Description of ideal position of a Porsche Centre on site

**Corporate Architecture 7.1: Site evaluation checklist**
Checklist to support the site evaluation with main criteria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Porsche Centre Kelowna

2.3.1

October 2015

PORSCHE

HEDULE B
forms part of development
DP16-0016

# 2. Project

The following pages contain plans and detailed information on this specific Porsche project.

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Porsche Centre Kelowna

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# Porsche Centre Kelowna

October 2015

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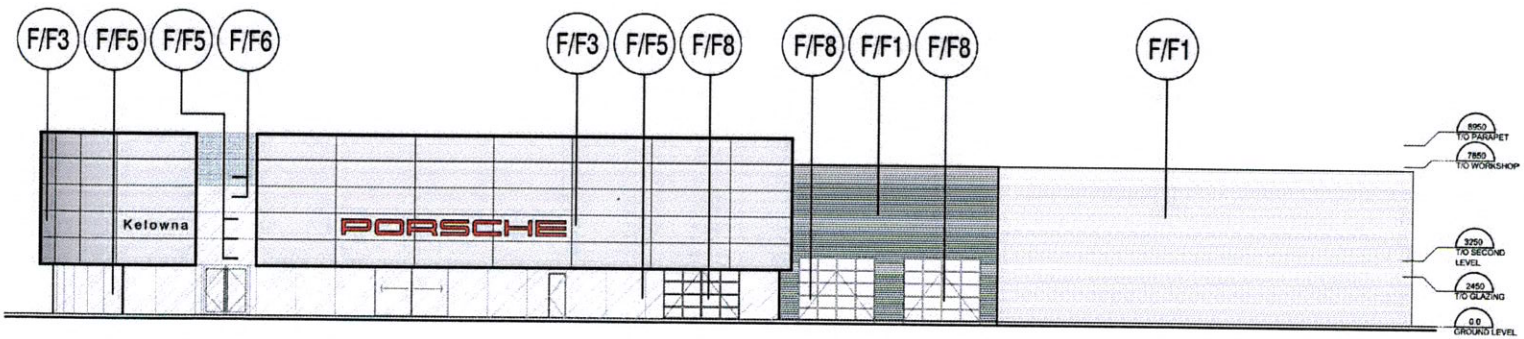
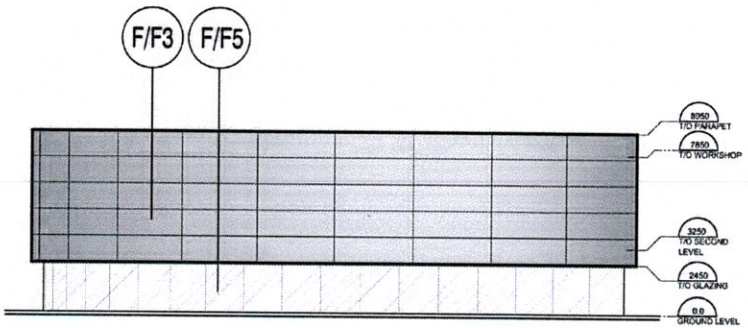
SCHEDULE B
This forms part of development
Permit # DP16-0016

# Elevations




SOUTH EAST ELEVATION




SOUTH WEST ELEVATION

## Facade

| | |
|---|---|
| F/F1 | Trapezium sheet metal, black, to match BM 2136-10 |
| F/F3 | Aluminium sandwich panels, Silver metallic |
| F/F5 | Transparent glass in capless mullion/ But Joint Glass |
| F/F6 | Matte glass |
| F/F7 | Perforated, simple thick metal cassettes, silver metallic |
| F/F8 | Glazed overhead doors, to match BM 2136-10 |
| F/F9 | Transparent glass in mullions, to match Bm 2136-10 |

## Interior walls

| | |
|---|---|
| W/W1 | Trapezium sheet metal, black, to match BM 2136-10 |
| W/W2 | Inner main facia (aluminium panels, silver metallic) |
| W/W4 | Glazing |
| E/E9 | Transparent glass walls for sales offices |
| W/W6 | Paint colour for metallic elements, to match BM 2126-40 |
| W/W7 | Paint colour for solid elements, BM White Interior Ready Mix |
| W/W9 | Tile band up to 1.40 m height, grey, above painted white |
| W/W11 | Tiles, black |
| W/W12 | Tiles, grey |
| T/D12 | Doors, painted, black, to match BM 2136-10 |

## Ceilings

| | |
|---|---|
| D/C1 | Trapezium sheet metal, silver metallic |
| D/C5 | Plaster panelling, white, BM White Interior Ready Mix |

## Floor

| | |
|---|---|
| B/F1 | CI tiles, black, dark joints |
| B/F2 | CI tiles, Grey |
| B/F6 | Concrete sealant, Grey or yellow |
| B/F7 | Porsche CI carpet |
| B/F8 | Porsche CI carpet, islands |
| B/F9 | Dirt grating, grey anthracite |
| B/F10 | Yellow or Grey stone finish blend |

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Porsche Centre Kelowna

2.6

October 2015

PORSCHE

SCHEDULE B
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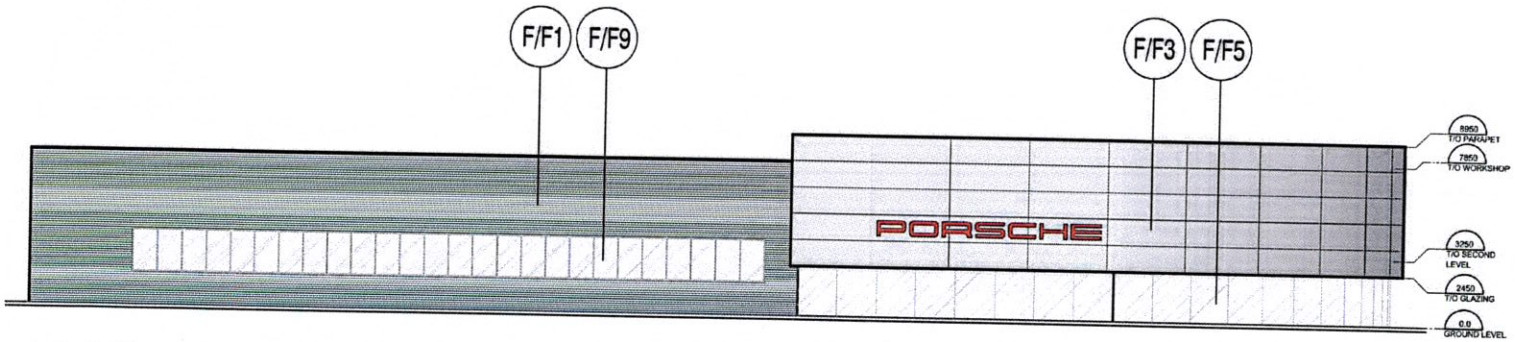
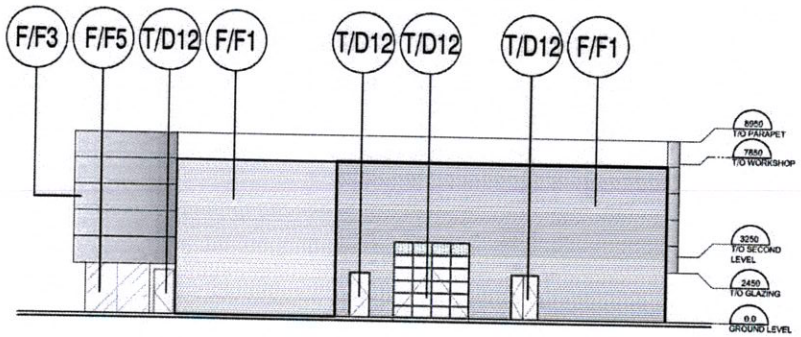
Permit # DP16-0016

# Elevations




NORTH WEST ELEVATION




NORTH EAST ELEVATION

## Facade

| | |
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| F/F1 | Trapezium sheet metal, black, to match BM 2136-10 |
| F/F3 | Aluminium sandwich panels, Silver metallic |
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| F/F6 | Matte glass |
| F/F7 | Perforated, simple thick metal cassettes, silver metallic |
| F/F8 | Glazed overhead doors, to match BM 2136-10 |
| F/F9 | Transparent glass in mullions, to match Bm 2136-10 |

## Interior walls

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| W/W11 | Tiles, black |
| W/W12 | Tiles, grey |
| T/D12 | Doors, painted, black, to match BM 2136-10 |

## Ceilings

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## Floor

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Porsche Centre Kelowna

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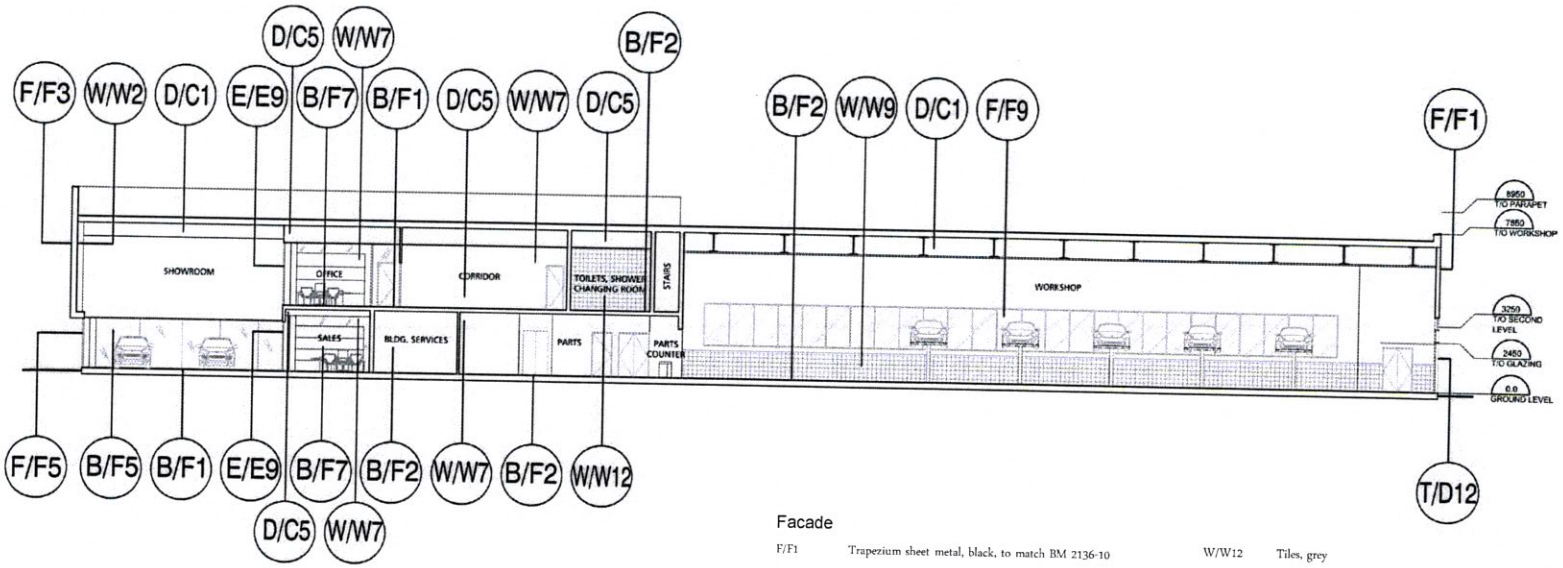
SCHEDULE B
This forms part of development
Permit # DP16-0016

# Section

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Porsche Centre Kelowna

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October 2015

SCHEDULE C
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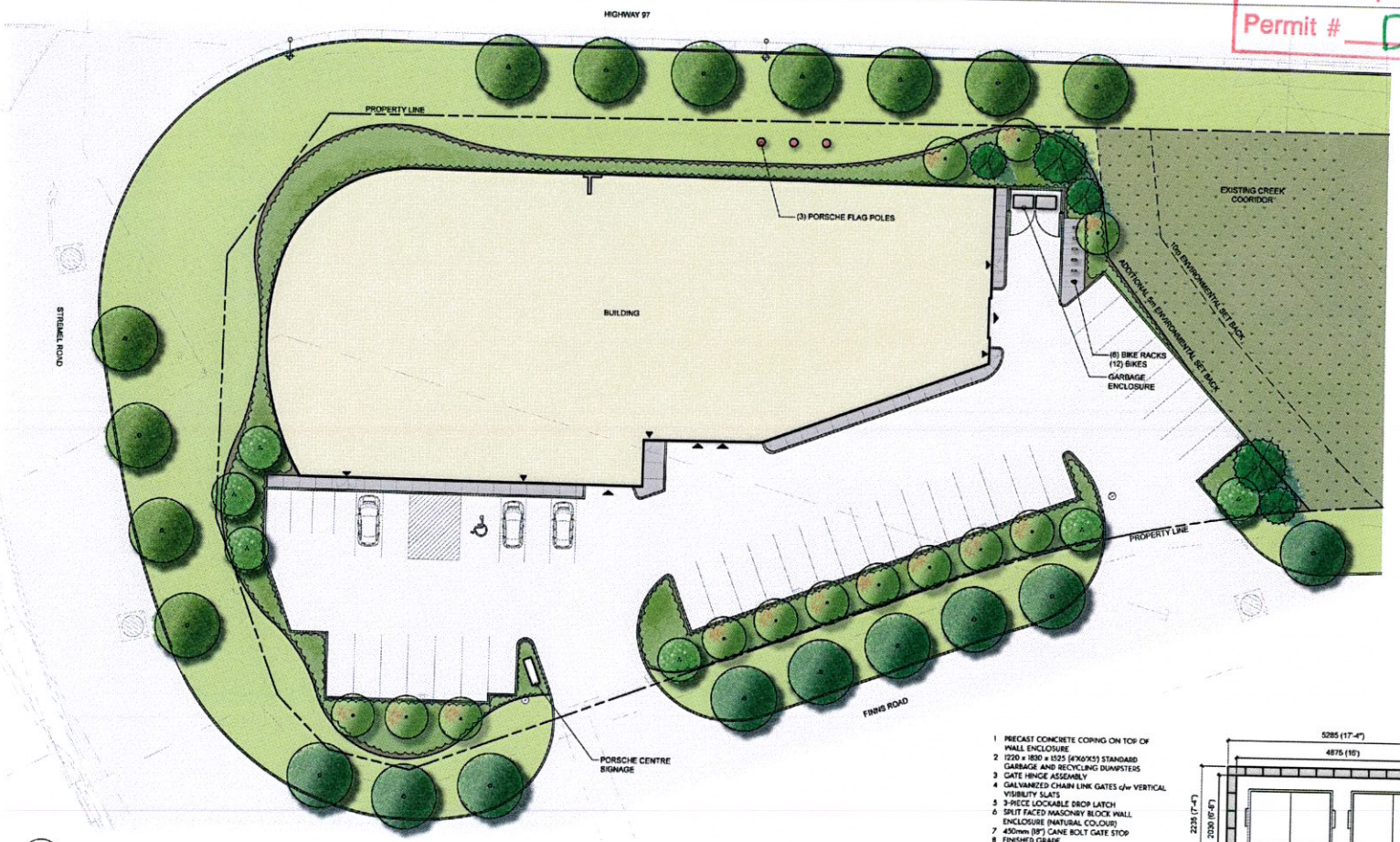
Permit # DP16 - D016




1 / L-1 LANDSCAPE PLAN
SCALE 1:200

LEGEND:

- PLATANUS ACERIFOLIA 'BLOODGOOD'
- TILIA CORDATA 'GREENSPIRE'
- ACER RUBRUM 'RED ROCKET'
- MALUS 'SPRING SNOW'
- PINUS FLEXILIS 'VANDERWOLF'S PYRAMID'
- SHRUBS, GRASSES, & PERENNIALS
- SOD LAWN
- EXISTING CREEK CORRIDOR
- CONCRETE PAVING

NORTH

REVISIONS / ISSUES

| NO. | DATE | DESCRIPTION |
|---|---|---|
| 1 | JAN 13/16 | ISSUED FOR DP |

BENCH SITE DESIGN
1305-1289 ellis street kelowna bc V1Y 1X6 | T 250 862 6775 |

CLIENT:
H.J. Kamerbeek
VERNON, B.C.

PROJECT:
Porsche Centre
KELOWNA, B.C.

SHEET TITLE
LANDSCAPE PLAN

| | |
|---|---|
| DESIGN BY | BD |
| DRAWN BY | BD |
| CHECKED BY | KM |
| PROJECT NO. | 16-002 |
| SCALE | AS SHOWN |

SHEET NO.
L-1

**DEVELOPMENT PERMIT NOTES:**

A PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO MINIMUM STANDARDS ESTABLISHED IN THE LATEST EDITION OF THE B.C. LANDSCAPE STANDARDS, PUBLISHED BY B.C.N.T.A. AND B.C.S.L.A. AS WELL AS THE CITY OF KELOWNA LANDSCAPE STANDARDS IN BYLAW 7900.
B THE LANDSCAPE DESIGN DESIGNATED HEREIN IS CONCEPTUAL BUT REFLECTS THE MINIMUM CITY OF KELOWNA FORM AND CHARACTER REQUIREMENTS.
C PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING SELECTIONS MAY VARY DEPENDING UPON AVAILABILITY AT THE TIME OF CONSTRUCTION.
D TREES SHALL BE INSTALLED IN DEFINED SOIL PITS OR PLANTING BED AREAS. ADEQUATE SOIL VOLUME SHALL BE PROVIDED BASED ON THE SPECIFIED TREE SPECIES AND LOCATION.
E ORNAMENTAL SHRUB, GRASS AND PERENNIAL CLUSTERS ARE TO BE PLACED WITHIN DEFINED PLANTING BEDS. ALL PLANTING BEDS SHALL HAVE A MIN. OF 450mm (18") IMPORTED GROWING MEDIUM AND 75mm (3") OF COMPOSTED MULCH OR APPROVED EQUAL.
F TURF AREAS SHALL BE LOW WATER USE 'NO. 1 PREMIUM' SOD WITH HAVE A MIN. OF 150mm (6") IMPORTED GROWING MEDIUM
G A HIGH EFFICIENCY IRRIGATION SYSTEM SHALL BE INSTALLED FOR ALL ORNAMENTAL LANDSCAPE AREAS AND SHALL CONFORM TO THE CITY OF KELOWNA'S IRRIGATION STANDARDS IN BYLAW 7900.

**PLANTING LIST:**

**TREES**

| Botanical Name | Common Name | Size | Root |
|---|---|---|---|
| *Acer rubrum 'Red Rocket'* | Red rocket maple | 6 cm. Cal. | B&B |
| *Malus 'Spring Snow'* | Spring snow crabapple | 8 cm. Cal. | B&B |
| *Pinus flexilis 'Vanderwolf's Pyramid'* | Wanderwolf's limber pine | 1.8m-2.4m Ht. | B&B |
| *Platanus acerifolia 'Bloodgood'* | London planetree | 6 cm. Cal. | B&B |
| *Tilia cordata 'Greenspire'* | Greenspire Linden | 6 cm. Cal. | B&B |

**SHRUBS**

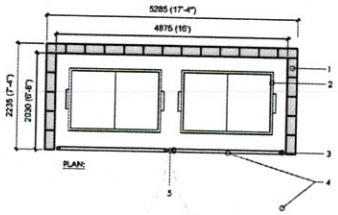
| Botanical Name | Common Name | Size/Spacing | Root |
|---|---|---|---|
| *Arctostaphylos uva-ursi* | Kinnikinnick | #01 Cont./0.6m O.C. | Potted |
| *Berberis thunbergii 'Rosy Glow'* | Rosy glow barberry | #02 Count./1.5m O.C. | Potted |
| *Juniperus scopulorum 'Colorgreen'* | Colorgreen juniper | #02 Count./1.5m O.C. | Potted |
| *Pinus mugo 'Pumilio'* | Dwarf mugo pine | #02 Count./1.5m O.C. | Potted |

**PERENNIALS & GRASSES**

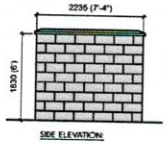
| Botanical Name | Common Name | Size/Spacing | Root |
|---|---|---|---|
| *Calamagrostis brachytricha* | Korean feather reed grass | #01 Cont./0.60m O.C. | Potted |
| *Echinacea 'White Swan'* | White swan coneflower | #01 Cont./0.60m O.C. | Potted |
| *Festuca idahoensis 'Joseph'* | Joseph Idaho fescue | #01 Cont./0.3m O.C. | Potted |
| *Helictotrichon sempervirens* | Blue oat grass | #01 Cont./0.60m O.C. | Potted |
| *Helleborus orientalis* | Lenten rose | #01 Cont./0.45m O.C. | Potted |
| *Sedum spectabile 'Autumn Joy'* | Autumn joy stonecrop | #01 Cont./0.45m O.C. | Potted |
| *Sesleria autumnalis* | Autumn moor grass | #01 Cont./0.3m O.C. | Potted |

1 PRECAST CONCRETE COPING ON TOP OF WALL ENCLOSURE
2 (220 x 1830 x 1525 (4"x6'x5') STANDARD GARBAGE AND RECYCLING DUMPSTERS
3 GATE HINGE ASSEMBLY
4 GALVANIZED CHAIN LINK GATES c/w VERTICAL VISIBILITY SLATS
5 3-PIECE LOCKABLE DROP LATCH
6 SPLIT FACED MASONRY BLOCK WALL ENCLOSURE (NATURAL COLOUR)
7 450mm (18") CANE BOLT GATE STOP
8 FINISHED GRADE

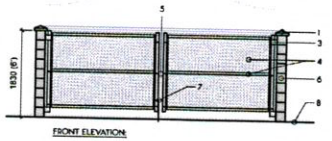
**NOTES**
A ALL CONNECTORS TO BE HOT DIPPED GALVANIZED STEEL
D ALL HARDWARE TO BE HOT DIPPED GALVANIZED STEEL




PLAN:




SIDE ELEVATION:




FRONT ELEVATION:

2 / L-1 GARBAGE ENCLOSURE
SCALE 1:50

# CITY OF KELOWNA

# BYLAW NO. 11266

## Official Community Plan Amendment No. OCP16-0011 – Calcan Investments Inc. (E of) Upper Mission Drive

---

A bylaw to amend the "*Kelowna 2030* – Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* – Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of a portion of North East ¼ Section 14, Township 28, SDYD, Except Plans KAP57304 and EPP48322, located on (E of) Upper Mission Drive, Kelowna, B.C., from the Multiple Unit Residential designation to Single/Two Unit Residential designation and from Single / Two Unit Residential designation to Multiple Unit Residential designation and from Multiple Unit Residential designation to Major Park/Open Space (Public) designation as shown on Map "A" attached.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of August, 2016.

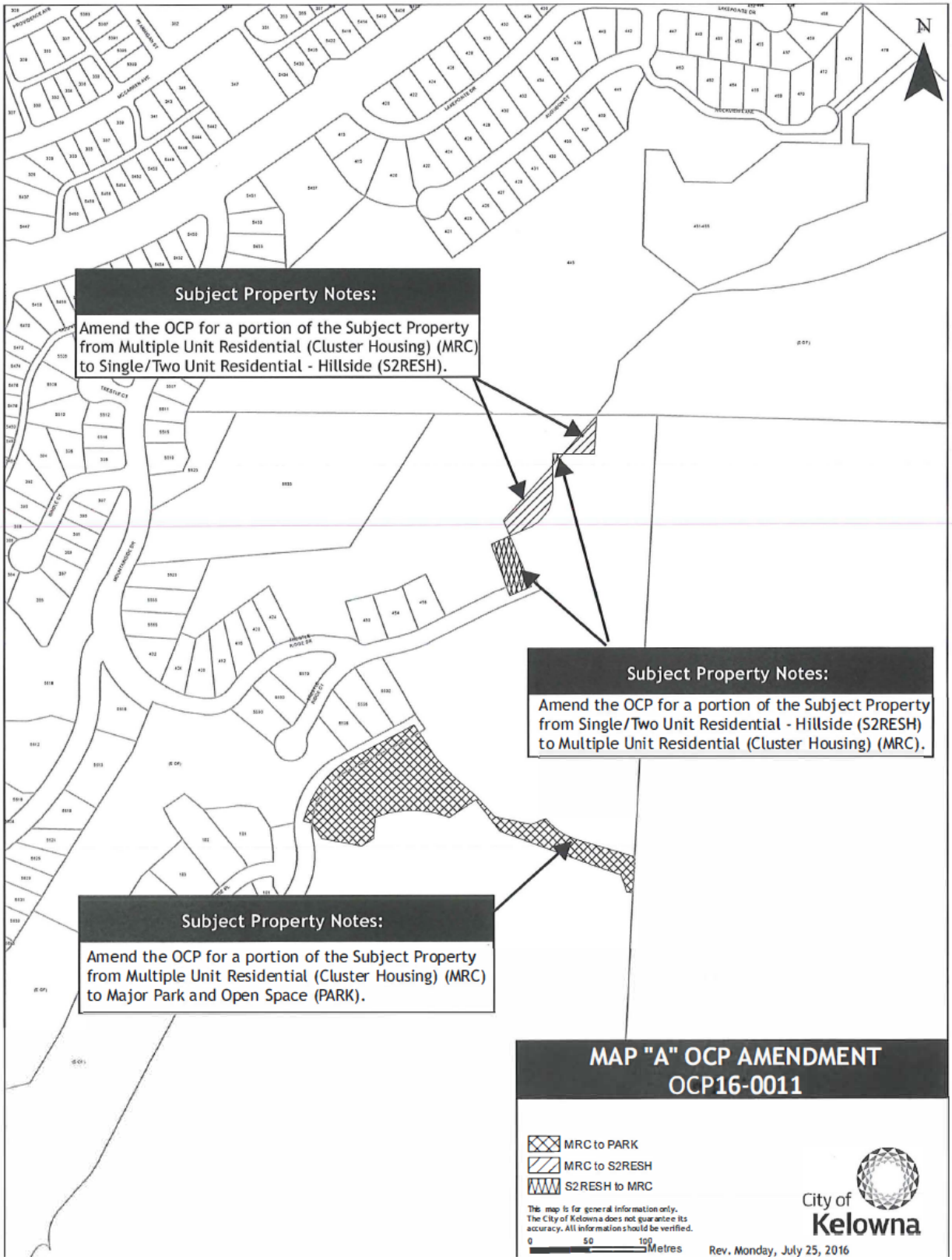
Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk


N
Subject Property Notes:
Amend the OCP for a portion of the Subject Property from Multiple Unit Residential (Cluster Housing) (MRC) to Single/Two Unit Residential - Hillside (S2RESH).
Subject Property Notes:
Amend the OCP for a portion of the Subject Property from Single/Two Unit Residential - Hillside (S2RESH) to Multiple Unit Residential (Cluster Housing) (MRC).
Subject Property Notes:
Amend the OCP for a portion of the Subject Property from Multiple Unit Residential (Cluster Housing) (MRC) to Major Park and Open Space (PARK).
MAP "A" OCP AMENDMENT
OCP16-0011
MRC to PARK
MRC to S2RESH
S2RESH to MRC
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 50 100 Metres
City of Kelowna
Rev. Monday, July 25, 2016

# CITY OF KELOWNA

# BYLAW NO. 11267
# Z16-0041 – Calcan Investments Inc., Inc. No. BC0383776
# (E of) Upper Mission Drive

---

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of a portion of the North East ¼ Section 14, Township 28, SDYD, Except Plans KAP57304 and EPP48322 located on (E of) Upper Mission Drive, Kelowna, B.C., from the RH3 – Hillside Cluster Housing zone to RH1-Hillside Large Lot Housing zone and from RH1 – Hillside Large Lot Housing zone to RH3 – Hillside Cluster Housing and from RH1 – Hillside Large Lot Housing zone to P3 – Park and Open Space zone.

2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 8th day of August, 2016.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

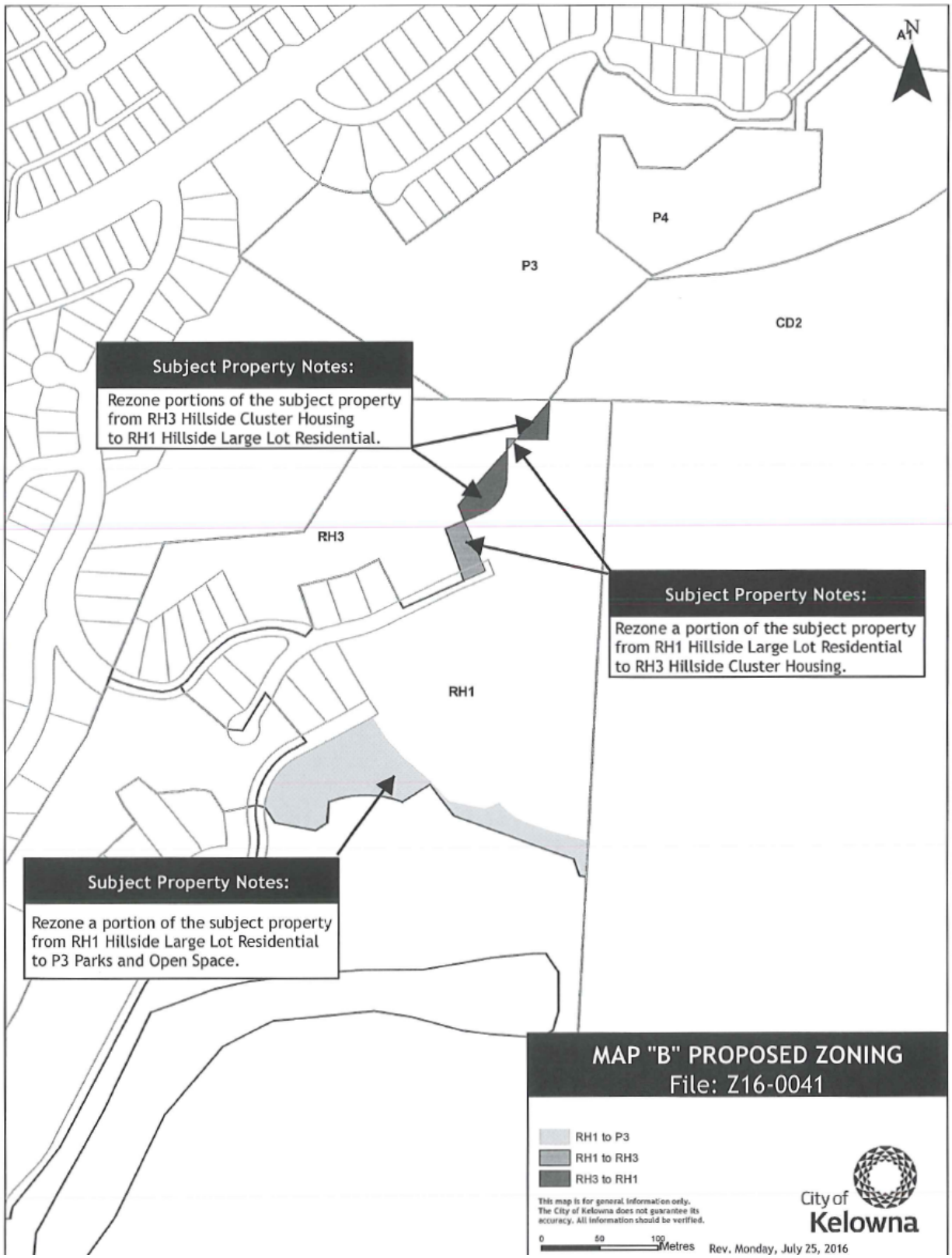
Approved under the Transportation Act

_____
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk


N
A1
P4
P3
CD2
Subject Property Notes:
Rezone portions of the subject property from RH3 Hillside Cluster Housing to RH1 Hillside Large Lot Residential.
RH3
Subject Property Notes:
Rezone a portion of the subject property from RH1 Hillside Large Lot Residential to RH3 Hillside Cluster Housing.
RH1
Subject Property Notes:
Rezone a portion of the subject property from RH1 Hillside Large Lot Residential to P3 Parks and Open Space.
MAP "B" PROPOSED ZONING
File: Z16-0041
RH1 to P3
RH1 to RH3
RH3 to RH1
This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.
0 50 100 Metres
City of Kelowna
Rev. Monday, July 25, 2016

# REPORT TO COUNCIL

| | | | |
|---|---|---|---|
| **Date:** | September 12th, 2016 | | |
| **RIM No.** | 0505-88 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (JR) | | |
| **Application:** | RTE16-0004 | **Owner:** | Unico One Development Ltd. |
| **Address:** | 125 Dundas Road | **Applicant:** | Unico One Development Ltd. |
| **Subject:** | Revitalization Tax Exemption | | |
| Existing OCP Designation: | MRM – Multiple Unit Residential (Medium Density) | | |
| Existing Zone: | RM5 – Medium Density Multiple Housing | | |

## 1.0 Recommendation

That Council approves the City of Kelowna entering into a Revitalization Tax Exemption Agreement with Unico One Development Ltd. for Lot 1, Section 22, Township 26, ODYD, Plan EPP51775, located on 125 Dundas Road, Kelowna, BC, in the form attached to the report from Community Planning dated September 12th, 2016:

AND FURTHER THAT the Mayor and City Clerk be authorized to execute the Revitalization Tax Exemption Agreement.

## 2.0 Purpose

To enter into a 10 year Revitalization Tax Exemption Agreement with Unico One Development in accordance with Revitalization Tax Exemption Program Bylaw No. 9561.

## 3.0 Background

The subject property is designated as MRM – Multiple Unit Residential (Medium Density) in the Official Community Plan (OCP) and is zoned RM5 – Medium Density Multiple Housing. The Building Permit was submitted on April 1, 2016 and has been issued. Occupancy for the subject property is proposed to occur Fall 2017. In addition, the Development Permit and Development Variance Permit for the 23 rental apartments was approved February 2, 2016 by Council under DP15-0197/DVP15-0198.

The project is in the Purpose-Built Rental Housing Projects category as described by the Revitalization Tax Exemption Program Bylaw No. 9561. In this category, projects will be considered for a tax incentive as long as:

1. The vacancy rate is at or below 3%
2. The subject property has a Housing Agreement (for up to 10 years)

3. Are in compliance with the OCP Future Land Use designation as at May 30, 2011.

Over the last few years, rental housing, especially three bedroom units, have been in great demand. According to CMHC at the end of 2015 the total vacancy rate in the Kelowna CMA was 0.7% compared to 1.0% the year prior. In the Rutland zone the vacancy rate dropped even more from 0.8% to 0.1%. Therefore, the vacancy rate requirement is met. The Housing Agreement (for up to 10 years) requirement is met and was approved by Council on May 9th, 2016. Lastly, the subject property is in compliance with the OCP Future Land Use designation of MRM – Multiple Unit Residential (Medium Density).

With all requirements met the property qualifies to receive 100% of the Revitalization Amount on the parcel. The exemption will be valid for the tax years 2018–2027.

**4.0 Current Development Policies**

- Revitalization Tax Exemption Program Bylaw No. 9561

**5.0 Techinical Comments**

- N/A

**6.0 Application Chronology:**

Date of Application Received: July 25, 2016

**Report prepared by:**

Jenna Ratzlaff, Planner & Adam Cseke, Planner

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Draft Revitalization Tax Exemption Agreement

**BL10566, BL10674 amended SCHEDULE "B" and BL10974 replaced SCHEDULE "B":**

**SCHEDULE "B" Revitalization Tax Exemption Agreement**

THIS AGREEMENT dated for reference the 30th day of June, 2016 is

**BETWEEN:**

Unico One Developments Ltd.
101 – 1865 Dilworth Drive, Suite #351
Kelowna, BC V1Y 9T1
(the "Owner")

**AND:**

**CITY OF KELOWNA**
1435 Water Street, Kelowna, B.C. V1Y 1J4

(the "City")

GIVEN THAT:

A. The Owner is the registered owner in fee simple of lands in the City of Kelowna at 125 Dundas Road legally described as Lot 1, Section 22, Township 26, ODYD, Plan EPP51775 (the "Parcel");

B. Council has established a revitalization tax exemption program and has included within the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 the designation of areas which include the Parcel as a revitalization area; and

C. The Owner proposes to construct new improvements *[or alter existing improvements]* on the Parcel as described in Appendix "A" attached to and forming part of this agreement (the "Project") and has applied to the City to take part in the revitalization tax exemption program in respect of the Project and the City has agreed to accept the Project under the program;

THIS AGREEMENT is evidence that in consideration of the promises exchanged below, the Owner and the City covenant and agree each with the other as follows:

1. **The Project** – the Owner will use its best efforts to ensure that the Project is constructed, maintained, operated and used in a fashion that will be consistent with and will foster the objectives of the revitalization tax exemption program, as outlined in the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561. Without limiting the generality of the foregoing, the Owner covenants to use its best efforts to ensure that the Project will:

   a. Provide 23 purpose built rental units

2. **Operation and Maintenance of the Project** – throughout the term of this agreement, the Owner shall operate, repair and maintain the Project and will keep the Project in a state of good repair as a prudent owner would do.

3. **Revitalization Amount** – Refers to the municipal portion of property tax calculated in relation to the

increase in the assessed value of improvements on the property resulting from the construction or alterations as outlined in section 1 of this agreement;

4. **Revitalization Tax Exemption** – subject to fulfilment of the conditions set out in this agreement and in "City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561", the City shall issue a revitalization tax exemption certificate (the "Tax Exemption Certificate") to the British Columbia Assessment Authority entitling the Owner to a property tax exemption in respect of the property taxes due (not including local service taxes) in relation to the Revitalization Amount on the Parcel (the "Tax Exemption") for the calendar year(s) set out in this agreement.

5. **Conditions** – the following conditions shall be fulfilled before the City will issue a Tax Exemption Certificate to the Owner in respect of the Project:

a. The Owner must obtain a building permit from the City for the Project on or before N/A (BP already issued)

b. The Owner must complete or cause to be completed construction of the Project in a good and workmanlike fashion and in strict compliance with the building permit and the plans and specifications attached hereto as Appendix "A" and the Project must be officially opened for use as Student Rental Housing (the "Exempt Use") and for no other use, by no later than September 15, 2017;

c. The Owner must submit a copy of the Occupancy Permit and Revitalization Tax Exemption Agreement to the City of Kelowna's Revenue Branch before the City will issue the Tax Exemption Certificate.

d. The completed Project must substantially satisfy the performance criteria set out in Appendix "B" hereto, as determined by the City's Urban Planning Manager or designate, in their sole discretion, acting reasonably.

6. **Calculation of Calculation of Revitalization Tax Exemption** – the amount of the Tax Exemption shall be equal to:

d) For "Tax Incentive Area 4," 100% of the Revitalization Amount on the Parcel;

7. **Term of Tax Exemption** – provided the requirements of this agreement, and of the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561, are met the Tax Exemption shall be for the taxation years 2018 to 2027, inclusive.

8. **{deleted}**

9. **Compliance with Laws** – the Owner shall construct the Project and, at all times during the term of the Tax Exemption or any renewal term, use and occupy the Parcel and the Project in compliance with all statutes, laws, regulations and orders of any authority having jurisdiction and, without limiting the generality of the foregoing, all federal, provincial, or municipal laws or statutes or bylaws, including all the rules regulations policies guidelines criteria or the like made under or pursuant to any such laws.

10. **Effect of Stratification** – if the Owner stratifies the Parcel or the Project under the *Strata Property Act*, then the Tax Exemption shall be prorated among the strata lots in accordance with the unit entitlement of each strata lot for:

a. the current and each subsequent tax year during the currency of this agreement if the strata plan is accepted for registration at the Land Title Office before May 1; or

b. for the next calendar year and each subsequent tax year during the currency of this agreement if

the strata plan is accepted for registration at the Land Title Office after May 1;

so long as, where a Housing Agreement exists in relation to the Parcel or the Project which limits ability to stratify, the Housing Agreement is still complied with.

11. **Cancellation** – the City may in its sole discretion cancel the Tax Exemption Certificate at any time:

a. on the written request of the Owner; or

b. effective immediately upon delivery of a notice of cancellation to the Owner if at any time any of the conditions in the Tax Exemption Certificate are not met.

If such cancellation occurs, the Owner of the Parcel for which the Tax Exemption Certificate was issued will remit to the City an amount equal to the value of any Tax Exemption received after the cancellation of the Tax Exemption Certificate.

12. **No Refund** – for greater certainty, under no circumstances will the Owner be entitled under the City's revitalization tax exemption program to any cash credit, any carry forward tax exemption credit or any refund for any property taxes paid.

13. **Notices** – any notice or other writing required or permitted to be given hereunder or for the purposes hereof to any party shall be sufficiently given if delivered by hand or posted on the Parcel, or if sent by prepaid registered mail (Express Post) or if transmitted by facsimile to such party:

a. in the case of a notice to the City, at:

THE CITY OF KELOWNA 1435 Water Street, Kelowna, B.C. V1Y 1J4

Attention: Lynn Walter
Fax: 250-862-3391

b. in the case of a notice to the Owner, at:

Unico One Developments Ltd.
101 – 1865 Dilworth Drive, Suite #351
Kelowna, BC V1Y 9T1

Attention: David Hallonquist
Fax: 250-869-2300

Or at such other address as the party to whom such notice or other writing is to be given shall have last notified the party giving the same.

14. **No Assignment** – the Owner shall not assign its interest in this agreement except to a subsequent owner in fee simple of the Parcel.

15. **Severance** – if any portion of this agreement is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this agreement.

16. **Interpretation** – wherever the singular or masculine is used in this agreement, the same shall be construed as meaning the plural, the feminine or body corporate where the context or the parties thereto so require.

17. **Further Assurances** – the parties hereto shall execute and do all such further deeds, acts, things and assurances that may be reasonably required to carry out the intent of this agreement.

18. **Waiver** – waiver by the City of a default by the Owner shall be in writing and shall not be deemed to be a waiver of any subsequent or other default.

19. **Powers Preserved** – this agreement does not:

a. Affect or limit the discretion, rights or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Parcel;

b. Affect or limit any enactment relating to the use or subdivision of the Parcel; or

c. Relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Parcel and without limitation shall not confer directly or indirectly any exemption or right of set-off from development cost charges, connection charges, application fees, user fees or other rates, levies or charges payable under any bylaw of the City.

20. **Reference** – every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, assigns, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows.

21. **Enurement** – this agreement shall ensure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

22. Any construction of a new improvement or alteration of an existing improvement as of this bylaw undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration

23. The maximum Revitalization Tax Exemption authorized under this Bylaw must not exceed the Revitalization Amount on the Property between:

a. the calendar year before the construction or alteration began, as outlined under Section 1 of this agreement; and
b. the calendar year in which the construction or alteration, as outlined under Section 1 of this agreement, is completed.

24. The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

Executed by the CITY OF KELOWNA by Its
authorized signatories:

_____
Mayor

_____
City Clerk

Executed by UNICO ONE DEVELOPMENTS LTD. by its Authorized signatories:

_____
Name: David Hallonquist

_____
Name:

Appendix "A": Plans and Specifications
Appendix "B": Performance Criteria

**Schedule "C"**

**Tax Exemption Certificate**

In accordance with the City of Kelowna Revitalization Tax Exemption Program Bylaw No. 9561 (the "Bylaw"), and in accordance with a Revitalization Tax Exemption Agreement dated for reference the 30th day of June, 2016 (the "Agreement") entered into between the City of Kelowna (the "City") and Unico One Developments Ltd. (the "Owner"), the registered owner(s) of Lot 1, Section 22, Township 26, ODYD, Plan EPP51775 (the "Parcel"):

This certificate certifies that the Parcel is subject to a Revitalization Tax Exemption, for each of the taxation years 2018-2027 inclusive, equal to:

1. Purpose-Built Rental Housing Project, 100% of the Revitalization Amount attributed to Building Permit No. 52663 between 2015 (the calendar year before the commencement of construction of the project) and 2018 (the calendar year in which the Revitalization Tax Exemption Certificate is issued).

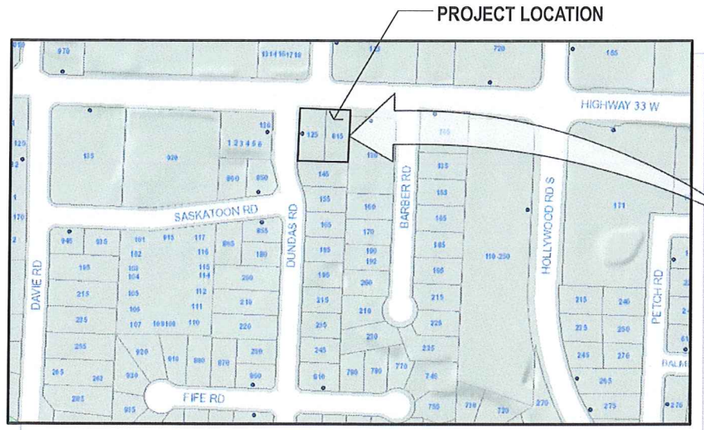
Any construction of a new improvement or alteration of an existing improvement, on Parcel described above, undertaken prior to the application for a Revitalization Tax Exemption will not be eligible for consideration;

The maximum Revitalization Tax Exemption authorized must not exceed the increase in the assessed value of improvements on the property resulting from the construction or alteration attributed to Building Perm No. 52663 between 2015 (the calendar year before the commencement of construction of the project) and 2018 (the calendar year in which the Revitalization Tax Exemption Certificate is issued);

The Property's assessed value of improvements must not be reduced below the amount assessed in the calendar year prior to construction or alteration, as a result of the Revitalization Tax Exemption. The Revitalization Tax Exemption is provided under the following conditions:

1. The Owner does not breach any term condition or provision of, and performs all obligation set out in, the Agreement and the Bylaw;
2. The Owner has not sold all or any portion of his or her equitable or legal fee simple interest in the Parcel without the transferee taking an assignment of the Agreement, and agreeing to be bound by it;
3. The Owner, or a successor in title to the Owner, has not allowed the property taxes for the Parcel to go into arrears or to become delinquent;
4. The Exempt Use (as defined in the Agreement) of the Project is not discontinued;

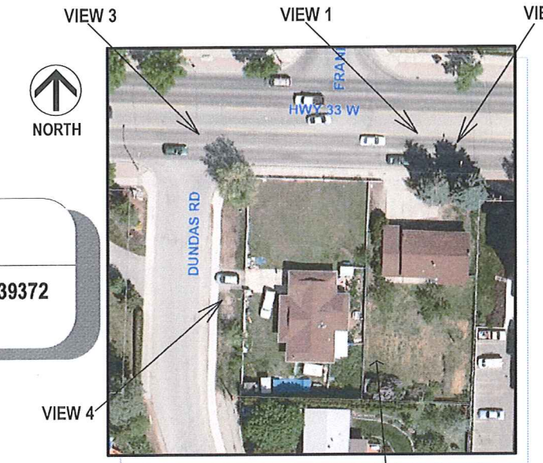
If any of these conditions are not met then the Council of the City of Kelowna may cancel this Revitalization Tax Exemption Certificate. If such cancellation occurs, the Owner of the Parcel, or a successor in title to the Owner as the case may be, shall remit to the City an amount equal to the value of the exemption received after the date of the cancellation of the certificate.




1 SITE LOCATION
NTS

## PROJECT LEGAL DESCRIPTION

**LEGAL DESCRIPTION: LOTS A & B, TP. 26, O.D.Y.D. PL. 19344, EXCEPT PL. 39372**




2 SITE CONTEXT PLAN
NTS

## ZONING SUMMARY

BLUEGREEN ARCHITECTURE INC — THE VARSITY STUDENT RESIDENCE

**ZONING INFORMATION** 30-Mar-16

| | CURRENT | PROPOSED | |
|---|---|---|---|
| ZONING | RU6 | RM5 | MEDIUM DENSITY MULTIPLE HOUSING |
| | MINIMUM | ACTUAL | |
| MINIMUM LOT WIDTH | 30 m | 51.43 m | |
| MINIMUM LOT DEPTH | 35 m | 35.68 m | |
| MINIMUM LOT AREA | 1400 sm | 2044.9 sm | (PRIOR TO 5.25M ROAD DEDICATION) (22,063 SQ FT) |

**TOTAL GROSS FLOOR AREAS**

| | | |
|---|---|---|
| MAIN FLOOR | 4931 SF | 458.1 sm |
| 2ND | 9433 SF | 876.5 sm |
| 3RD | 9414 SF | 874.6 sm |
| 4TH | 9283 SF | 862.4 sm |
| DORMER | 4041 SF | 375.4 sm |
| TOTAL | 37106 SF | 3447.1 sm |

**BUILDING AREAS FOR F.A.R. CALCULATIONS**

| | | |
|---|---|---|
| STUDENT HOUSING (NET) | 27759 SF | 2578.8 sm |
| TOTAL | | 2578.8 sm |

**BUILDING COVERAGE AREAS**

| | | |
|---|---|---|
| BUILDING AREA | 9900.00 SF | 882.55 SM |
| PAVING AREA | 4317.00 SF | 401.0493 SM |
| BUILDING + PAVING TOTAL | SF | 1283.5993 SM |

| | MAXIMUM | ACTUAL | CALCULATED F.A.R BONUS |
|---|---|---|---|
| **FLOOR AREA RATIO (FAR)** | | | |
| STANDARD | 1.300 | | |
| URBAN CENTRE BONUS | 0.200 | | |
| TOTAL | 1.300 | 1.258 | ALLOWL NET HOUSING AREA: 2597 SM |

| **SITE COVERAGE** | MAXIMUM | ACTUAL | |
|---|---|---|---|
| BUILDING AREA/SITE AREA | 40% | 43.05% | VARIANCE AWARDED |
| BUILDING & PAVING AREAS | 65% | 62.62% | *BUILDING, PARKING, DRIVEWAYS ETC. |

| **SETBACKS** | MINIMUM | ACTUAL | | |
|---|---|---|---|---|
| FRONT (RUTLAND) | 6 m | 6 | m | |
| REAR YARD | 9 m | 7.71 | m | VARIANCE AWARDED |
| FLANKING SIDE STREET | 6 m | 6 | m | DUNDAS |
| SIDE YARD | 7 m | 5.2 | m | VARIANCE AWARDED |

| | MAXIMUM | ACTUAL |
|---|---|---|
| BUILDING HEIGHT | 4.5 STOREYS | 4.5 STOREYS |
| | 18M | 16.5M (TO TOP OF DORMER) |

**ADDITIONAL REGULATIONS**

MINIMUM AREAS OF PRIVATE OPEN SPACE

25 sq m / dwelling unit with more than 1 bedroom

| | REQUIRED | |
|---|---|---|
| 23 units @ 25 bedrooms | 575 sm | 6189 SF |
| TOTAL PRIVATE OPEN SPACE REQUIRED | 575 sm | 6189.2425 SF |
| | PROVIDED | |
| INDOOR | 360.26 sm | 3878.87 SF |
| OUTDOOR | 260.86 sm | 2807.91 SF |
| TOTAL PRIVATE OPEN SPACE PROVIDED | 621.12 sm | 6686.77 SF |

PROVIDED POS: 621.22 / 23 = 27.01 / SUITE

| | REQUIRED | PROVIDED | |
|---|---|---|---|
| **BICYCLE PARKING** | | | |
| Class I | | | |
| .5 BIKE STALLS/ UNIT | .5 X 23 UNITS= | 11.5 | 15 BIKE STALLS - SECURE HANGING |
| Class II | | | |
| .1 BIKE STALLS/ UNIT | .1 X 23 UNITS= | 2.3 | 3 PUBLIC BIKE RACK |

**CAR PARKING** (Apartment Housing)

| | Units | REQUIRED | PROVIDED | |
|---|---|---|---|---|
| 2 stalls per 3+ bedroom | 23 | 46 | 27 | CASH IN LIEU HAS BEEN PROVIDED - DP AWARDED |
| Parking Stall Ratio (Max) for PROVIDED parking: | | | | |
| Full Size | 50% | 13.5 | 15 | |
| Medium | 40% | 10.8 | 7 | |
| Small | 10% | 2.7 | 5 | |
| | | | 27 | |

## UNIT AND COMMON AREA SUMMARY

BLUEGREEN ARCHITECTURE INC

**UNIT AND COMMON AREA SUMMARY - DUNDAS STUDENT HOUSING** 30-Mar-16

| | | | | |
|---|---|---|---|---|
| **MAIN FLOOR** | | | | |
| | 101 | 922 SF | 85.7 sm | |
| | 102 | 1340 SF | 124.5 sm | |
| | 103 | 912 SF | 84.7 sm | |
| UNIT AREA TOTAL | | 3174 SF | 294.9 sm | |
| COMMON | | 1759 SF | 163.4 sm | |
| SUBTOTAL GROSS AREA | | 4933 SF | 458.3 sm | (INCL. HOUSING STAIRS, BIKES STOR & LOBBY SPACE) |
| PRIVATE OPEN SPACE | | 2808 SF | 260.9 sm | EXTERIOR - Front & East Side Yards |
| **2ND FLOOR** | | | | |
| | 201 | 976 SF | 90.7 sm | |
| | 202 | 1355 SF | 125.9 sm | |
| | 203 | 964 SF | 89.6 sm | |
| | 204 | 1345 SF | 125.0 sm | |
| | 205 | 1441 SF | 133.9 sm | |
| | 206 | 1338 SF | 124.3 sm | |
| UNIT AREA SUBTOTAL | | 7419 SF | 689.2 sm | |
| COMMON IN | | 989 SF | 91.9 sm | |
| PRIVATE OPEN SPACE | | | | |
| INTERIOR | | 801 | 74.4 sm | FITNESS ROOM |
| SUBTOTAL P.O.S. | | 801 | 74.4 sm | |
| SUBTOTAL GROSS AREA | | 9209 SF | 855.5 sm | |
| **3RD FLOOR** | | | | |
| | 301 | 977 SF | 90.8 sm | |
| | 302 | 1334 SF | 123.9 sm | |
| | 303 | 964 SF | 89.6 sm | |
| | 304 | 1345 SF | 125.0 sm | |
| | 305 | 1442 SF | 134.0 sm | |
| | 306 | 1338 SF | 124.3 sm | |
| UNIT AREA SUBTOTAL | | 7400 SF | 687.5 sm | |
| COMMON | | 989 SF | 91.9 sm | |
| PRIVTE OPEN SPACE | | | | |
| INTERIOR | | 802 SF | 74.5 sm | QUIET STUDY |
| SUBTOTAL GROSS AREA | | 9191 SF | 853.8 sm | |
| **4TH FLOOR** | | | | |
| | 401 | 938 SF | 87.1 sm | |
| | 402 | 1333 SF | 123.8 sm | |
| | 403 | 937 SF | 87.0 sm | |
| | 404 | 1320 SF | 122.6 sm | |
| | 405 | 1441 SF | 133.9 sm | |
| | 406 | 1309 SF | 121.6 sm | |
| UNIT AREA SUBTOTAL | | 7278 SF | 676.1 sm | |
| COMMON | | 553 SF | 51.4 sm | |
| PRIVATE OPEN SPACE | | | | |
| INTERIOR | | 698 SF | 64.8 sm | YOGA ROOM |
| SUBTOTAL GROSS AREA | | 8529 SF | 792.3 sm | |
| **DORMER** | | | | |
| | 501 | 1227 SF | 114.0 sm | |
| | 502 | 1261 SF | 117.1 sm | |
| UNIT AREA SUBTOTAL | | 2488 SF | 231.1 sm | |
| COMMON | | 553 SF | 51.4 sm | |
| PRIVATE OPEN SPACE | | | | |
| INTERIOR & EXTERIOR | | 1578 SF | 146.6 sm | STUDENT LOUNGE |
| SUBTOTAL GROSS AREA | | 4619 SF | 429.1 sm | |
| TOTAL NET HOUSING AREA | | 27759 SF | 2578.8 sm | UNIT AREA |
| TOTAL BUILDING GROSS AREA | | 31852 SF | 2960.0 sm | GROSS FLOOR AREA (NOT INCL. EXTERIOR SPACE) |
| TOTAL PRIVATE OPEN SPACE | | 6687 SF | 621.2 sm | |

SITE CONTEXT - VIEW 1

SITE CONTEXT - VIEW 2

SITE CONTEXT - VIEW 3

SITE CONTEXT - VIEW 4

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| 1 | 2010.xx.xx | Revision Description |
| 2 | 2010.xx.xx | |
| 3 | 2010.xx.xx | |
| 4 | 2010.xx.xx | |
| 5 | 2010.xx.xx | |
| 6 | 2010.xx.xx | |
| 7 | 2010.xx.xx | |
| 8 | 2010.xx.xx | |
| 9 | 2010.xx.xx | |
| 10 | 2010.xx.xx | |

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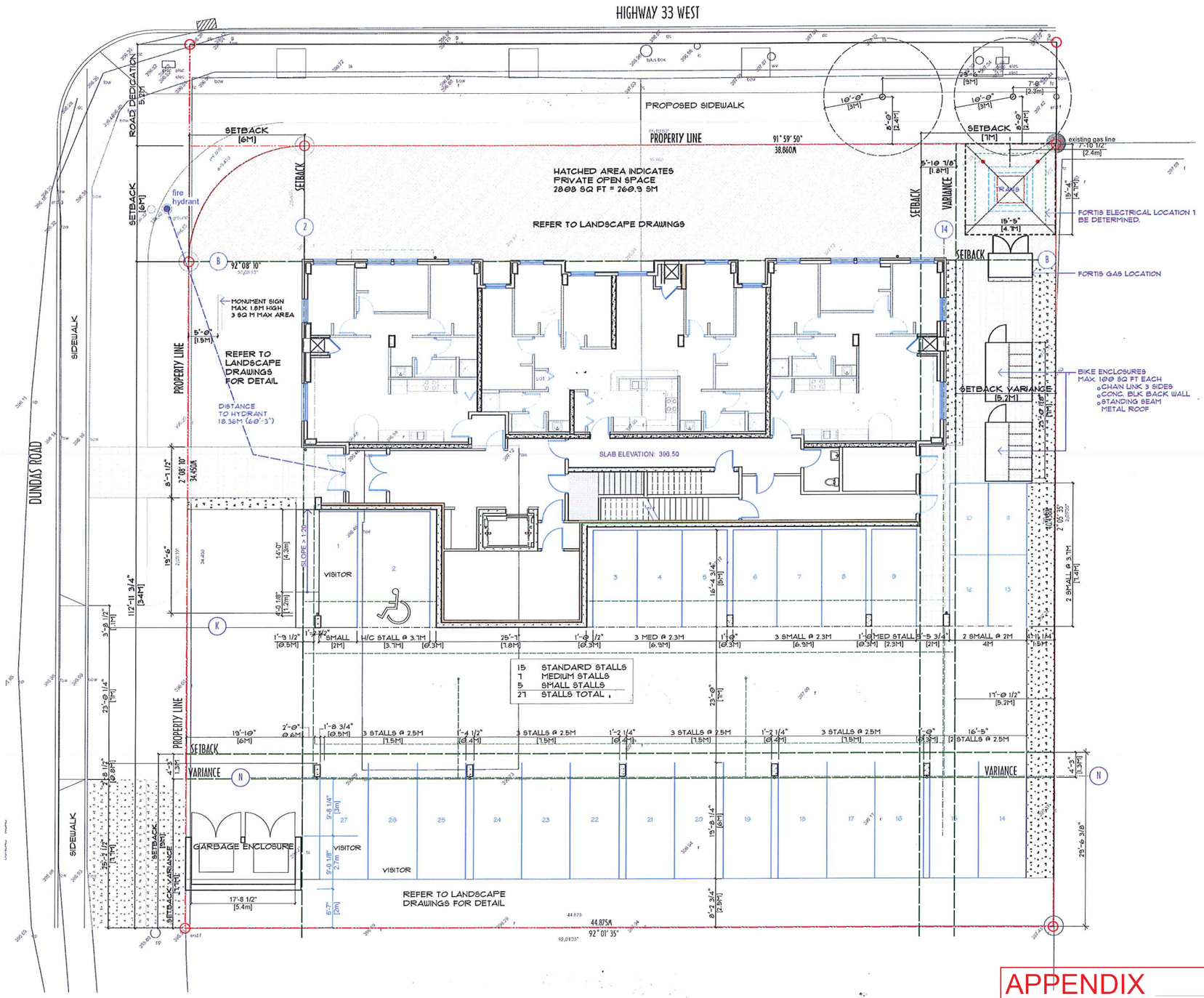
|---|---|---|
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 3 | 2010.xx.xx | ISSUED FOR |
| 4 | 2010.xx.xx | ISSUED FOR |
| 5 | 2010.xx.xx | ISSUED FOR |

Project
VARSITY STUDENT RESIDENCE
KELOWNA, BC

Sheet Title
ZONING & PROJECT INFO.

Job Number 14.386
Date 2016.02.11
Scale: N/A
Revision Number 0
Drawing Number A0.0

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| 3 | 2010.xx.xx | ISSUED FOR |
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| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

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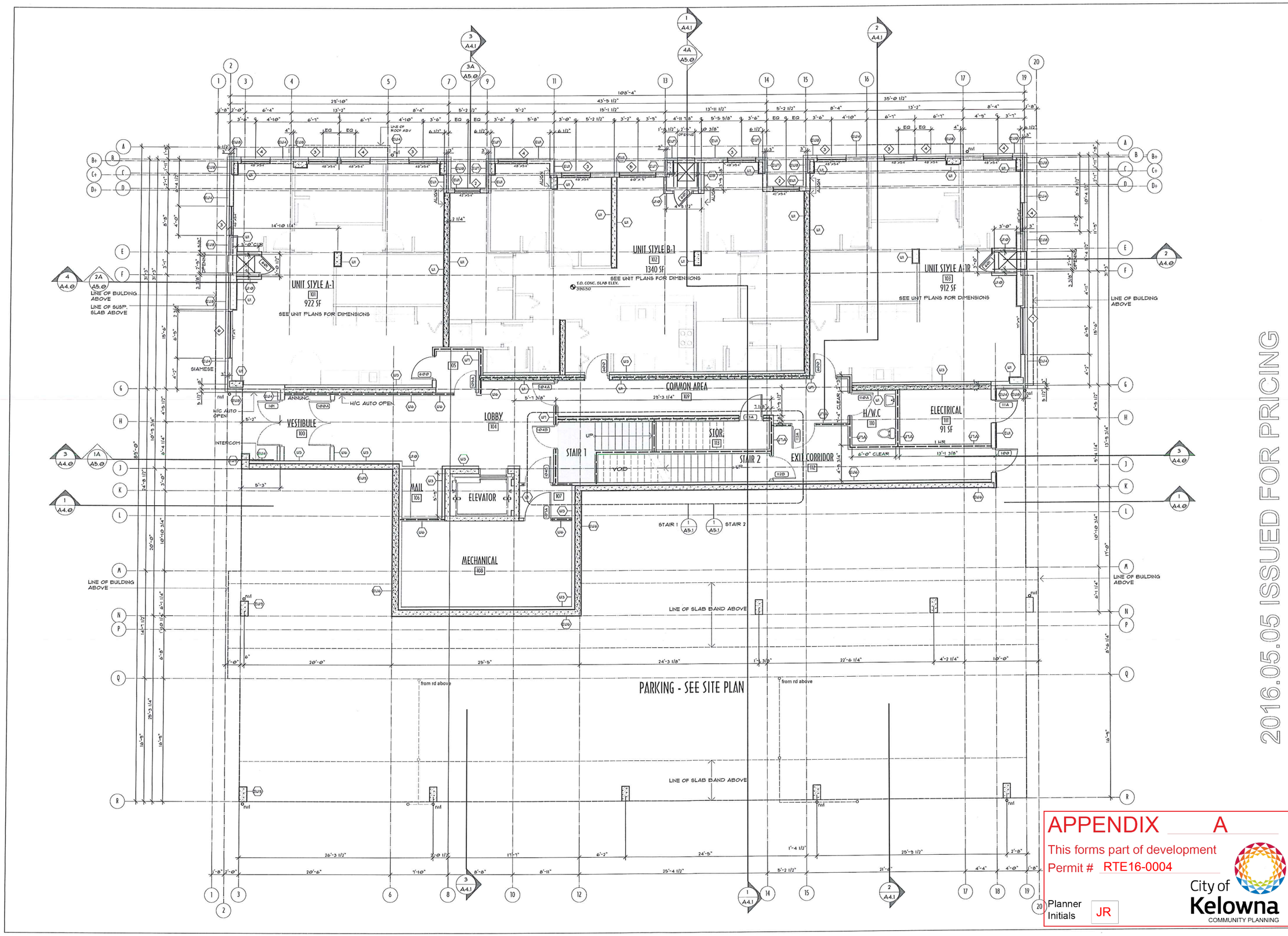
|---|---|---|
| 5 | 2010.xx.xx | |
| 4 | 2010.xx.xx | |
| 3 | 2010.xx.xx | |
| 2 | 2010.xx.xx | |
| 1 | 2010.xx.xx | |
| 0 | 2010.xx.xx | Revision Description |

Project
VARSITY STUDENT RESIDENCE

LOCATION, BC

Sheet Title
SITE PLAN

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A1.0 |

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| 3 | 2010.xx.xx | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |
| 6 | 2010.xx.xx | Revision Description |
| 7 | 2010.xx.xx | |
| 8 | 2010.xx.xx | |
| 9 | 2010.xx.xx | |
| 10 | 2010.xx.xx | |
| 11 | 2010.xx.xx | |
| 12 | 2010.xx.xx | |
| 13 | 2010.xx.xx | |

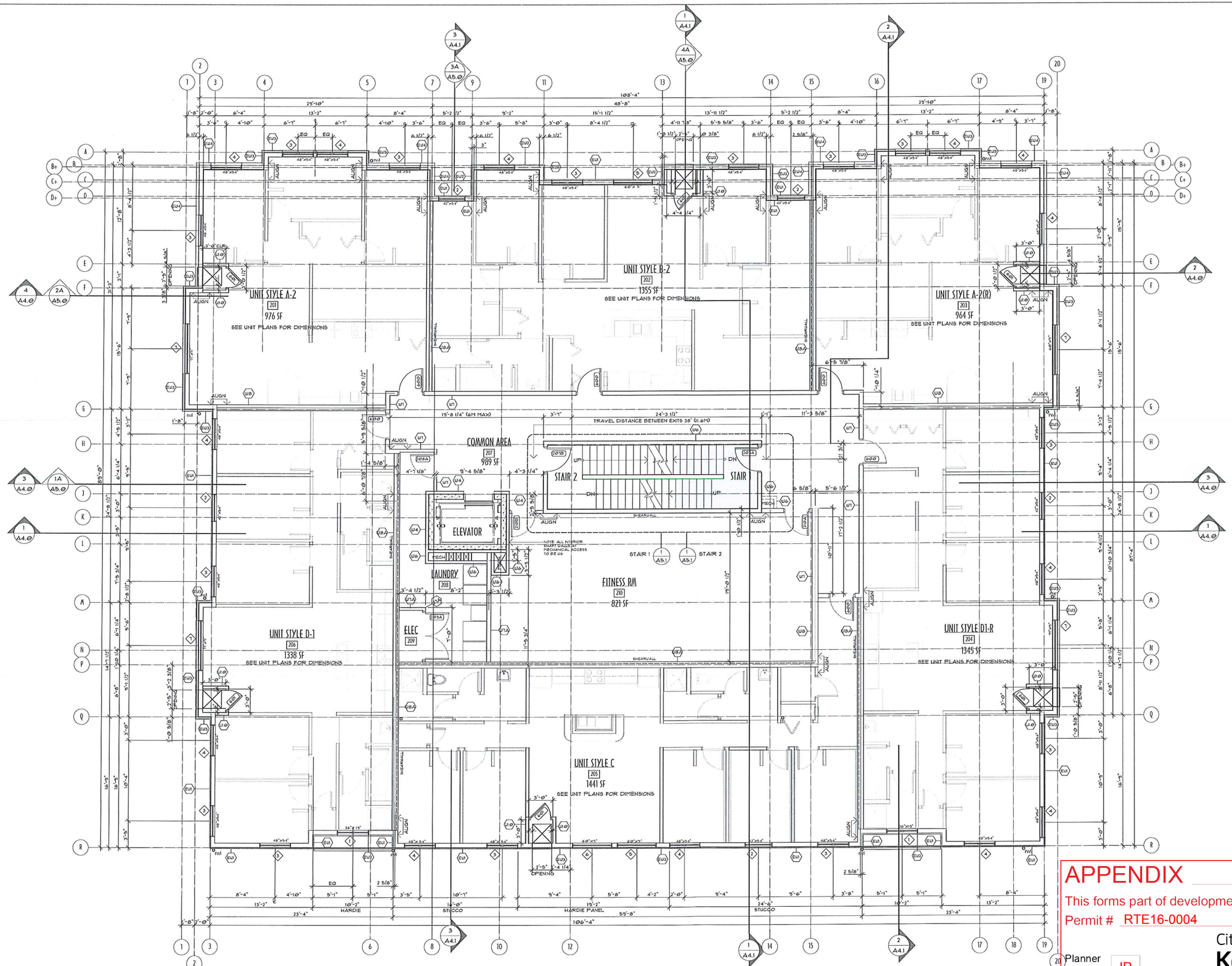
| NO. | DATE | RECORD OF ISSUES |
|---|---|---|

Project
VARSITY STUDENT RESIDENCE

125 Dundas Rd., Kelowna, BC

Sheet Title
MAIN FLOOR PLAN

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.0 |

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| 4 | 2010.XX.XX | ISSUED FOR |
| 3 | 2010.XX.XX | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

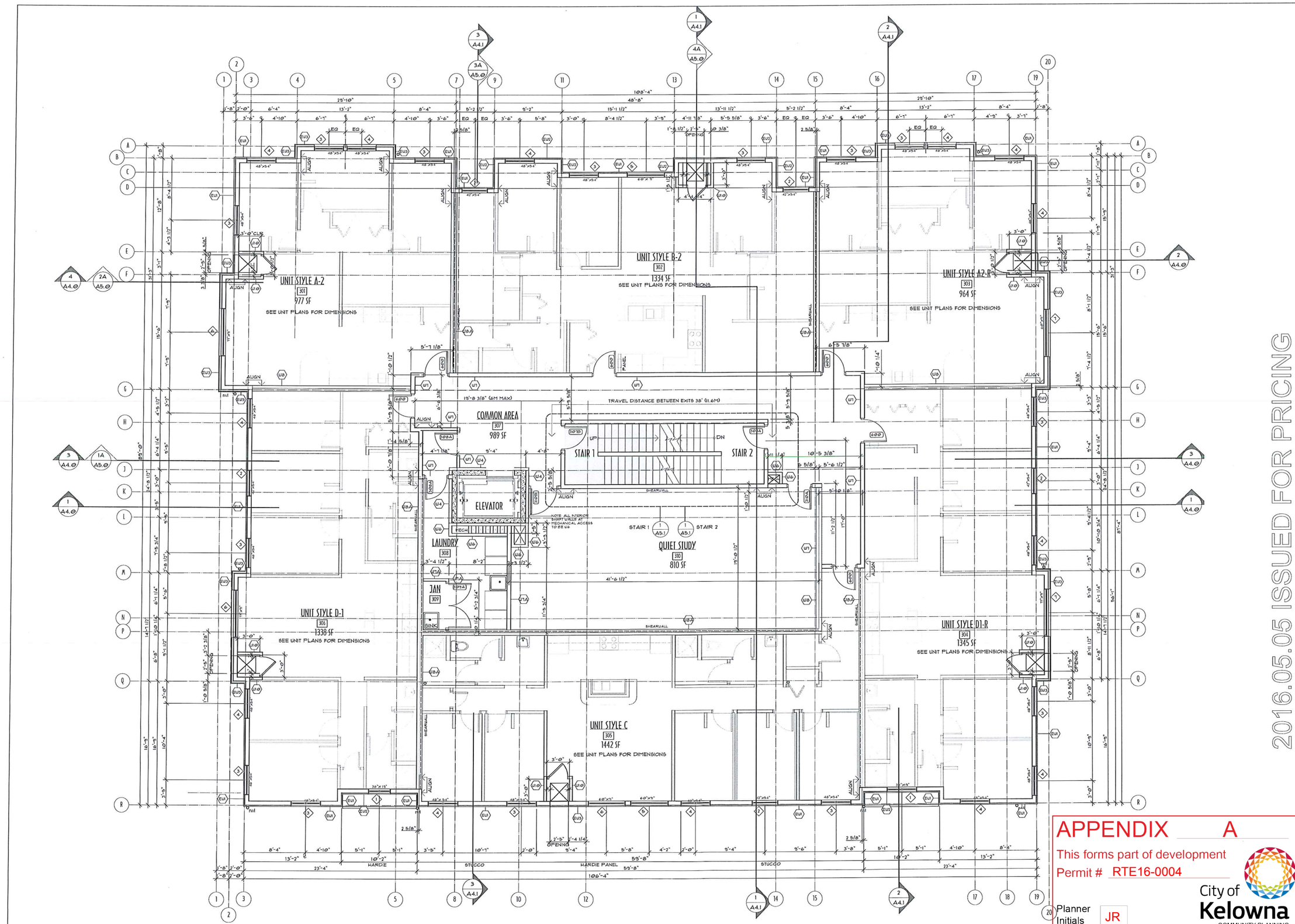
| NO. | DATE | RECORD OF ISSUES |
|---|---|---|
| 7 | 2010.XX.XX | |
| 6 | 2010.XX.XX | |
| 5 | 2010.XX.XX | |
| 4 | 2010.XX.XX | |
| 3 | 2010.XX.XX | |
| 2 | 2010.XX.XX | |
| 1 | 2010.XX.XX | Revision Description |

Project
VARSITY STUDENT RESIDENCE

125 Dundas Rd., Kelowna, BC

Sheet Title
2ND FLOOR PLAN

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.1 |

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| 3 | 2010.XX.XX | ISSUED FOR |
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| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

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| 3 | 2010.XX.XX | |
| 2 | 2010.XX.XX | |
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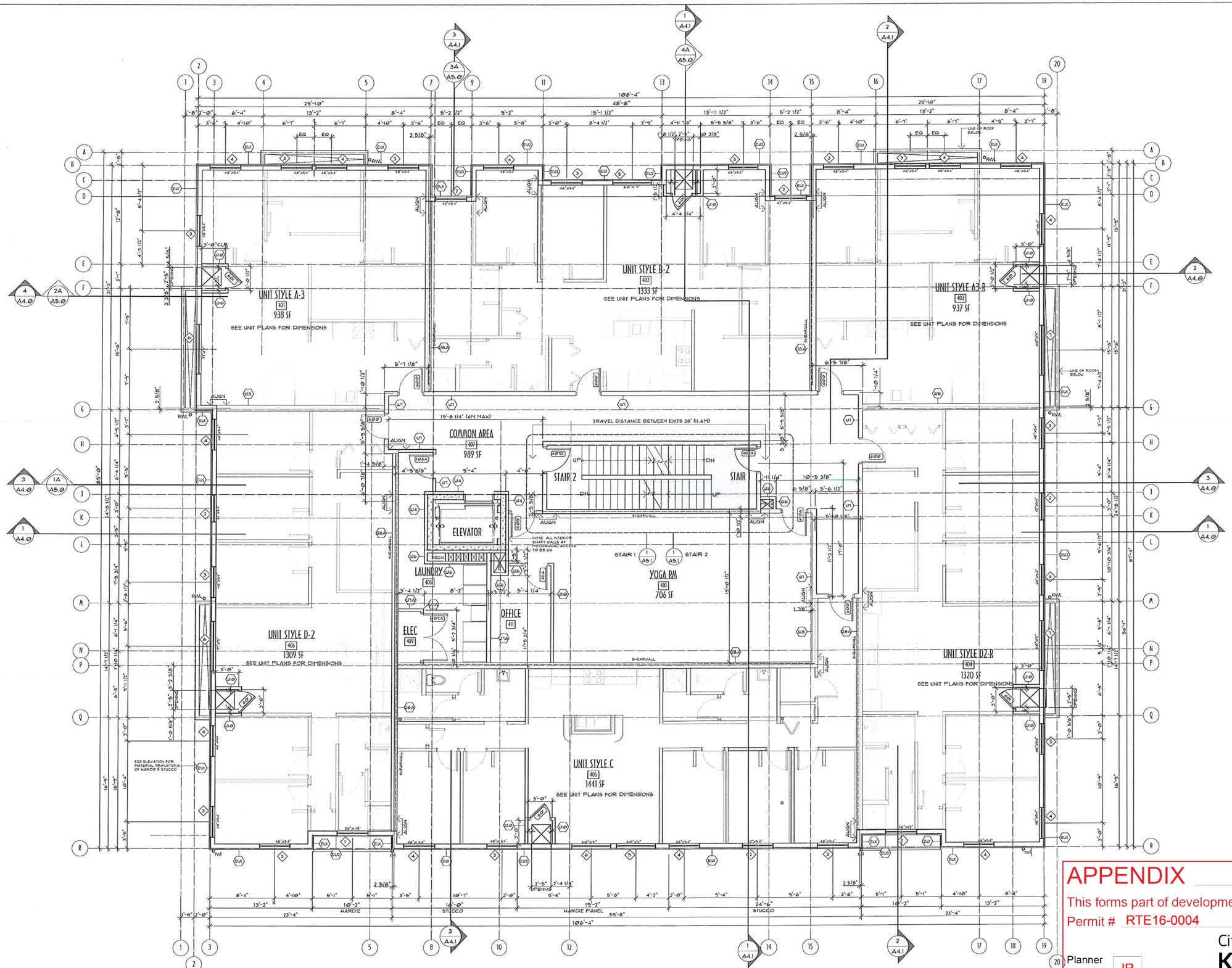
| 5 | 2010.XX.XX | |
| 4 | 2010.XX.XX | |
| 3 | 2010.XX.XX | |
| 2 | 2010.XX.XX | |
| 1 | 2010.XX.XX | |

Project
VARSITY STUDENT RESIDENCE

125 Dundas Rd., Kelowna, BC

Sheet Title
3RD FLOOR PLAN

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.2 |

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| 8 | 2010.xx.xx | Revision Description |

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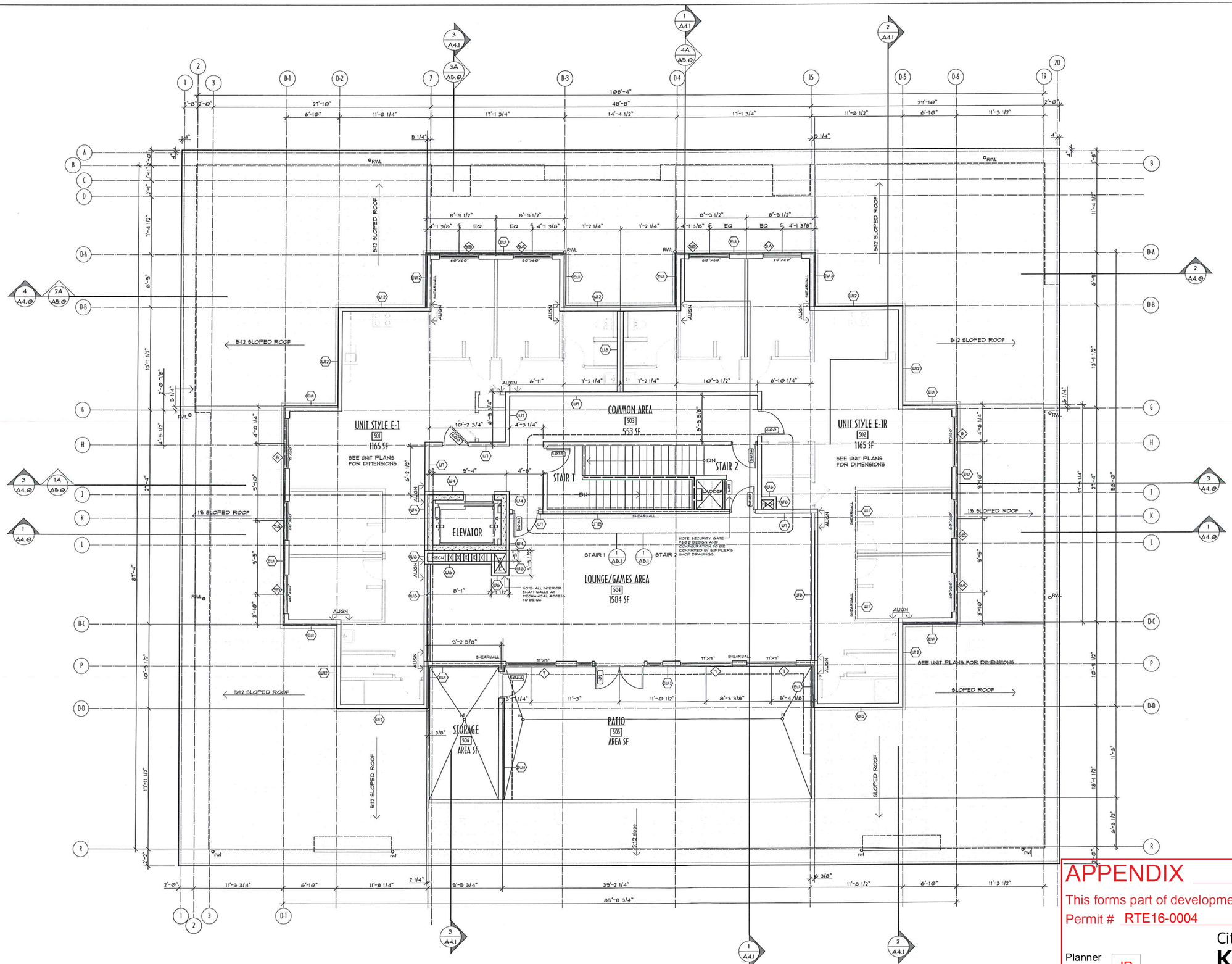
| 3 | 2010.xx.xx | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

Project
VARSITY STUDENT RESIDENCE

125 Dundas Rd., Kelowna, BC

Sheet Title
4TH FLOOR PLAN

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.3 |

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| 4 | 2010.xx.xx | |
| 5 | 2010.xx.xx | |
| 6 | 2010.xx.xx | |
| 7 | 2010.xx.xx | |
| 8 | 2010.xx.xx | Revision Description |

Project
VARSITY STUDENT RESIDENCE

125 Dundas Rd., Kelowna, BC

Sheet Title
DORMER FLOOR PLAN

| | |
|---|---|
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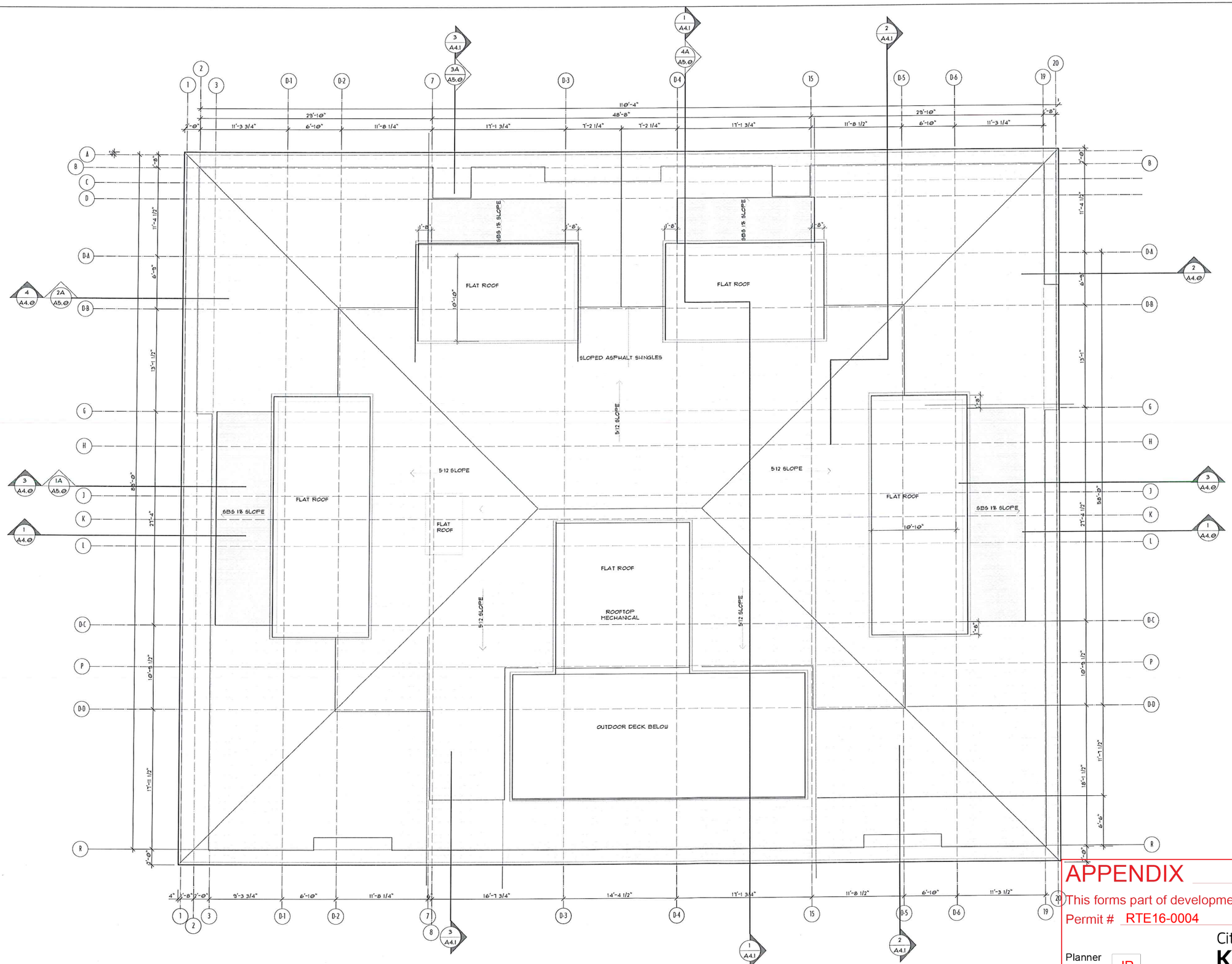
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.4 |

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| 6 | 2010.xx.xx | |
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| 8 | 2010.xx.xx | Revision Description |

Project
VARSITY STUDENT RESIDENCE

LOCATION, BC

Sheet Title
ROOF PLAN

| | |
|---|---|
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| Date | 2016.02.11 |
| Scale | 3/16"=1'-0" |
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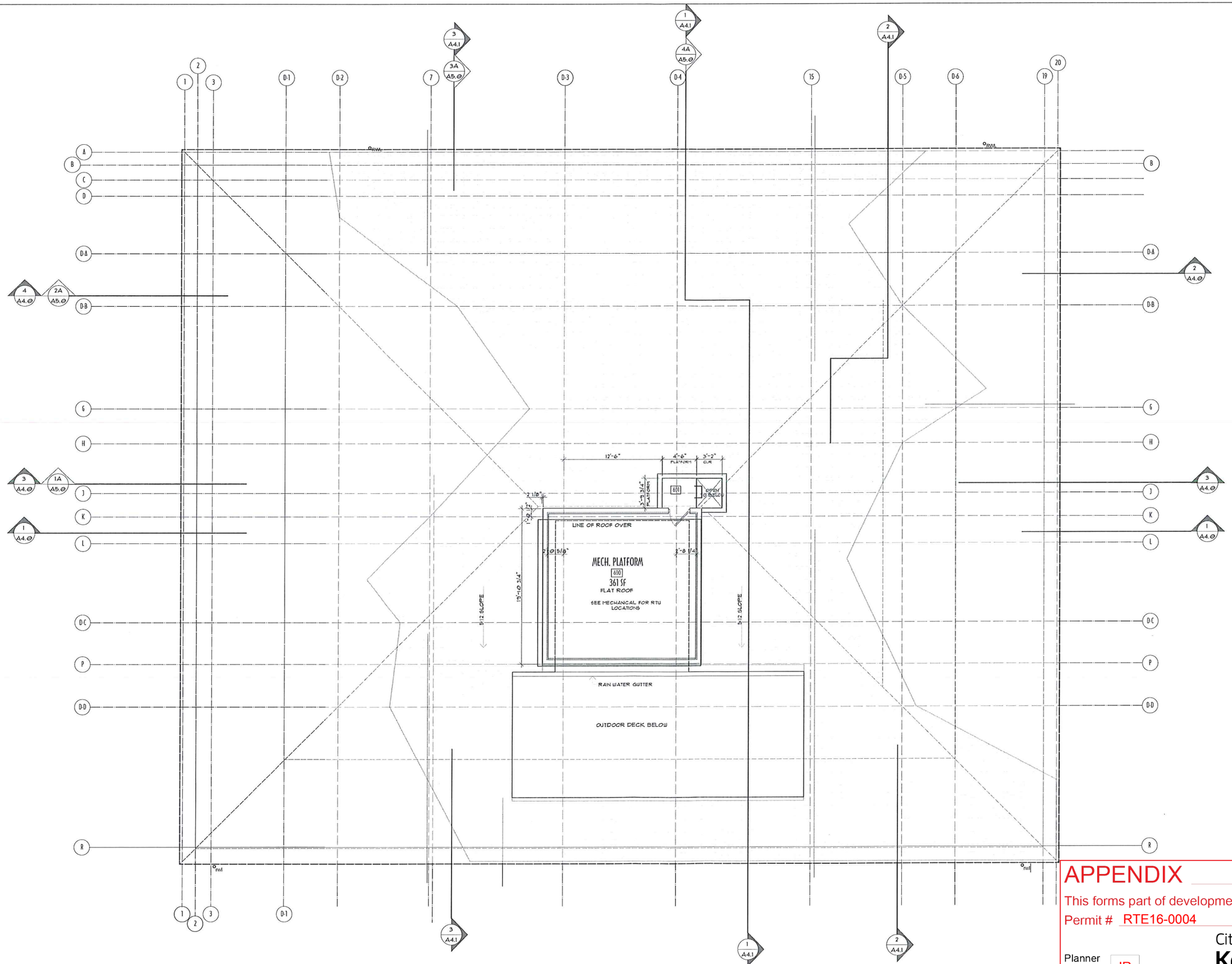


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| 3 | 2010.xx.xx | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

Project
VARSITY STUDENT RESIDENCE

LOCATION, BC

Sheet Title
ATTIC PLAN

| | |
|---|---|
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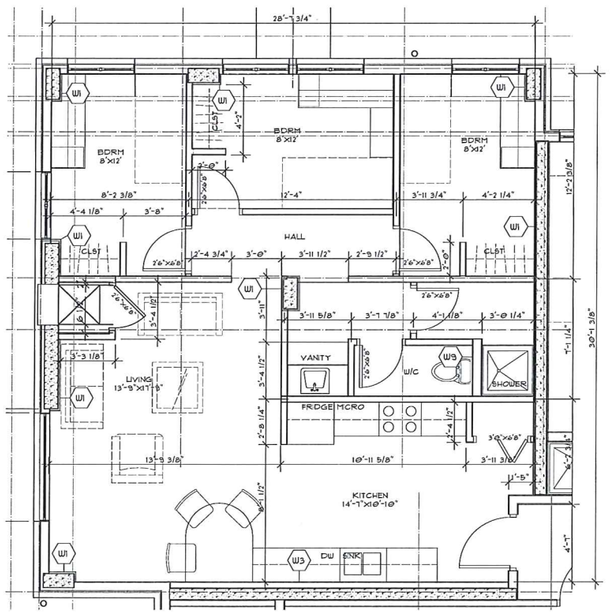
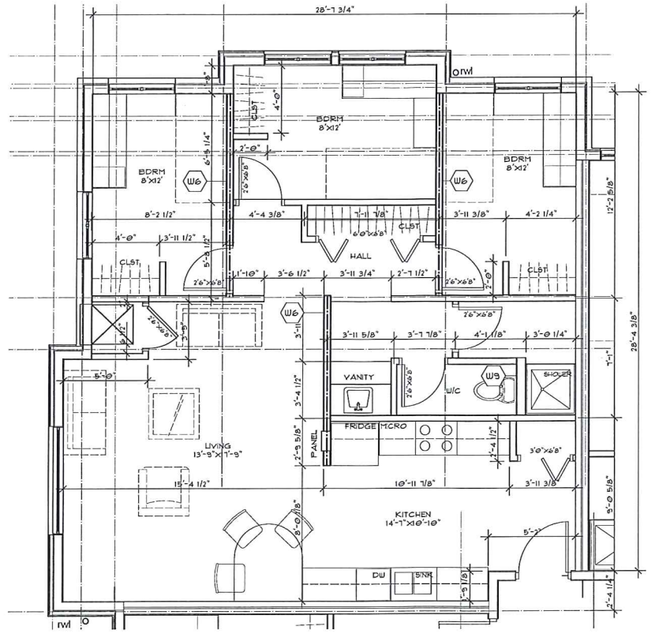
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.5a |



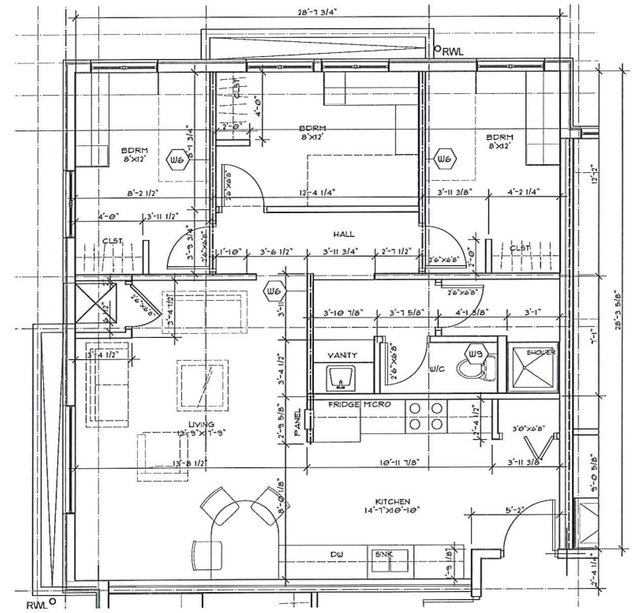

1 UNIT STYLE A-1
1/4" = 1'-0"

SEE UNIT 101



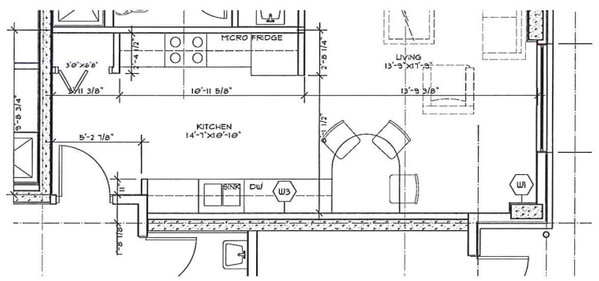

1 UNIT STYLE A-2
1/4" = 1'-0"

SEE UNITS 201 & 301 (LEVEL 2 & 3)



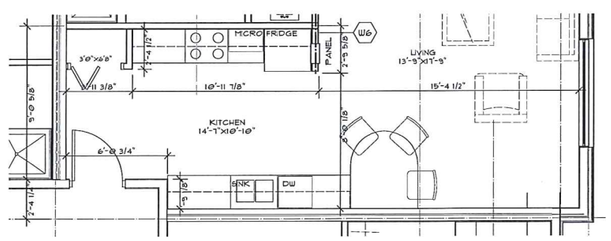

1 UNIT STYLE A-3
1/4" = 1'-0"

SEE UNIT 401



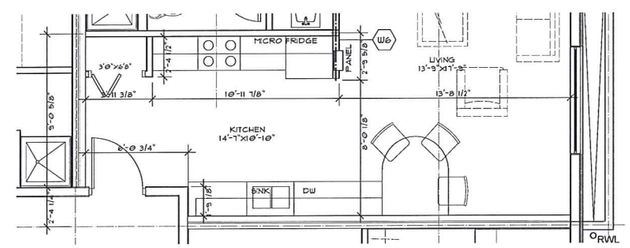

1 UNIT STYLE A-1(R) - FRONT ENTRY
1/4" = 1'-0"

SEE UNIT 103




1 UNIT STYLE A-2(R) - FRONT ENTRY
1/4" = 1'-0"

SEE UNITS 203 & 303




1 UNIT STYLE A-3(R) - FRONT ENTRY
1/4" = 1'-0"

SEE UNIT 403

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| 7 | 2010.XX.XX |
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| 5 | 2010.XX.XX |
| 4 | 2010.XX.XX |
| 3 | 2010.XX.XX |
| 2 | 2010.XX.XX |
| 1 | 2010.XX.XX |
| 0 | 2010.XX.XX Revision Description |

| NO. | DATE | RECORD OF REVISIONS |
|---|---|---|
| 5 | 2010.XX.XX | ISSUED FOR |
| 4 | 2010.XX.XX | ISSUED FOR |
| 3 | 2010.XX.XX | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

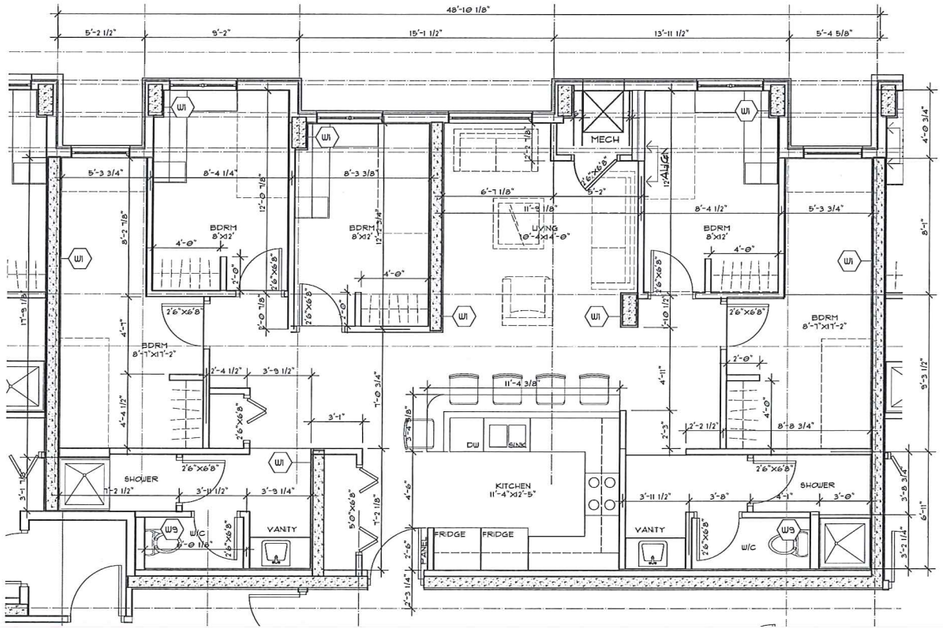
| NO. | DATE | RECORD OF ISSUES |
|---|---|---|

Project
VARSITY STUDENT RESIDENCE

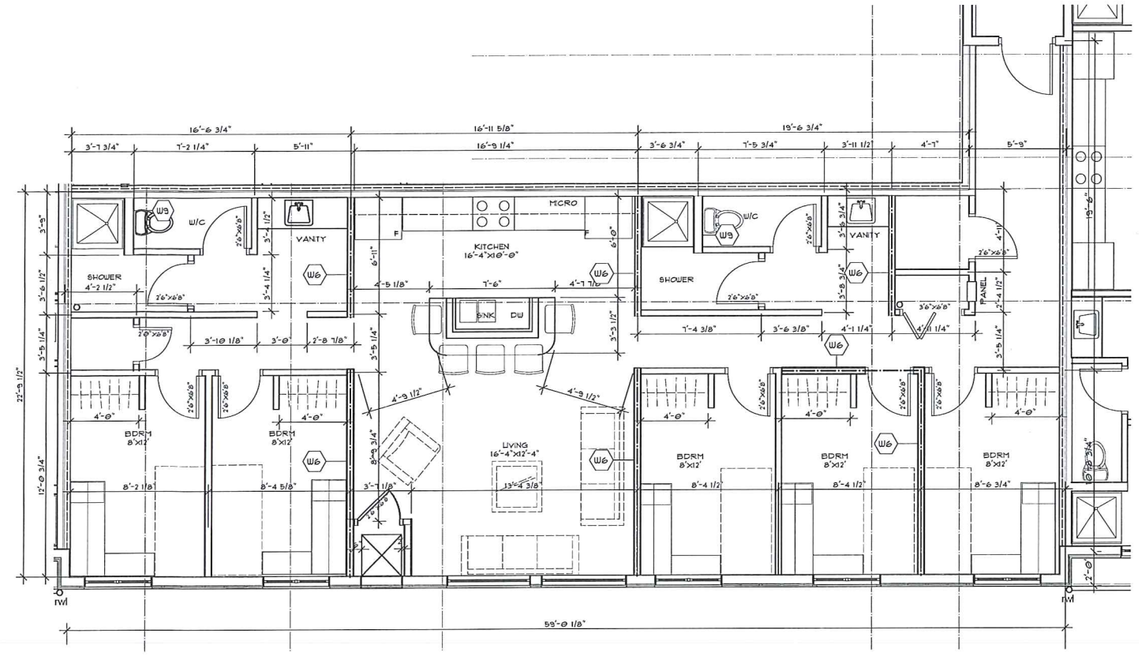
LOCATION, BC

Sheet Title
SUITE PLANS

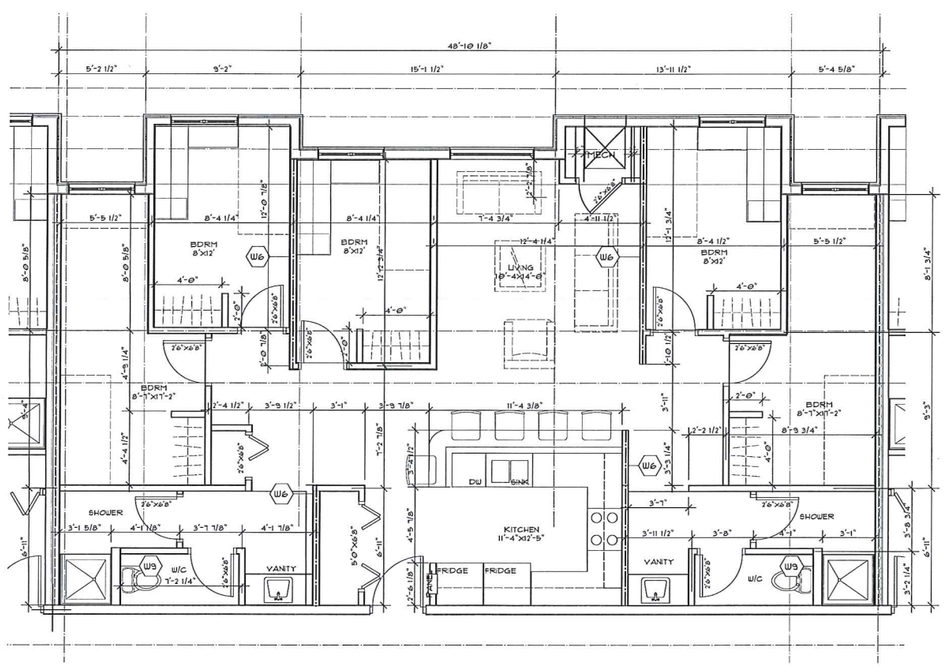
| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 1/4"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.6 |




1 UNIT STYLE B-1
1/4" = 1'-0"
SEE UNIT 102




1 UNIT STYLE C
1/4" = 1'-0"
SEE UNIT 205,305,405




1 UNIT STYLE B-2
1/4" = 1'-0"
SEE UNIT 202,302,402

2016.05.05 ISSUED FOR PRICING

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|---|---|---|
| 7 | 2010.xx.xx | |
| 6 | 2010.xx.xx | |
| 5 | 2010.xx.xx | |
| 4 | 2010.xx.xx | |
| 3 | 2010.xx.xx | |
| 2 | 2010.xx.xx | |
| 1 | 2010.xx.xx | Revision Description |

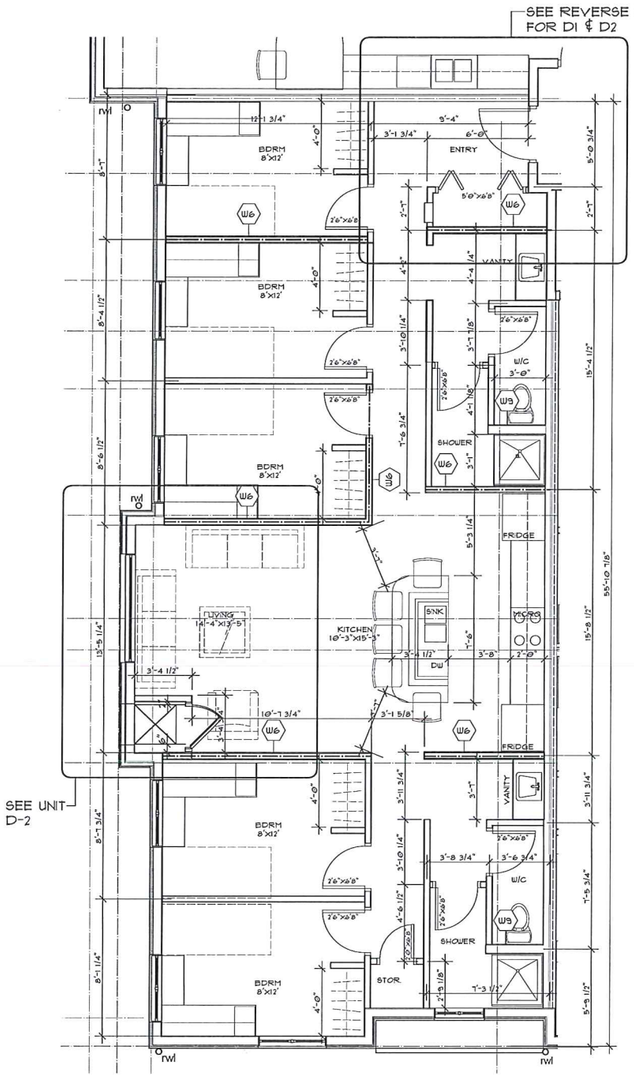
| NO. | DATE | RECORD OF REVISIONS |
|---|---|---|
| 5 | 2010.xx.xx | ISSUED FOR |
| 4 | 2010.xx.xx | ISSUED FOR |
| 3 | 2010.xx.xx | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.31 | ISSUED FOR BUILDING PERMIT |

| NO. | DATE | RECORD OF ISSUES |
|---|---|---|

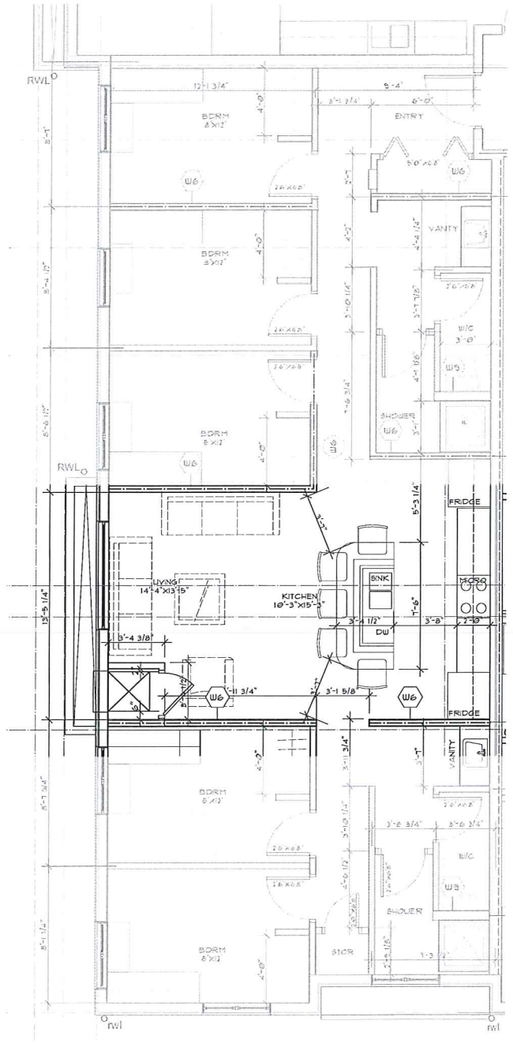
Project
VARSITY STUDENT RESIDENCE
LOCATION, BC

Sheet Title
SUITE PLANS

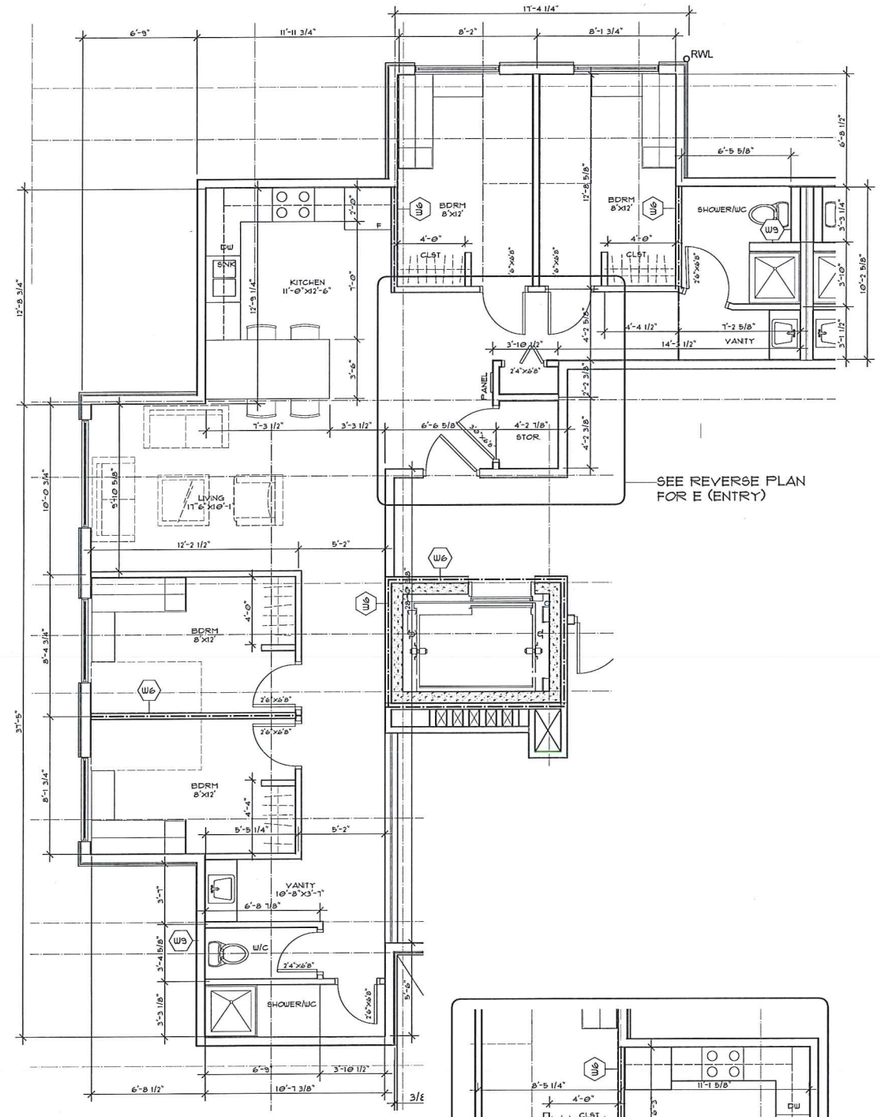
| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 1/4"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.7 |



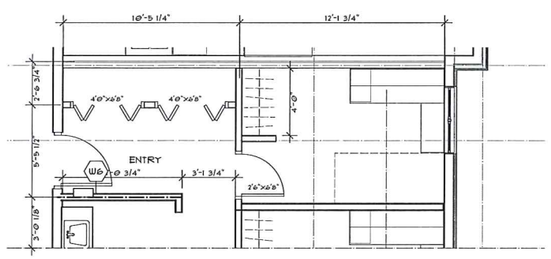

1 UNIT STYLE D-1
1/4" = 1'-0"
LEVEL 2 & 3 ONLY (206,306)



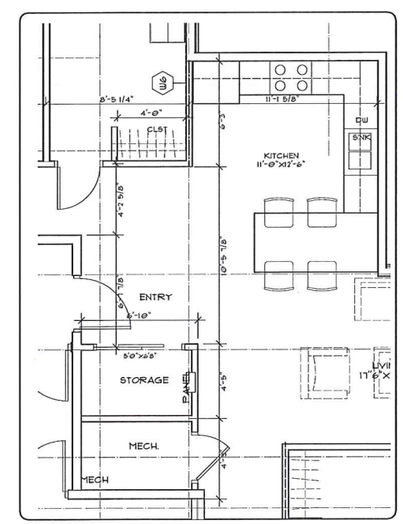

1 UNIT STYLE D-2
1/4" = 1'-0"
LEVEL 4 ONLY 406




1 UNIT STYLE E-1 (ABOVE)
1/4" = 1'-0"
SEE LEVEL 5 DORMER 501 & 502




1 UNIT STYLE D-1 & D-2 (R) - FRONT ENTRY
1/4" = 1'-0"
SEE UNIT 204,304,404




1 UNIT STYLE E-1(R) FRONT ENTRY ALT.
1/4" = 1'-0"
SEE UNIT 502

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| 7 | 2010.xx.xx | |
| 8 | 2010.xx.xx | |

| NO. | DATE | RECORD OF ISSUES |
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| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 3 | 2010.xx.xx | ISSUED FOR |
| 4 | 2010.xx.xx | ISSUED FOR |
| 5 | 2010.xx.xx | ISSUED FOR |

Project
VARSITY STUDENT RESIDENCE
LOCATION, BC

Sheet Title
SUITE PLANS

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 1/4"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A2.8 |

1 / A3.0 NORTH ELEVATION - FACING HWY 33 WEST
1/8" = 1'-0"

2 / A3.0 WEST ELEVATION - FACING DUNDAS RD
1/8" = 1'-0"

## BUILDING COLORS AND FINISHES KEY

1. FACE BRICK
2. STUCCO COLOR 1
3. STUCCO COLOR 2
4. STUCCO COLOR 3
5. STUCCO ACCENT COLOR 4
6. STUCCO ACCENT COLOR 5
7. HARDIE SIDING COLOR 1
8. HARDIE PANEL COLOR 1
9. PREFINISHED METAL LOUVRE COLOR 5
10. METAL-CLAD VINYL WINDOWS COLOR 5
11. PAINTED STEEL DOOR COLOR 5
12. PREFINISHED ALUMINUM GLAZED DOOR & FRAME
13. ASPHALT SHINGLES
14. PREFINISHED METAL FLASHING COLOR 5
15. PAINTED CONCRETE COLOR 3
16. GLASS GUARD TO 5'

APPENDIX A
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| 1 | 2010.xx.xx | ISSUED FOR |
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| NO. | DATE | RECORD OF ISSUES |
|---|---|---|
| 5 | 2010.xx.xx | Revision Description |
| 4 | 2010.xx.xx | ISSUED FOR |
| 3 | 2010.xx.xx | ISSUED FOR |
| 2 | 2016.05.05 | ISSUED FOR PRICING |
| 1 | 2016.03.24 | ISSUED FOR BUILDING PERMIT |

Project
VARSITY STUDENT RESIDENCE
KELOWNA, BC

Sheet Title
BUILDING ELEVATIONS

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A3.0 |

1 / A3.1 SOUTH ELEVATION - 1/8" = 1'-0"

2 / A3.1 EAST ELEVATION - 1/8" = 1'-0"

## BUILDING COLORS AND FINISHES KEY

1. FACE BRICK
2. STUCCO COLOR 1
3. STUCCO COLOR 2
4. STUCCO COLOR 3
5. STUCCO ACCENT COLOR 4
6. STUCCO ACCENT COLOR 5
7. HARDIE SIDING COLOR 1
8. HARDIE PANEL COLOR 1
9. PREFINISHED METAL LOUVRE COLOR 5
10. METAL-CLAD VINYL WINDOWS COLOR 5
11. PAINTED STEEL DOOR COLOR 5
12. PREFINISHED ALUMINUM GLAZED DOOR & FRAME
13. ASPHALT SHINGLES
14. PREFINISHED METAL FLASHING COLOR 5
15. PAINTED CONCRETE COLOR 3
16. GLASS GUARD TO 5'

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| 2 | 2016.05.09 | ISSUED FOR PRICING |
| 1 | 2016.03.24 | ISSUED FOR BUILDING PERMIT |

| NO. | DATE | RECORD OF ISSUES |
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| 2 | 2010.xx.xx | |
| 3 | 2010.xx.xx | |
| 4 | 2010.xx.xx | |
| 5 | 2010.xx.xx | |
| 6 | 2010.xx.xx | |
| 7 | 2010.xx.xx | |
| 8 | 2010.xx.xx | Revision Description |

Project
VARSITY STUDENT RESIDENCE

KELOWNA, BC

Sheet Title
BUILDING ELEVATIONS

| | |
|---|---|
| Job Number | 14.386 |
| Date | 2016.02.11 |
| Scale: | 3/16"=1'-0" |
| Revision Number | 0 |
| Drawing Number | A3.1 |

APPENDIX A

This forms part of development

Permit # RTE16-0004

City of Kelowna
COMMUNITY PLANNING

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# CITY OF KELOWNA

# BYLAW NO. 11234

## Housing Agreement Authorization Bylaw - Unico One Developments Ltd., Inc. No. BC0990537 - 125 Dundas Road

Whereas pursuant to Section 483 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

Therefore, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with Unico One Developments Ltd., Inc. No. BC0990537 for the lands known as Lot 1, Section 22, Township 26, ODYD, Plan EPP51775 located on 125 Dundas Road, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Appendix "A".

2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.

3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 2nd day of May, 2016.

Adopted by the Municipal Council of the City of Kelowna this 9th day of May, 2016.

Mayor

City Clerk

APPENDIX B

This forms part of development

Permit # RTE16-0004

City of Kelowna
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Appendix "A"



**PURPOSE-BUILT RENTAL HOUSING AGREEMENT**

THIS AGREEMENT dated for reference _____ affects:

**LEGAL DESCRIPTON OF PROPERTY SUBJECT TO THE AGREEMENT:**

Lot 1 Section 22 Township 26 ODYD Plan EPP51775

("Land")

And is

**BETWEEN:** **Unico One Developments Ltd., a business located at**
101 – 1865 Dilworth Drive, Suite #351, Kkelowna, BC V1Y 9T1

("Owner")

**AND:**

**CITY OF KELOWNA,** a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;

B. The City may, pursuant to section 483 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;

C. The Owner and the City wish to enter into this Agreement to provide for purpose- built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 483 of the *Local Government Act*; and

D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of $1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 483 of the *Local Government Act*, as follows:

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## ARTICLE 1
## INTERPRETATION

**1.1 Definitions -**

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

(a) a person;

(b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;

(c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or

(d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a self-contained building(s) containing five or more Dwelling Units that are intended to be used for rental housing and does not include buildings that are stratified; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.

**1.2 Interpretation -** In this Agreement:

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This forms part of development
Permit # RTE16-0004
City of Kelowna
COMMUNITY PLANNING
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(a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;

(b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;

(c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;

(d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;

(e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;

(f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;

(g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;

(h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;

(i) time is of the essence;

(j) all provisions are to be interpreted as always speaking;

(k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;

(l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;

(m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and

(n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement must be performed, made or exercised acting reasonably.

1.3 **Purpose of Agreement** - The Owner and the City agree that:

(a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;

(b) performance of this Agreement by the Owner is a condition, as contemplated by s. 482 of the *Local Government Act*, of the Owner becoming entitled to certain density bonuses respecting

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development of the Land, which density bonuses the Owner acknowledges are a benefit to the Owner; and

(c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

## ARTICLE 2
## HOUSING AGREEMENT AND LAND USE RESTRICTIONS

**2.0 Land Use Restrictions** - The Owner and the City herby covenant and agree as follows:

(a) The Land must be used only in accordance with this Agreement;

(b) The Owner will design, construct and maintain a building or buildings providing 23 Dwelling Units as purpose-built rental housing;

(c) The Owner acknowledges that the City will not support applications to stratify the building and allow the identified purpose-built rental dwellings to be sold independently of each other for a period of ten (10) years from the date of this agreement.

## ARTICLE 3
## HOUSING AGREEMENT AND TRANSFER RESTRICTIONS

**3.0 Purchaser Qualifications** - The City and the Owner agree as follows:

(a) the Owner must not sell or transfer, or agree to sell or transfer, any interest in any building containing purpose built rental Dwelling Unit(s) on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the identified purpose- built rental Dwelling Unit(s) are available in accordance with this Agreement.

## ARTICLE 4
## GENERAL

**4.1 Notice of Housing Agreement** - For clarity, the Owner acknowledges and agrees that:

(a) this Agreement constitutes a housing agreement entered into under s. 483 of the *Local Government Act;*

(b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land; and

(c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.

(d) should the owner request that the notice of this agreement be lifted from the title of the Land, ensuring that the request is made no sooner than ten (10) years from the date of this agreement, repayment of any rental grant received from the City will be required. Funds received would be directed to the Housing Opportunities Reserve Fund.

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4.2 **No Effect On Laws or Powers** - This Agreement does not

(a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,

(b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,

(c) affect or limit any enactment relating to the use or subdivision of land, or

(d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 **Management** – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

4.4 **Notice** - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 **Agreement Runs With the Land** - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

4.6 **Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

4.7 **Release** – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

4.8 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.

4.9 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other

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breach of this Agreement.

4.10 **Further Acts** - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

4.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

4.12 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.

4.13 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

4.14 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.

4.15 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.

416 **Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

**IN WITNESS WHEREOF** the parties hereunto have executed this Agreement on the date and year first above written.

**SIGNED, SEALED & DELIVERED** in the presence of:

K. Brunet
Signature of Witness

Kimberly Brunet
Print Name

1435 Water St, Kelowna BC
Address

Planning Technician
Occupation

**KIMBERLY BRUNET**
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1435 Water Street, Kelowna, BC

"OWNER"
by its authorized signatories:

PER: UNICO ONE DEVELOPMENTS LTD.

DAVID HALLONQUIST
Print Name:

Print Name:

APPENDIX B
This forms part of development
Permit # RTE16-0004
City of Kelowna
COMMUNITY PLANNING
Planner Initials JR

| | | |
|---|---|---|
| **SIGNED, SEALED & DELIVERED** in the presence of: | ) | **CITY OF KELOWNA** by its authorized signatories: |
| _____ Signature of Witness | ) | _____ Mayor |
| _____ Print Name | ) | _____ City Clerk |
| _____ Address | ) | |
| _____ Occupation | ) | |

APPENDIX B

This forms part of development

Permit # RTE16-0004

Planner Initials JR

City of Kelowna COMMUNITY PLANNING

# REPORT TO COUNCIL

**Date:** September 12th, 2016

**RIM No.** 1250-40

**To:** City Manager

**From:** Urban Planning Department (JR)

**Subject:** Land Use Contract Termination Strategy

## 1.0 Recommendation

THAT Council receives, for information, the report from the Urban Planning Department dated September 12th, 2016, with respect to the Land Use Contract Termination Strategy;

AND THAT Council endorse the strategy outlined in the Land Use Contract Termination Strategy report dated September 12th, 2016 which states:

1. Land Use Contracts will be terminated and associated rezonings (where necessary) performed over time between 2017 and 2022.

2. Staff will bring forward the Land Use Contracts for termination based upon development potential (any with remaining development potential) and their age (oldest to youngest).

3. Staff will bring forward a Land Use Contract termination whenever an applicant applies to discharge a Land Use Contract on their property.

AND THAT Council direct Staff to rescind the 1997 Council Policy #282 regarding the Strategy for Elimination of Remaining Land Use Contracts.

## 2.0 Purpose

To consider a strategy to terminate all existing Land Use Contracts in Kelowna.

## 3.0 Urban Planning

### 3.1 Background

Land Use Contracts were a tool regularly used in the 1970's before they were eliminated on November 15th 1978. The purpose of the tool was to allow local governments to arrive at agreements with specific developers to grant development rights over and above what was allowed under current zoning. This was typically done in exchange for commitments by developers to help finance the infrastructure costs of development.

Generally, Land Use Contracts 'locked' in the zoning unless the language within the contract stated "zoning regulations as amended and replaced from time to time." This has the effect of continuing the zoning regulations that were in place in the 1970s. Kelowna had three zoning bylaws over the Land Use Contract era (See Table No. 1):

Table 1

| City of Kelowna Zoning Bylaw Chronology | | | |
|---|---|---|---|
| Bylaw # | Title | Adopted | Repealed |
| 2293 | Zoning Bylaw 1961 | 1961-10-30 | 1973-02-05 |
| 3500 | Zoning Bylaw pre-amalgamation | 1973-02-05 | 1976-08-10 |
| 4500 | Zoning Bylaw | 1976-08-10 | 1998-10-19 |
| 8000 | Zoning Bylaw | 1998-10-19 | Current |

Issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, Subdivision, Development and Servicing Bylaw No. 7900, and Development Permits. From 1978 to 2014, municipalities or the owners of the land could not unilaterally discharge, cancel, or modify the land use contract without the other party's consent. This was the situation when Council Policy #282 "Strategy for Elimination of Remaining Land Use Contacts" was established (See attachments for policy). The summary of policy #282 states:

- That LUC's are never amended and that any change requires a discharge of the LUC.
- That the City initiate the discharge of any LUC that had a cancellation cause.
- That the City try to work with property owners to eliminate their LUC.
- That priority be given to eliminate LUCs that have the greatest financial impact upon the City and LUCs that enable development contrary to the fulfillment of community objectives.

Since, 1997, there have been a limited number of LUCs that have been discharged. Most notably the Dilworth Mountain Land Use Contract. However, Staff had largely been unsuccessful with discharging any LUC that required the owner's consent unless the owner was seeking new land uses not authorized within the LUC.

The Local Government Act was amended in 2014 to address the LUC issue. Municipalities were provided a second method of rescinding LUC's through termination. LUC terminations provide the ability for municipalities to rescind LUC's unilaterally, without owner(s) consent, as stated in Section 548 of the Local Government Act. Discharging and terminating both have the same process except that Land Use Contract terminations (unlike LUC discharges) do not apply when Council adopts the bylaw. Terminations require a one-year grace period as outlined by the Local Government Act. Further, the municipality must send additional letters after the one-year grace period is complete informing the property owners of which land use regulations apply to their properties.

With LUC terminations the owner, during this grace year, will be allowed to appeal the termination in order to extend the length of time the LUC is in force (greater than a year). The owner would approach the Board of Variance and explain that there is a hardship by terminating the LUC in a year after the termination was adopted by Council. The Board of Variance will

decide whether or not to grant the extension. If the extension is granted the LUC will be terminated after the extended period with no opportunity to extend again.

According to the Local Government Act, as of June 30th 2024 all land use contracts will be terminated. Therefore, land use contracts will remain in force until that date unless terminated early by the municipality. However, by June 20th 2022, local governments must have appropriate zoning regulations to replace land use contracts upon their termination (termination enactment cannot occur after June 30th 2022) as not all properties have the appropriate underlying zoning.

Bylaws authorizing a land use contract termination must have a public hearing and standard notification requirements. Additionally, a bylaw terminating a land use contract cannot be "in force" earlier than one year following the date of its adoption or no later than June 30th 2024. Further, appropriate zoning regulations for the land must be in place by the time the land use contract termination is adopted or may be enacted concurrently. Appropriate zoning regulations means land must be zoned according to the existing zoning bylaw (Bylaw #8000).

Within the City of Kelowna, there were originally 140 Land Use Contracts however, only 73 are still in force. Occasionally, a land use contract may apply to a single parcel but more commonly, a Land Use Contract applies to an area and includes multiple land owners.

### 3.2 Notification

According to Council Notification Policy #367 and to the Development Application Procedures Bylaw #10540, when a LUC termination, that does not require a rezoning is processed, notices, such as mail outs, will only be sent to affected properties. However, when a rezoning is required properties within 50m of the LUC termination and rezoning will receive notices. In addition, all LUC terminations will require notification signage as per Section 9.14 Notice of Termination in the Local Government Act:

> Local governments must provide notice to each owner that the termination of land use contract is occurring and must provide notice of what the new zoning regulations apply to the land. The notice must state the bylaw becomes "in force" one year following the date of the bylaw adoption and inform the owner of their right to apply to the Board of Variance for an extension of the "in force" date.

Notification will impact advertising costs. See 6.0 Financial Implication Section on the report.

### 3.3 Strategy for Eliminating Land Use Contracts

Staff are recommending terminating as many land use contracts as possible before 2022 because performing all the public hearings related to zoning changes and notifications at once would be overwhelming. Further, land use contracts have had special privileges which they have enjoyed for many decades. These special privileges include: not contributing to DCCs, guaranteed land uses, and being exempt from Development Permits which guide form and character. The earlier the land use contracts can be terminated the better for infrastructure financing related to DCCs and better site planning through Development Permits. Further, the existing Council Policy #282 supports this idea by prioritizing LUC terminations that have the most significant financial impact on the community and the LUC terminations that would most benefit from a Development Permit being processed.

Staff are proposing to bring a package of Land Use Contract terminations approximately every quarter to Council between 2017 and 2022. It is more cost effective from a notification

perspective, if a few Land Use Contracts are bundled together. There are currently 73 Land Use Contracts still active that effect 702 properties (See Table No. 2). Therefore, Staff are proposing to bring a bundle of approximately 4 Land Use Contracts to Council each quarter starting in 2017. By 2022, Staff should have completed termination of all remaining Land Use Contracts.

Table 2

| CATEGORY | # OF LAND USE CONTRACTS | # OF PROPERTIES EFFECTED |
|---|---|---|
| Commercial / Industrial | 25 | 87 |
| Multi-Family / Two-Family | 21 | 43 |
| Single Family | 23 | 568 |
| Public / Institutional | 3 | 3 |
| Mixed Use | 1 | 1 |
| **TOTAL** | **73** | **702** |

Staff have sorted the Land Use Contracts into categories based on types of zoning. The order of these categories were determined upon the degree of development potential of the properties in each category. Staff have provided a priority list (See attached) of all 73 LUC's, however, the list may change if a property wants to discharge earlier. This will be handled on a case by case basis. Staff are proposing that the priority of which land use contracts should be brought forth for termination be based upon these categories:

1. Commercial / Industrial
2. Multi-Family / Two – Family
3. Single Family
4. Public / Institutional
5. Mixed Use

Within each category the properties with the most development potential will be terminated first and then the remaining will be eliminated oldest to youngest. The oldest land use contracts have enjoyed the longest benefits and by bringing forth terminations based upon age there will be no preferential treatment for any property owner. This termination process will be completed in each category. If no development potential was found in any of the LUC's in a category, order was based strictly on age. Two of the above categories, Multi-Family / Two Family and Single Family are examples of this. In addition, the Mixed Use category only obtains one LUC and therefore, order within that category is exempt.

## 4.0 Eliminating Land Use Contract Process

Each LUC will participate in the following process in order to be rescinded:

Termination (for both LUC's requiring rezoning and LUC's not requiring zoning):

1. Staff Report
2. 1st Reading
3. Newspaper, Direct Mail Notification, and Onsite Development Notification Signage
4. Public Hearing – 2nd and 3rd Reading

5. 4th Reading – Adopted
6. Direct Mail Letter – Sent 1 year after termination of LUC
7. In Force – LUC Termination

Discharge (for both LUC's requiring rezoning and LUC's not requiring rezoning):

1. Staff Report
2. 1st Reading
3. Newspaper, Direct Mail Notification, and Onsite Development Notification Signage
4. Public Hearing – 2nd and 3rd Reading
5. 4th Reading – Adopted and "In Force"

## 5.0 Current Development Policies

5.1 Council Policy No. 282: *"Strategy for Elimination of Remaining Land Use Contracts"*

"…That the City of Kelowna initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts…"

## 6.0 Financial Implications

If Council approves the recommended approach, cost implications will need to be considered and budgeted as a City initiated project. Total costs will include notification costs such as mail outs, newspaper ads and notification signage. In addition, there will be staff resources required to coordinate the initiative. Staff will include these costs in work plans and operating budget requests over the next 5 years.

**Report prepared by:**

Jenna Ratzlaff, Planner & Adam Cseke, Planner

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

**Approved for Inclusion by:** Ryan Smith, Community Planning Manager

**Attachments:**
Policy 282 Strategy for Elimination of Remaining Land Use Contracts
Appendix 'A' – Maps
Priority List

**City of Kelowna**
1435 Water Street
Kelowna, BC V1Y 1J4
250 469-8500
kelowna.ca

# Council Policy

## Strategy for Elimination of Remaining Land Use Contracts

APPROVED June 2, 1997

**RESOLUTION: R375/10/04/26**
**REPLACING: R728/99/08/23; I1997/06/02**
**DATE OF LAST REVIEW: April 2010**

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Council's adoption of this policy requires:

- that a Land Use Contract be discharged for any contract where there has been a change in use or density from what was originally intended by the Land Use Contract;
- that where the City of Kelowna had entered into a Land Use Contract that contains a cancellation clause contingent on failure to develop and use the lands, the City proceed to discharge the Land Use Contract;
- that the City of Kelowna initiate proceedings to discharge Land Use Contracts that have provisions enabling the City to unilaterally discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by Council with regard to affected contracts;
- that staff negotiate with owners of land under Land Use Contracts that only enabled the subdivision of land, to discharge contracts where the subdivision has been completed;
- that priority be given to terminate Land Use Contracts having a significant financial impact or those Land Use Contracts that enable development contrary to the fulfillment of community objectives.

### REASON FOR POLICY

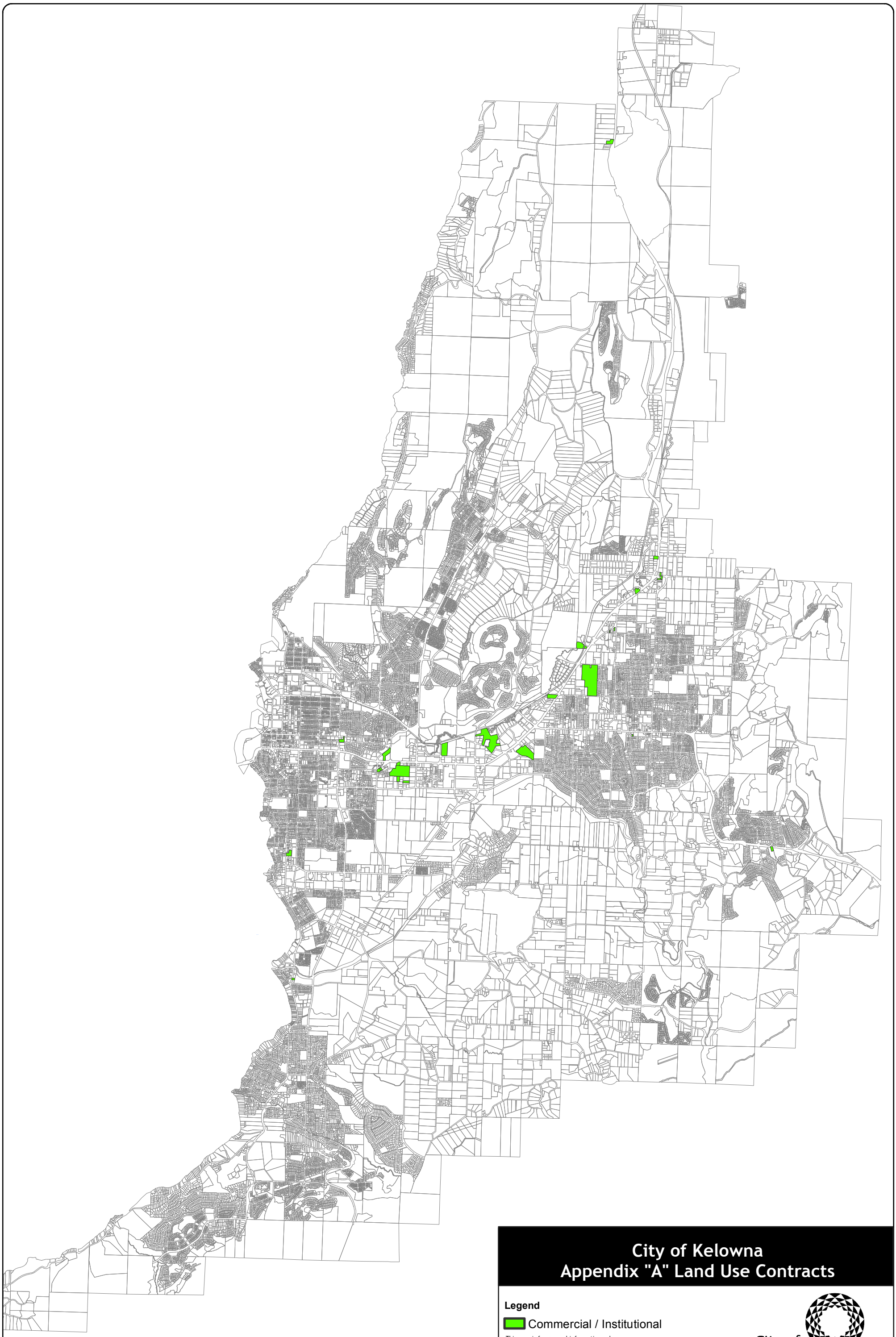
To develop a strategy to eliminate Land Use Contracts.

### LEGISLATIVE AUTHORITY

Sec. 930, Local Government Act

### PROCEDURE FOR IMPLEMENTATION

Council will evaluate the cost benefit implications of discharging individual Land Use Contracts, prior to Land Use Management staff committing the resources required to initiate and conclude proceedings to terminate a contract.



# City of Kelowna
# Appendix "A" Land Use Contracts

**Legend**

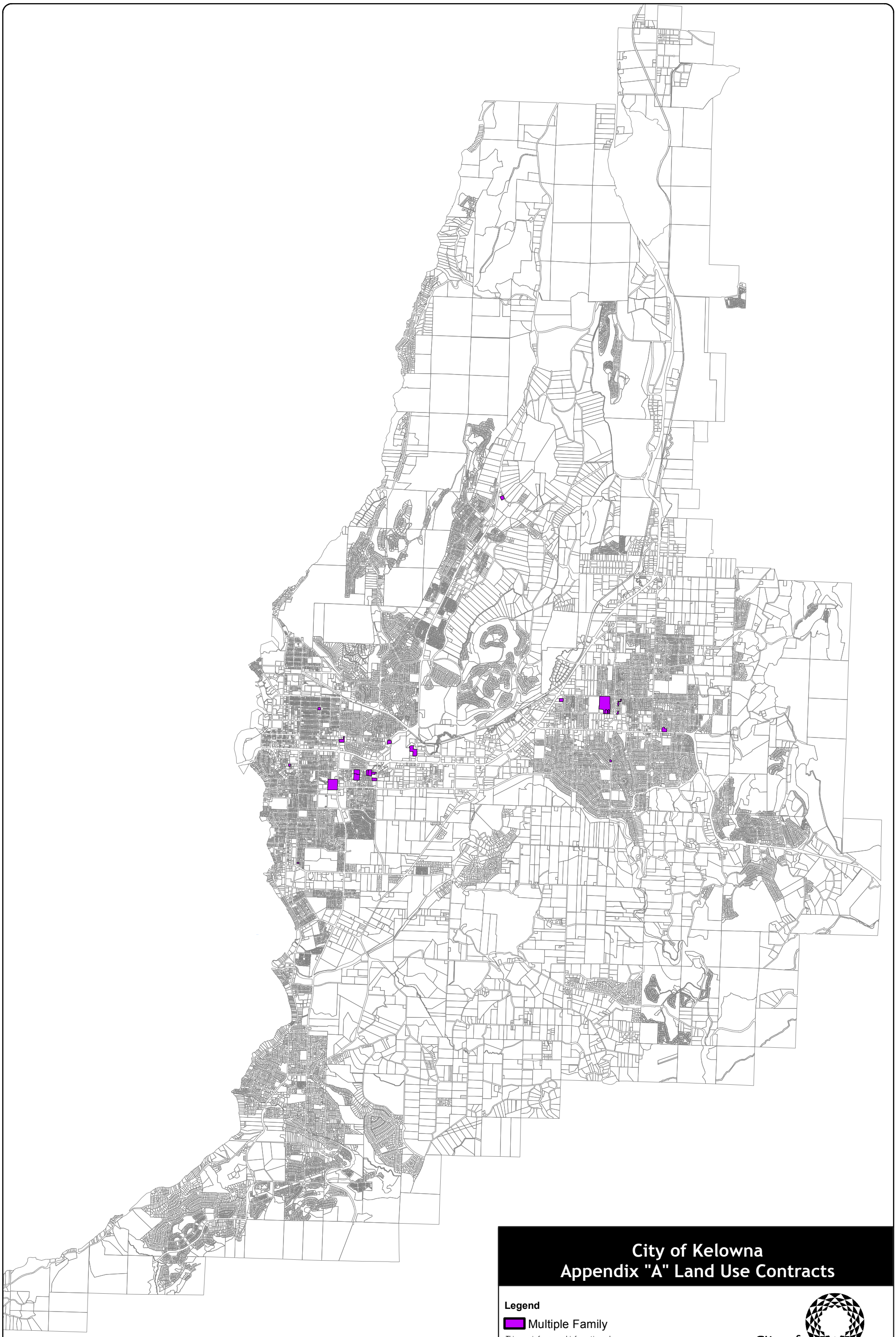
Commercial / Institutional

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 400 800 1,600 2,400 Metres

Rev. 7/21/2016

City of Kelowna



# City of Kelowna
# Appendix "A" Land Use Contracts

**Legend**

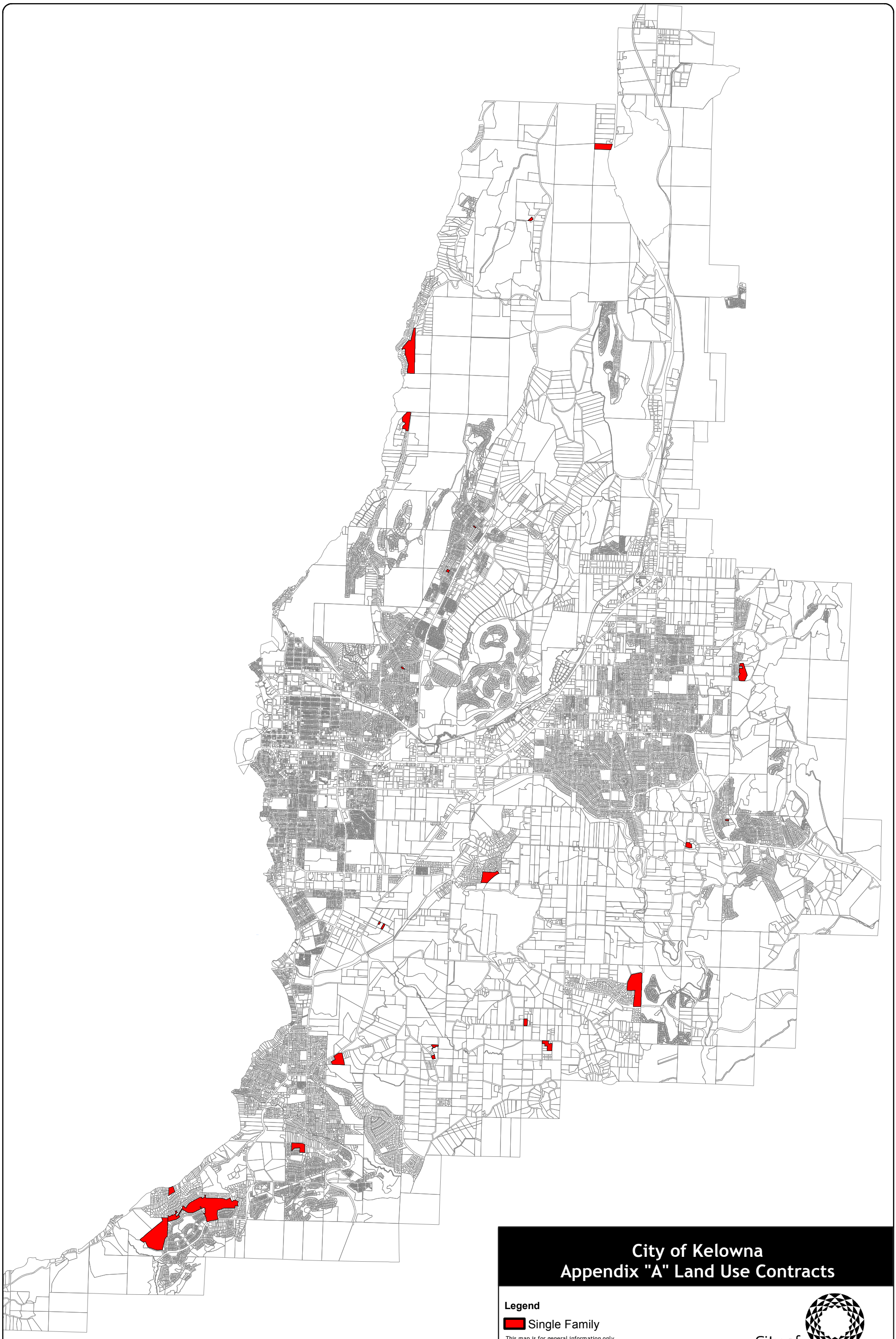
Multiple Family

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 400 800 1,600 2,400 Metres

Rev. 7/21/2016

City of Kelowna



# City of Kelowna
# Appendix "A" Land Use Contracts

**Legend**

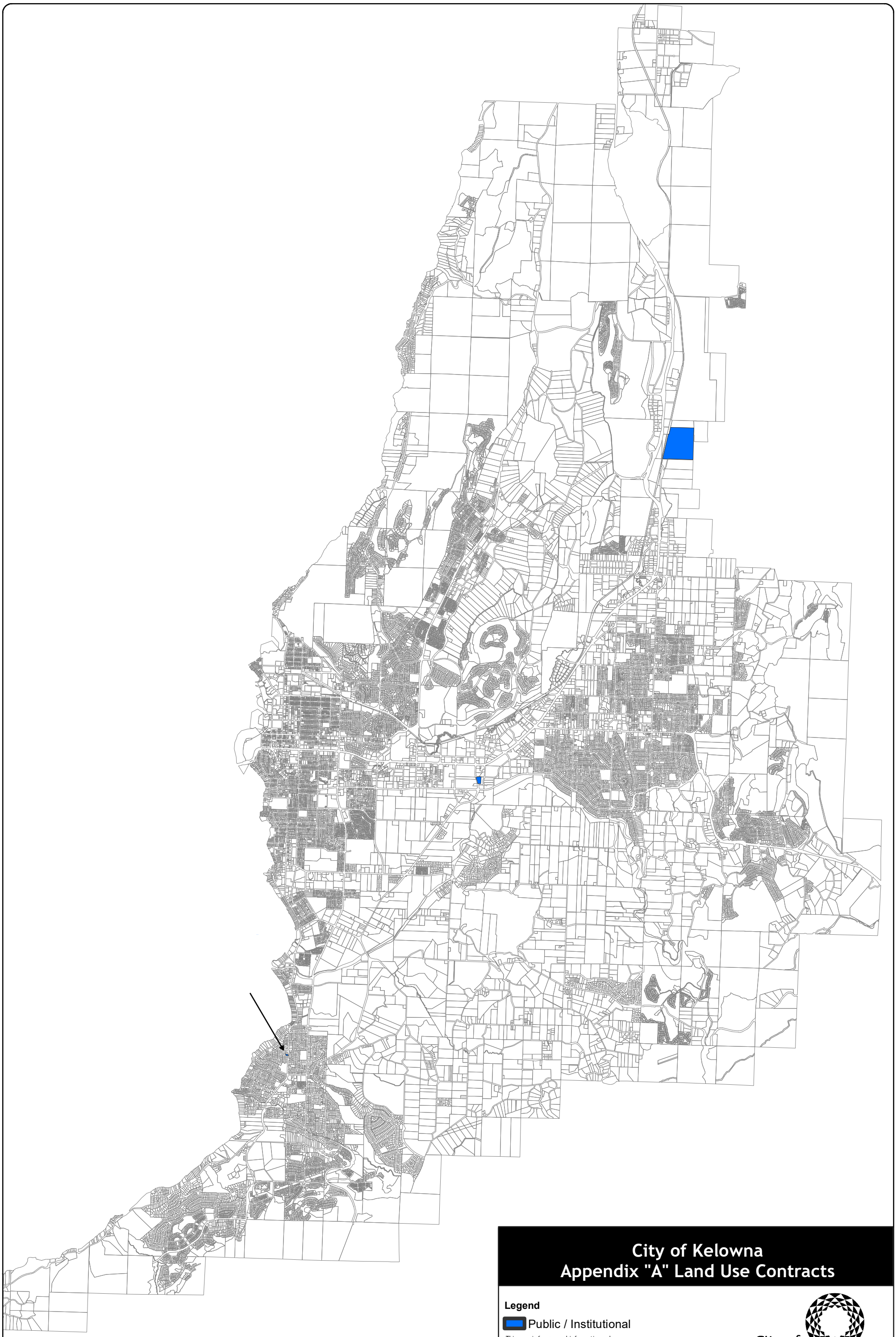
Single Family

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 400 800 1,600 2,400 Metres

Rev. 7/21/2016

City of Kelowna



# City of Kelowna
# Appendix "A" Land Use Contracts

**Legend**

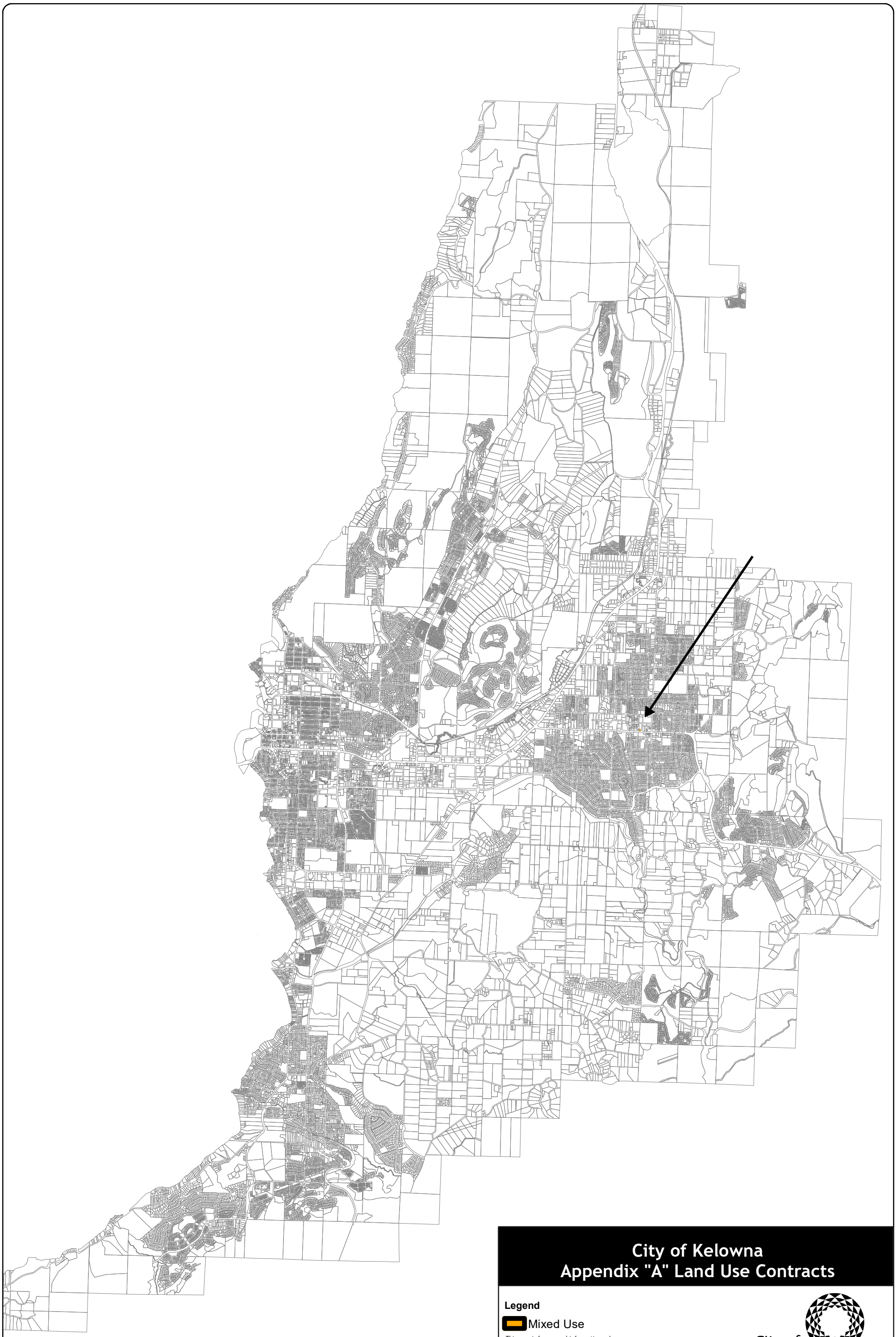
Public / Institutional

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 400 800 1,600 2,400 Metres

Rev. 7/21/2016

City of Kelowna



# City of Kelowna
# Appendix "A" Land Use Contracts

**Legend**

Mixed Use

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 400 800 1,600 2,400 Metres

Rev. 7/21/2016

City of Kelowna

## Commercial / Industrial

| ORDER | FILE | ROAD | LUC APPLICANT | REZONING? | EXISTING LAND USE | PRESENT ZONING | | FUTURE LU | NEW Z | DOWN ZONING? | # OF PROPERTIES |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Based on Development Potential | | | | | | | | | | | |
| 1 | LUC 71-1 | 1631 Dickson Avenue | Intercity Ventures | No | Various | C10 | C | MXR | C10 | Y | 9 |
| 2 | LUC 76-1054 | 1717 Harvey Avenue | Mervyn Motors | No | Mervyn Motors | C10 | C | MXR | C10 | Y | 1 |
| 3 | LUC 76-1048 | 1735 Dolphin Avenue | Skoglund Holdings | No | Various | C10 | C | PARK | C10 | N/A | 1 |
| 4 | LUC 76-1052 | 1939-1959 Kirschner Road | Lambert & Paul Const. | No | Various | C10 | C | MXR | C10 | N/A | 1 |
| 5 | LUC 77-1061 | 1511 Sutherland Avenue | Sapphire Const | Yes | Wentworth Music / Hair Studio | RU1 | C | MXR | C3 | N | 1 |
| 6 | LUC 78-1004 | 1521 Sutherland Avenue | Teachers Inv & Housing | Yes | Dentist/Physiotherapy/Elect | RU1 | C | MXR | C3 | N | 1 |
| 7 | LUC 76-1055 | 7820 Hwy 97 N | E. McGowan | No | Rural Res./ RV Rental and Service | A1 | C | REP | A1 | Y | 2 |
| 8 | LUC 77-1004 | 2821 Fenwick Road | Urban Systems | Yes | Vacant | A1 | I | IND/PARK | C10 | N | 1 |
| 9 | LUC 76-1 | 2590 Hwy 97 N | Nelson Manufactured Homes | Yes | Off Road Auto Sales | A1 | C | IND/PARK | C10 | N | 1 |
| 10 | LUC 76-1044 | 2949 Pandosy Street | Okanagan Builders Land Develop. | No | Optical & Optomerist/Retail | C4 | C | MXR | C4 | N/A | 5 |
| 11 | LUC 77-1082 | 2155-2165 Rutland Rd N | Lorenzo Granitto | No | RV Repair | C2 | C | SC | C2 | N/A | 1 |
| 12 | LUC 77-1015 | 144 Old Vernon Road | City of Kelowna | No | Various | C2 | C | SC + IND | C2 | N | 2 |
| Based on Age | | | | | | | | | | | |
| 13 | LUC 77-1085 | 2350 Enterprise Way | Daon Dev Ltd. | Yes | Various Commercial Uses | A1/I1 | C | SC/PARK | C10 | N | 21 |
| 14 | LUC 76-1108 | 1505 Hardy Street | City of Kelowna | No | Moving/Freight Services | I2 | I | IND | I2 | N/A | 2 |
| 15 | LUC 76-1114 | 430 Banks Road | Stendebach & Assoc. | No | Various | C10 | C | SC | C10 | N/A | 16 |
| 16 | LUC 75-76 | 2690 Highway 97 N | A.M. Automotive | Yes | Truck/Car Sales | A1/C10 | C | IND/PARK/SC | C10 | N | 1 |
| 17 | LUC 76-1103 | 663-671 Finns Road | Houle Enterprises Ltd. | No | Pub/ Beer & Wine Store | C2LR | C | COMM | C2LR | N/A | 1 |
| 18 | LUC 76-1056 | 733 Finns Road | D.J. Cameron & Co. | No | (No B/L) | I2 | I | COMM | I2 | N/A | 1 |
| 19 | LUC 77-1058 | 350 Gray Road | R A Cowley | No | OK Tire/Store | C4 | C | MXR | C4 | N/A | 1 |
| 20 | LUC 77-1047 | 251 Adams Road | S & G Walter | Yes | Heartwood Manufacturing | A1 | I | IND | I2 | N | 1 |
| 21 | LUC 77-1005 | 3969 Lakeshore Road | Lakeshore Animal Clinic | Yes | Veterinary Clinic | C1 | C | COMM | C2 | N | 1 |
| 22 | LUC 76-1064 | 1799 Hwy 33 E | Hassan Himout | Yes | Food Store/ Gas Station | A1 | C | MRL | C2 | N | 1 |
| 23 | LUC 77-1040 | 3646-3652 Highway 97 N | City of Kelowna | Yes | Lazic Auto Repair/ Bldg Contr | A1/I2 | C | IND/PARK | I2 | N | 1 |
| 24 | LUC 78-1021 | 1574 Harvey Avenue | 4 Seasons Management | No | Golds Gym | C10/C3 | C | COMM | C10/C3 | N/A | 1 |
| 25 | LUC 77-1045 | 865 McCurdy Road | City of Kelowna | Yes | Various | A1 | I | IND | I3 | N | 13 |

## Multi-Family / Two-Family

| ORDER | FILE | ROAD | LUC APPLICANT | REZONING? | EXISTING LAND USE | PRESENT ZONING | | FUTURE LU | NEW Z | DOWN ZONING? | # OF PROPERTIES |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Based on Age | | | | | | | | | | | |
| 1 | Bylaw 3534 | 1912 Pacific Avenue | Peters/Dyck | Yes | 37 Unit Apt Bldg | RM3 | MF | RU1 | RM5 | N | 2 |
| 2 | LUC K73-65 | 1100 Lawrence Avenue | DC Day Inv/Blue Mtn Holdings | Yes | General Commercial | RM3 | C | COMM | RM6 | N | 2 |
| 3 | LUC 72-7A | 445-4475 Franklyn Road | All Star Holding Ltd. | No | Condos/Apartments | RM3 | MF | MRM | RM3 | N/A | 9 |
| 4 | LUC 73-14 | 720 Houghton Road | Father Delestre | No | Apartment | RM3 | MF | MRL | RM3 | N/A | 2 |
| 5 | LUC 73-116 | 1685 Ufton Court | Ufton Court | No | Condos/Apartments | RM5 | MF | MRM | RM5 | N/A | 4 |
| 6 | LUC 76-1077 | 585-587 Bolosky Ct | Millex Developments Ltd. | No | Two Family Dev. On Spectic | RU6 | 2F | S2RES | RU6 | N/A | 3 |
| 7 | LUC 76-1094 | 1950 Pacific Avenue | Mr. C. Peters | No | 108 Unit Apt Bldg | RM5 | MF | MRM | RM5 | N/A | 3 |
| 8 | LUC 77-1036 | 2949-2951 Richter Street | Richard Bothe | No | SxS Duplex | RU6 | 2F | MRL | RU6 | N/A | 1 |
| 9 | LUC 77-1016 | 500 Lester Road | Capri Builders Ltd. | No | 18 Unit Condo | RM3 | MF | MRL | RM3 | N/A | 1 |
| 10 | LUC 77-1050 | 1920 Burtch Road | Japanese Cdn Seniors | No | 20 Unit Apt. and Row Housing | RM3 | MF | MRL | RM3 | N/A | 1 |
| 11 | LUC 77-1043 | 894 Wilson Ave | German Church of God | Yes | 16 Unit Apt. Bldg | RU6 | MF | S2RES | RM3 | N | 1 |
| 12 | LUC 75-26 | 1431 Sutherland Ave | Prehofer Construction | Yes | 2-47 Unit Apt Building | RU6 | MF | RU1 | RM5 | N | 2 |
| 13 | LUC 77-1077 | 555 Rowcliffe Ave | George Barnes Architect | No | Strata MF Bldg | RM5 | MF | MRM | RM5 | N/A | 1 |
| 14 | LUC 78-1030 | 2040 Gordon | E & D Schellenberg | No | Apartment | RU6 | MF | MRL/PARK | RU6 | N/A | 4 |
| 15 | LUC 77-1086 | 1247 Sutherland Ave | Carruthers & Meikle | Yes | Sommerset Manor Apt. Bldg | RM3 | MF | MXR | RM5 | N | 1 |
| 16 | LUC 78-1001 | 520-528 Hollywood Road | Wenngatz Const | Yes | 4 Unit Apt. Bldg | C1 | MF | MRL | RM1 | N | 1 |
| 17 | LUC 78-1005 | 1421 Sutherland Ave | City of Kelowna | Yes | Apt. Bldg | RM6 | MF | MRM/PARK | RM5 | N | 1 |
| 18 | LUC 78-1009 | 2161 Scenic Road | Cehue & Arthur | Yes | 8 Unit MF Bldg / Rural SFD | A1 | MF | MRL | RM3 | N | 1 |
| 19 | LUC 77-1009 | 1565 Noble Court | Largo Ent Ltd. | No | 27 Unit Condo | RM5 | MF | MRM | RM5 | N/A | 1 |
| 20 | LUC 77-1008 | 1481 Inkar Road | Canwest Design | Yes | 21 Unit Condo | RU6 | MF | MRL | RM3 | N | 1 |
| 21 | LUC 76-20 | 290 Highway 33 E | Black Mountain Realty | Yes | 30 Unit Apartment | RU1 | MF | MRL | RM2 | N | 1 |

## Single Family

| ORDER | FILE | ROAD | LUC APPLICANT | REZONING? | EXISTING LAND USE | PRESENT ZONING | FUTURE LU | NEW Z | DOWN ZONING? | # OF PROPERTIES |
|---|---|---|---|---|---|---|---|---|---|---|
| Based on Age | | | | | | | | | | |
| 1 | LUC 76-1032 | Pioneer Road | Kelgren & Greening | No | Rural Residential | A1 | REP | A1 | N/A | 1 |
| 2 | LUC 76-1033 | Slater Road | Ronald Lynn Ready | No | Rural Residential | A1 | REP | A1 | N/A | 1 |
| 3 | LUC 76-1063 | Tronson Court | Golden Hammer const. Ltd | No | SFD Res. Subdivision | RU1 | S2RES | RU1 | N/A | 2 |
| 4 | LUC 76-1080 | Hall/Packers Rd | Wrexham Holdings Ltd. | No | SFD Res. Dev | RR3/P3 | S2RES | RR3/P3 | N/A | 30 |
| 5 | LUC 76-1059 | Wallace Hill Rd | Alloum Doak & Co. | Yes | Residential Subdiv. | A1 | REP | RR3 | N | 6 |
| 6 | LUC 76-1035 | Dehart Road | Raventree Ranches Ltd. | Yes | Rural Residential | A1 | S2RES | RU1 | N | 14 |
| 7 | LUC 76-1087 | Clifton Road | R & E Enterprises | No | SFD Res. Dev | RR3 | S2RES | RR3 | N/A | 23 |
| 8 | LUC 76-1105 | Mathews Road | L.A. Laboucane | No | 4 Rural Res. Lot | RR1/RR2 | REP | RR1/RR2 | N/A | 4 |
| 9 | LUC 76-1104 | Hwy 97 N | Elizabeth Cameron | Yes | 4 Rural Res. Lot | RR2 | REP | RR2 | N/A | 4 |
| 10 | LUC 76-1067 | Belgo Road | Earl Chaffee | Yes | Residential Subdiv. | RU1 | PARK/S2RES | RR3 | N | 3 |
| 11 | LUC 77-1046 | Benvoulin/Pioneer | David & Molly Ruf | No | SFD | A1 | REP | A1 | N/A | 1 |
| 12 | LUC 78-1034 | Sunshine Road | Signal Properties | No | Residential Subdiv. | RR3/P3 | S2RES/PARK | RR3/P3 | N/A | 57 |
| 13 | LUC 77-1012 | Lakeshore Road | Carruthers & Meikle | No | Rural Residential | A1 | S2RES | A1 | N/A | 2 |
| 14 | LUC 76-1110 | Bedford Road | J.W. Bedford Ltd. | Yes | Rural Residential | A1 | REP | RR1/RR3 | N | 3 |
| 15 | LUC 77-1052 | Yates Road | William Bonn | No | 2 - SFD | RU1 | S2RES | RU1 | N/A | 2 |
| 16 | LUC 77-1072 | Snowsell Street | A Mezo | No | SFD | RR3 | S2RES | RR3 | N/A | 1 |
| 17 | LUC 76-1041 | Barnaby Road | Signal Properties | Yes | Residential Subdiv. | RR3 | S2RES | RU1 | N | 22 |
| 18 | LUC 76-1112 | Boyd/Benvoulin | T.J. O'Neil | No | Rural Residential | A1 | REP | A1 | N/A | 2 |
| 19 | LUC 77-1001 | Upland Drive | Belcarra | No | Residential Subdiv. | RR1 | S2RES | RR1 | N/A | 124 |
| 20 | LUC 77-1002 | Chute Lake Road | Lombardy Dev Ltd. | No | Residential Subdiv. | RR1/P3 | S2RES | RR1/P3 | N/A | 168 |
| 21 | LUC 76-1043 | Graf Road | Duchess Dev. Ltd. | Yes | Residential Subdiv. | RR3 | S2RES | RU1 | N | 27 |
| 22 | LUC 78-1033 | Troovey Road | Signal Properties | Yes | Residential Subdiv. | RR3 | S2RES | RU1 | N | 1 |
| 23 | LUC 78-1024 | Bennett Road | Lupton Agencies | No | SFSUBO | RR3 | S2RES | RR3 | N/A | 70 |

## Public / Institutional

| ORDER | FILE | ROAD | LUC APPLICANT | REZONING? | EXISTING LAND USE | PRESENT ZONING | | FUTURE LU | NEW Z | DOWN ZONING? | # OF PROPERTIES |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Based on Development Potential | | | | | | | | | | | |
| 1 | LUC 76-1039 | 1940 Underhill Street | School District #23 | No | School Board Office | P2 | P | EDINST/MRH | P2 | N/A | 1 |
| 2 | LUC 76-1090 | 4346 Lakeshore Road | Okanagan Telephone Co. | Yes | BC Tel Utility Bldg | RU1 | I | S2RES | C2 | N | 1 |
| 3 | LUC 77-1057 | 3770 Bulman Road | Airport Holdings Ltd. | Yes | Shadow Ridge Golf Course | A1 | P | PARK/RSU/REC/TC | P3 | N/A | 1 |

## Mixed Use

| ORDER | FILE | ROAD | LUC APPLICANT | REZONING? | EXISTING LAND USE | PRESENT ZONING | | FUTURE LU | NEW Z | DOWN ZONING? | # OF PROPERTIES |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | LUC 76-11 | 260 Hwy 33 | Lakeshore Animal Clin. | No | Resturant & Living | C4 | C/MF | MXR | C4 | N/A | 1 |

# REPORT TO COUNCIL

**Date:** September 12th, 2016

**RIM No.** 1228-07

**To:** City Manager

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

**Subject:** Mission Creek Restoration Initiative - Funding Contributions

## 1.0 Recommendation

THAT Council receives, for information, the report from the Suburban & Rural Planning Manager dated September 12th, 2016, with respect to Mission Creek Restoration Initiative project Funding Contributions;

AND THAT the 2016 Financial Plan be amended to include the contribution from the Central Okanagan Land Trust (COLT) of $185,202;

AND THAT the 2016 Financial Plan be amended to include the contribution from the Southern Interior Land Trust (SILT) of $107,710;

AND THAT the 2016 Financial Plan be amended to include the contribution from the Ministry of Forests, Lands and Natural Resource Operations (MoFLRNO) of $16,127;

AND FURTHER THAT the 2016 Financial Plan be amended to include the contribution from the Bennett Bridge HADD Fund of $13,608.

## 2.0 Purpose

To amend the 2016 Financial Plan to include the contributions from our partners for the Mission Creek Restoration Initiative project.

## 3.0 Proposal

### 3.1 Background

The construction phase of the Mission Creek Restoration Initiative (MCRI) is now completed for 2016 and the Mission Creek Working Group is very pleased to report that Phase I has been accomplished within the allocated funding from the project partners.

The MCRI is a multi-phase partnership that has the vision of "Restoring and protecting Mission Creek to enrich historical, ecological and recreational values for the Okanagan" (MCRI, 2014). These goals have been put into action in a large multi-stage project that has included property acquisition, the creation of a setback dike, and the restoration of the creek to a natural meandering state. The project has also established a new floodplain that is designed to reduce the flood risk, reduce flow rates, and support the existing ecosystems.

**Financial/Budgetary Considerations:**

The contributions recieved to date for the Mission Creek Restoration Inititative project are not part of the City's current financial Plan. The 2016 Financial Plan will require an addition of up to $232,647 in funding received from the project partners.

**Report prepared by:**

_____

Todd Cashin, Suburban & Rural Planning Manager

**Reviewed by:** ☐ Ryan Smith, Community Planning Department Manager

**Approved for Inclusion:** ☐ Doug Gilchrist, Divisional Director, Community Planning & Real Estate

# Report to Council

**Date:** 9/12/2016

**File:** 0913-21-089

**To:** City Manager

**From:** J. Säufferer, Manager, Real Estate Services

**Subject:** Road Closure – Portion adj. to 3441, 3451, 3461 & 3471 Lakeshore Road

Report Prepared by: A. Warrender, Property Officer Specialist

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**Recommendation:**

THAT Council receives, for information, the Report from the Manager, Real Estate Services dated September 12th, 2016, recommending that Council adopt the proposed road closure of a portion of road adjacent to 3441, 3451, 3461 & 3471 Lakeshore Road;

AND THAT Bylaw No.11274, being proposed road closure of a portion of road adjacent to 3441, 3451, 3461 & 3471 Lakeshore Road, be forwarded for reading consideration.

**Purpose:**

To close a portion of lane adjacent to 3441 and 3451 Lakeshore Road for consolidation with the adjacent properties.

**Background:**

The +/- 0.11 acre lane to the rear of the 3441, 3451, 3461 & 3471 Lakeshore Road will be closed and consolidated with the adjacent properties to create a development parcel. As Fortis BC currently uses the lane to access their substation located at 700 Swordy Road, a statutory right of way in Fortis BC's favour will be required prior to the disposition of the laneway.

**Legal/Statutory Authority:**

Section 26 and 40, Community Charter

**Internal Circulation:**

Manager, Transportation & Mobility
Manager, Development Engineering
Manager, Urban Planning
Department Manager, Community Planning

**Considerations not applicable to this report:**

Legal/Statutory Procedural Requirements:
Existing Policy:
Financial/Budgetary Considerations:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

**Submitted by:** J. Säufferer, Manager, Real Estate Services

**Approved for inclusion**: D. Edstrom, Director, Real Estate

Attachments: 1. Schedule A – Survey Plan

cc: T. Barton, Manager, Urban Planning
P. Irani, Manager, Development Engineering
M. Hasan, Manager, Transportation & Mobility
R. Smith, Department Manager, Community Planning

## Schedule A

REFERENCE PLAN TO ACCOMPANY BYLAW NO. 11274
(CITY OF KELOWNA) TO CLOSE PART OF LANE
DEDICATED ON PLAN 3886 DISTRICT LOT 134
OSOYOOS DIVISION YALE DISTRICT

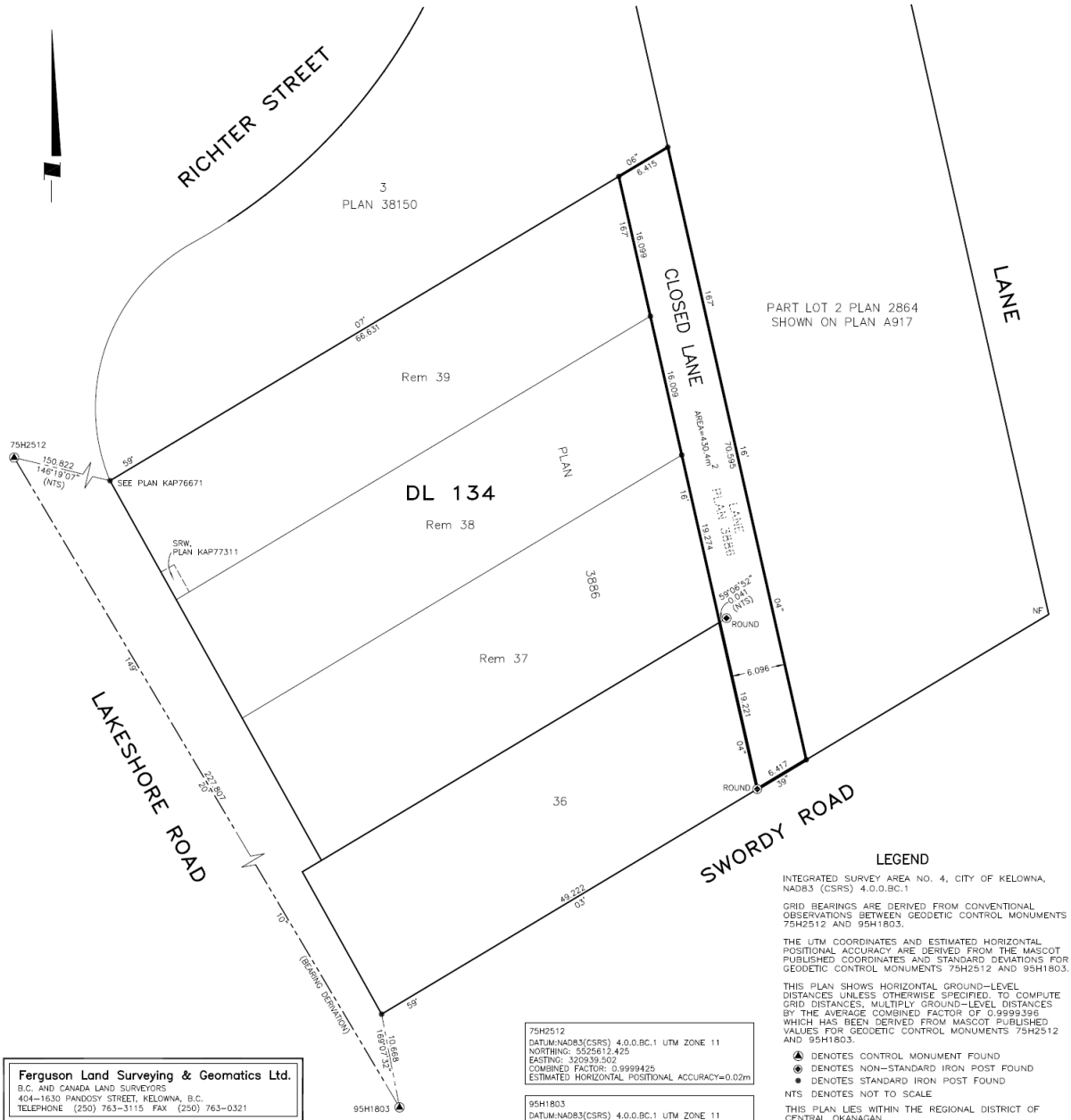
PLAN EPP65103

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 82E.083

10 5 0 10 20 30 METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:300




**Ferguson Land Surveying & Geomatics Ltd.**
B.C. AND CANADA LAND SURVEYORS
404–1630 PANDOSY STREET, KELOWNA, B.C.
TELEPHONE (250) 763–3115 FAX (250) 763–0321

JOB No 20623–LANE CLOSURE

S:\Shared (Aug 10, 2006)\Job_Files\206XX\20623\20623–ROAD CLOSURE.DWG
DRFTD BY: CH FB/PG: SEE FILE

75H2512
DATUM:NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11
NORTHING: 5525612.425
EASTING: 320939.502
COMBINED FACTOR: 0.9999425
ESTIMATED HORIZONTAL POSITIONAL ACCURACY=0.02m

95H1803
DATUM:NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11
NORTHING: 5525416.483
EASTING: 321055.677
COMBINED FACTOR: 0.9999420
ESTIMATED HORIZONTAL POSITIONAL ACCURACY=0.02m

### LEGEND

INTEGRATED SURVEY AREA NO. 4, CITY OF KELOWNA, NAD83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM CONVENTIONAL OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 75H2512 AND 95H1803.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 75H2512 AND 95H1803.

THIS PLAN SHOWS HORIZONTAL GROUND–LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND–LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9999396 WHICH HAS BEEN DERIVED FROM MASCOT PUBLISHED VALUES FOR GEODETIC CONTROL MONUMENTS 75H2512 AND 95H1803.

- ▲ DENOTES CONTROL MONUMENT FOUND
- ◉ DENOTES NON–STANDARD IRON POST FOUND
- ● DENOTES STANDARD IRON POST FOUND

NTS DENOTES NOT TO SCALE

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 11th DAY OF AUGUST, 2016
CAMERON HENRY, BCLS 857

# CITY OF KELOWNA

# BYLAW NO. 11274

## Road Closure and Removal of Highway Dedication Bylaw
## (Portion of Lakeshore Road)

**A bylaw pursuant to Section 40 of the Community Charter to authorize the City to permanently close and remove the highway dedication of a portion of highway on Lakeshore Road**

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NOW THEREFORE, the Municipal Council of the City of Kelowna, in open meeting assembled, hereby enacts as follows:

1. That portion of highway attached as Schedule "A" comprising 430.4m$^2$ shown in bold black as Closed Lane on the Reference Plan prepared by Cameron Henry, B.C.L.S., is hereby stopped up and closed to traffic and the highway dedication removed.

2. The Mayor and City Clerk of the City of Kelowna are hereby authorized to execute such conveyances, titles, survey plans, forms and other documents on behalf of the said City as may be necessary for the purposes aforesaid.

Read a first, second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

_____
Mayor

_____
City Clerk

# REFERENCE PLAN TO ACCOMPANY BYLAW NO. 11274 (CITY OF KELOWNA) TO CLOSE PART OF LANE DEDICATED ON PLAN 3886 DISTRICT LOT 134 OSOYOOS DIVISION YALE DISTRICT

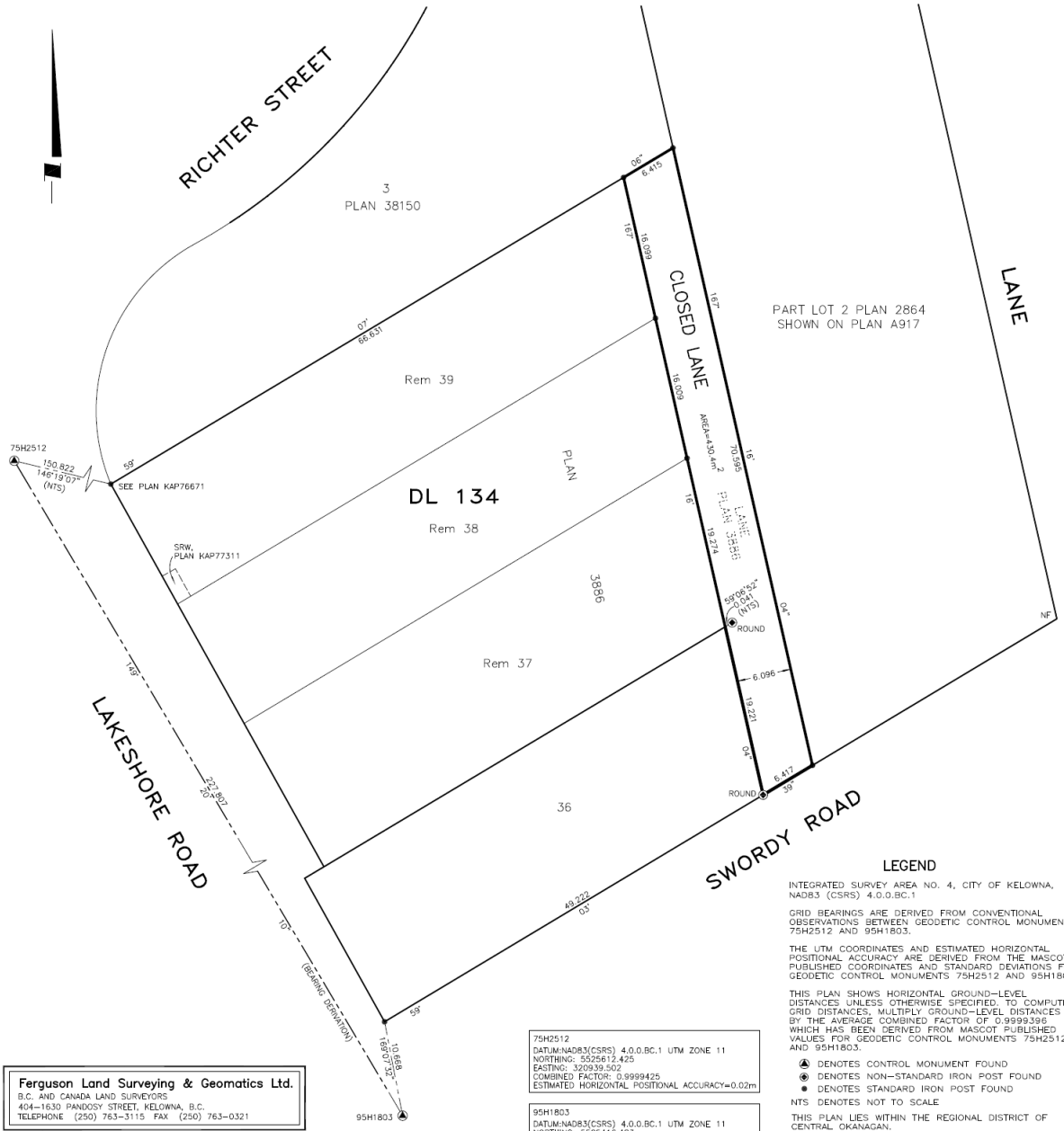
PLAN EPP65103

PURSUANT TO SECTION 120 OF THE LAND TITLE ACT AND SECTION 40 OF THE COMMUNITY CHARTER

BCGS 82E.083

10 5 0 10 20 30 METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:300




## LEGEND

INTEGRATED SURVEY AREA NO. 4, CITY OF KELOWNA, NAD83 (CSRS) 4.0.0.BC.1

GRID BEARINGS ARE DERIVED FROM CONVENTIONAL OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 75H2512 AND 95H1803.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL POSITIONAL ACCURACY ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 75H2512 AND 95H1803.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9999396 WHICH HAS BEEN DERIVED FROM MASCOT PUBLISHED VALUES FOR GEODETIC CONTROL MONUMENTS 75H2512 AND 95H1803.

▲ DENOTES CONTROL MONUMENT FOUND
◉ DENOTES NON-STANDARD IRON POST FOUND
● DENOTES STANDARD IRON POST FOUND
NTS DENOTES NOT TO SCALE

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF CENTRAL OKANAGAN.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 11th DAY OF AUGUST, 2016
CAMERON HENRY, BCLS 857

75H2512
DATUM:NAD83(CSRS) 4.0.0.BC.1 UTM ZONE 11
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JOB No 20623-LANE CLOSURE

S:\Shared (Aug 10, 2006)\Job_Files\20BXX\20623\20623-ROAD CLOSURE.DWG
DRFTD BY: CH FB/PG: SEE FILE

# CITY OF KELOWNA

# BYLAW NO. 11269

# Amendment No. 4 to Revitalization Tax Exemption Bylaw No. 9561

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The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Revitalization Tax Exemption Bylaw No. 9561 be amended as follows:

1. THAT Section 5 (c) be deleted that reads:

   "5(c) For "Tax Incentive Area 3", 50% of Revitalization Amount on the parcel, for a project with a minimum floor area of 3,716 $m^2$ (40,000 sq. ft.);"

   And replaced with:

   "5(c) For "Tax Incentive Area 3", 50% of the Residential portion of **Revitalization Amount** on the parcel, for a project with a minimum floor area of 3,716 m2 (40,000 sq. ft.);"

2. AND THAT Schedule "B" Revitalization Tax Exemption Agreement, Section 6(c) be deleted that reads:

   "6(c) For "Tax Incentive Area 3", 50% of Revitalization Amount on the parcel, for a project with a minimum floor area of 3,716 $m^2$ (40,000 sq. ft.);"

   And replaced with:

   "6(c) For "Tax Incentive Area 3", 50% of the Residential portion of **Revitalization Amount** on the parcel, for a project with a minimum floor area of 3,716 m2 (40,000 sq. ft.);"

3. AND FURTHER THAT Schedule "C" Tax Exemption Certificate, Section 3 be deleted that reads:

   "3. "Tax Incentive Area 3," 50% of the Revitalization Amount attributed to building Permit No. _____between 20__ (the calendar year before the commencement of construction of the project) and 20__(the calendar year in which the Revitatlization Tax Exemption Certificate is issued);"

   And replaced with:

   "3. "Tax Incentive Area 3," 50% of the Residential portion of the Revitalization Amount attributed to building Permit No. _____between 20__ (the calendar year before the commencement of construction of the project) and 20__(the calendar year in which the Revitatlization Tax Exemption Certificate is issued);"

4. This bylaw may be cited for all purposes as "Bylaw No. 11269, being Amendment No. 4 to Revitalization Tax Exemption Bylaw No. 9561."

5. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 29th day of August, 2016.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk