City of Kelowna
Public Hearing
AGENDA

Tuesday, October 4, 2016
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1. (a) The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030* - Official Community Plan Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b) All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c) All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public. The correspondence and petitions received after September 20, 2016 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d) Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. Individual Bylaw Submissions

3.1 720 Valley Road, BL11276 (OCP16-0010), BL11277 (TA16-0009) & BL11278 (Z16-0046) - Valley Land Subdivision Ltd. 4 - 35

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.

3.2 3441, 3451, 3461, & 3471 Lakeshore Road, BL11280 (OCP16-0007) & BL11281 (Z16-0040) - 0984342 BC Ltd. & City of Kelowna 36 - 68

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.

3.3 1787 Mountain Avenue, BL11282 (Z16-0004) - Janice & William Henry 69 - 79

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

3.4 700 McCurdy Road, BL11283 (Z16-0025) - Silver City Holdings Inc. 80 - 89

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

3.5 760 Mitchell Road, BL11284 (Z16-0015) - Terrence Dewar 90 - 108

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

3.6 1960 Paly Road, BL11285 (LUC16-0003) - Krista Eve Almeida & Stephen Glegg 109 - 163

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

3.7 1280 Wilmot Avenue, BL11286 (Z15-0060) - Romesha Ventures Inc. 164 - 173

To consider a rezoning application for a portion of land off of Nishi Court to allow the creation of four residential lots and the designation of approximately 2.4 ha of natural area parkland.

4. Termination

5. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for respresentation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs, sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

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.

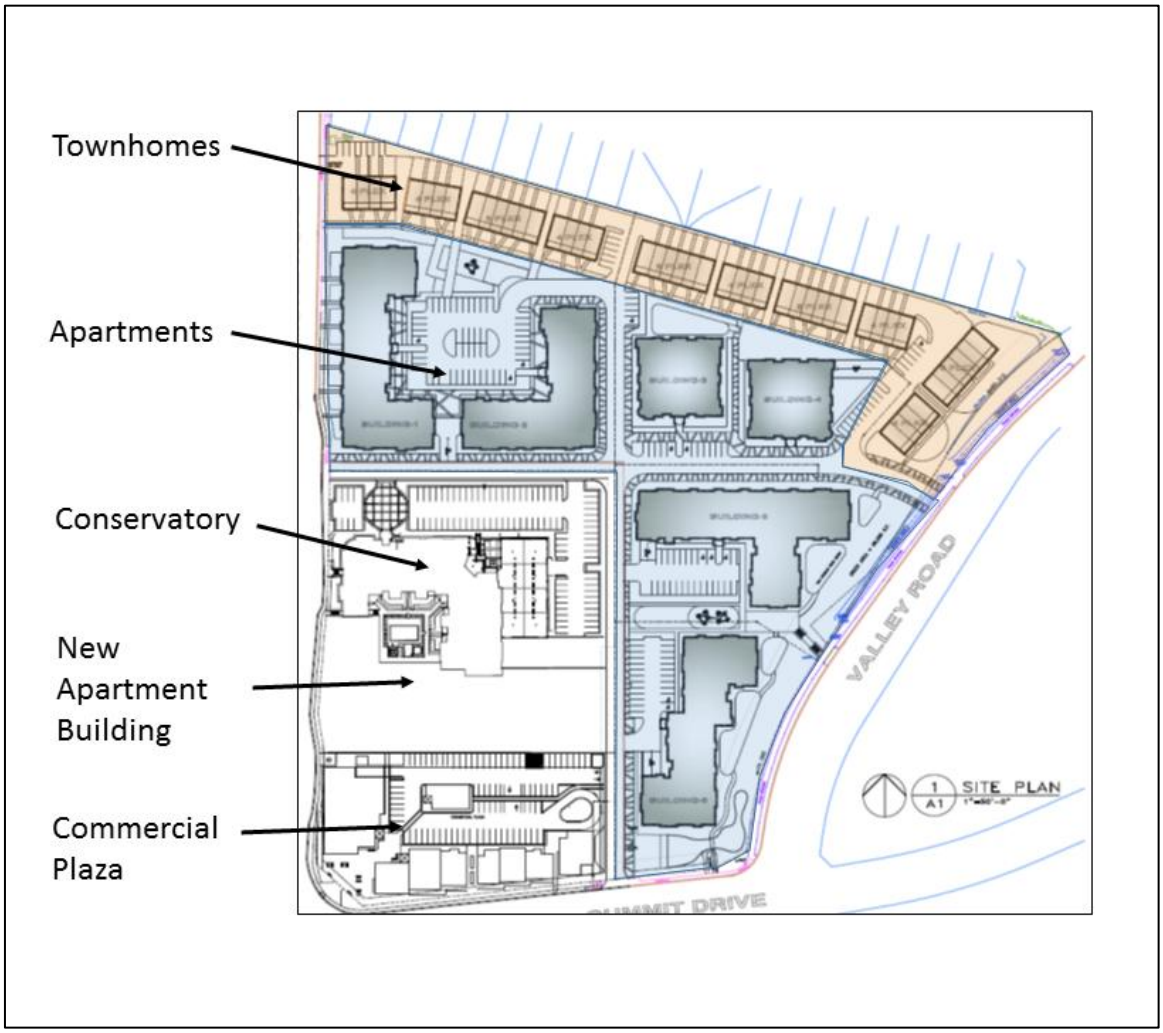


Figure 1 Site Plan

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.

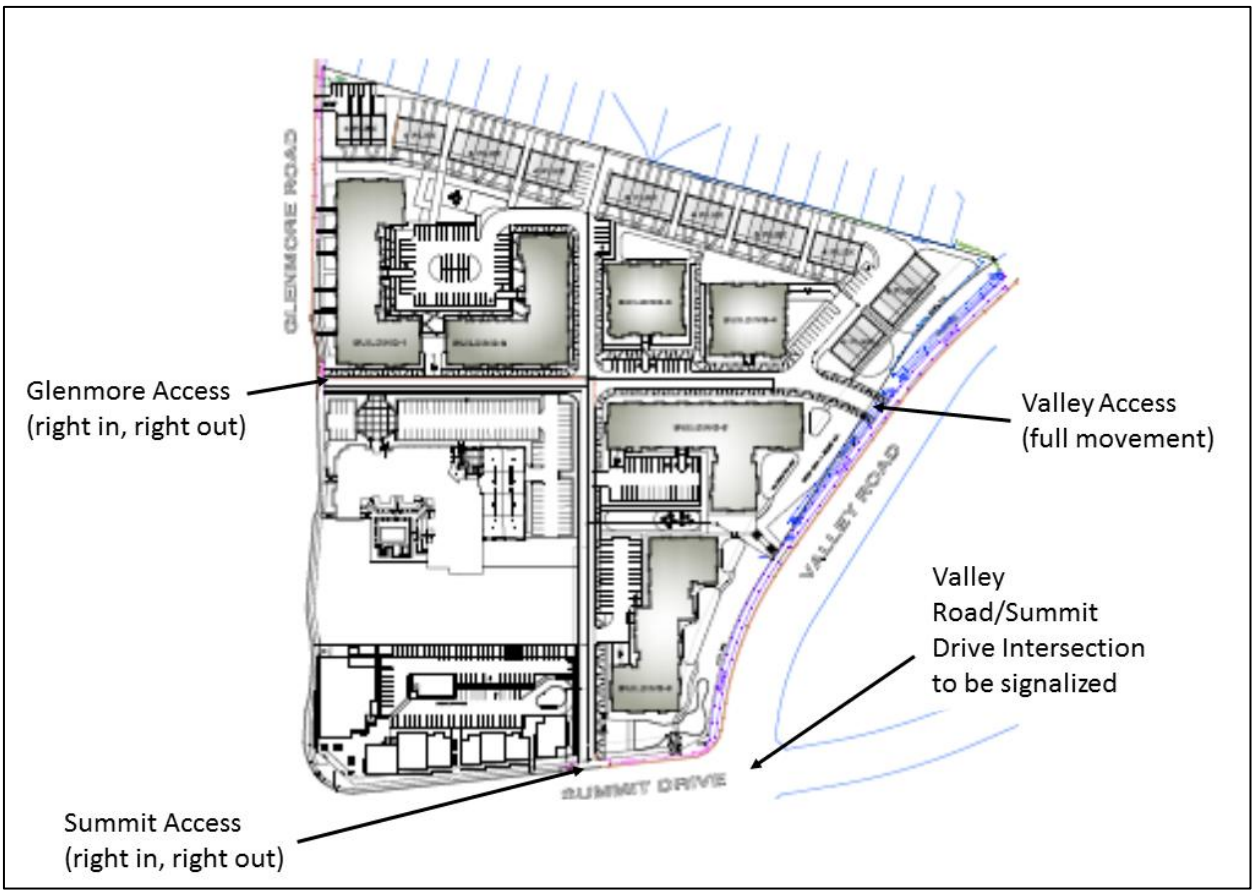


Figure 4 Access Points

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.

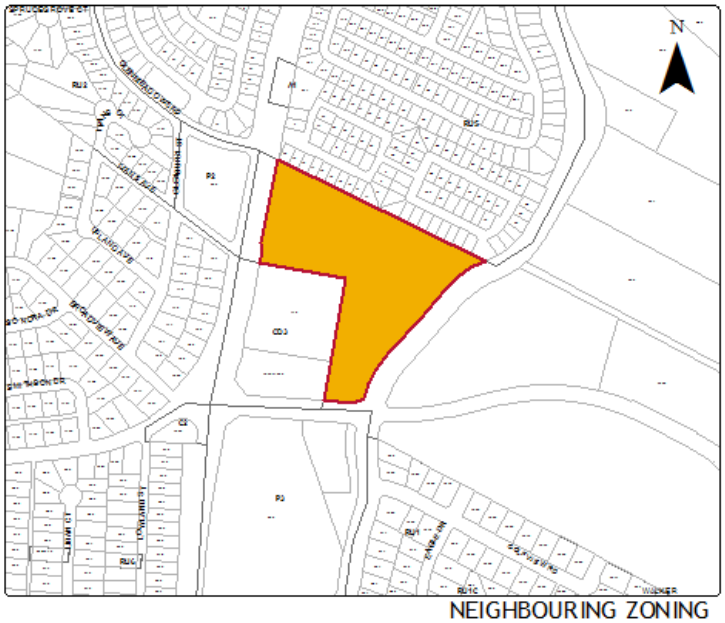
4.10 Site Context

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 ** 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.

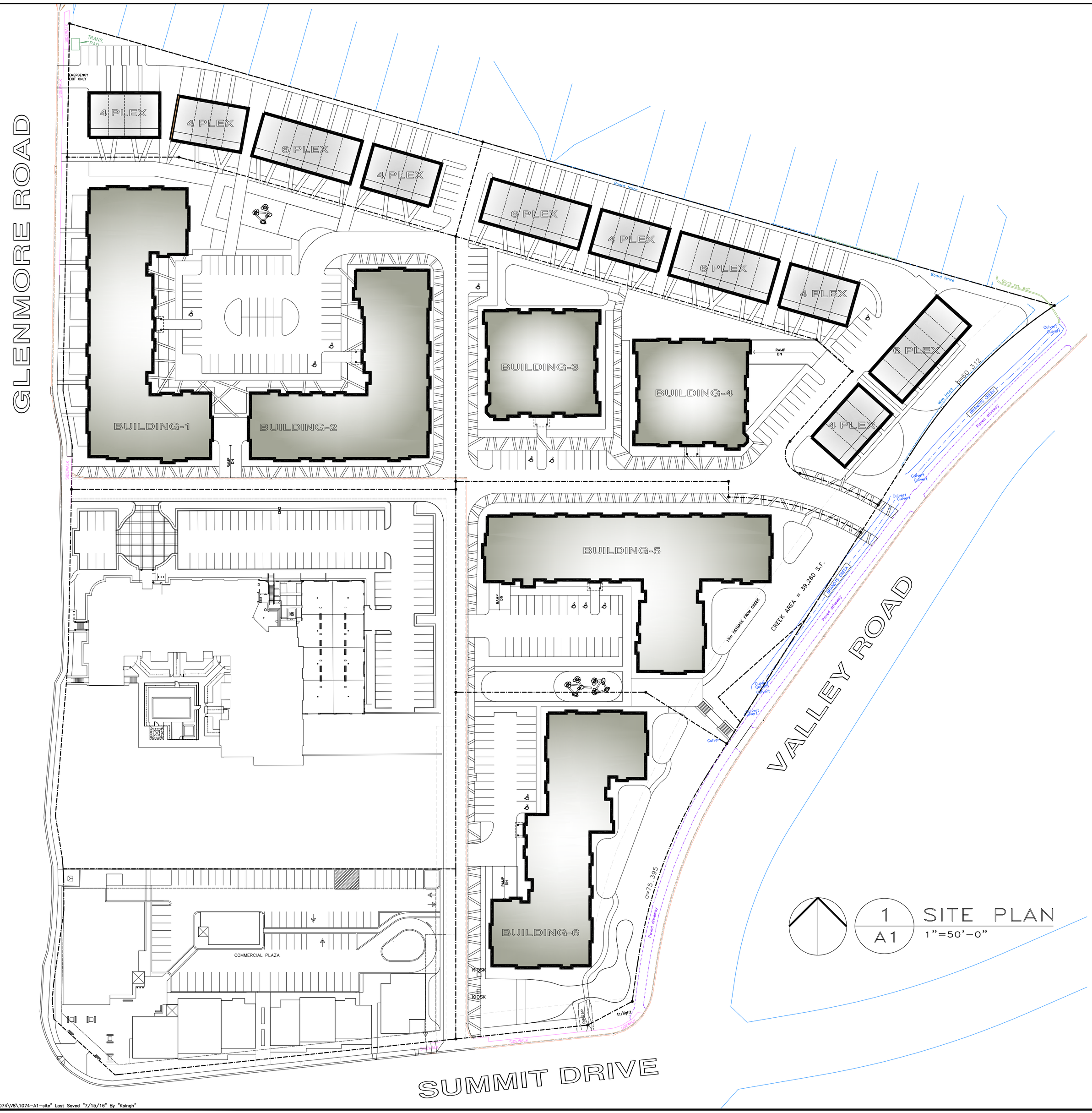
If you have any questions pertaining to these Applications, please do not hesitate to contact me.

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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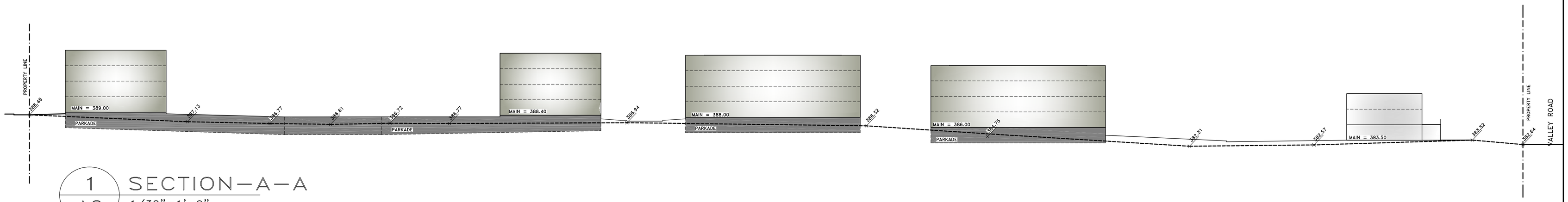

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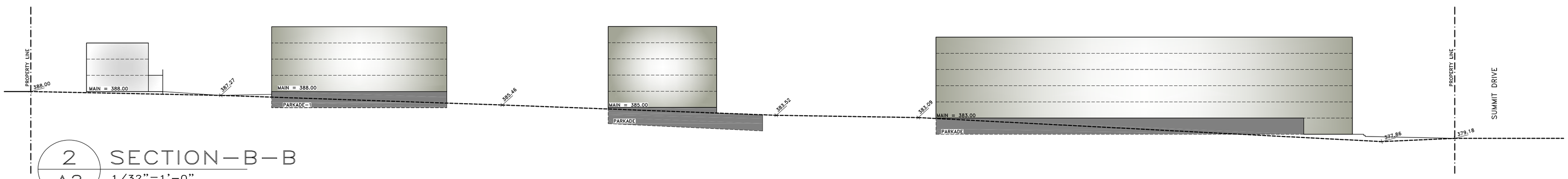

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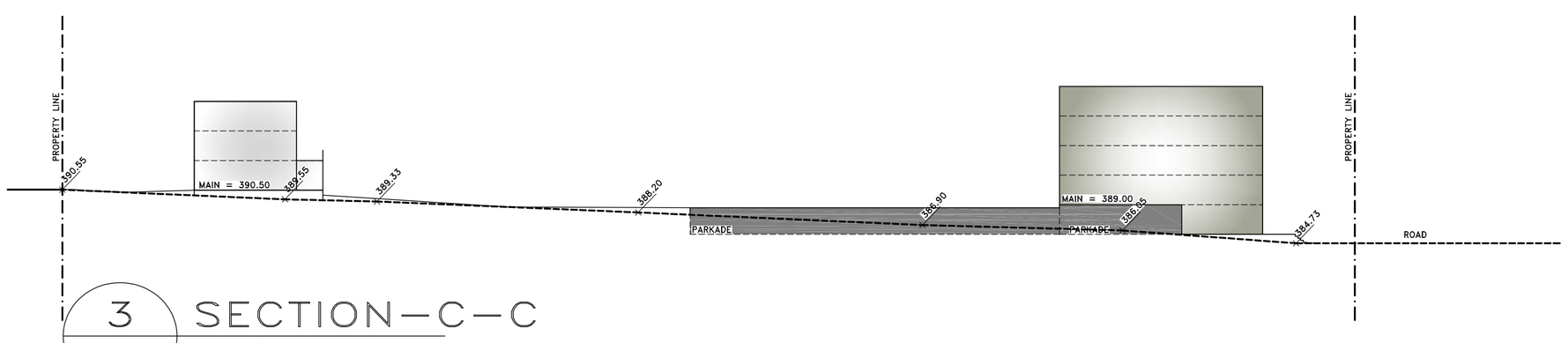

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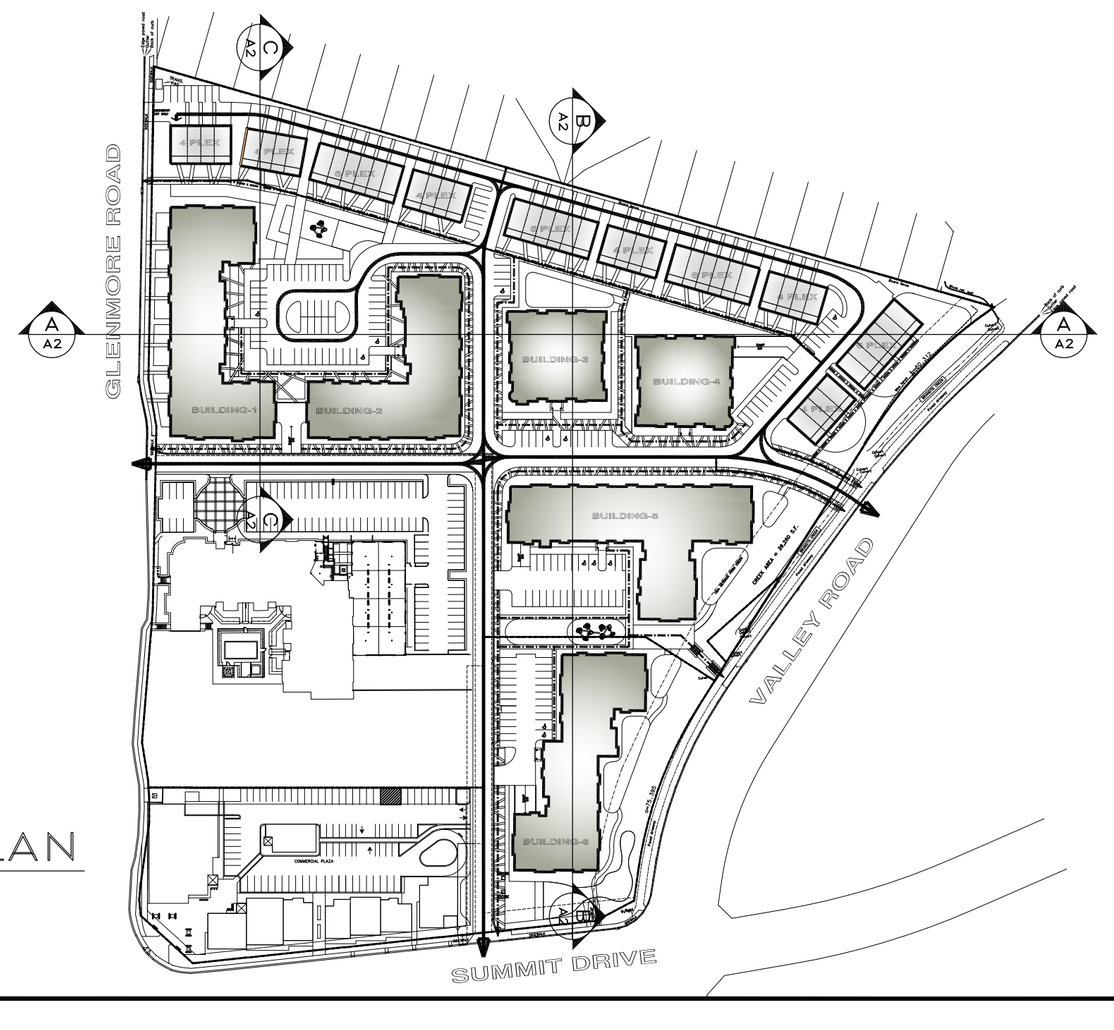

4 / A2 KEY PLAN
N.T.S.

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Fax: (780) 425-0536

Architect's Seal

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Consultant's

VALLEY ROAD MIXED USE

City Posse Number

Project Address

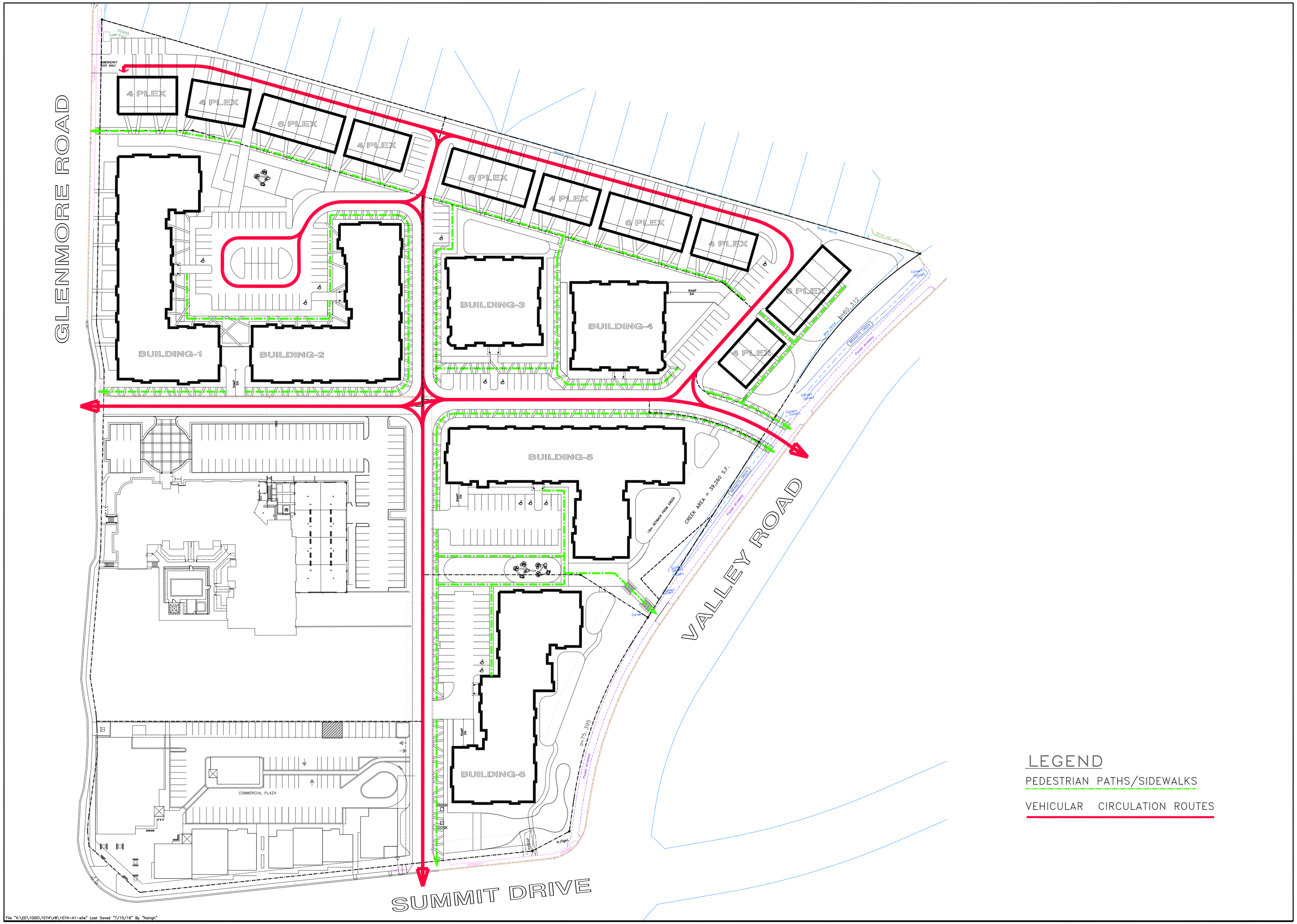
NO	DATE	DESCRIPTION

Project No. EG1074
Version: V5

Date: 07/15/2016

Drawing Title
SITE SECTIONS

Drawing No.
A2


GLENMORE ROAD
VALLEY ROAD
SUMMIT DRIVE
EMERGENCY EXIT ONLY
4 PLEX
4 PLEX
6 PLEX
4 PLEX
6 PLEX
4 PLEX
6 PLEX
4 PLEX
6 PLEX
4 PLEX
BUILDING-1
BUILDING-2
BUILDING-3
BUILDING-4
BUILDING-5
BUILDING-6
RAMP DN
CREEK AREA = 39,260 S.F.
10m SETBACK FROM CREEK
COMMERCIAL PLAZA
DOSK
Wood fence
Block fence
Curb
Culvert
Culvert (Dry)
Culvert (Dry)
Culvert (Dry)

AERIAL VIEW - 1

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Architect's Seal

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KELOWNA, BC

Consultant's

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.
P1

AERIAL VIEW - 2

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

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Project Address

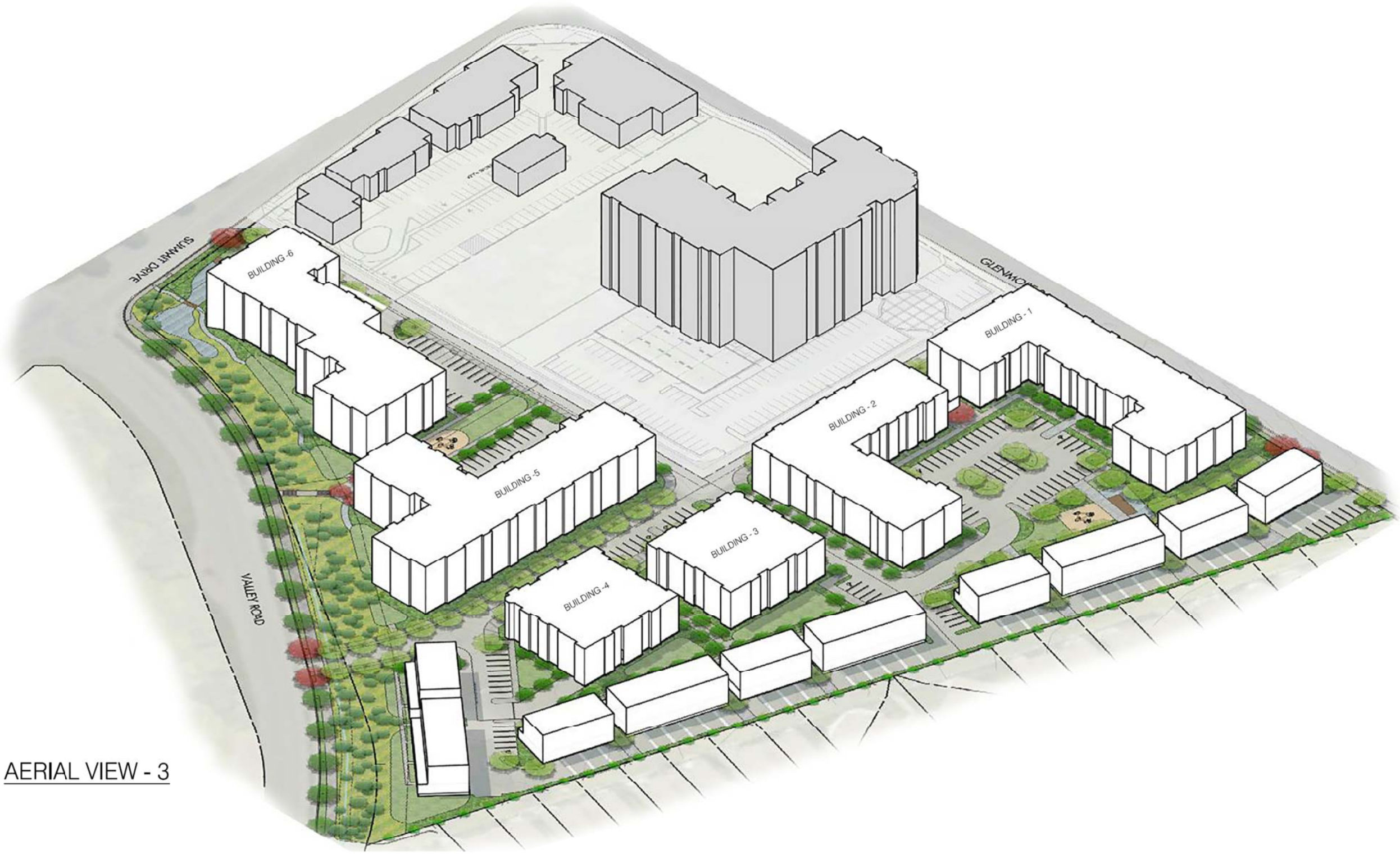
NO.	DATE	DESCRIPTION

Project No.	Version:
EG1074	V8

Date:
07/14/2016

Drawing Title
3D SITE MASSING

Drawing No.
P2



AERIAL VIEW - 3

e f g
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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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Project Address

NO	DATE	DESCRIPTION

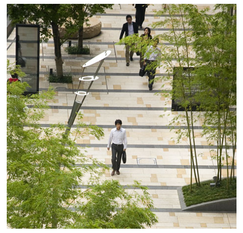
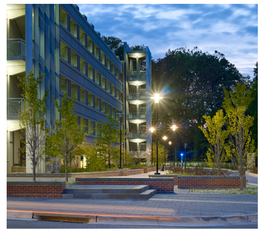
Project No. EG1074

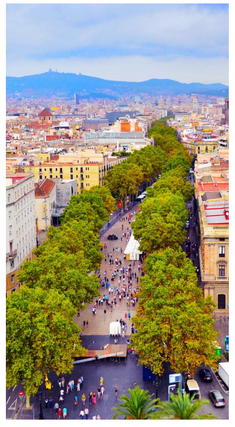
Version: V8

Date: 07/14/2016

Drawing Title
3D SITE MASSING

Drawing No.
P4



OUTLAND DESIGN
LANDSCAPE ARCHITECTURE

206 - 1889 Spall Road
Kelowna, BC V1Y 4R2
T (250) 868-9270
www.outlanddesign.ca

N

PROJECT TITLE

720 Valley Road

Kelowna, BC

DRAWING TITLE

Conceptual Master Plan

ISSUED FOR / REVISION		
1	16.07.14	Approval
2		
3		
4		
5		

PROJECT NO	16-025
DESIGN BY	FB
DRAWN BY	SR
CHECKED BY	FB
DATE	July 14, 2016
SCALE	1:500

SEAL

BRITISH COLUMBIA SOCIETY OF LANDSCAPE ARCHITECTS
REGISTERED MEMBER
FIONA BARTON
334

DRAWING NUMBER

L1/1

ISSUED FOR REVIEW ONLY

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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
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KELOWNA, BC

Consultant"s

VALLEY ROAD MIXED USE

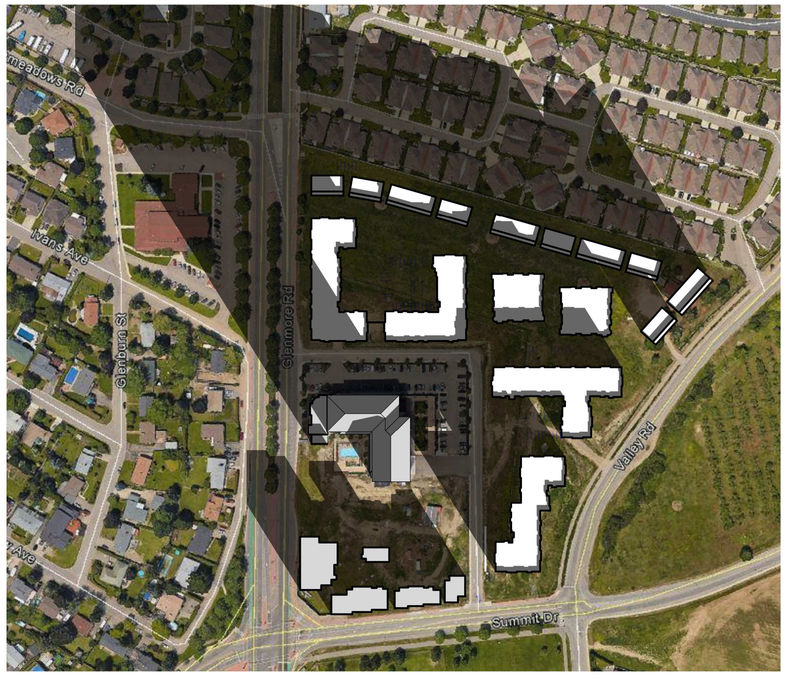
City Posse

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
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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.

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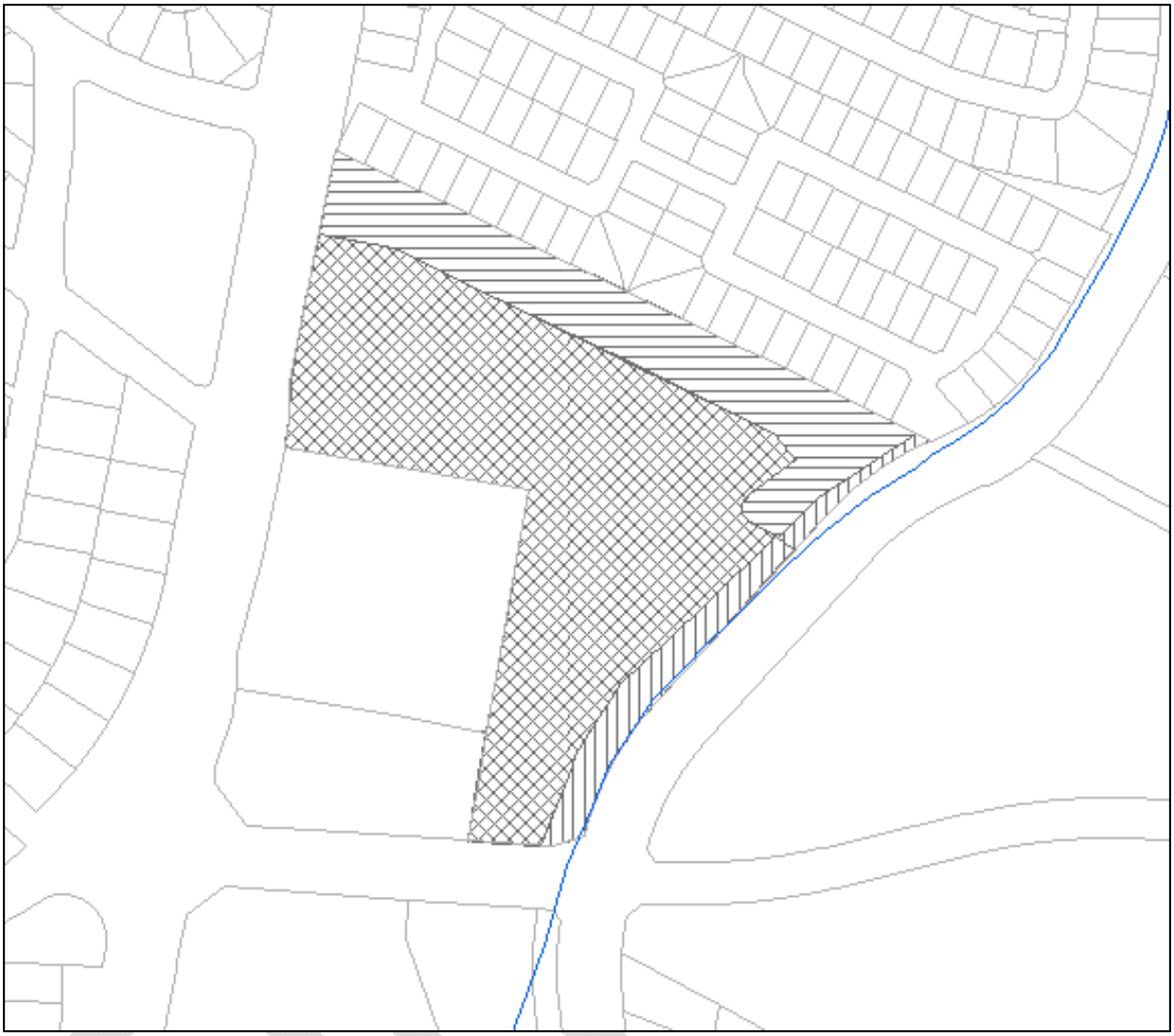

Figure 1 CD-27 Areas

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 + Parking within Bldg bonus: 0.1 + Public plaza bonus: 0.18 = 1.58	1.385
Parking Regulations		
Minimum Parking Requirements	158 parking stalls	Main floor / site: 59 stalls + 2nd Floor: 37 stalls + 3rd Floor: 47 stalls = 143 parking stalls ❷
Minimum Loading Spaces	2 spaces	2 spaces
Ratio of Parking Stalls	Full size: 50% Min Medium Size: 40% Max Small Size: 10% Max	Full size: TBD ❸ Medium Size: TBD Small Size: TBD
Minimum Drive Aisle Width	7.0 m	7.0 m
Other Regulations		
Minimum Bicycle Parking Requirements	Class 1: 53 bikes Class 2: 29 bikes	Class 1: 53 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. 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 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
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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
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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
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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

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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

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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

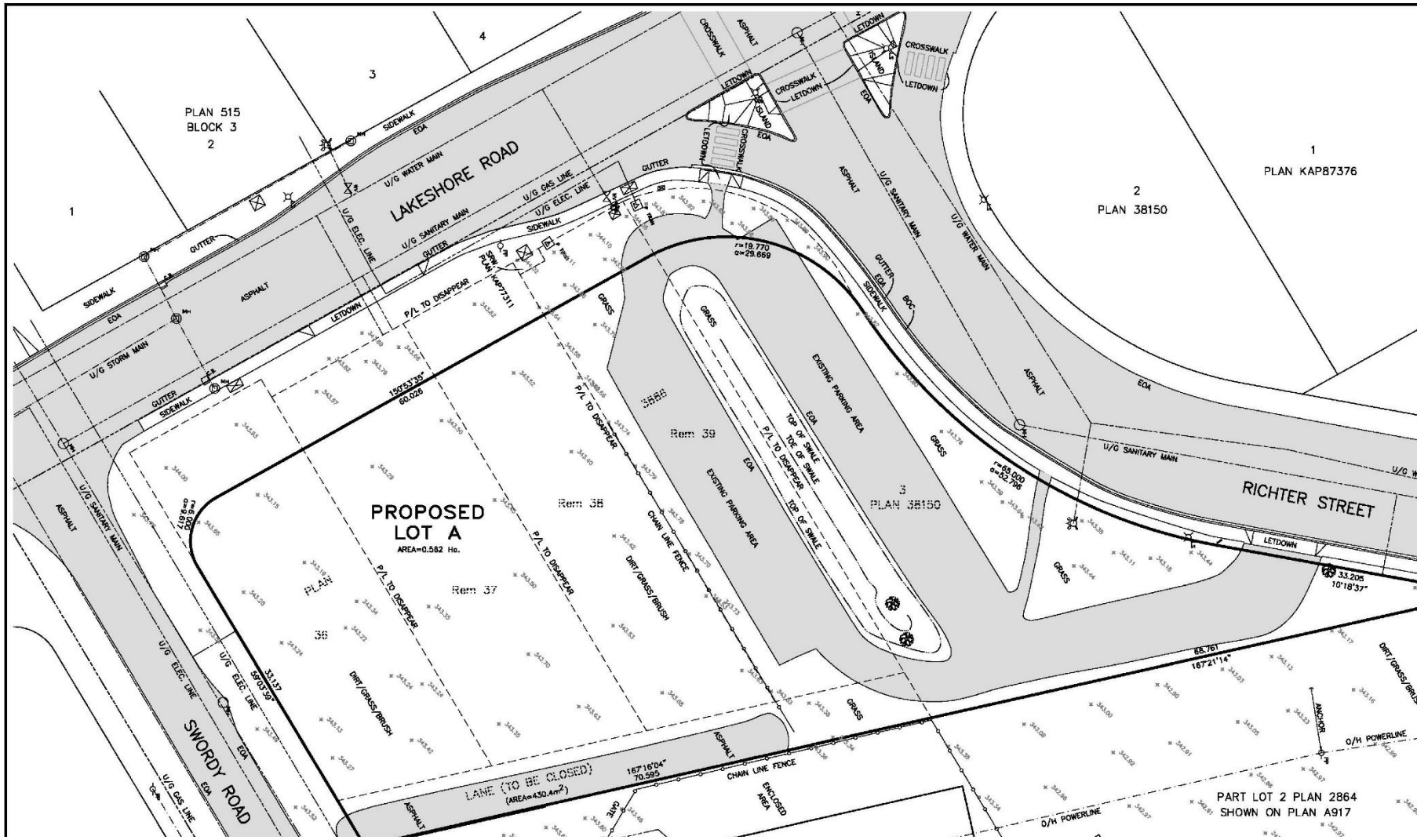
SCHEDULE A
This forms part of development
Permit # Z16-0040

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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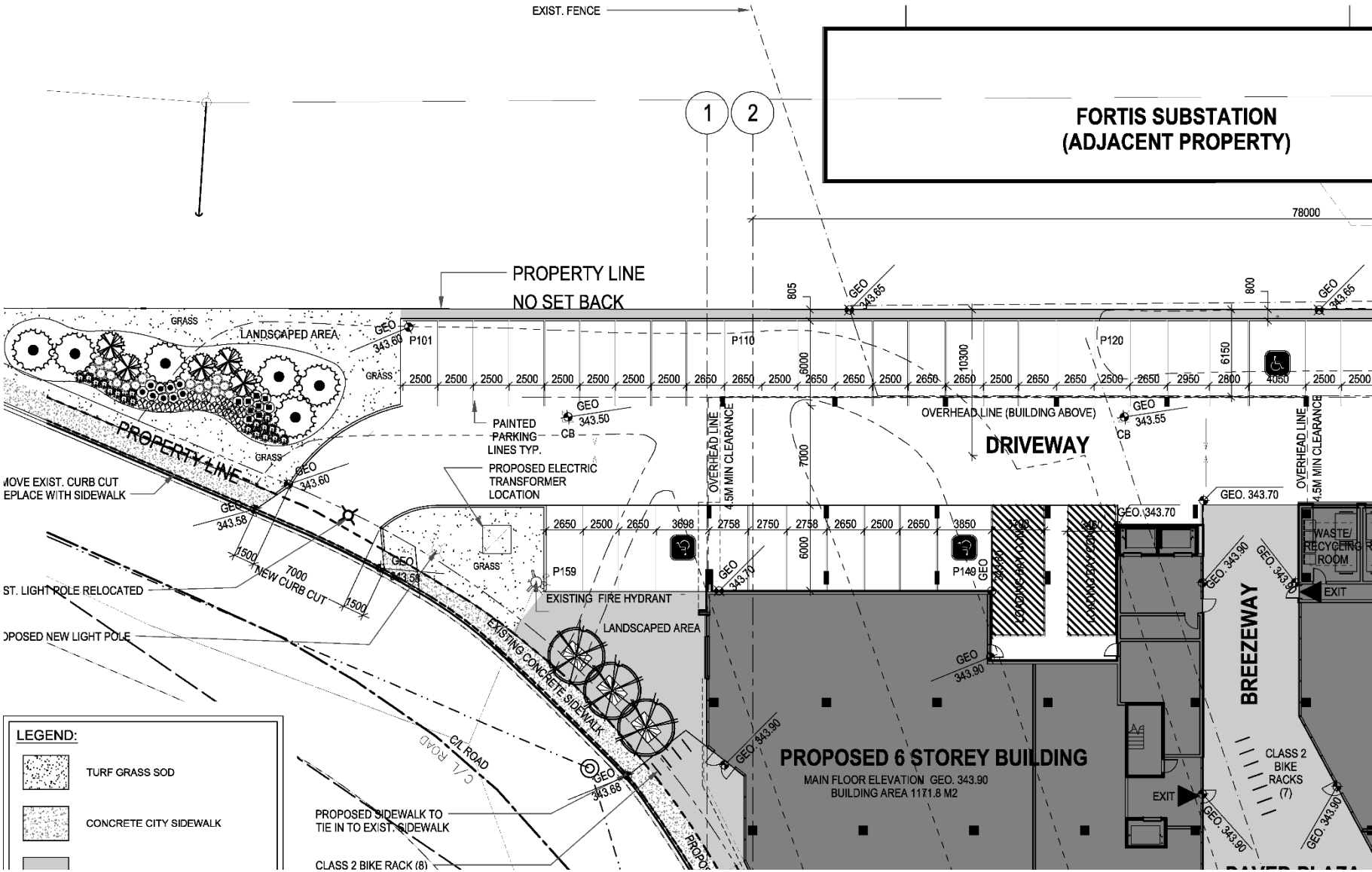
Permit # Z16-0040

City of Kelowna



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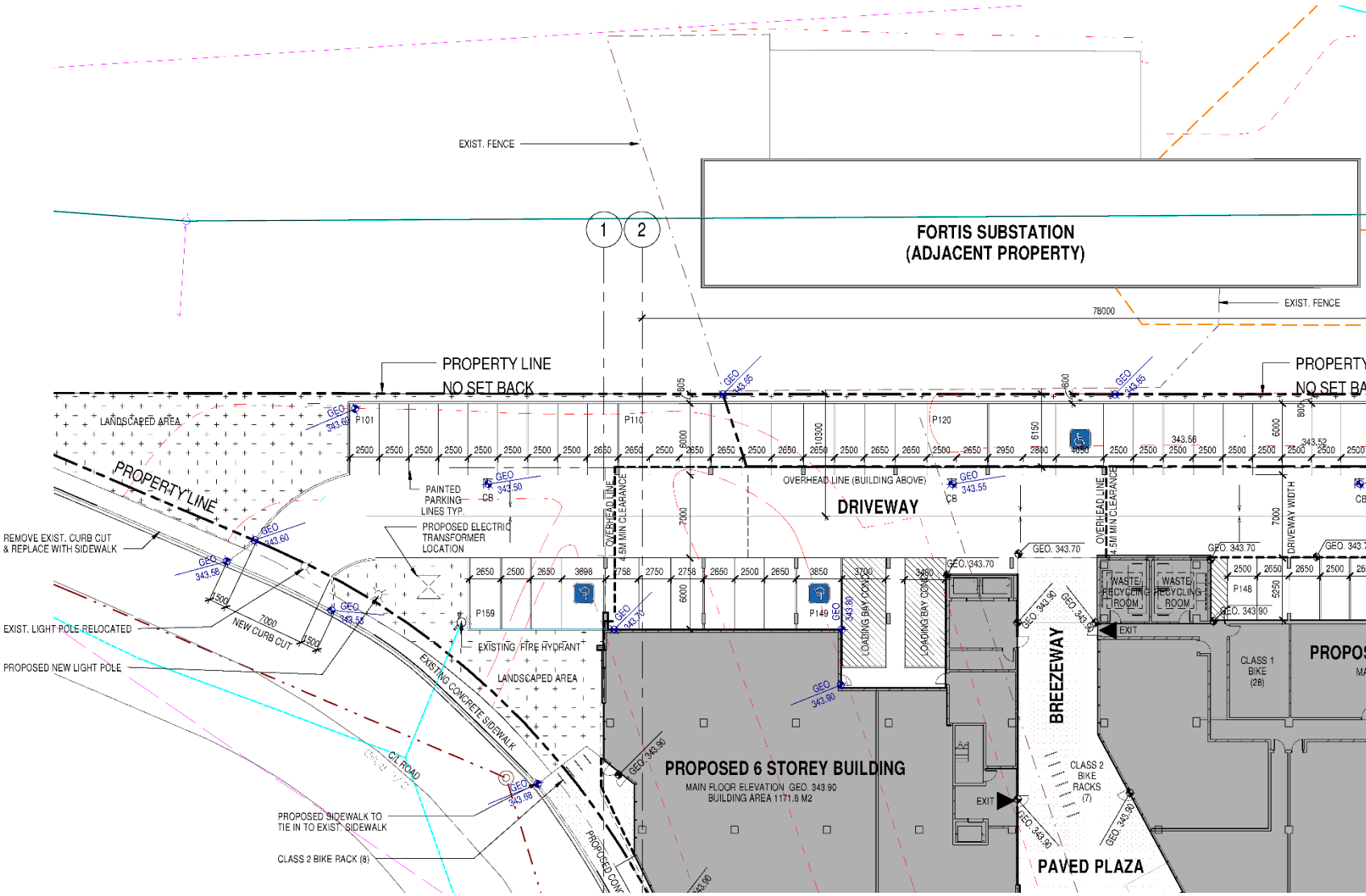
City of Kelowna



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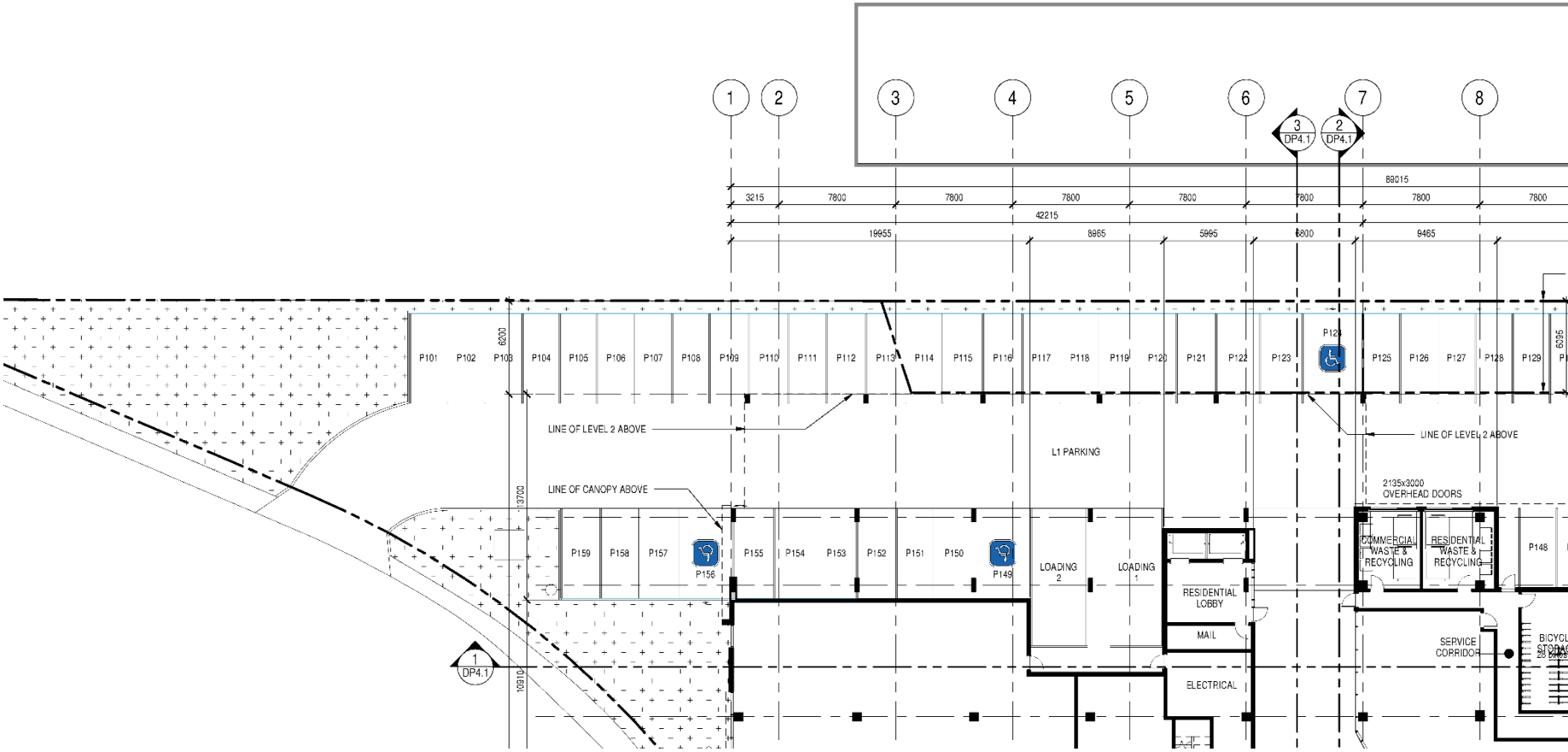
City of Kelowna



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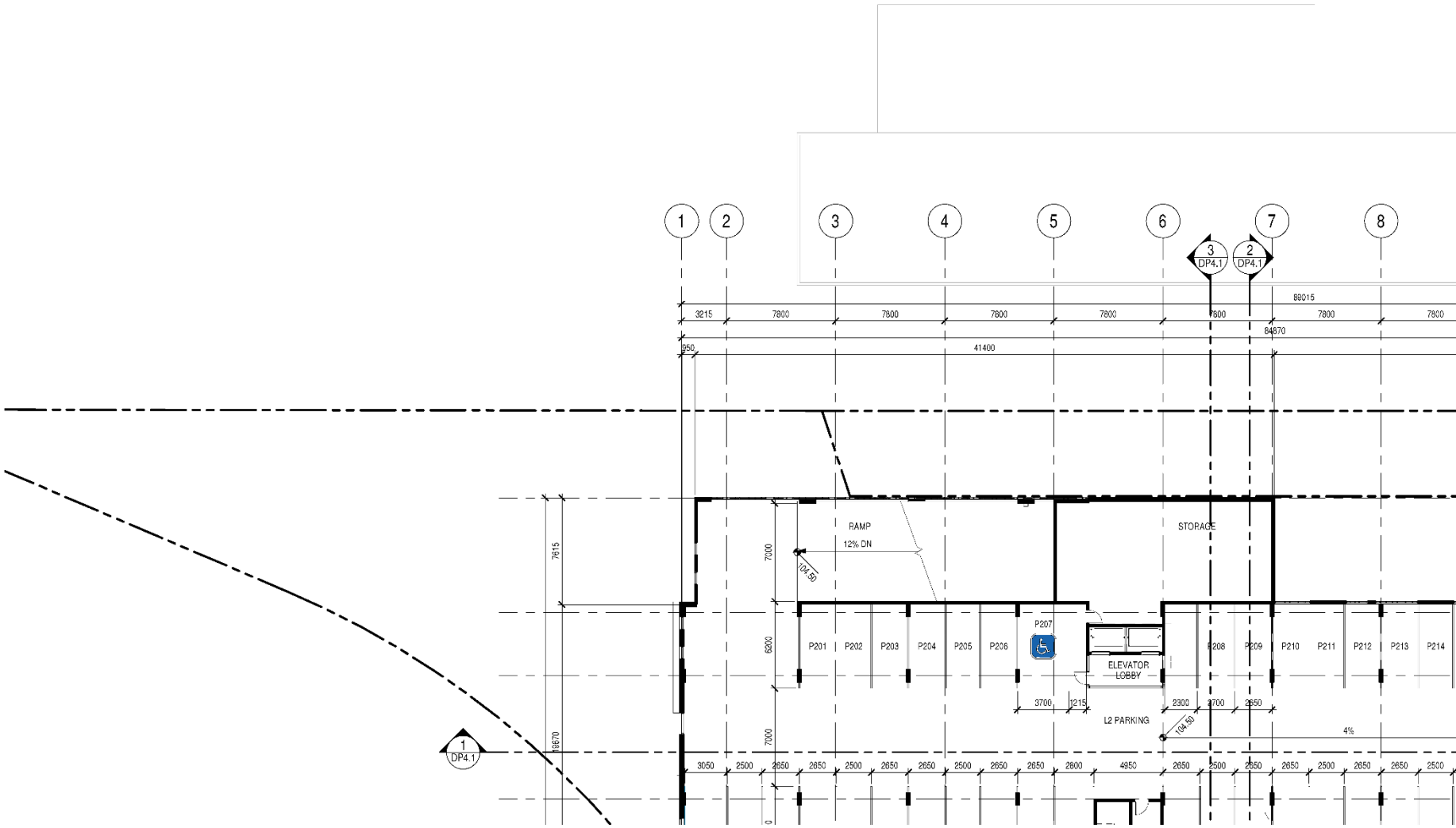
City of Kelowna



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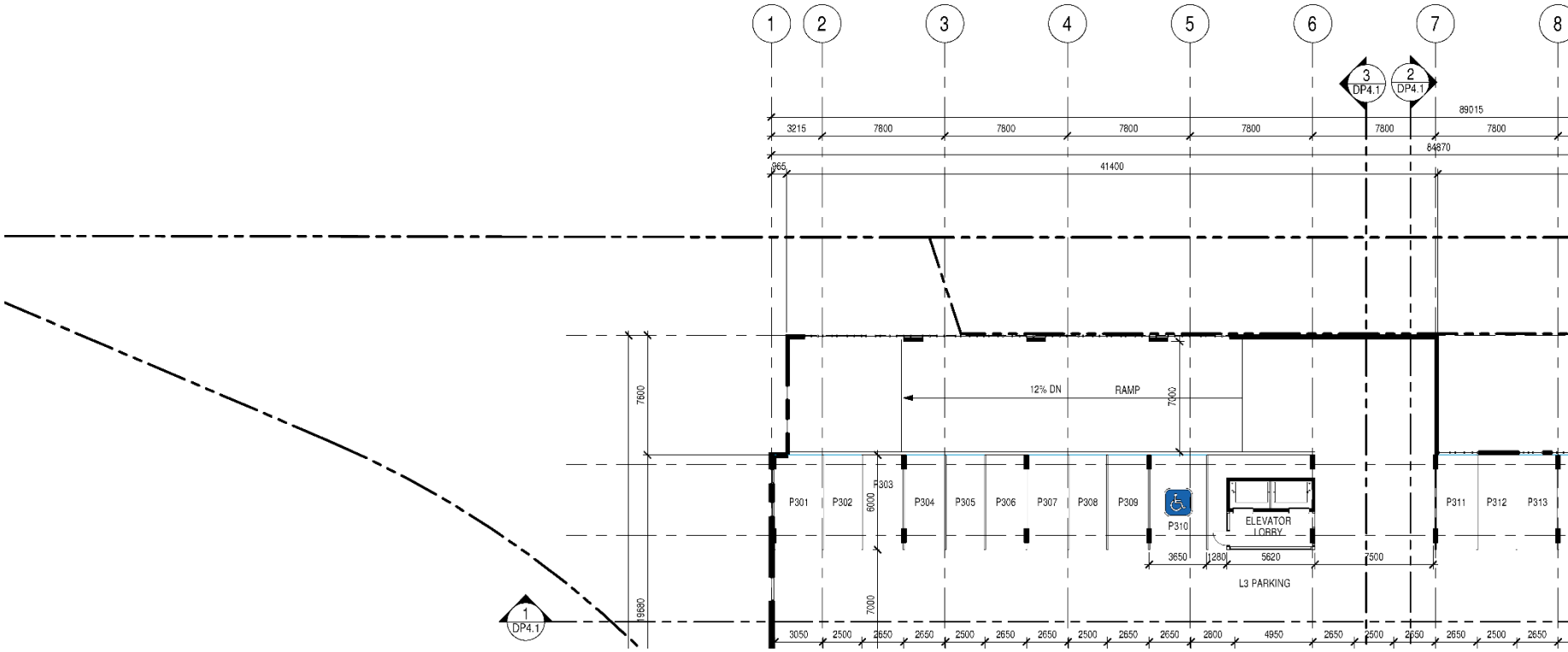
City of Kelowna



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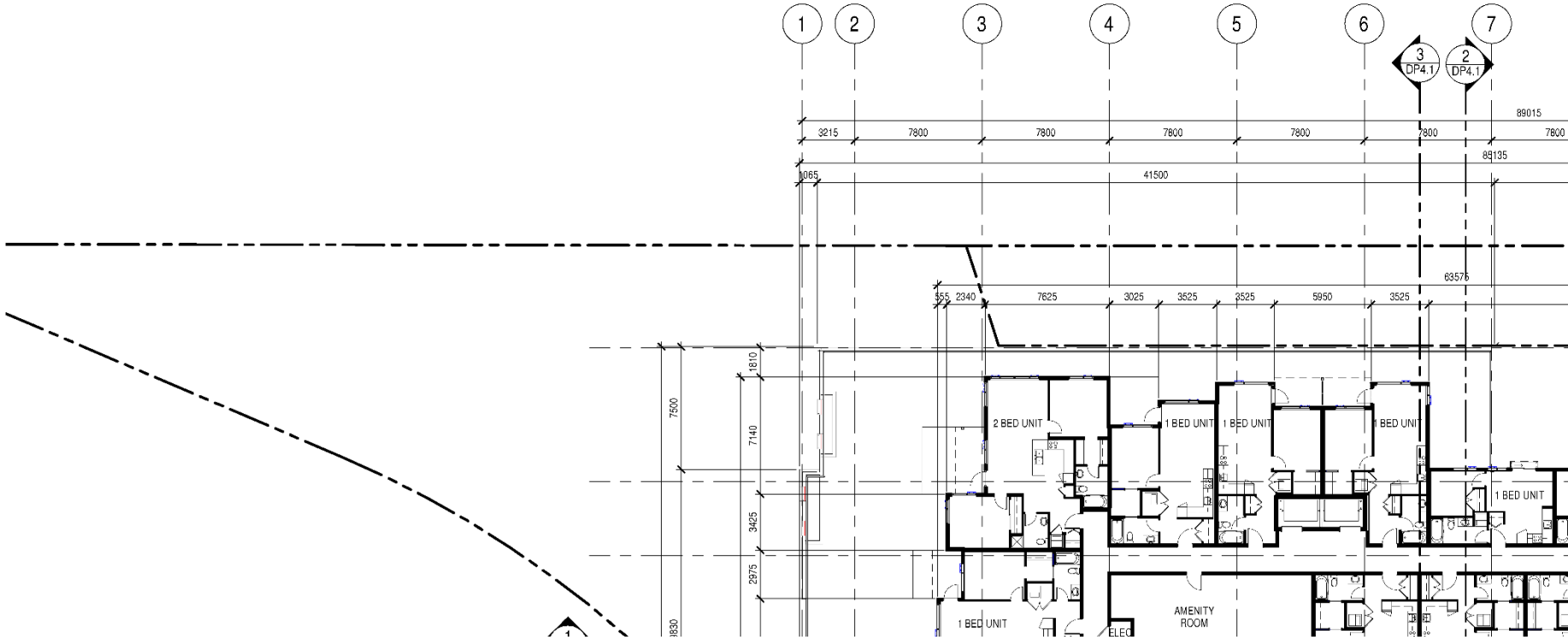
City of Kelowna



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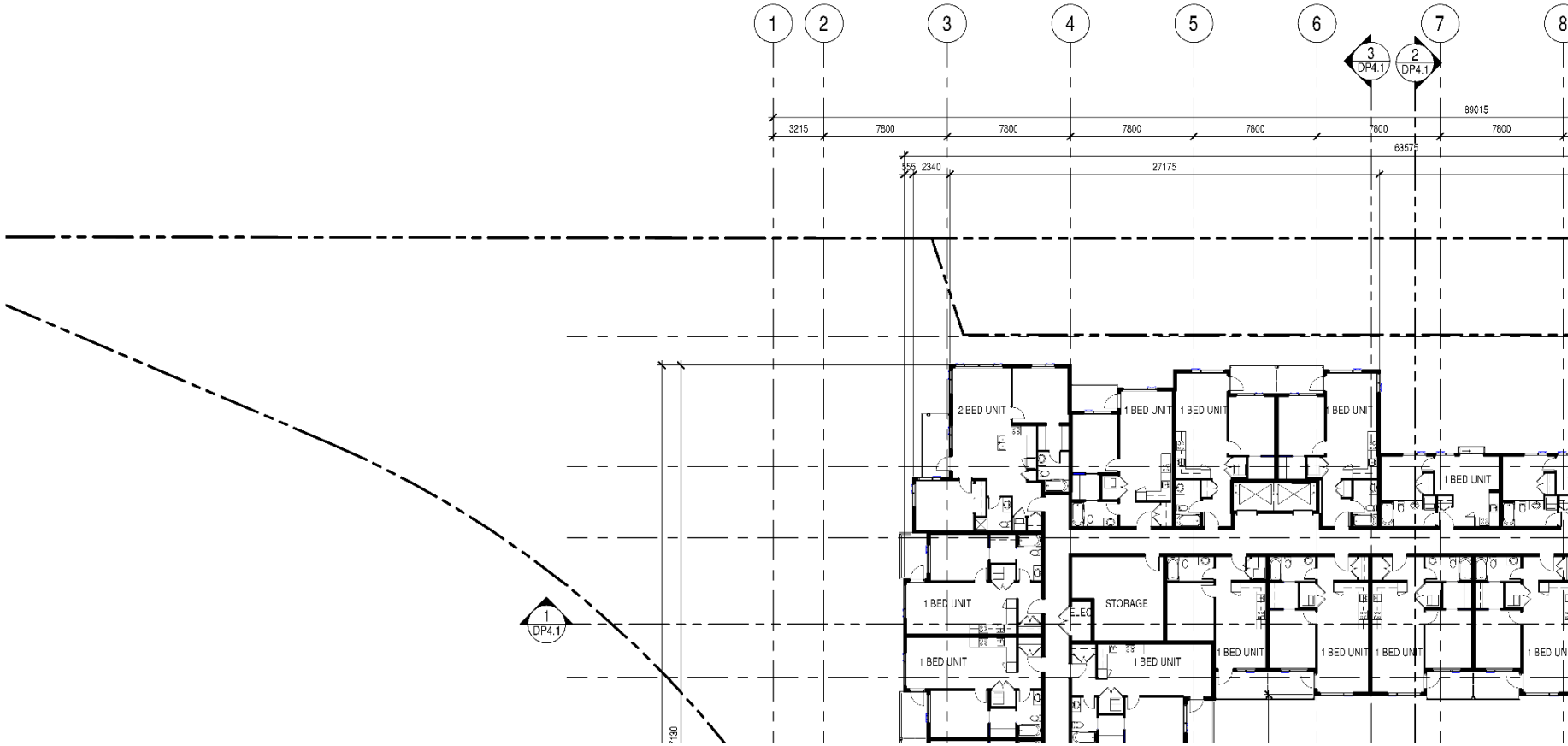
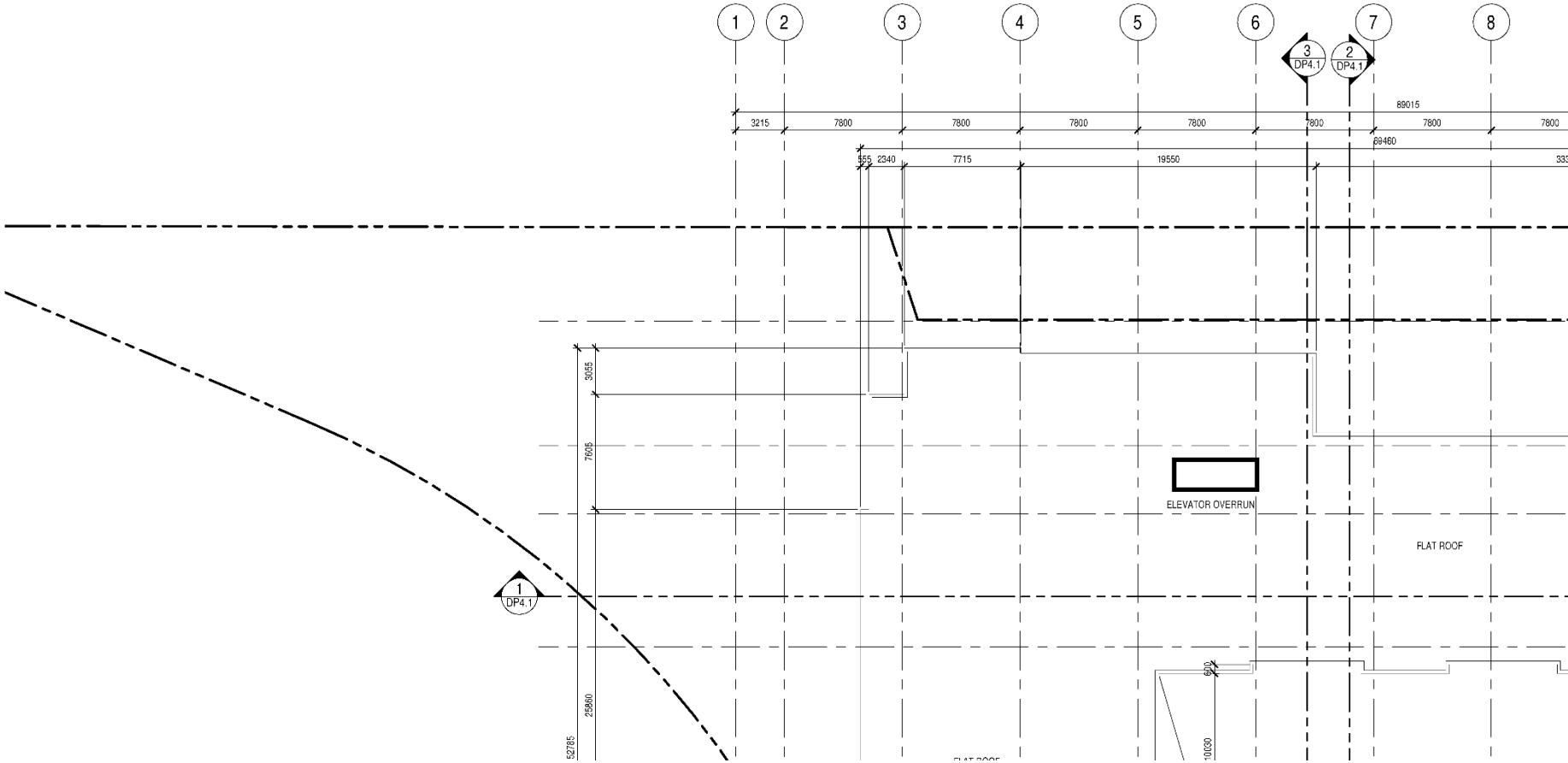
City of Kelowna



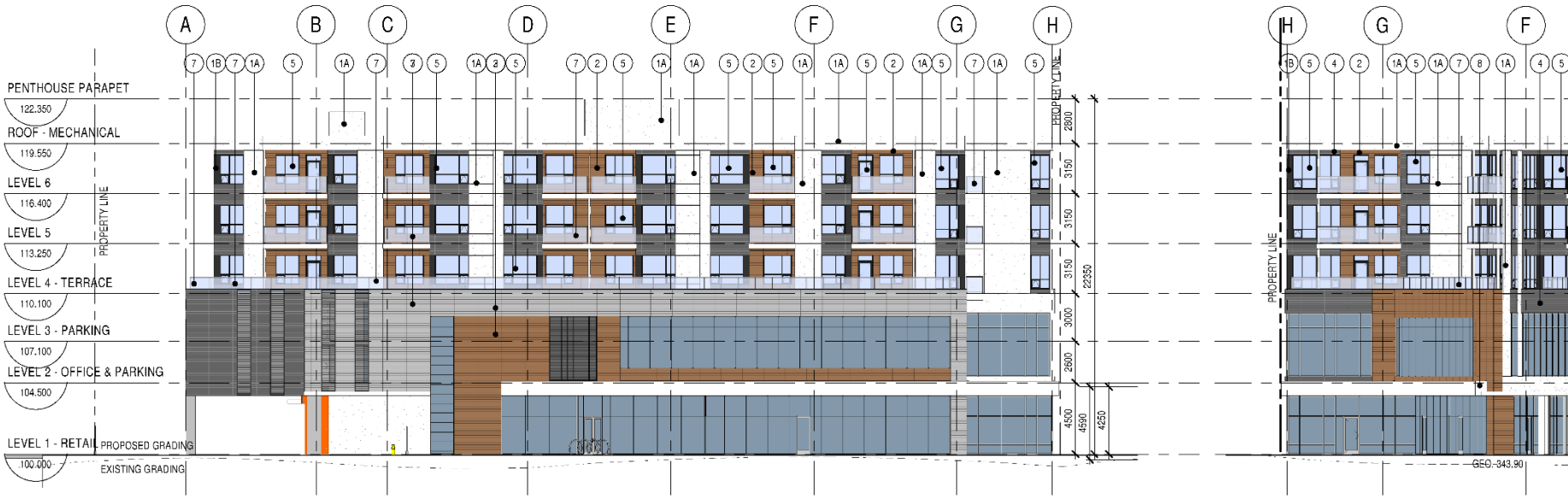
SCHEDULE A
This forms part of development
Permit # Z16-0040

City of Kelowna



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

City of Kelowna



4 DP3.1 BUILDING ELEVATION - NORTH

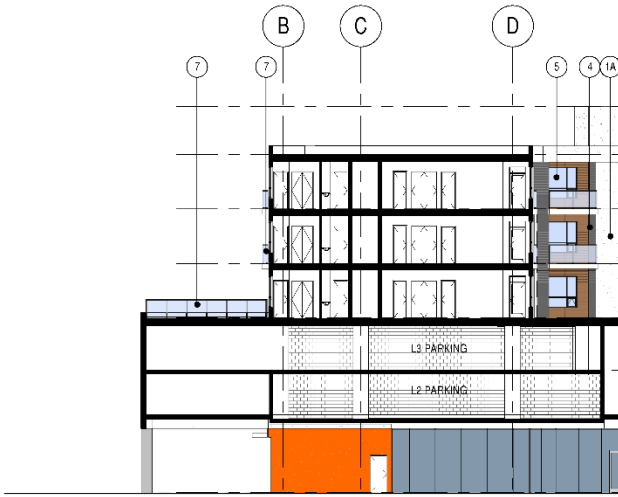
SCALE: 1 : 200

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

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.

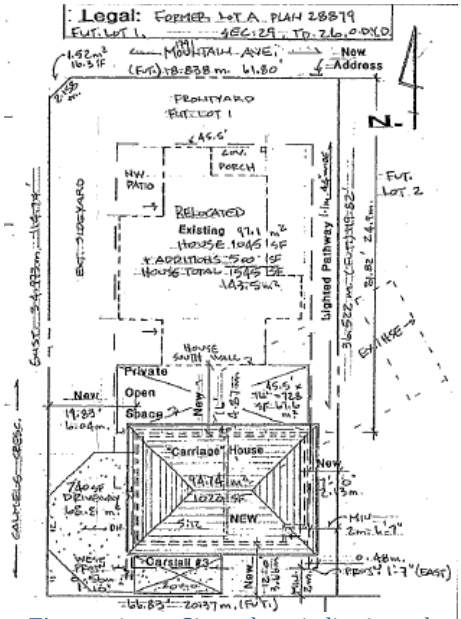


Figure 1 – Site plan indicating the proposed carriage house.

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

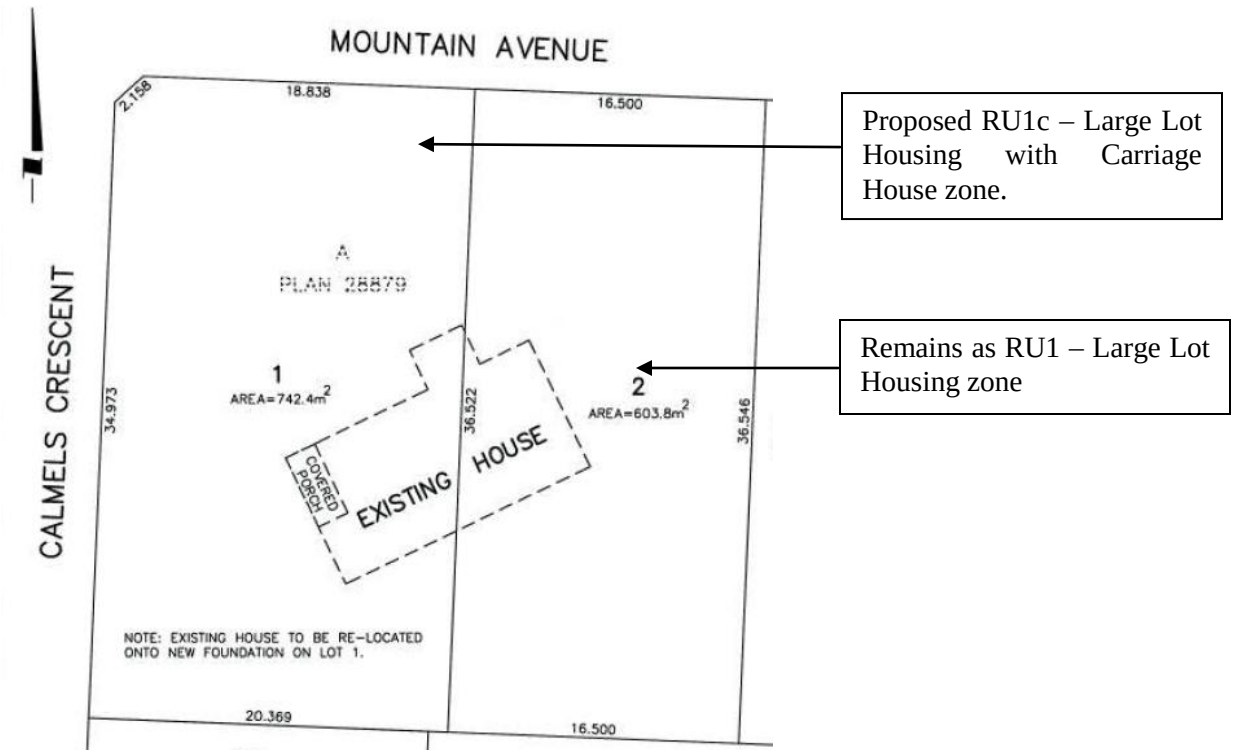
The subject property is located on the southeast corner of Mountain Avenue and Calmels Cresent in the Glenmore/Clifton/Dilworth Sector of Kelowna.

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 4.14 m (to mid-point) 5.43 m (to roof peak)	1 storey Carriage house 4.03 m (to midpoint) 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

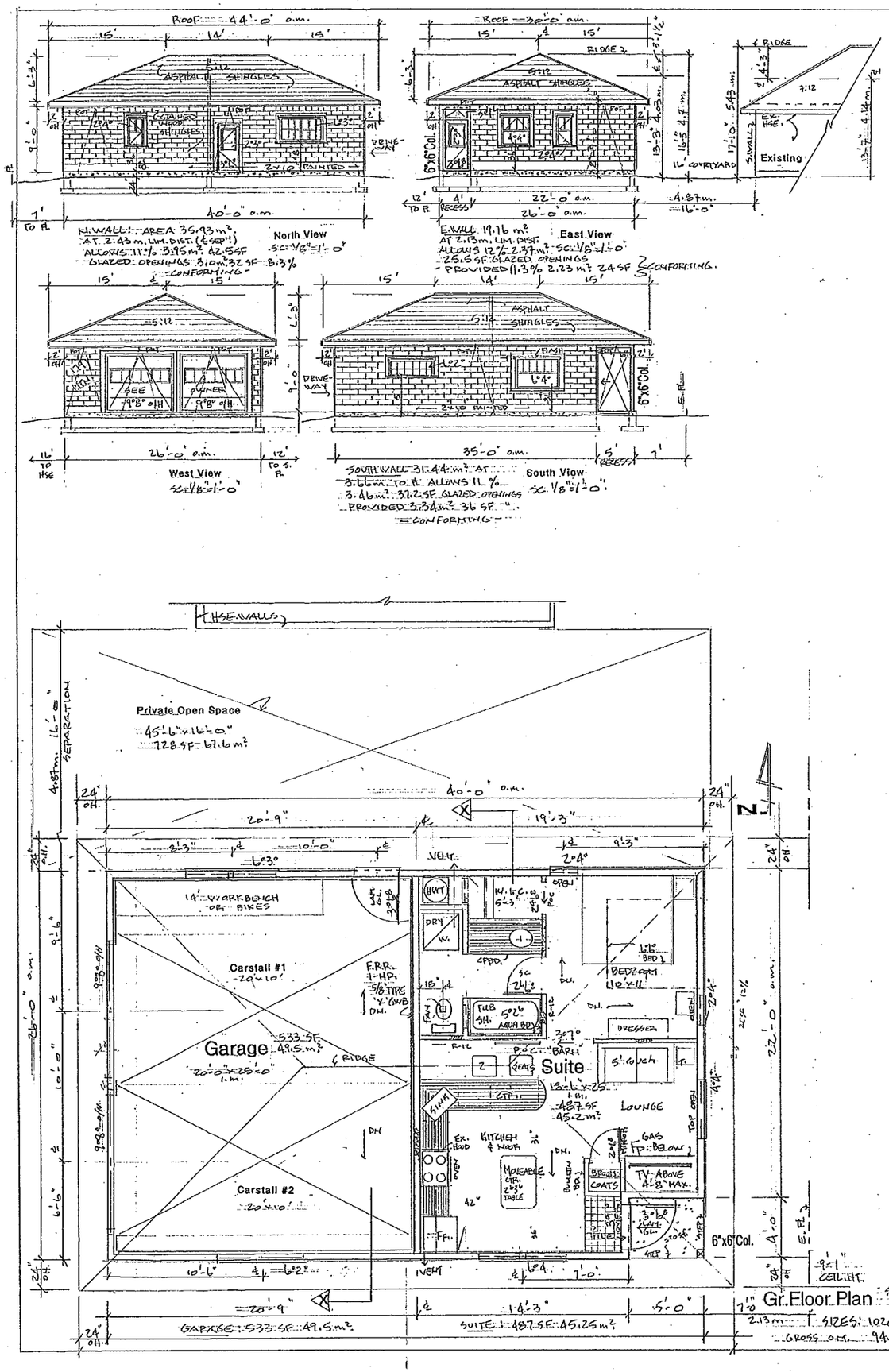
The Development Engineering comments and requirements regarding this Development Permit application are as follows:

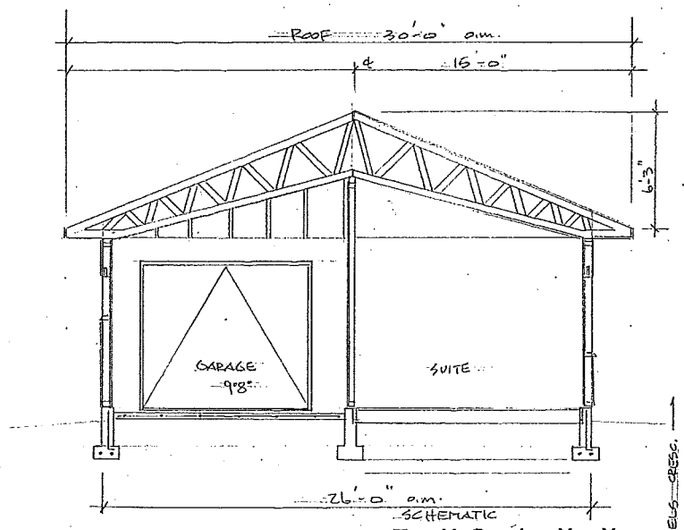
1. **General.**

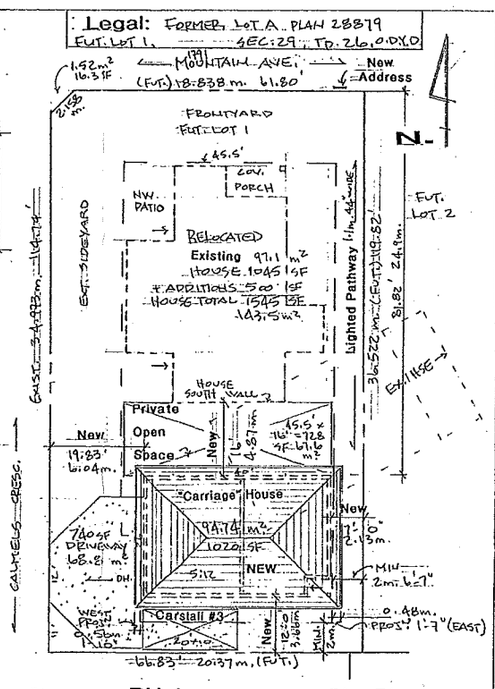
   a) All the offsite infrastructure and services upgrades are addressed in the Subdivision Engineering Report under file: S15-0024.

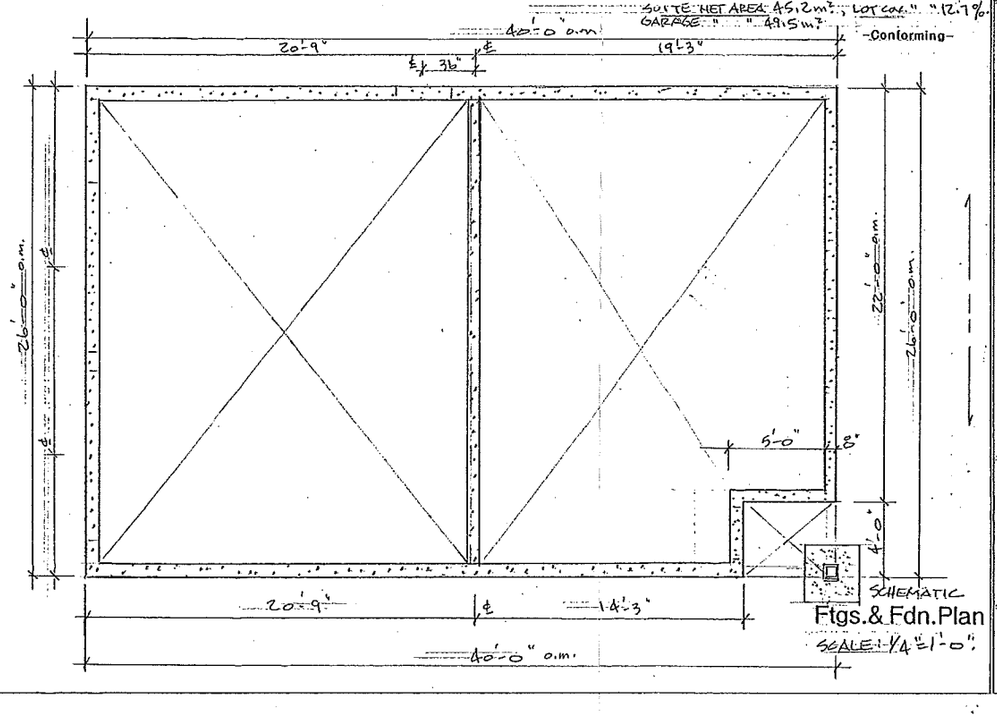
Steve Muenz, P. Eng.
Development Engineering Manager

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@ex.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
SCALE: AS SHOWN
PROJ. No. 2015-11-10.
DATE: DEC.8, 2015.
DWG: PJC
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

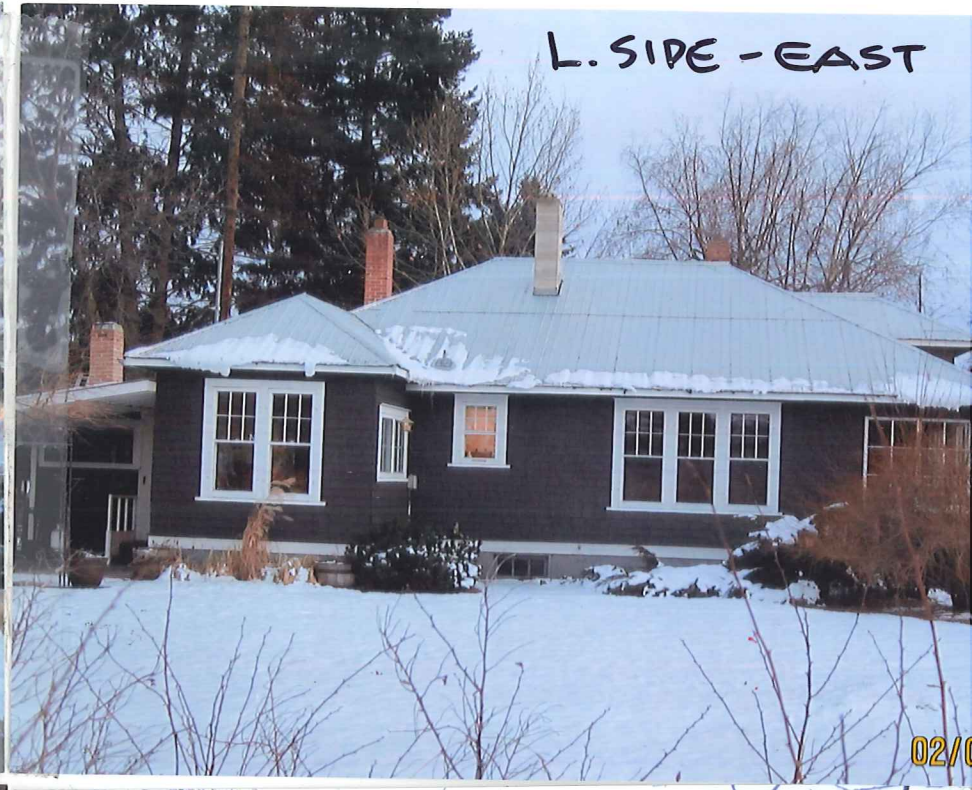
Trim : white.

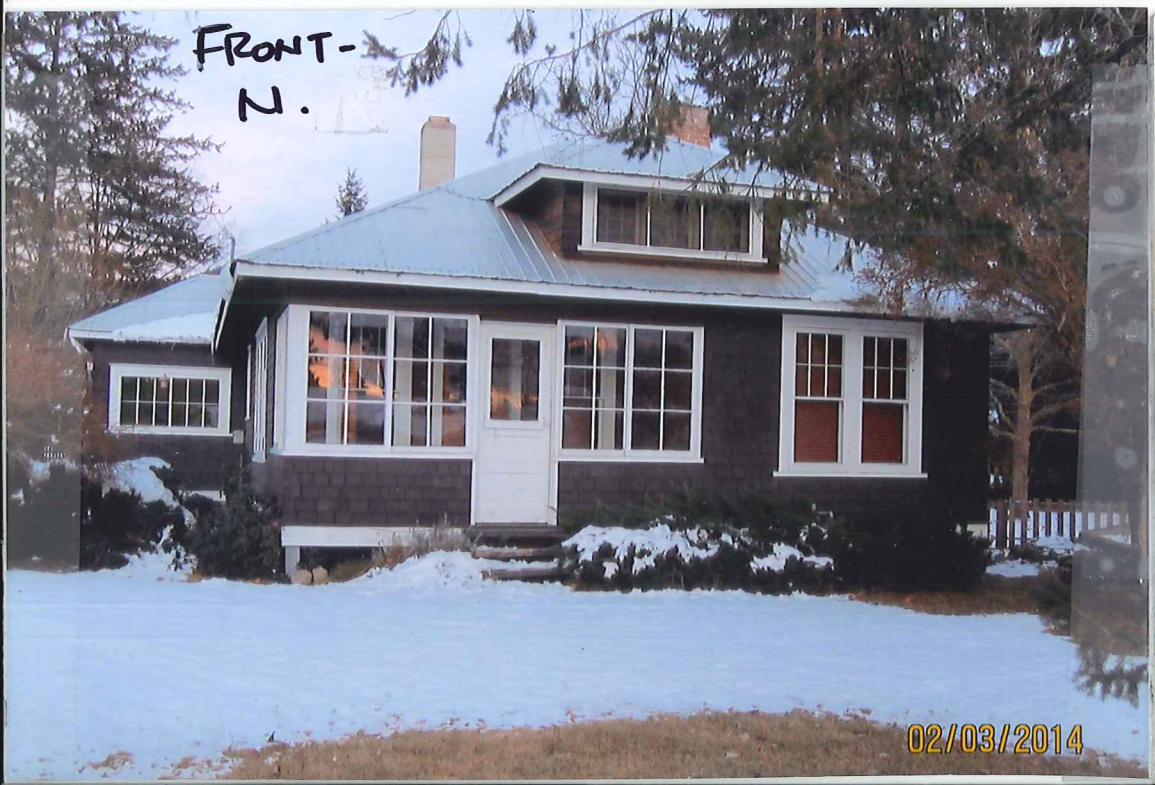
VC1
Oxford Ivory.

Sash :

Other : Doors - Railings

REAR S.E.
1791
02/03/2014


L. SIDE - EAST


FRONT - N.
02/03/2014

R. SIDE - W.
NEW ↗ ADDITION

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.

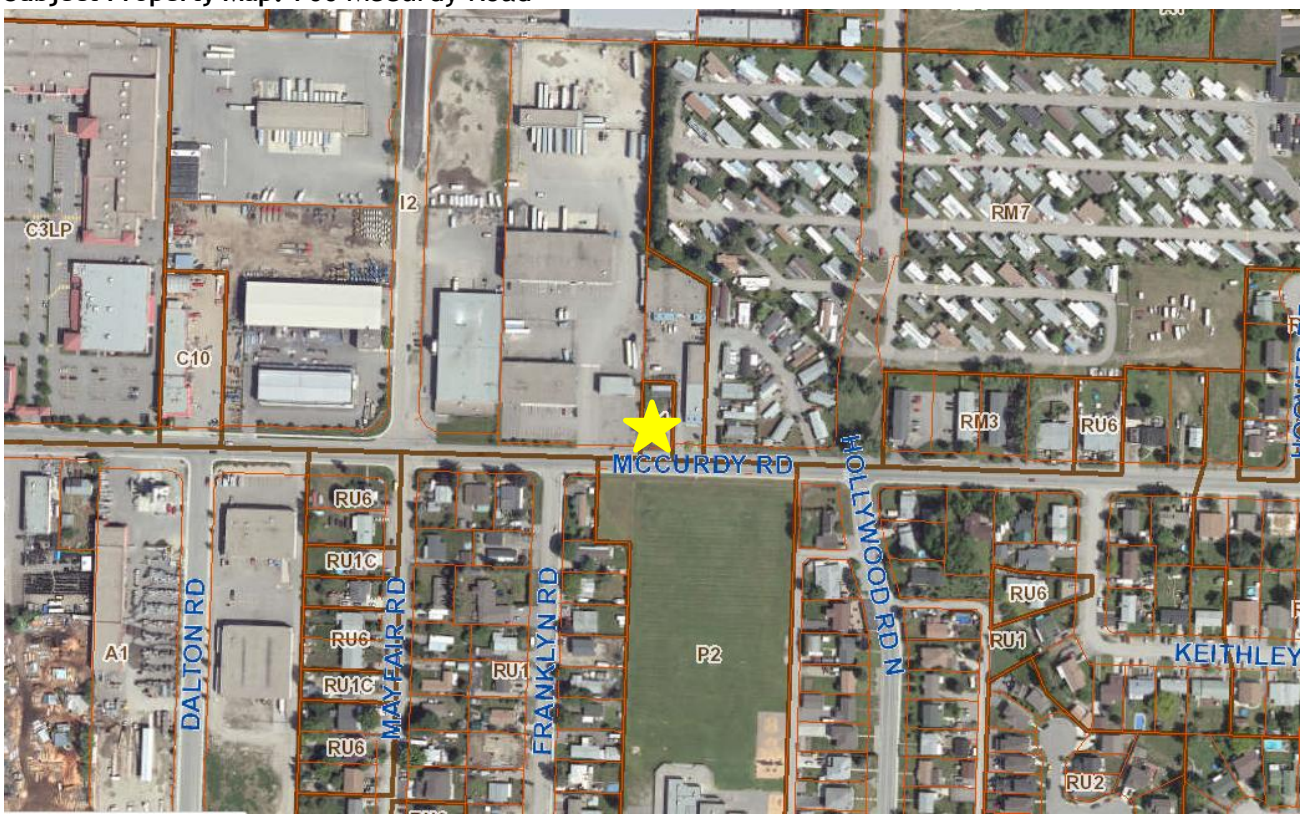
4.3 Site Context

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

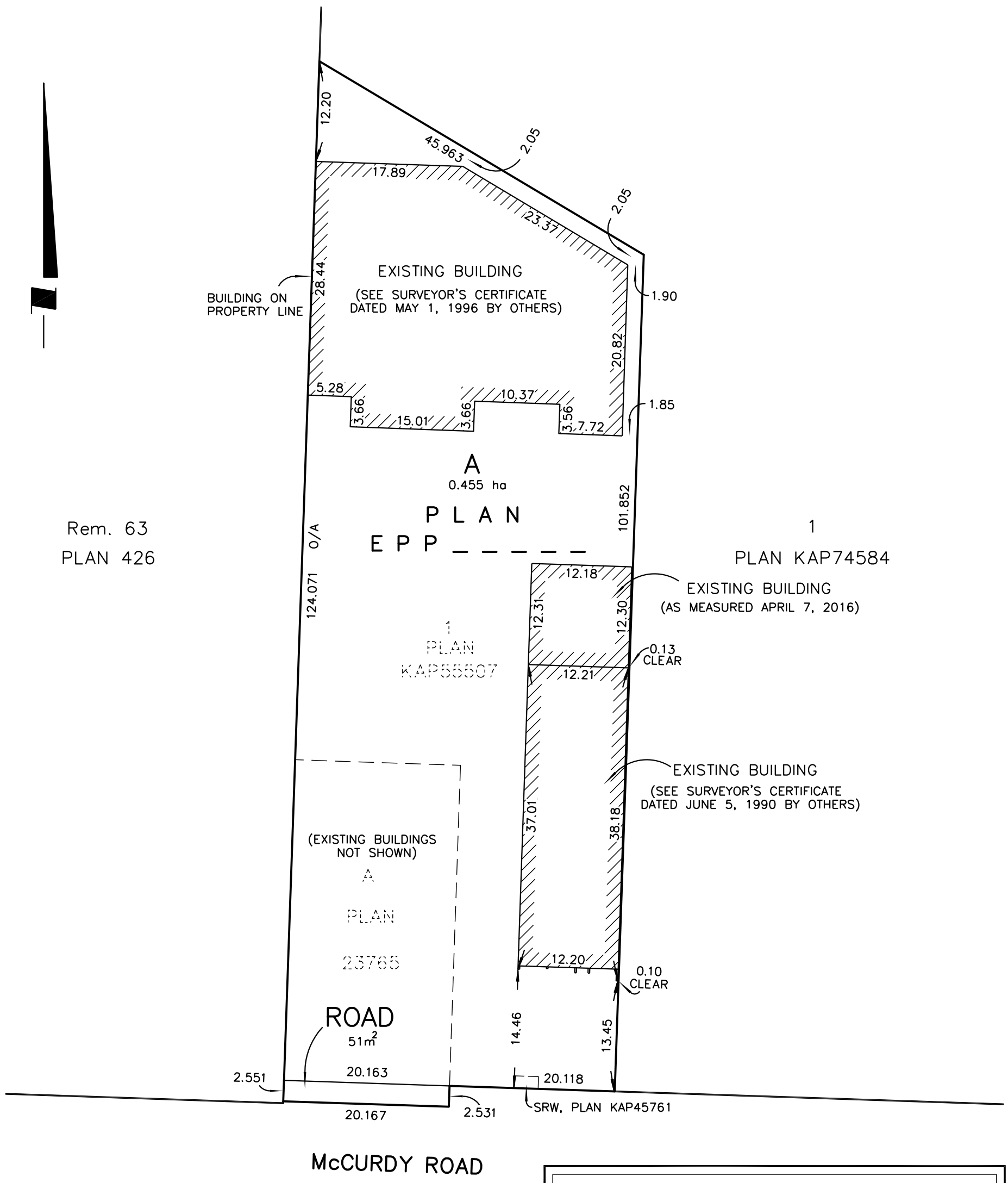
jo

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

S:\Shared (Aug 10, 2006)\Job_Files\205XX\20558\20558-PROP-SUB.DWG
DRFTD BY: FL FB/PG: N/A

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 m

Height (carriage house shall not be higher than existing primary dwelling unit)	2 storey ex. House 5.01 m (to mid-point) 5.53 m (to roof peak)	4.8 m (to mid-point) 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

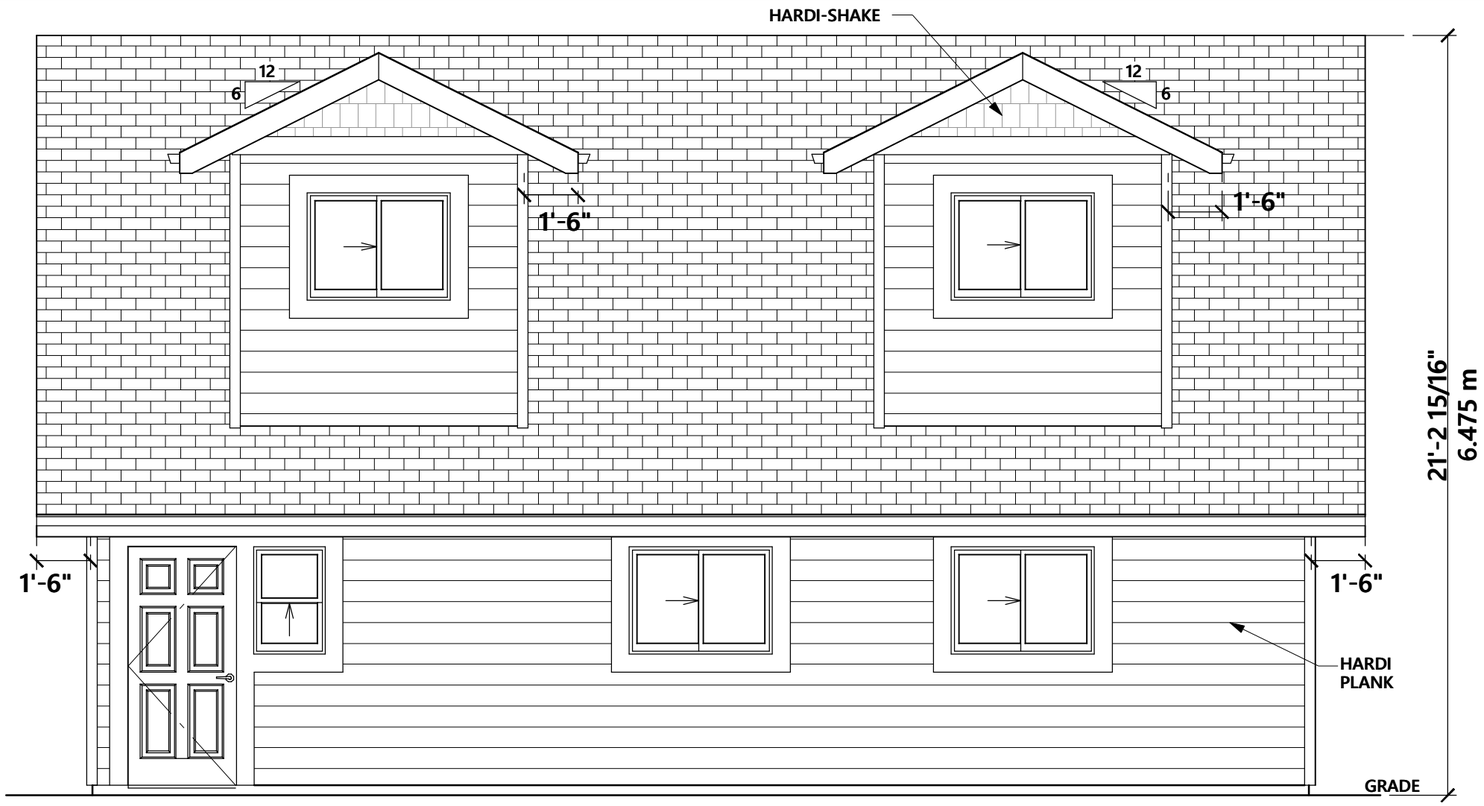
Report prepared by:

_____
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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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

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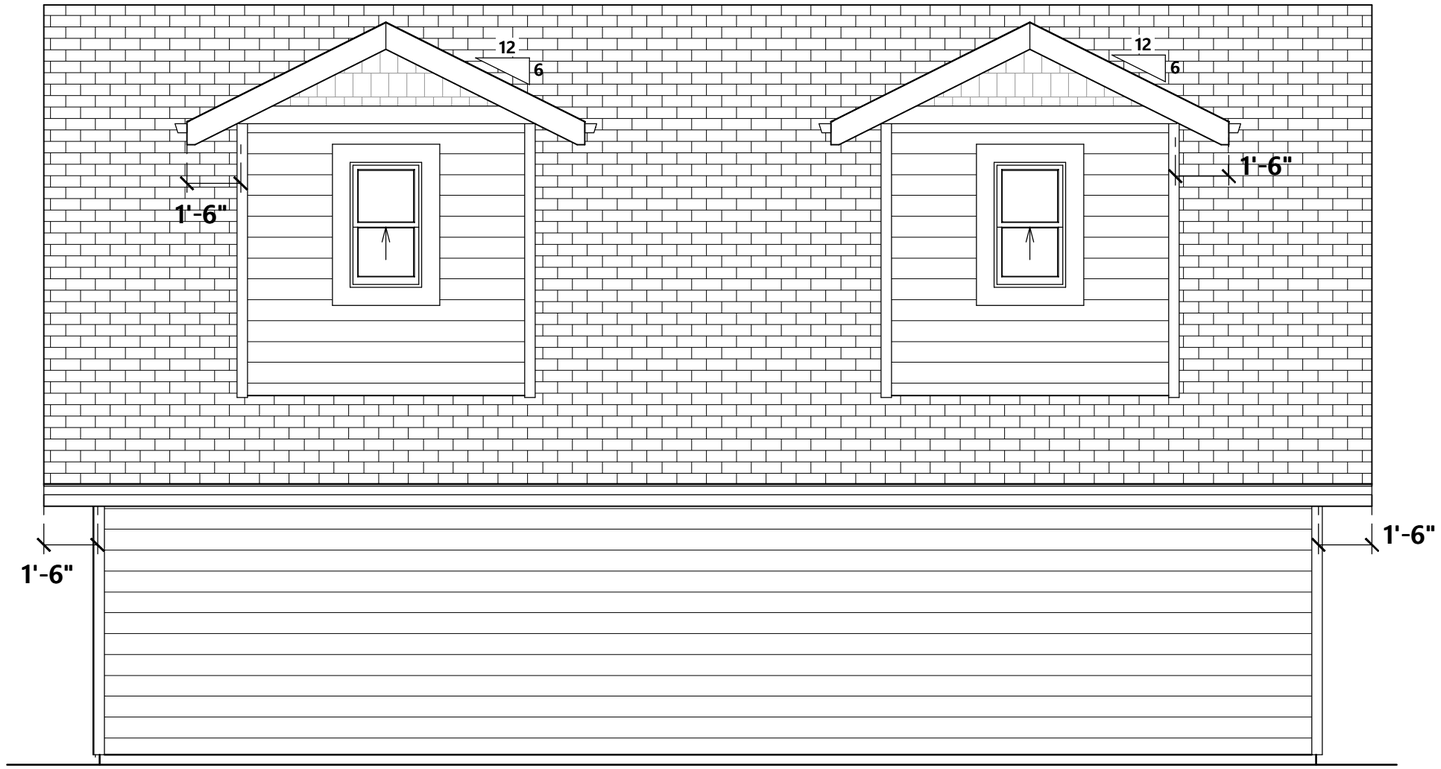


REAR ELEVATION

STANDARD NOTES

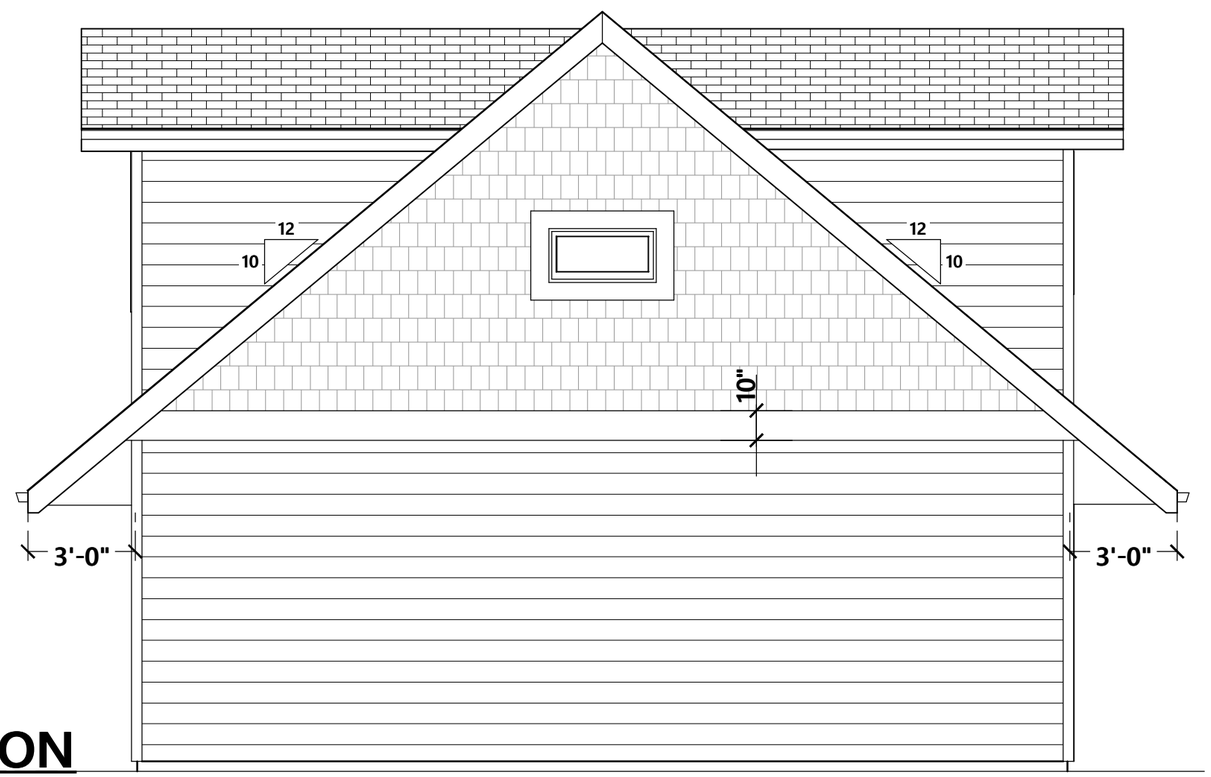
1. ALL WORK SHALL CONFORM TO THE CURRENT BUILDING CODES ADOPTED BY AUTHORITIES HAVING JURISDICTION OR LOCAL BUILDING CODES AND BYLAWS WHICH MAY TAKE PRECEDENCE.

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

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PROJECT TITLE:
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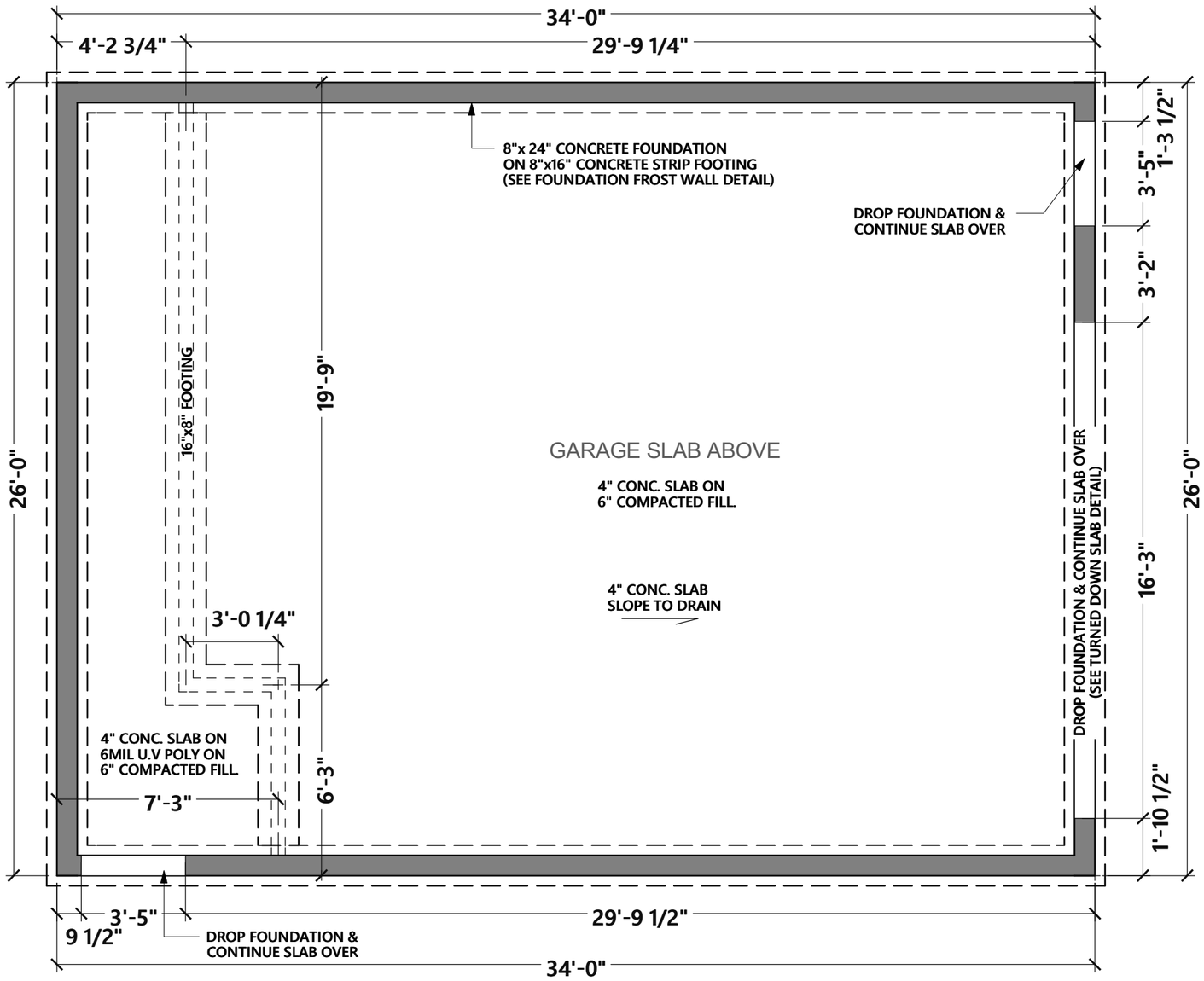
KELOWNA
DETACHED GARAGE

DATE:
4/6/2016

SCALE:
1/4" = 1'

SHEET:
2/13



FOUNDATION PLAN

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ISSUED PLANS:

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

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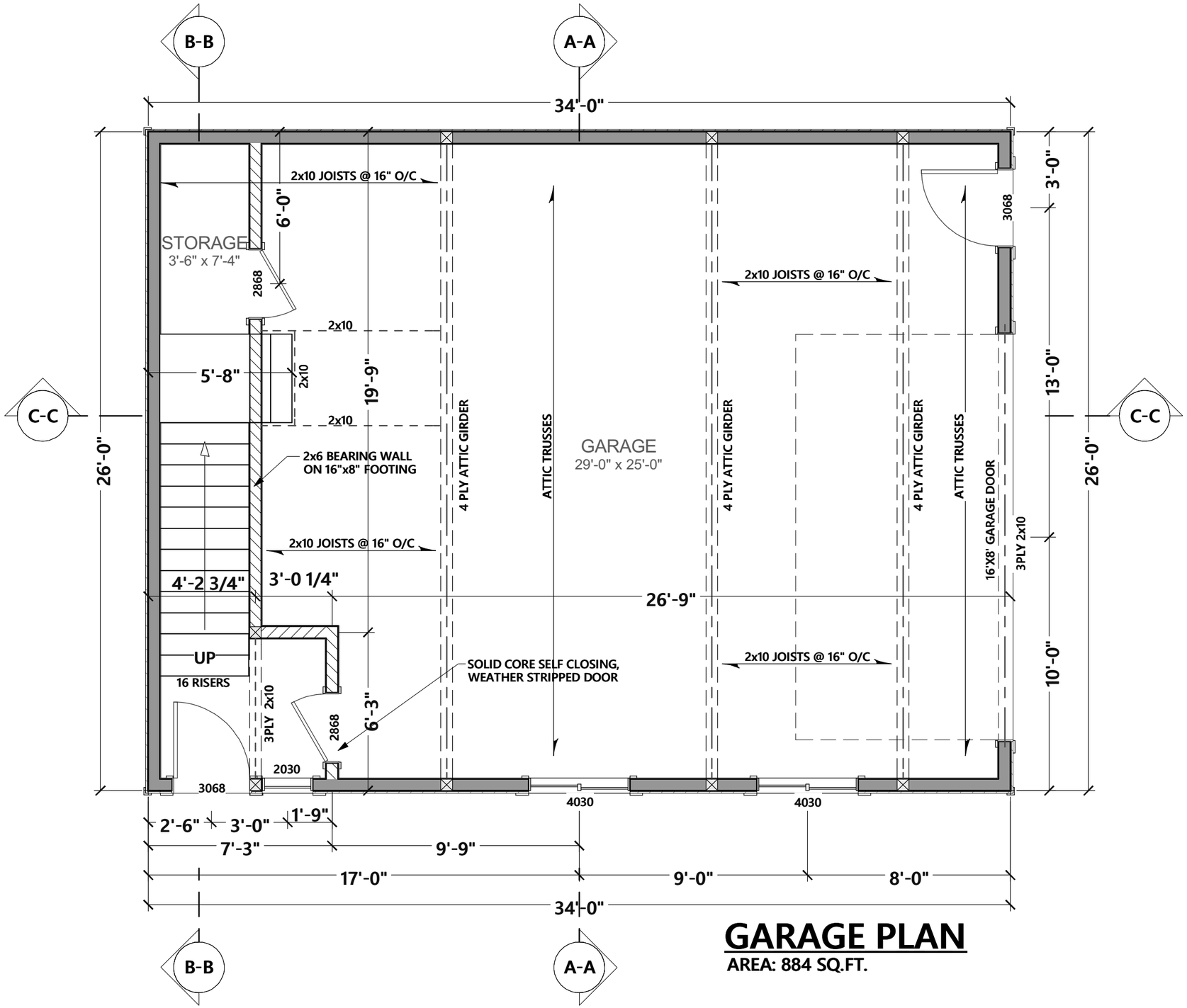
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 3/13



GARAGE PLAN

AREA: 884 SQ.FT.

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ISSUED PLANS:

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

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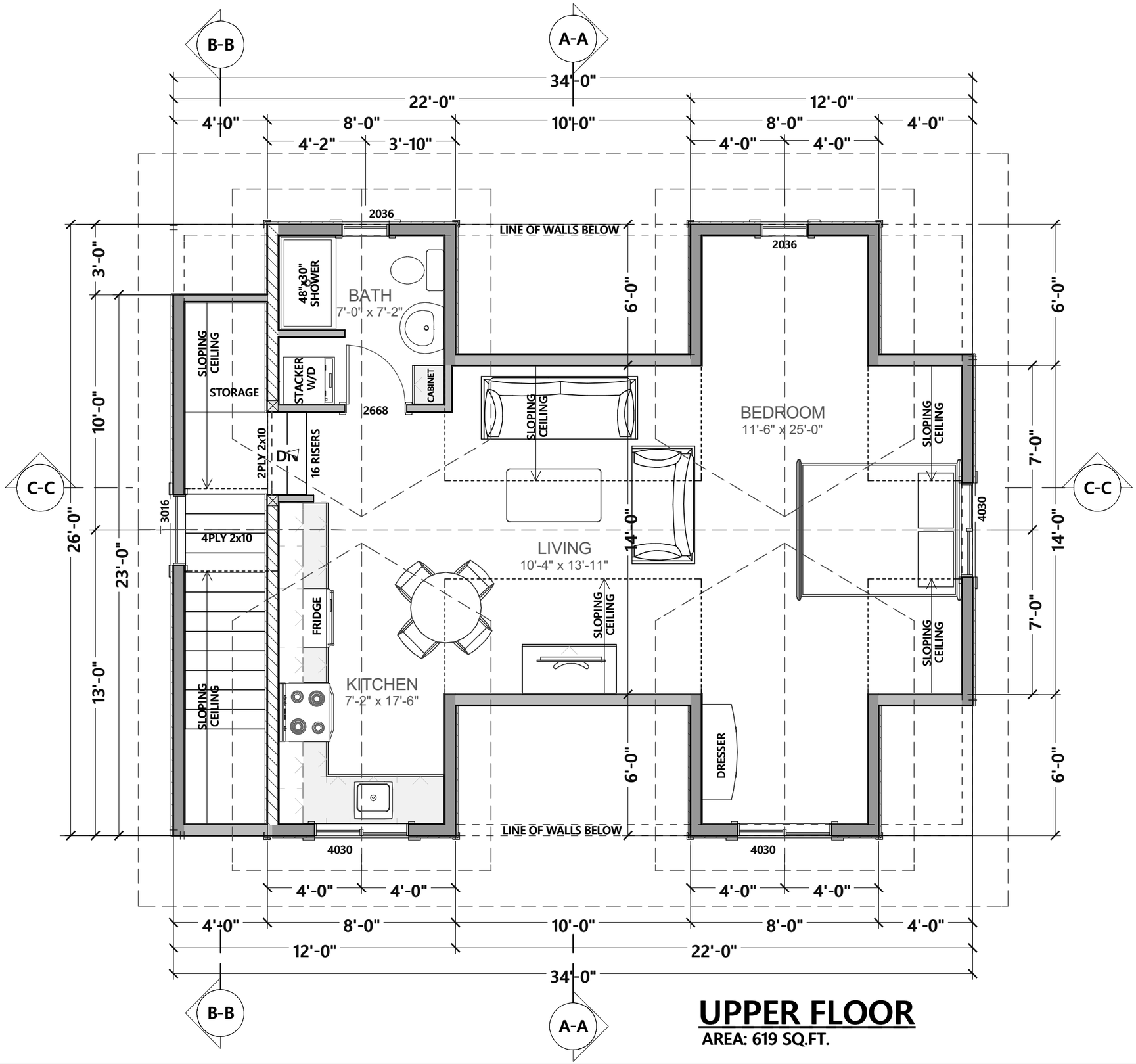
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 4/13



UPPER FLOOR

AREA: 619 SQ.FT.

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ISSUED PLANS:

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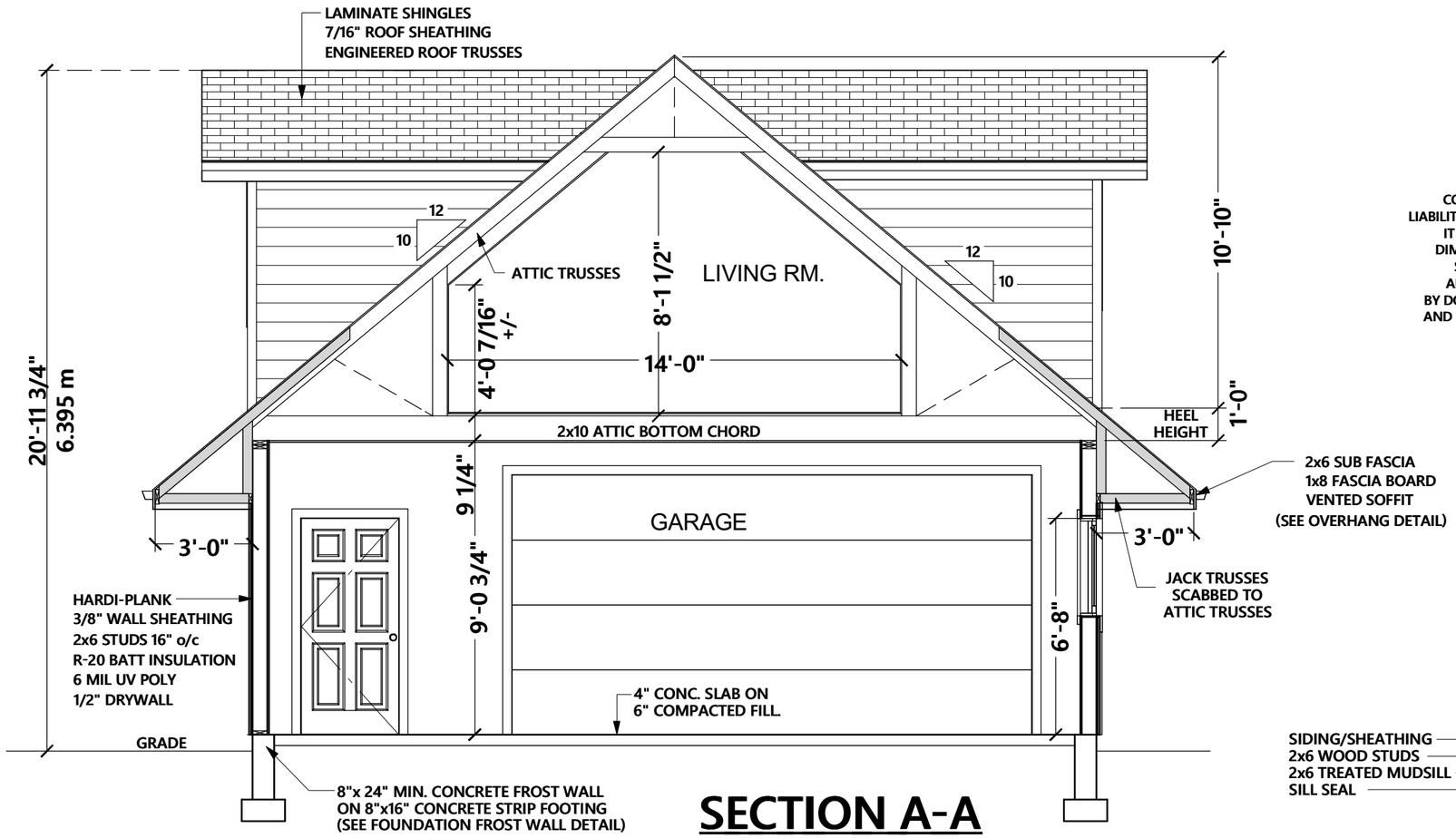
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

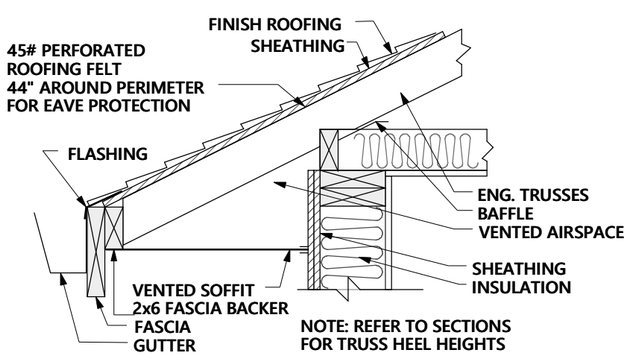
SHEET: 5/13



SECTION A-A

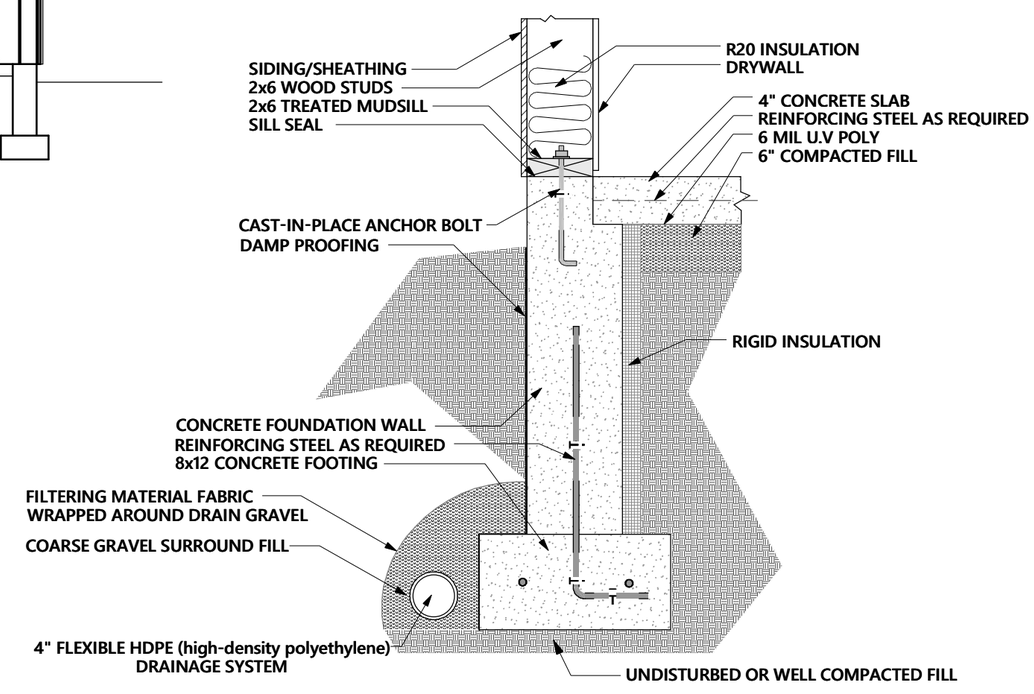
ERRORS AND OMISSIONS

"R-TISTRY HOME DESIGN" MAKES EVERY EFFORT TO PROVIDE COMPLETE AND ACCURATE HOME PLANS. HOWEVER, WE ASSUME NO LIABILITY FOR ANY ERRORS OR OMISSIONS WHICH MAY EFFECT CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE BUILDER TO CHECK AND VERIFY ALL DIMENSIONS AND DETAILS BEFORE PROCEEDING WITH CONSTRUCTION. SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS PLEASE ADVISE "R-TISTRY HOME DESIGN" AT YOUR EARLIEST CONVENIENCE. BY DOING SO WE WILL BE ABLE TO MAKE CORRECTIONS TO THE DRAWINGS AND REPLACE ANY PLANS PURCHASED IF NECESSARY. IN THIS WAY WE CAN BETTER SERVE YOU AND PREVENT ERRORS FROM RECURRING.



ROOF OVERHANG

SCALE: 1" = 1'-0"



FOUNDATION FROST WALL: 24" (MIN)

SCALE: 1" = 1'-0"

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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
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.

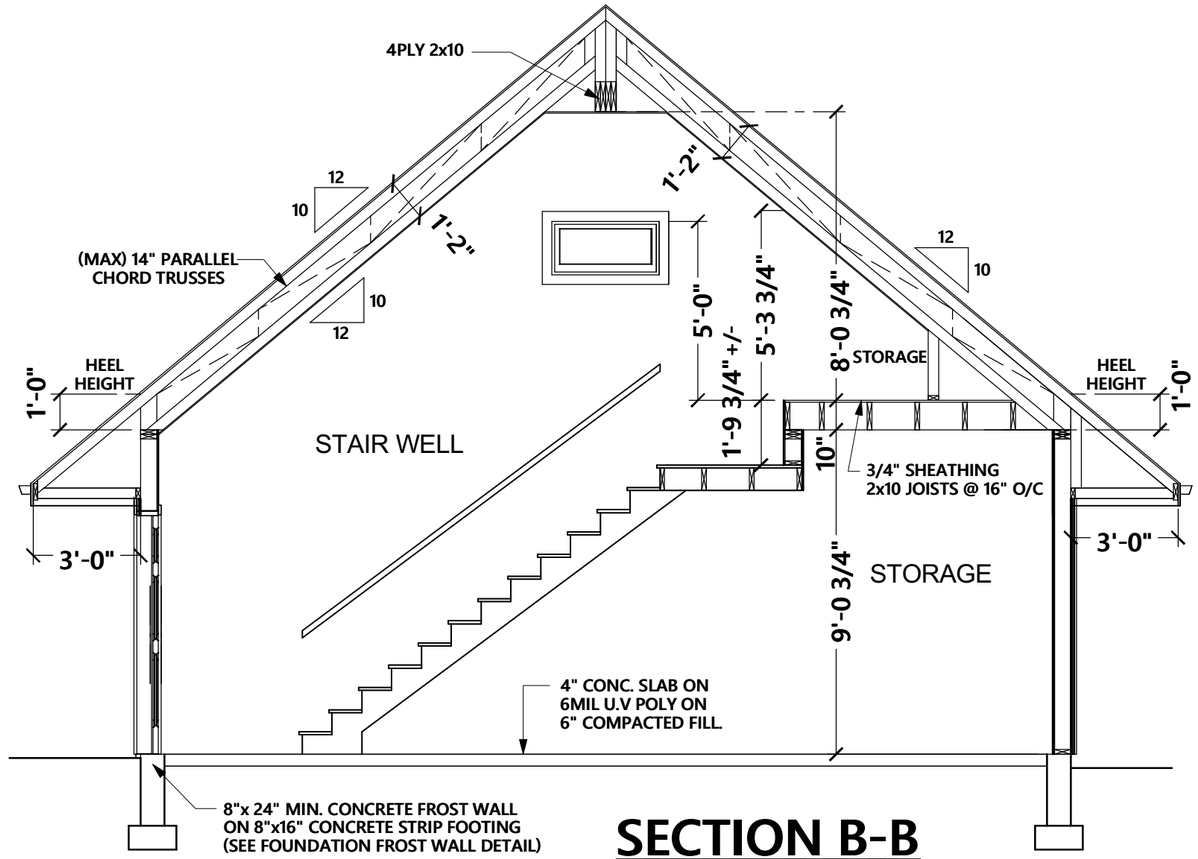
Insulation requirements may vary with heating systems and with local conditions.

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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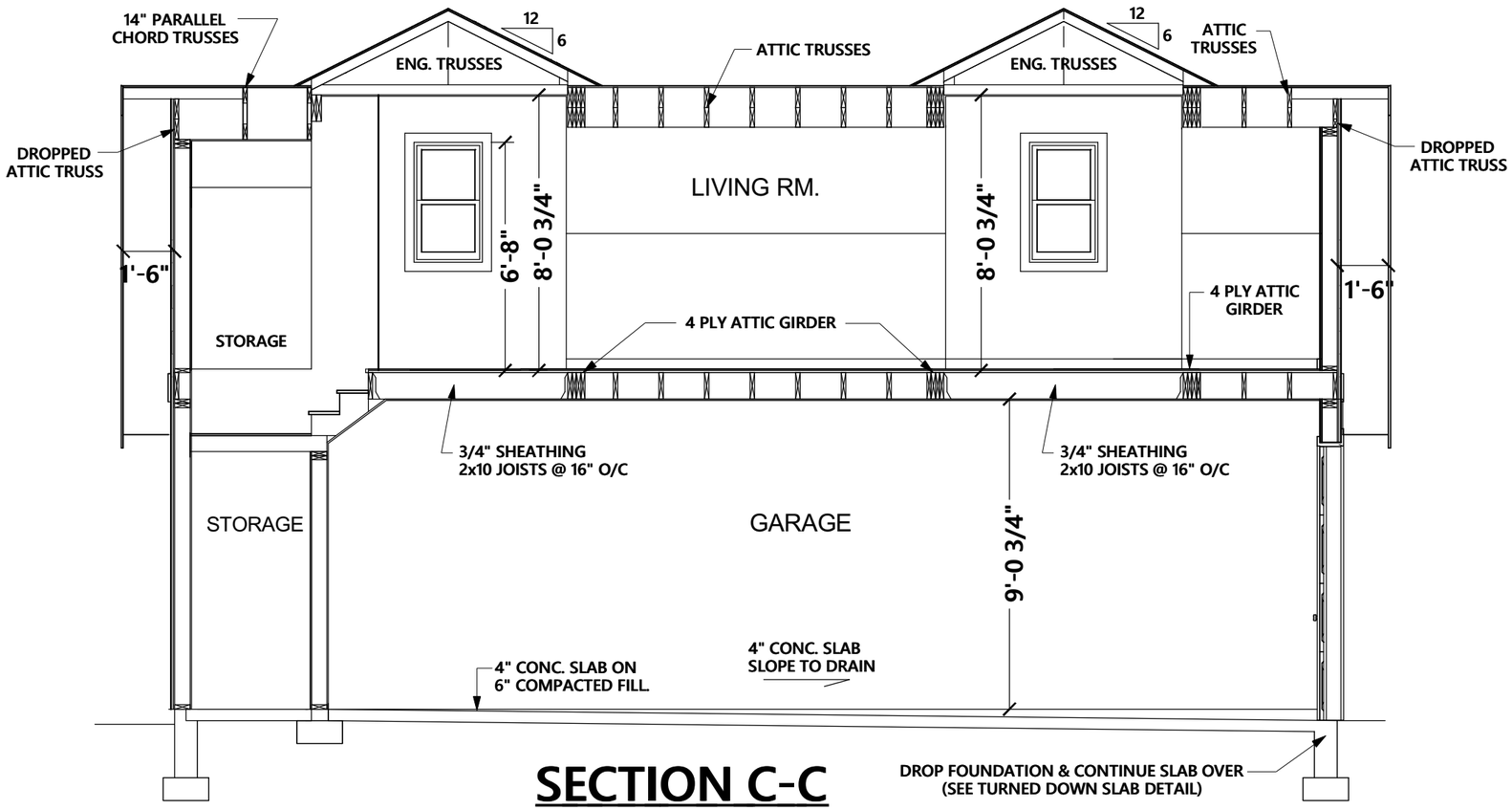
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

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

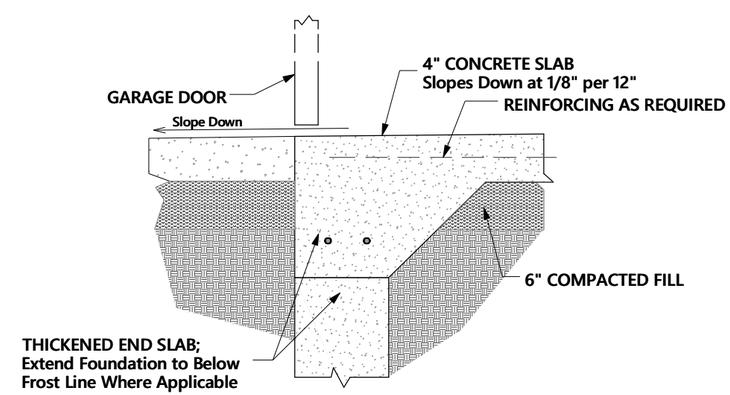
8" CONC. FOUNDATION
10MM REBAR
R12 STYROFOAM INSULATION
8"x16" CONC. FOOTING

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"

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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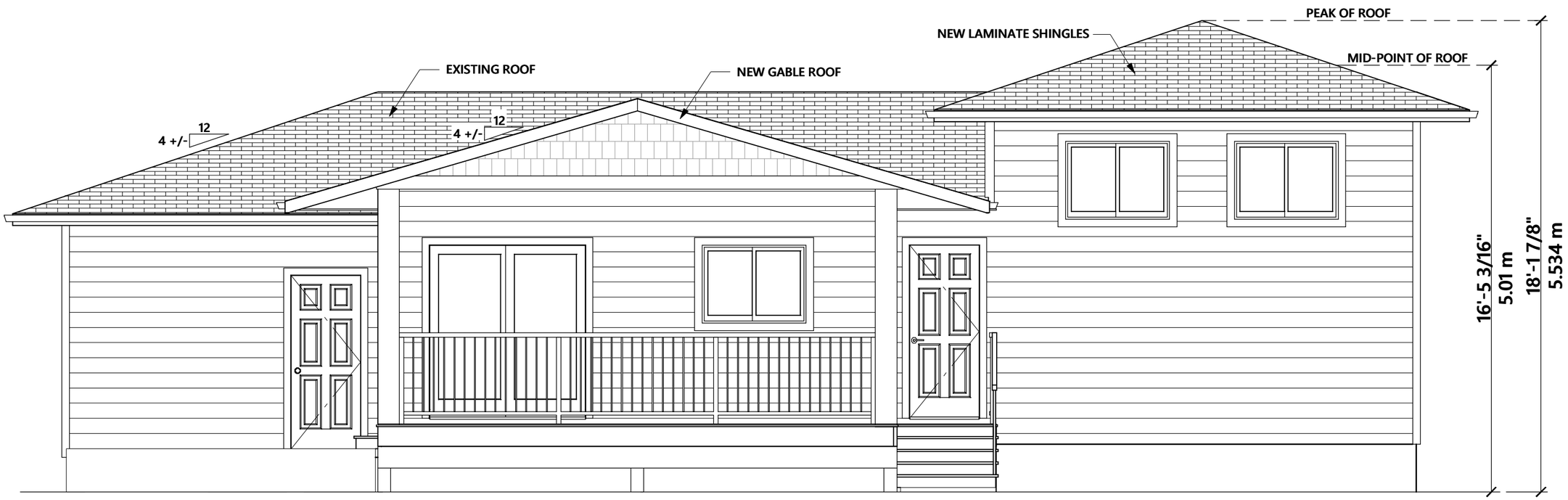
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
DETACHED GARAGE

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 8/13



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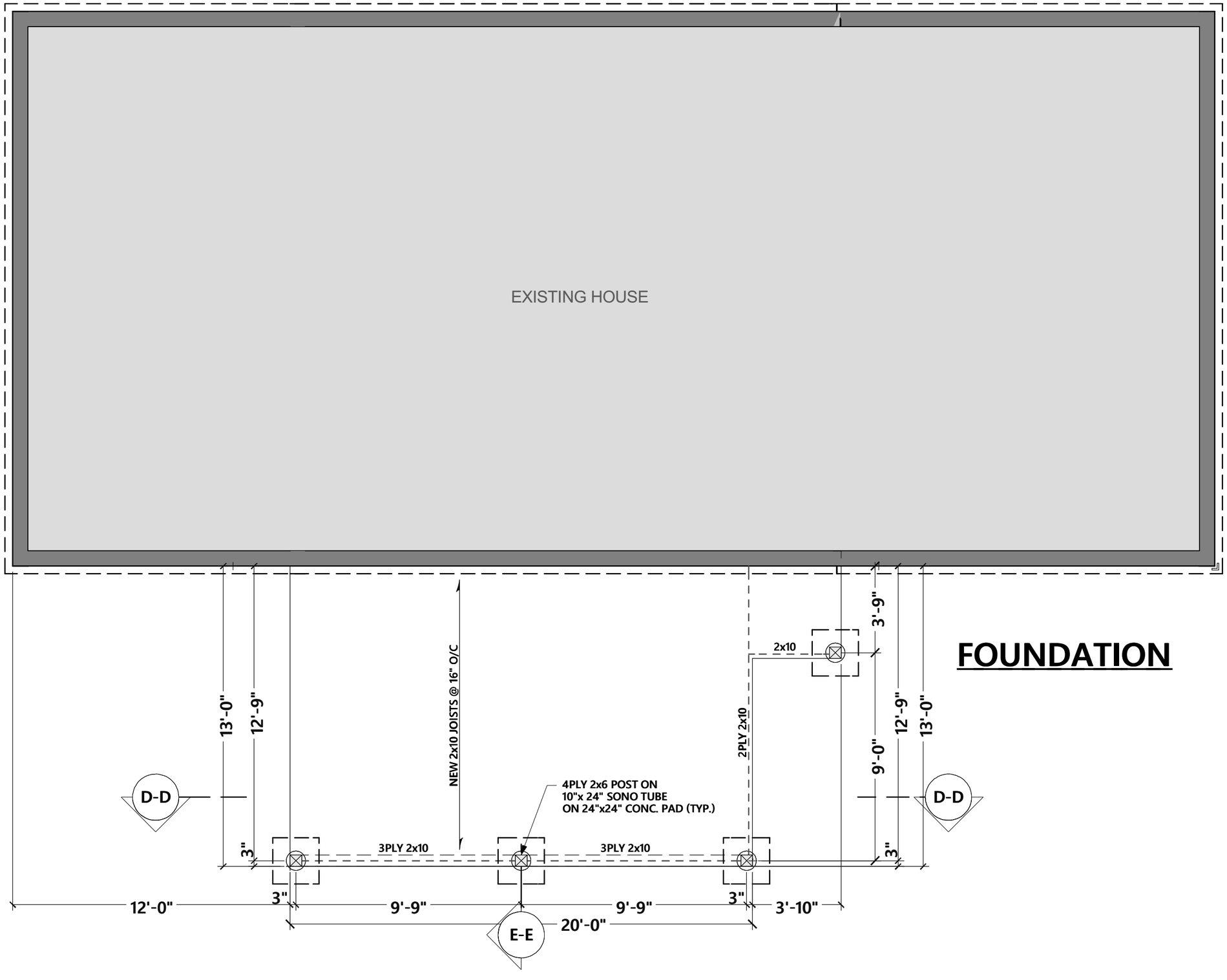
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE:
4/6/2016

SCALE:
1/4" = 1'

SHEET:
9/13

HOUSE - DECK ADDITION



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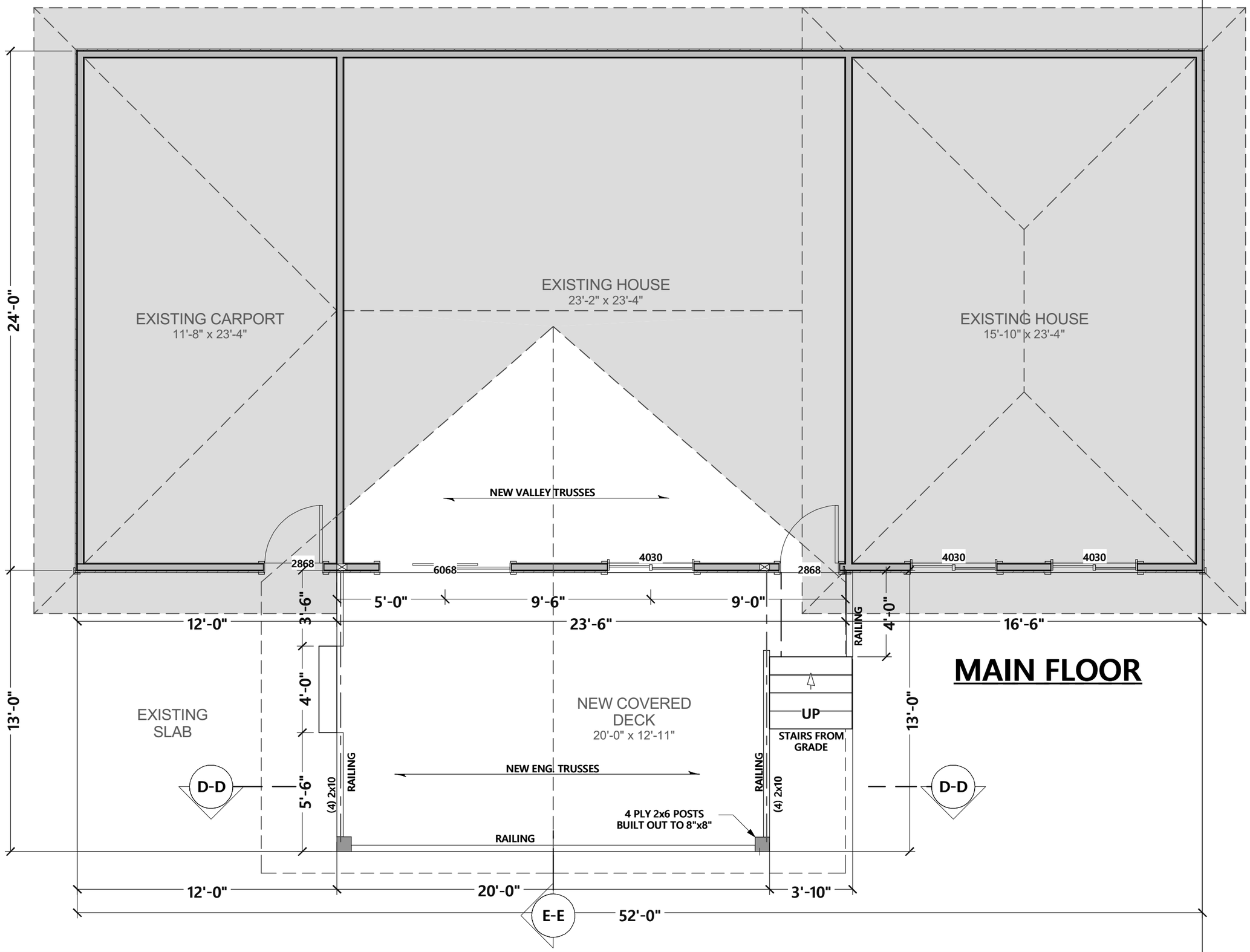
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE: 4/6/2016

SCALE: 1/4" = 1'

SHEET: 10/13

HOUSE - DECK ADDITION



MAIN FLOOR

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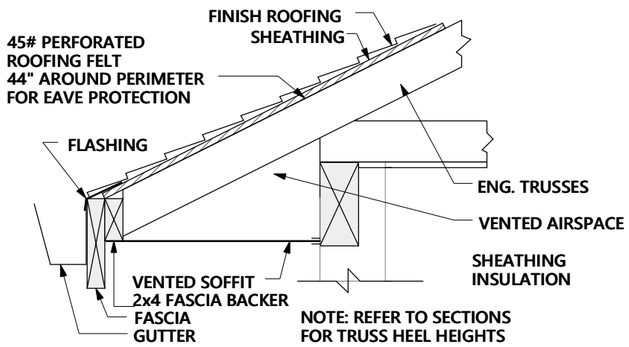
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

DATE: 4/6/2016

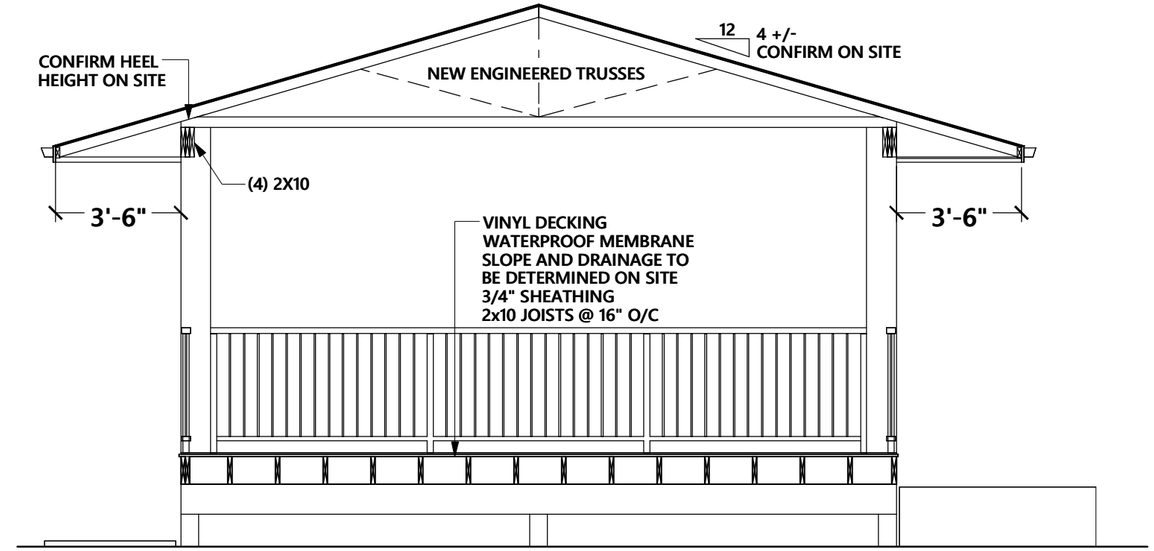
SCALE: 1/4" = 1'

SHEET: 11/13

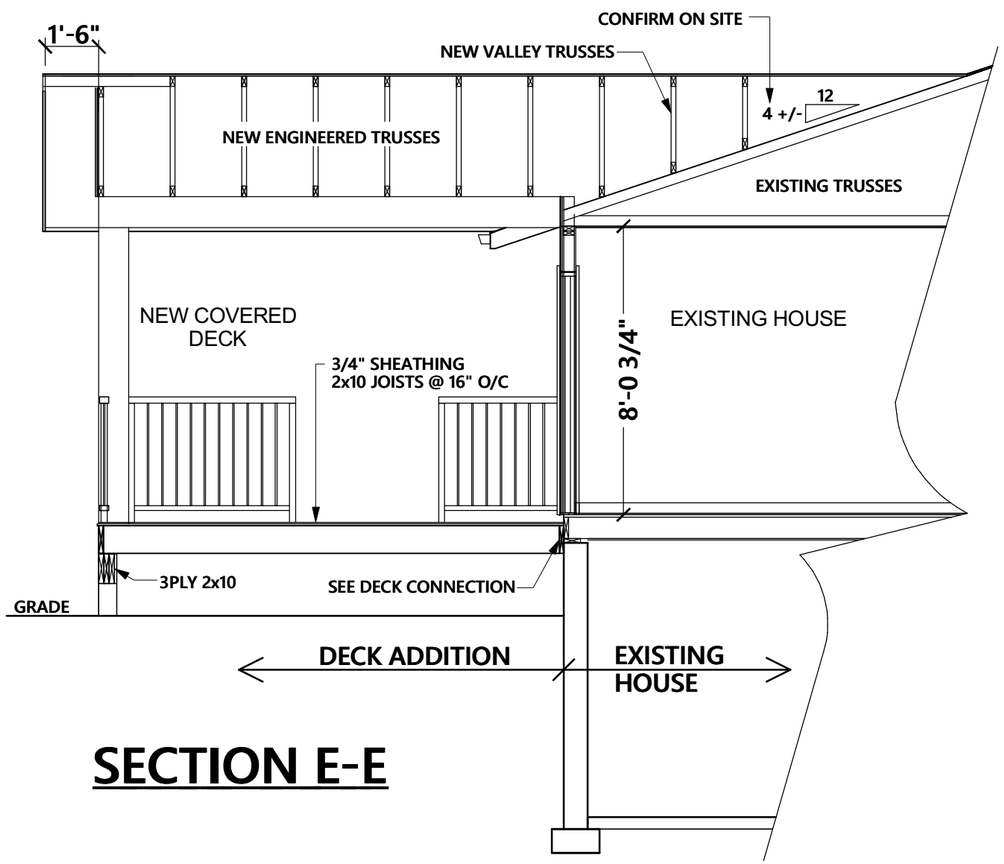


ROOF OVERHANG

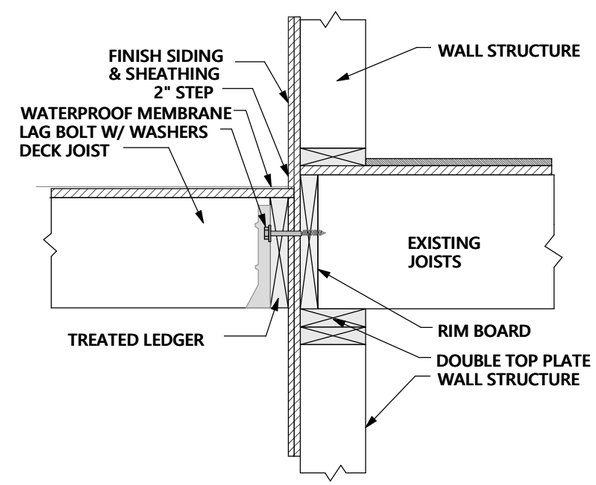
SCALE: 1" = 1'-0"



SECTION D-D



SECTION E-E



DECK CONNECTION

SCALE: 1" = 1'-0"

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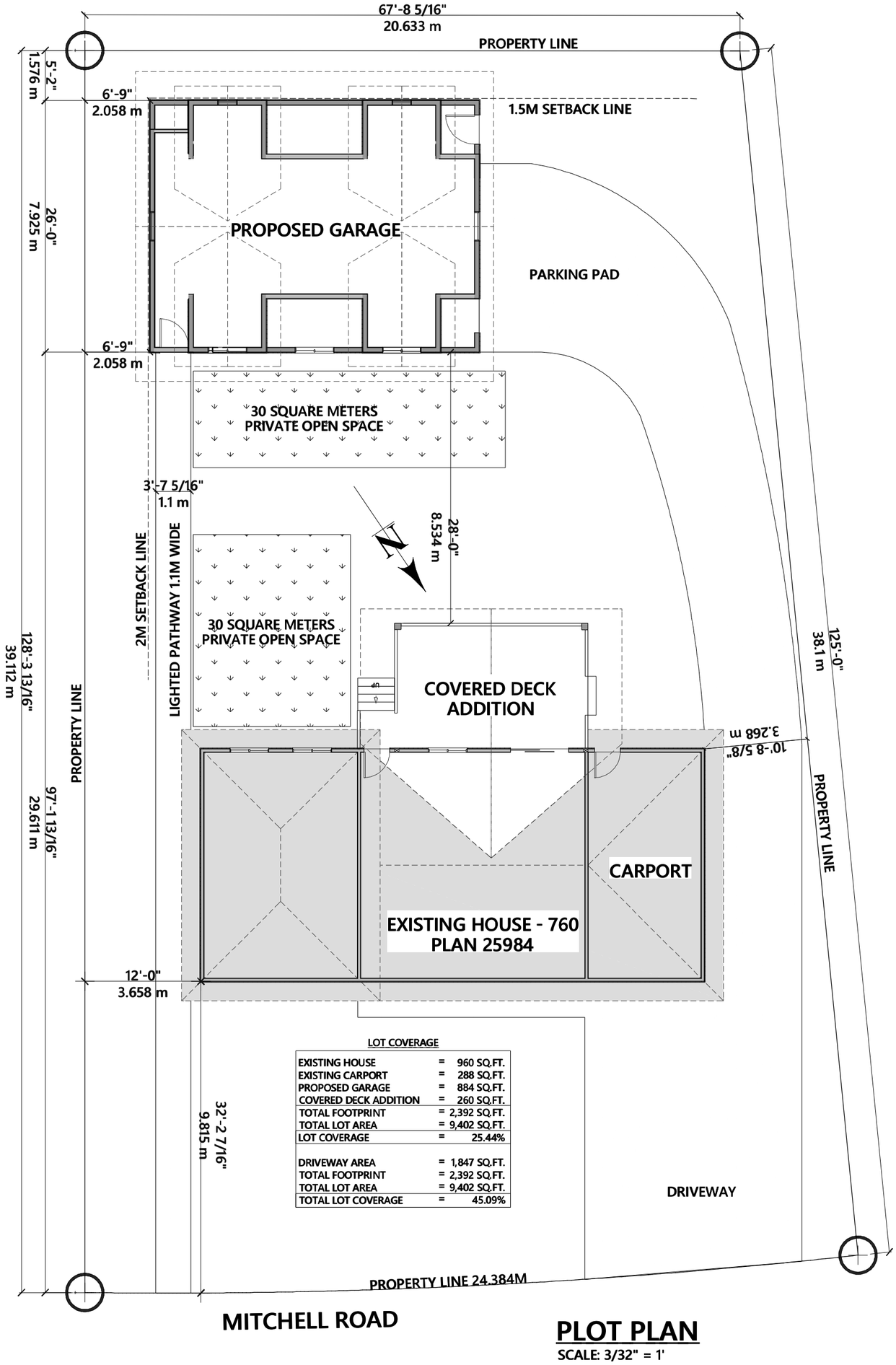
PROJECT TITLE:
760 MITCHELL RD.
KELOWNA
HOUSE - DECK ADDITION

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. KELOWNA DETACHED GARAGE

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ISSUED PLANS:

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

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

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.

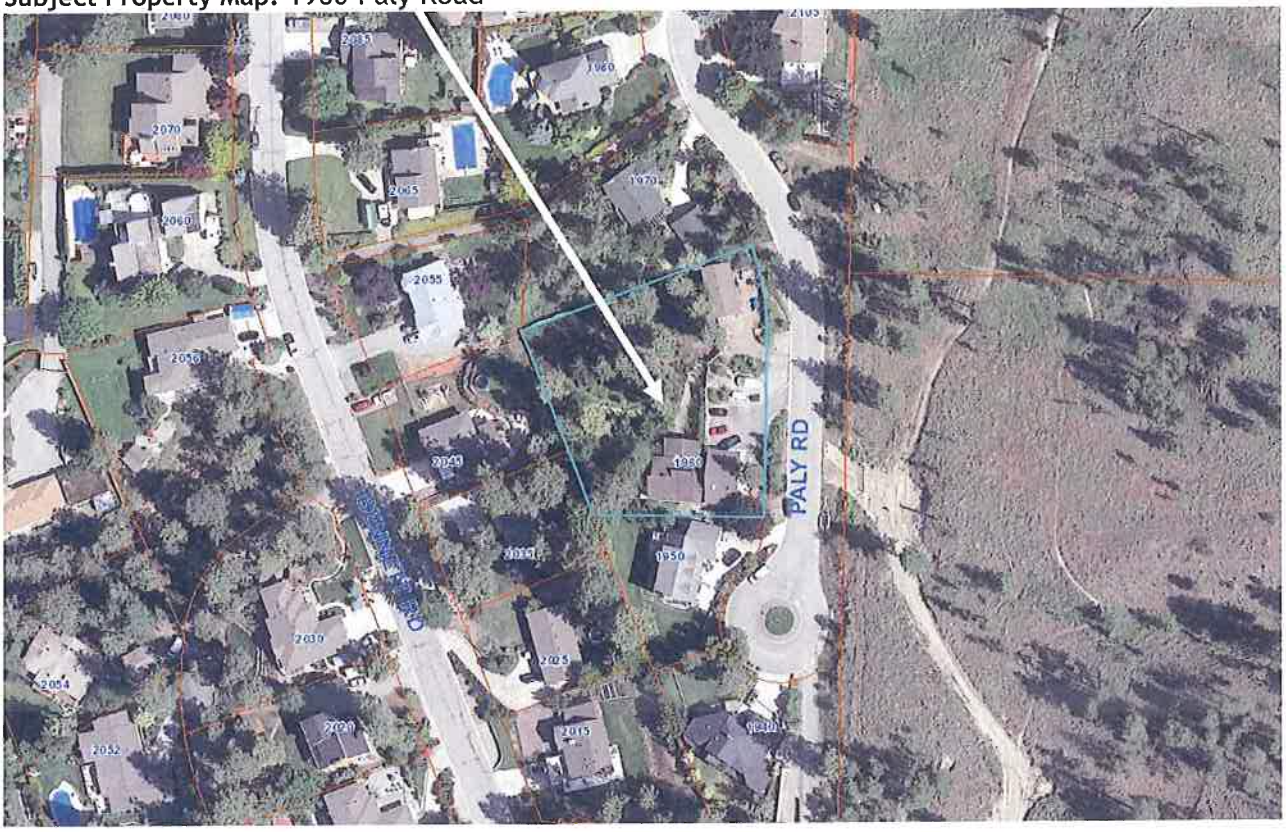
4.3 Site Context

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:

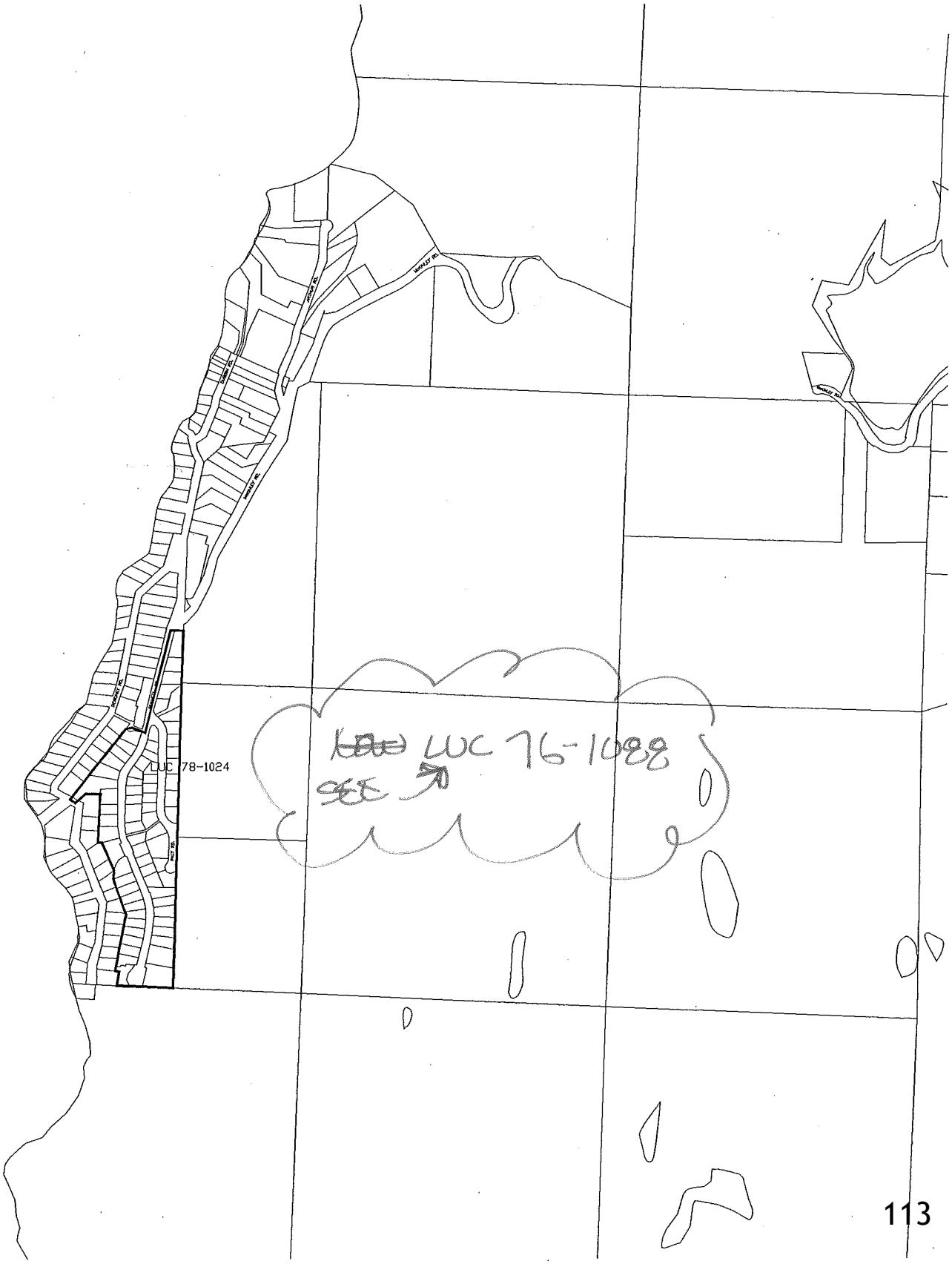
Jenna Ratzlaff, Planner

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.

NOTE—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 ANN WYMAN
208-2275 OXFORD STREET
VANCOUVER, B.C.
SECRETARY

THE ROYAL BANK OF CANADA by its lawful attorneys:

20

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 ~~(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~~), who is personally known to me, appeared before me and acknowledged to me that she is the person 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) Jean Elizabeth Morris) 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 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx (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 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

Lufton 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 City Hall 1435 Water Street 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 148

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.

February 10, 1976

OFFICE OF THE CITY CLERK
FEB 11 1976
CITY OF KELOWNA

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 defin
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

37

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,

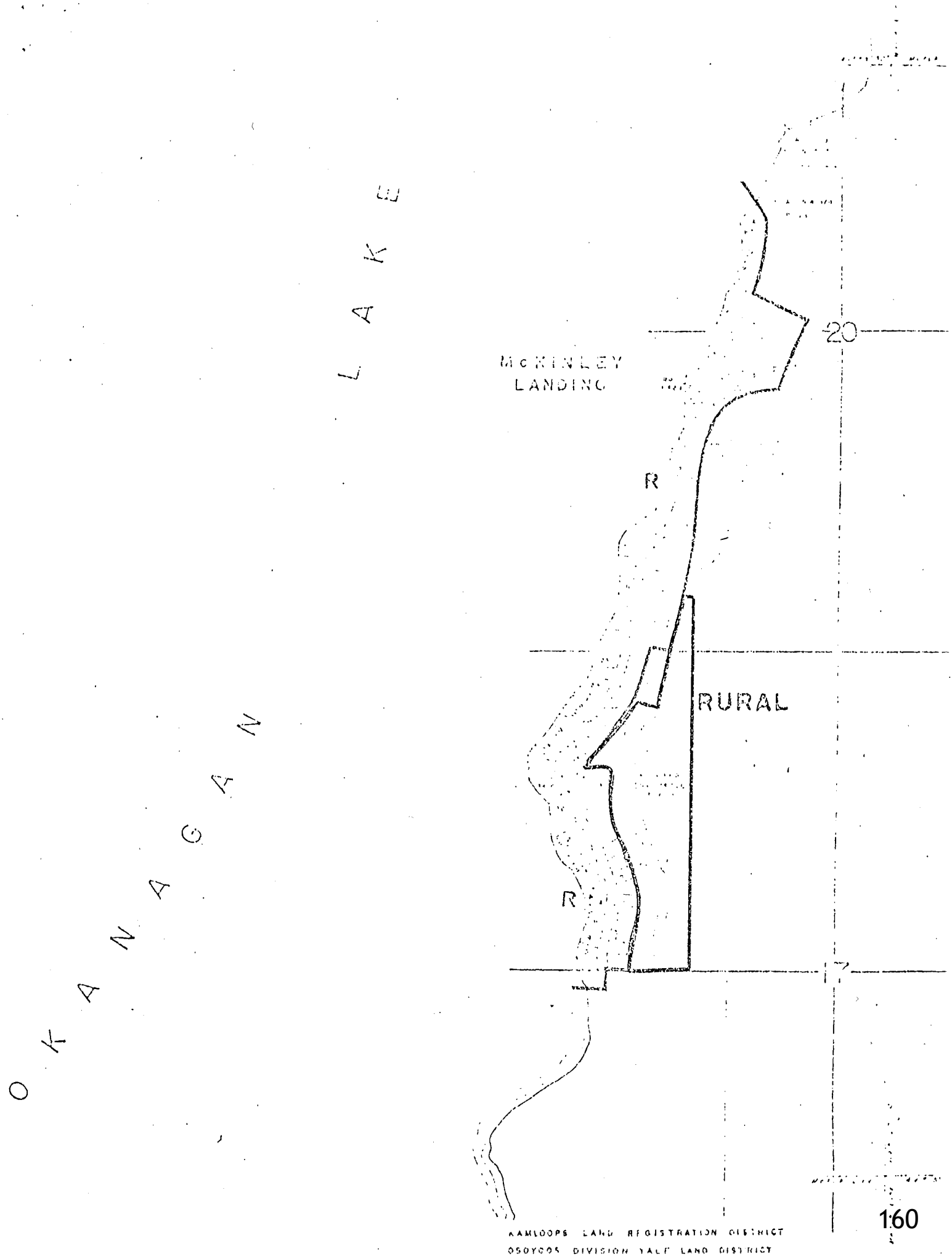
D. G. McConachie
President

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

REPORT TO COUNCIL

Date:	September 19, 2016		
RIM No.	1250-01		
To:	City Manager		
From:	Community Planning Department (EW)		
Application:	Z15-0060	**Owner:**	Romesha Ventures Inc., Inc.No. BC0452408
Address:	1280 Wilmot Ave	**Applicant:**	Protech Consulting 2012
Subject:	Rezoning Application		
Existing OCP Designation:	S2RES – Single / 2 Unit Residential		
Existing Zone:	A1 - Agricultural		
Proposed Zone:	RU1h – Large Lot Residential (Hillside Area) P3 – Parks and Open Space		

1.0 Recommendation

THAT Rezoning Application No. Z15-0060 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Part of Lot 12, Section 13, Township 26, ODYD, Plan KAP82084 except Plans KAP85143 and KAP86150 located at 1280 Wilmot Ave., Kelowna, BC from the A1 – Agricultural zone to the RU1h – Large Lot Residential Housing Hillside zone and from the RU1 – Large Lot Residential zone to the P3 – Parks and Open Space zone as shown on Map "A" be considered by Council;

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

2.0 Purpose

To consider a rezoning application for a portion of land off of Nishi Court to allow the creation of four residential lots and the designation of approximately 2.4 ha of natural area parkland.

3.0 Community Planning

Community Planning Staff support the application. The parcel being rezoned from A1 to RU1 is a very small parcel in the heart of a residential area. It is unlikely to be used for any agricultural purposes and it has only remained zoned A1 as the result of different phased developments over the past decade. The applicant is designating significantly more area as park than currently shown on the OCP Future Land Use Map. The rezoning will allow the applicant to complete a

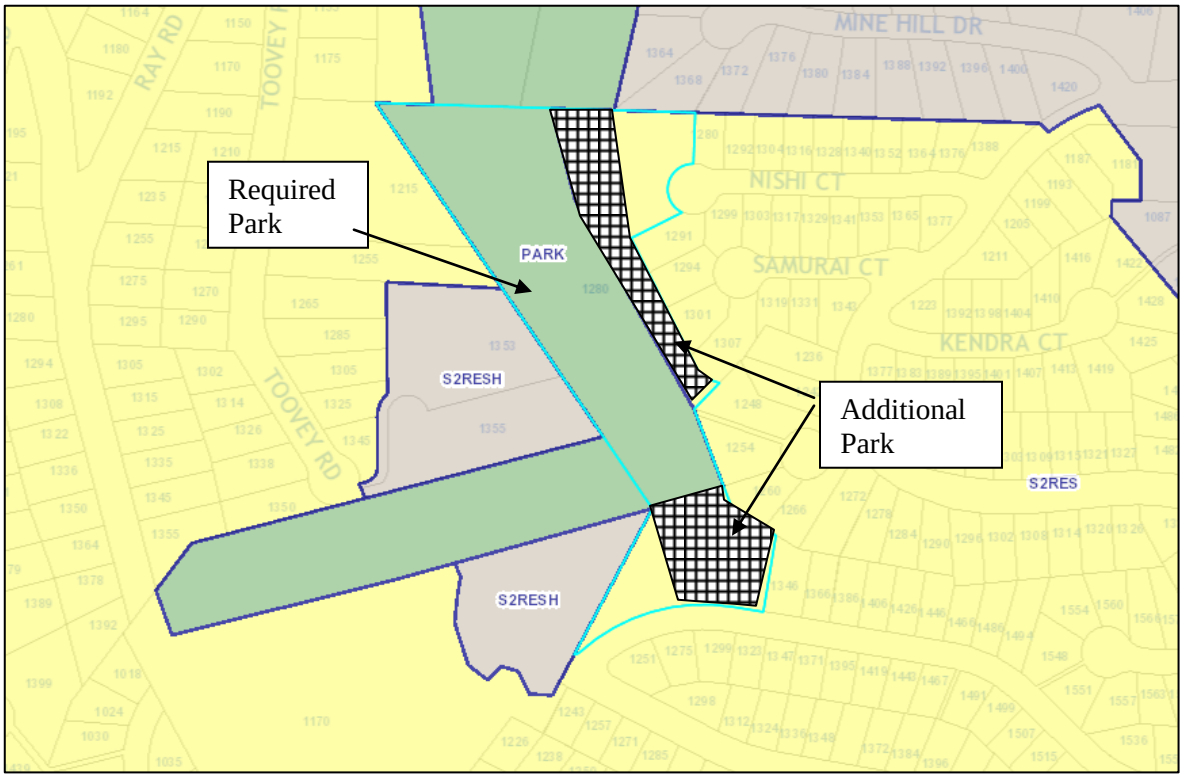
subdivision which will create 4 new residential lots and dedicate a substantial area of land to the City.

4.0 Proposal

4.1 Background

The subject parcel is a remnant parcel that was left after development on Black Mountain. A 1340 m^2 portion of land at the end of Nishi Court was left as A1 – Agricultural land, rather than being zoned for RU1 or RU1h like the remainder of the development. A sliver of the property is also zone RU1h.

The Official Community Plan designates a portion of the property for future parks use. The applicant is designating significantly more land as park than is required by the OCP. The parkland will be steeply sloped grassland with some trees and potential for a future public trail connection.



4.2 Project Description

The applicant intends on subdividing the property to create 3 lots off of Nishi Ct and 1 new lot on Wilmot. The lots will be of similar size and character to the existing neighbourhood.

The remainder of the property will be designated for park and protected use. The parkland dedication will ensure that the steep sloped area is protected in perpetuity and allow for a public trail system. The park dedication will fit together with the larger vision for parks in the area. At the subdivision stage, black chain link fencing will be required to delineate the public and private property interface and a pedestrian walkway will be secured off of Nishi Ct to provide access to the park space.

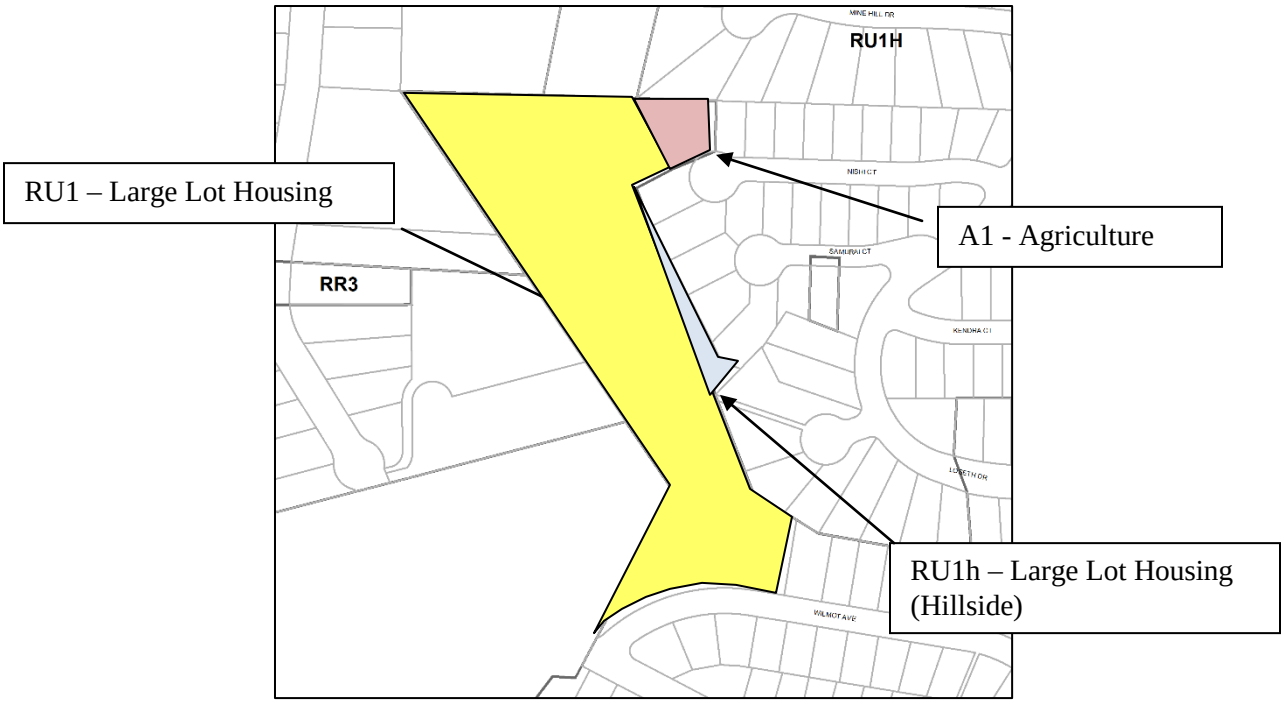


Figure 1 - Current Zoning

Figure 2 Requested Configuration

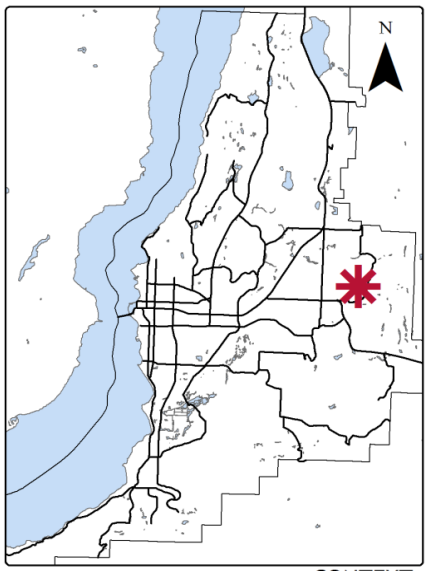
4.3 Site Context

The subject property is in the Black Mountain area, in a suburbanized neighbourhood characterized by single family dwellings on steep lots. The area being rezoned from A1 is at the end of a developed cul-de-sac. The future parkland is further behind, stretching down to Wilmot Ave. A small portion of land fronting Wilmot will remain RU1 – Large Lot Residential.

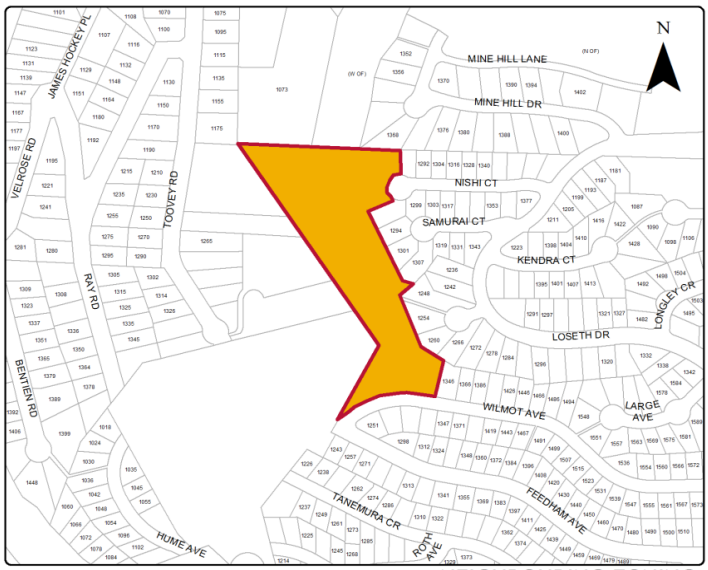
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h – Large Lot Housing Hillside	Residential
East	RU1h – Large Lot Housing Hillside	Residential
South	RU1h – Large Lot Housing Hillside	Residential
West	RU1 – Large Lot Housing	Vacant

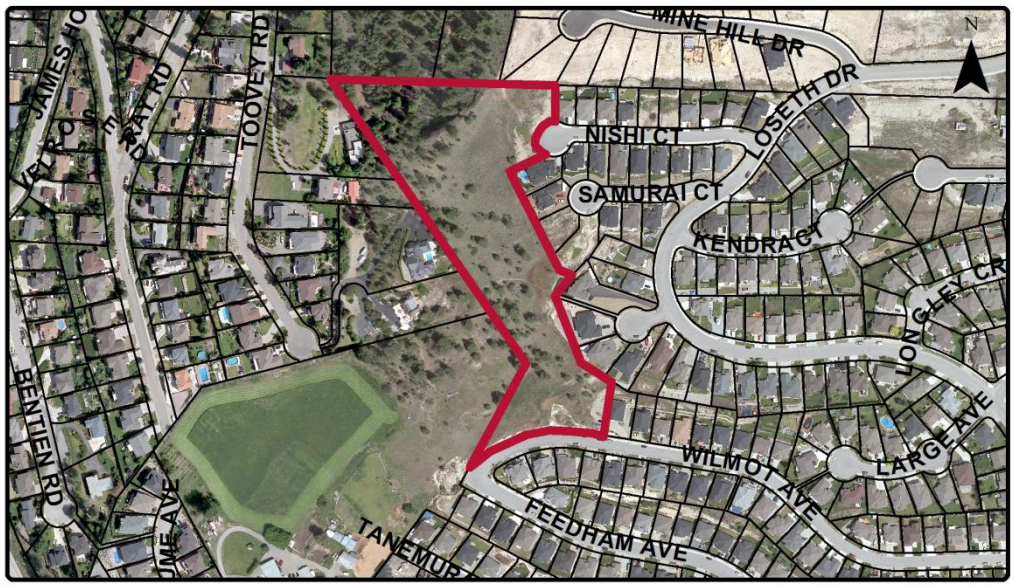
Subject Property Map:



CONTEXT



NEIGHBOURING ZONING



SUBJECT PROPERTY

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.

Cluster Housing.[2] Require new residential development to be in the form of cluster housing on / or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

a. Protect environmentally sensitive areas of the development site and preserve them on a permanent basis utilizing the most appropriate tools available; and

b. Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography.

[1] City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).
[2] City of Kelowna Official Community Plan, Policy 5.22.1 (Development Process Chapter).

6.0 Technical Comments

6.1 Development Engineering Department

- See attached Memorandum dated January 14, 2016.

6.2 Fire Department

- The Fire Department has no issues with the rezoning application.

6.3 Irrigation District

- No comments or concerns received from BMID.

7.0 Application Chronology

Date of Application Received: November 16, 2015
Date Public Consultation Completed: July 12, 2016

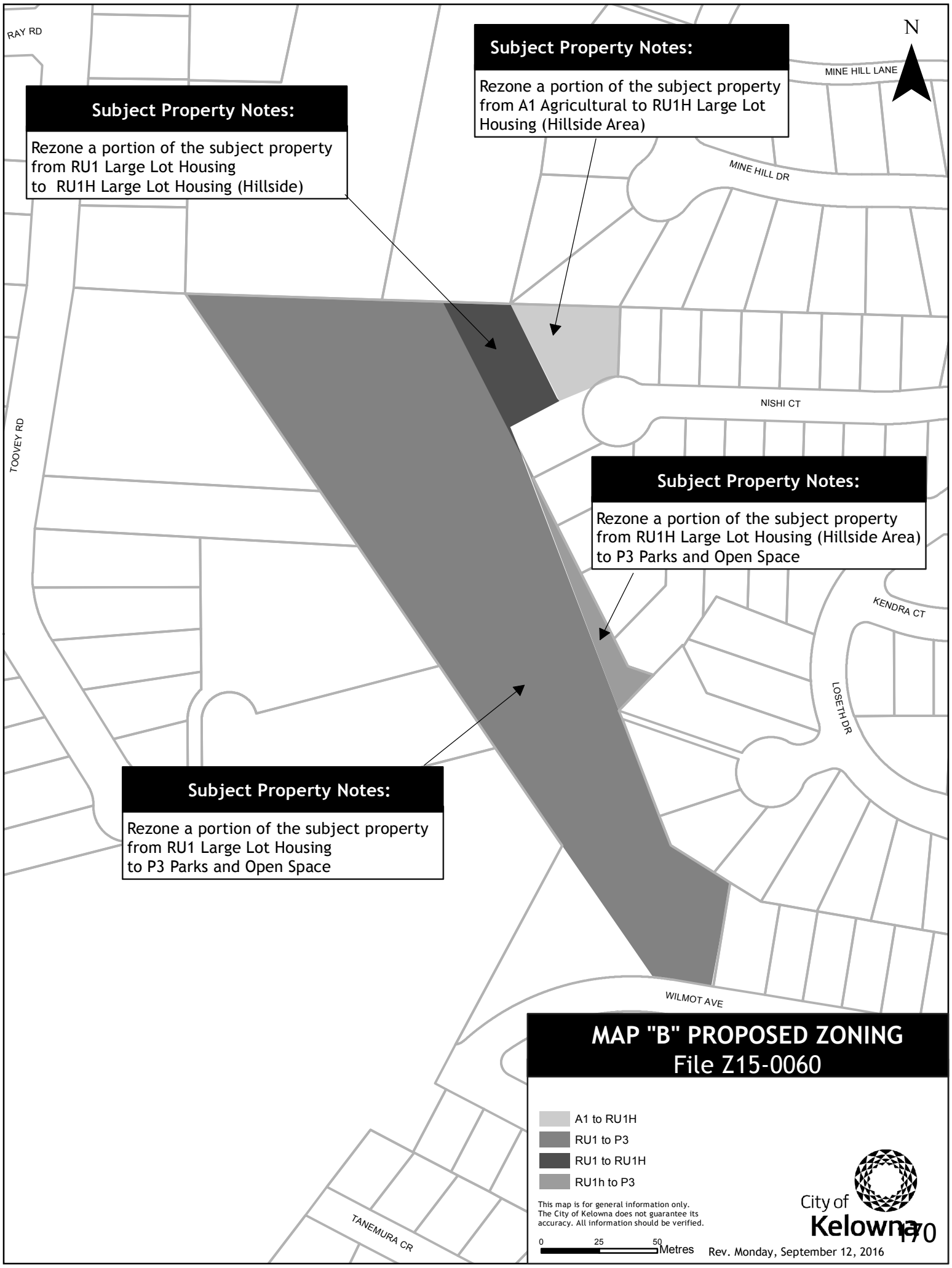
Report prepared by:

_____
Emily Williamson, Planner I

Reviewed by: ☐ Terry Barton, Urban Planning Manager

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

Attachments:
Site Plan
City of Kelowna Memorandum dated January 14, 2016


N
RAY RD
MINE HILL LANE
MINE HILL DR
NISHI CT
TOOVEY RD
KENDRA CT
LOSETH DR
WILMOT AVE
TANEMURA CR
Subject Property Notes:
Rezone a portion of the subject property from A1 Agricultural to RU1H Large Lot Housing (Hillside Area)
Subject Property Notes:
Rezone a portion of the subject property from RU1 Large Lot Housing to RU1H Large Lot Housing (Hillside)
Subject Property Notes:
Rezone a portion of the subject property from RU1H Large Lot Housing (Hillside Area) to P3 Parks and Open Space
Subject Property Notes:
Rezone a portion of the subject property from RU1 Large Lot Housing to P3 Parks and Open Space
MAP "B" PROPOSED ZONING
File Z15-0060
A1 to RU1H
RU1 to P3
RU1 to RU1H
RU1h to P3
This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.
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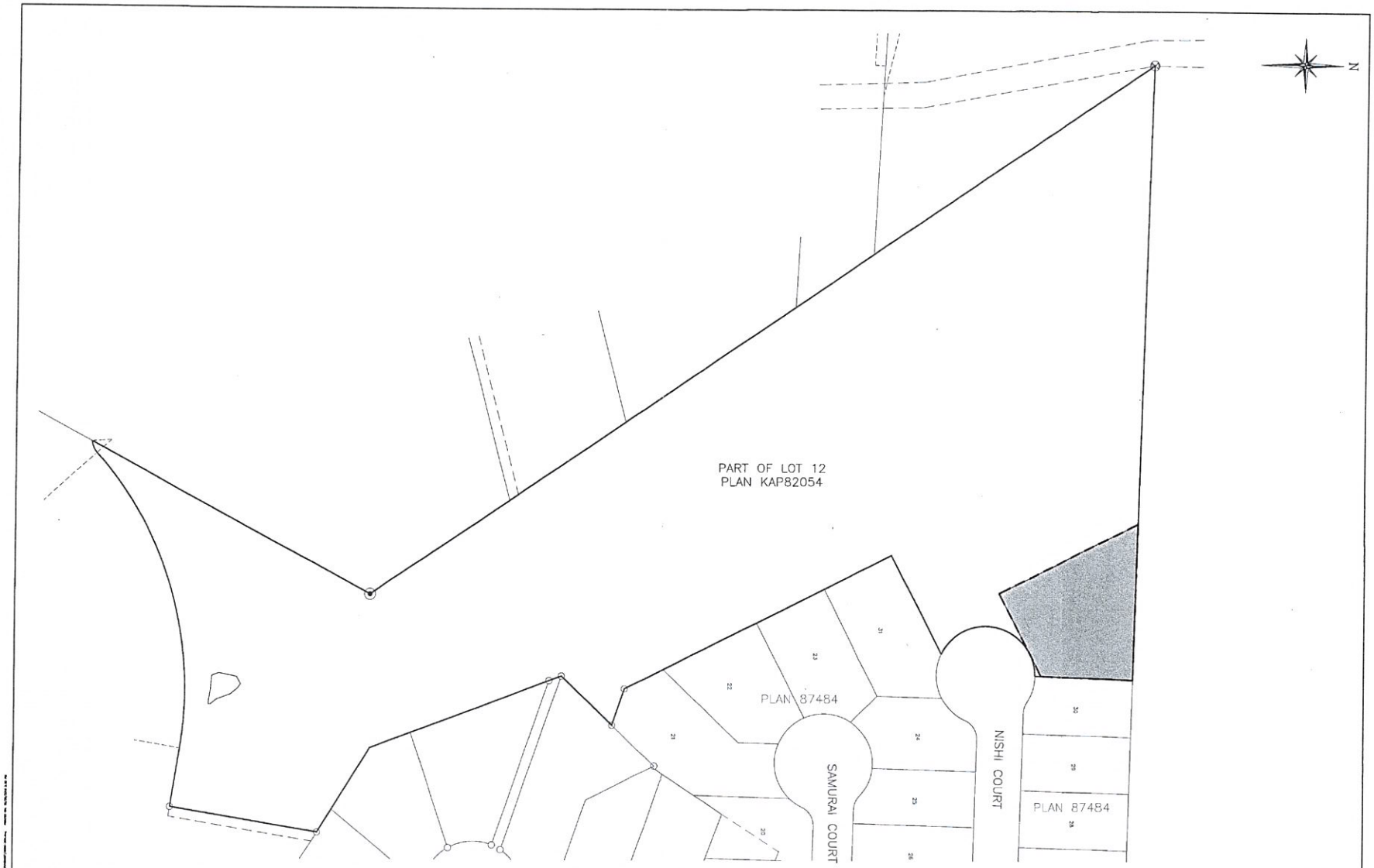
25
50
Metres
Rev. Monday, September 12, 2016
City of Kelowna



Legend

Water
San. Sewer
Storm Sewer
Gas
U.G. Telephone
U.G. Electrical

Manhole
Power Pole
Lamp Standard
Catch Basin
Hydrant
Trees

Design Invert of Sanitary Service at property line
Design Invert of Storm Service at property line
Existing Invert of Sanitary Service at property line
Existing Invert of Storm Service at property line

PROTECH
CONSULTING 2012
200 – 1461 St. Paul Street Kelowna B.C.
Phone 860-1771
FAX 860-1994

NO.	DATE	BY	REVISION	CH'KD

DRAWN	KCL
DESIGN	HGM
APPROVED	DRP
DATE	OCT 2015
SCALE	1:500

THE CITY OF KELOWNA
ENGINEERING DEPARTMENT

ROMESHA VENTURES INC.
1280 WILMOT AVE.
PROPOSED REZONING TO RU-1h

DIVISION

DRAWING NO. 15050-ZON

REV. NO. 0

Attachment A

Attachment B

CITY OF KELOWNA

MEMORANDUM

Date:	January 14, 2016			
File No.:	Z15-0060			
To:	Community Planning (RR)			
From:	Development Engineering Manager (SM)			
Subject:	1280 Wilmot Avenue	A1, RU1, RU1H	to	RU1H

Development Engineering has the following comments and requirements associated with this application.

1. General

   Utility service improvements are triggered by this rezoning application. The Development Engineering division will defer servicing requirements including storm drainage, water and sewer servicing to Subdivision Application S15-0089 for this property. The cost of required service installations will be paid by the applicant.

Steve Muenz, P. Eng.
Development Engineering Manager

jo

CITY OF KELOWNA

MEMORANDUM

Date: January 14, 2016

File No.: Z15-0060

To: Community Planning (RR)

From: Development Engineering Manager (SM)

Subject: 1280 Wilmot Avenue A1, RU1, RU1H to RU1H

Development Engineering has the following comments and requirements associated with this application.

1. General

Utility service improvements are triggered by this rezoning application. The Development Engineering division will defer servicing requirements including storm drainage, water and sewer servicing to Subdivision Application S15-0089 for this property. The cost of required service installations will be paid by the applicant.

_____
Steve Muenz, P. Eng.
Development Engineering Manager

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