

# City of Kelowna Public Hearing AGENDA



Tuesday, January 10, 2017  
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 December 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

- |            |                                                                                                                                                                                                                                                                                 |                |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>3.1</b> | <b>160 Hwy 33 W, BL11334 (Z16-0020) - 661682 BC Ltd</b>                                                                                                                                                                                                                         | <b>4 - 32</b>  |
|            | To rezone the subject property to facilitate the redevelopment of the former office building located on the site into a small craft distillery and lounge area.                                                                                                                 |                |
| <b>3.2</b> | <b>3031 Abbott St, BL11337 (Z16-0048) - Calvin and Sunok Condry</b>                                                                                                                                                                                                             | <b>33 - 46</b> |
|            | To rezone the subject property to facilitate the development of a proposed five-unit townhouse project on the subject property.                                                                                                                                                 |                |
| <b>3.3</b> | <b>410 Providence Ave and 347 Quilchena Dr, BL11328 (OCP16-0013) &amp; BL11329 (TA16-0008) - Kettle Valley Holding Ltd</b>                                                                                                                                                      | <b>47 - 83</b> |
|            | To amend the Official Community Plan to change the Future Land Use designation and to amend the Kettle Valley Comprehensive Development Zone (CD2) to facilitate the development of Single Family Residential and Multi-Family Residential development on the subject property. |                |

#### **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 representation (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:** December 12, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (PMc)

**Application:** Z16-0020

**Owner:** 661682 BC Ltd.

**Address:** 160 HWY 33 W

**Applicant:** Jordan Kutev Architect Inc.

**Subject:** Rezoning Application

**Existing OCP Designation:** Mixed Use (Commercial/Residential)(MXR)

**Existing Zone:** P4 - Utilities

**Proposed Zone:** C4 - Urban Centre Commercial

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## 1.0 Recommendation

THAT Rezoning Application No. Z16-0020 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec. 26, Twp. 26, O.D.Y.D., Plan kap74060, located at 160 HWY 33 W., Kelowna, BC from the P4 - Utilities zone to the C4 - Urban Centre Commercial 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 December 12, 2016;

## 2.0 Purpose

To rezone the subject property to facilitate the redevelopment of the former office building located on the site into a small craft distillery and lounge area.

## 3.0 Community Planning

The proposed upgrades and adaptive reuse of the former office building located on the subject property will help contribute to the overall revitalization efforts in the Rutland Urban Centre. The applicant is proposing to create a venue for tasting of distillery products produced on-site



and also new restaurant experiences. The proposed façade design imitates old western pioneering architecture for reasons of nostalgia. The character of this design in context with the building form in the surrounding Rutland Urban Centre will be unique and create an easily recognizable image for the business. The façade design includes elements that will help animate the streetscape along Hwy 33 West. It is anticipated that this upgrade will be an interim use of the property over the next decade until a more comprehensive redevelopment plan is undertaken. The proposed land use change to C4-Urban Centre Commercial is consistent with the zoning of surrounding properties and consistent with the OCP Future Land Use Designation of Commercial. It is for these reasons that Community Planning is supportive of the proposal.

Should the application to rezone the subject property be supported by Council, an associated Form & Character Development Permit will be administered by Staff.

#### 4.0 Proposal

##### 4.1 Background

The subject property was developed with a small office building and several accessory buildings, and was formerly the location of the Rutland Waterworks works yard and office. The property was sold to the current owner in 2006. The shop buildings located on the site were removed in 2013.

##### 4.2 Project Description

The applicant is proposing to renovate the existing office building into a craft distillery tasting room and snack bar, as well as the constructing of an addition to the rear of the building to house a new craft distillery. The existing driveway access will remain to provide access to a parking area to be developed in the rear yard, as well as to provide access to a loading bay to service the new distillery.

As part of the development program, the building façade facing highway 33 is designed to be refinished with wood finishes and details reminiscent of a “western” style store front. The redevelopment of the site also includes a landscape plan to upgrade the site landscaping, and to improve the buffering of the parking area located in the rear of the building to the neighbouring properties.

##### 4.3 Site Context

The subject property is located on the north side of HWY 33 W, near the intersection of HWY 33 W and Rutland Road. This site is located within the Rutland Urban Centre.

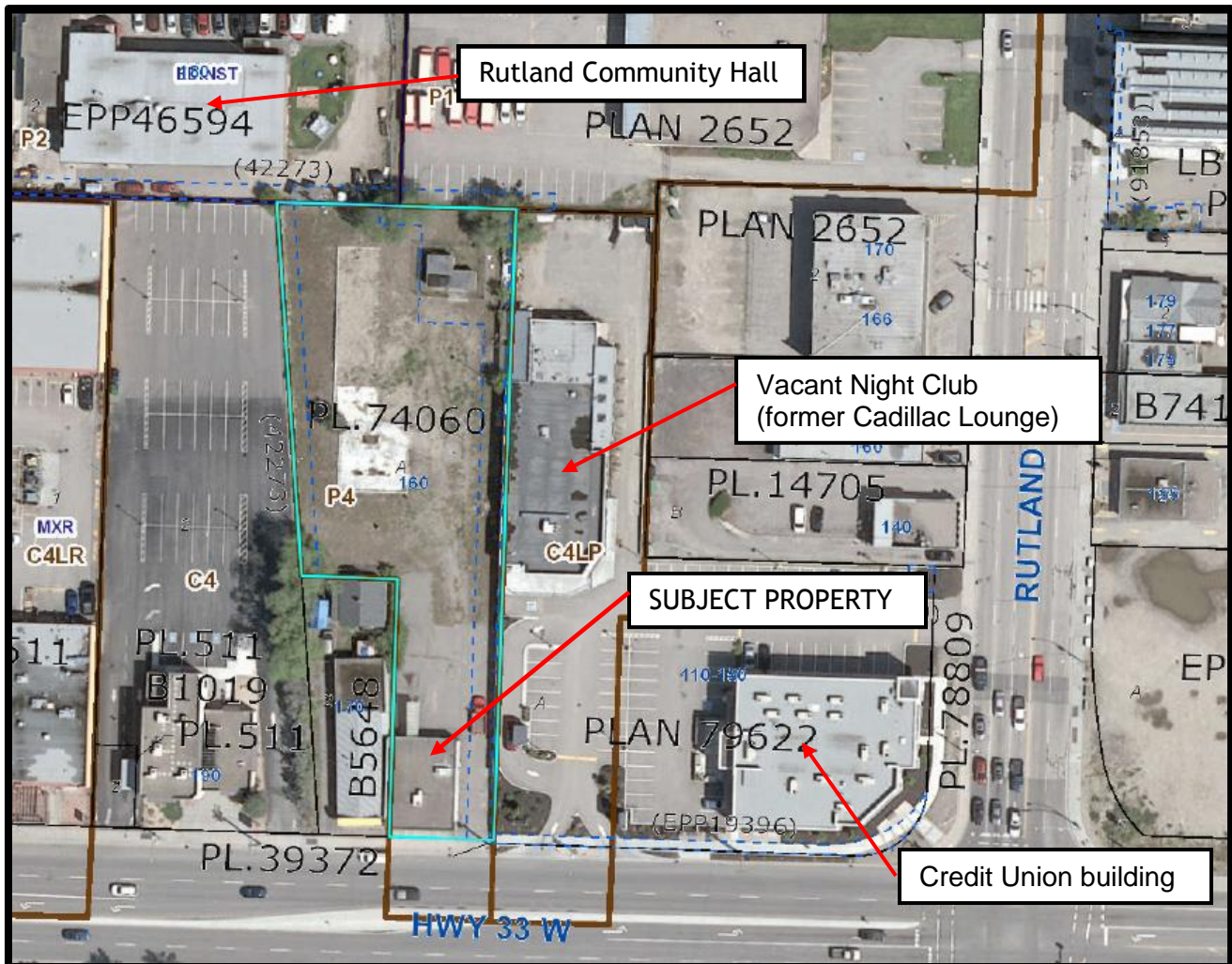
Adjacent land uses are as follows:

| Orientation | Zoning                                                             | Land Use                                |
|-------------|--------------------------------------------------------------------|-----------------------------------------|
| North       | P2 - Education and Minor Institutional<br>P1 - Major Institutional | Rutland community Hall<br>Post Office   |
| East        | C4LP - Urban Centre Commercial (liquor primary)                    | Vacant night club (old Cadillac Lounge) |
| South       | C4 - Urban Centre Commercial                                       | HWY 33 / Commercial uses                |
| West        | C4 - Urban Centre Commercial                                       | Retail irrigation supplies              |



Subject Property Map:

160 HWY 33 W



#### 4.4 Zoning Analysis Table

| Zoning Analysis Table                |                      |                      |
|--------------------------------------|----------------------|----------------------|
| CRITERIA                             | C4 ZONE REQUIREMENTS | PROPOSAL             |
| Existing Lot/Subdivision Regulations |                      |                      |
| Minimum Lot Area                     | 460 m <sup>2</sup>   | 3,330 m <sup>2</sup> |
| Minimum Lot Width                    | 13 m                 | 18.3 m               |
| Minimum Lot Depth                    | 30 m                 | 110.6 m              |
| Development Regulations              |                      |                      |
| Maximum Floor Area Ratio             | 1.0                  | 0.07                 |
| Maximum Site Coverage (buildings)    | 75%                  | 7.3%                 |
| Maximum Height                       | 15m/ 4 storeys       | 4.4m/1 storey        |
| Minimum Front Yard                   | 0.0 m                | 0.0 m                |
| Minimum Side Yard (west)             | 0.0 m                | 0.0 m                |
| Minimum Side Yard (east)             | 0.0 m                | 6.4 m                |

|                              |                  |                  |
|------------------------------|------------------|------------------|
| Minimum Rear Yard            | 0.0 m            | 97 m             |
| Other Regulations            |                  |                  |
| Minimum Parking Requirements | 5 stall required | 5 stall provided |
| Minimum Bicycle Parking      | 2 required       | 2 provided       |
| Minimum Loading Space        | 1 stall required | 1 stall provided |

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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.

**Ensure that Urban Centres develop as vibrant commercial nodes**<sup>2</sup>

**Encourage uses and commercial venture that promote local tourism**<sup>3</sup>

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

This building will be required to meet the requirements for a F1 occupancy classification. A code consultant will be required to provide a code analysis for the distillery portion of this building.

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, accessibility 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.

Full Plan check for Building Code related issues will be done at time of Building Permit applications.

**(Please note** The applicant has provided a consultant report for BC Building Code review of the proposed development to address concerns.)

### 6.2 Development Engineering Department

See Development Engineering memo dated July 5, 2116

### 6.3 Ministry of Transportation and Infrastructure

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter, page 5.3).

<sup>2</sup> City of Kelowna Official Community Plan, Objective 5.25 (Development Process Chapter, page 5.28).

<sup>3</sup> City of Kelowna Official Community Plan, Objective 5.26 (Development Process Chapter, page 5.29).

Supported, will require "No Parking" signs to be installed along highway frontage.

6.4 Irrigation District (RWD)  
No Comment.

## 7.0 Application Chronology

|                                         |                    |
|-----------------------------------------|--------------------|
| Date of Application Received:           | February 13, 2016  |
| Date Public Consultation Completed:     | May 25, 2016       |
| Revised architectural drawings received | March 31, 2016     |
| Engineering comments received           | July 7, 2016       |
| Code review received                    | September 20, 2016 |

Report prepared by:

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Paul McVey, Urban Planner

Reviewed by: ☐ Ryan Smith, Community Planning Department Manager

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

### Attachments:

Site Plan  
Rationale Letter  
Conceptual Elevations  
Landscape Plan  
Context/Site Photos  
Summary of Technical Comments  
Copy of Notification Letter



December 10, 2015

To the City of Kelowna,

It is an honour and pleasure to write this letter outlining the project that is recommended for 160 Hwy 33, Kelowna, BC. The purpose of the project is to create a small craft distillery that will sell small product both on-site in the form of cocktails and for take-home consumption. Since it will have a lounge endorsement, we aim to install a wood fired pizza oven that will sell pizza and Calzones: as well as offer beer, wine and other non-alcoholic refreshments. All of the alcoholic products will be served in a responsible manner.

This project has many benefits for the Rutland area including:

- Cleans up an otherwise dormant building and parking lot.
- Creates excitement into the area.
- Creates a minimum of 5 new jobs.
- Provides a new entrant for the Rutland area: There is no distillery or wood fired pizza place.
- Creates potential for tourists to stop which will add to greater residual benefit to the area.
- Allows for something new for locals to visit.

I thank you for taking the time for considering this application. I will be very active throughout the process and will host a public consultation time in the near future.

Best Regards,

Dan Allen

250-212-8602



# C4 Distillery District Rezoning / Development Permit Application

160 Highway 33 W, Kelowna, British Columbia

## ARCHITECTURAL

### Jordan Kutev Architect Inc.

180 - 2250 Boundary Road,  
Burnaby, British Columbia  
V5M 3Z3  
Tel.: 604 299 3222  
Fax: 604 299 3826  
www.jka.cc

A151 DRAWING LISTS  
OVERALL SITE PLAN  
PROJECT STATISTICS

A152 SITE PLAN  
CONTEXT PLAN  
ZONING MAP  
EASEMENT MAP

A153 EXISTING PHOTOS

A211 EXISTING FLOOR PLAN  
PROPOSED FLOOR PLAN

A401 BUILDING ELEVATIONS

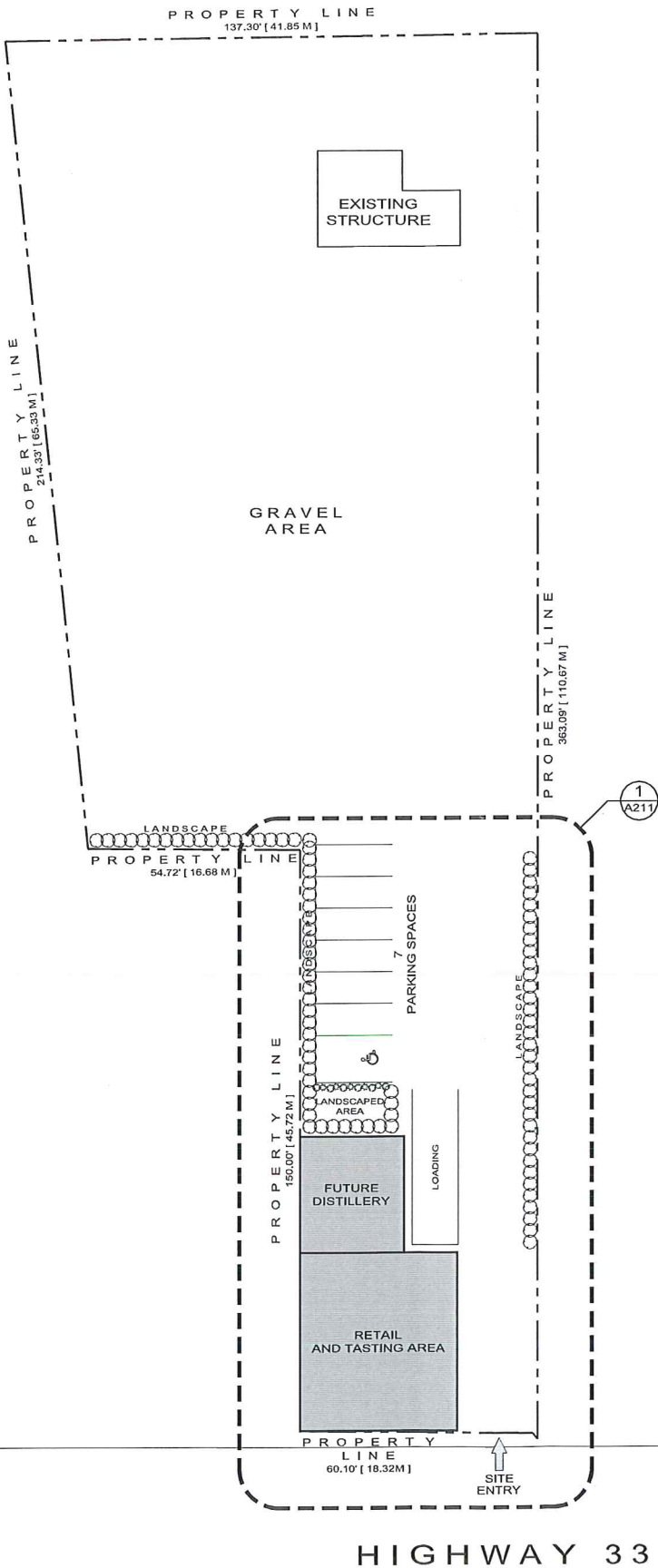
## LANDSCAPE

### Greenway

### Landscape Architecture

2280 Park Crescent,  
Coquitlam, British Columbia  
V3J 6T4  
Tel.: 604 461 9120  
Email: paul@greenwayla.ca

L-1 LANDSCAPE PLAN



## PROJECT STATISTICS

| Retail / Distillery<br>160 Highway 33 W, Kelowna, British Columbia |                                                                                                  |                                                                         |
|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Project Name:                                                      | Retail / Distillery                                                                              |                                                                         |
| Civic address:                                                     | 160 Highway 33 W, Kelowna, British Columbia                                                      |                                                                         |
| Legal Description:                                                 | Lot A Section 26 Township 28 Land District 41 Plan 74060                                         |                                                                         |
| Proposed Zoning:                                                   | C4                                                                                               |                                                                         |
| Site area:                                                         | 35850.02 sq.ft. ( 3330.57 sq.m.)                                                                 |                                                                         |
| Uses                                                               | Allowed / required                                                                               | Proposed                                                                |
| Main Floor                                                         | Breweries and Distillery, minor                                                                  | Retail / Distillery                                                     |
| Site coverage                                                      | 75.00%                                                                                           | Surface Coverage<br>2651.50 sq.ft. [ 246.33 sq.m.]<br>7.39%             |
| Building Height                                                    | 49.21 ft. [ 15.00 m. ]<br>or 4 Storeys                                                           | 14.50 ft. [ 4.42 m. ]<br>1 Storey                                       |
| Setbacks<br>Front                                                  | 0.00 ft. [ 0.00 m. ]                                                                             | 0.00 ft. [ 0.00 m. ]                                                    |
| Side ( East )                                                      | 0.00 ft. [ 0.00 m. ]                                                                             | 21.00 ft. [ 6.40 m. ]                                                   |
| Side ( West )                                                      | 0.00 ft. [ 0.00 m. ]                                                                             | 0.00 ft. [ 0.00 m. ]                                                    |
| Rear                                                               | 0.00 ft. [ 0.00 m. ]                                                                             | 319.75 ft. [ 97.45 m. ]                                                 |
| Floor Area Ratio ( FAR )                                           | 1                                                                                                | 0.07                                                                    |
| Total Floor Area                                                   | 35850.02 sq.ft. [ 3330.57 sq.m.]                                                                 | 2651.50 sq.ft. [ 246.33 sq.m.]                                          |
| Off-Street Parking Spaces                                          | 5 Parking spaces                                                                                 | 5 Parking spaces<br>4 Full Size Vehicle Parking<br>1 Accessible Parking |
| Commercial                                                         | 1.75 per<br>1076.39 sq.ft. [ 100 sq.m. ] GFA                                                     | 4 Full Size Vehicle Parking                                             |
| Accessible Parking Spaces<br>Commercial                            | 1 Accessible Parking Space                                                                       | 1 Accessible Parking Space                                              |
| Off-Street Loading Spaces<br>Commercial                            | 1 Loading space                                                                                  | 1 Loading space                                                         |
| Bicycle Parking Spaces<br>Commercial<br>Class I                    | 1 Bicycle Parking space<br>0.20 per<br>1076.39 sq.ft. [ 100 sq.m. ] GFA<br>or 1 per 10 Employees | 1 Bicycle Parking space                                                 |
| Class II                                                           | 2 Bicycle Parking spaces<br>0.60 per<br>1076.39 sq.ft. [ 100 sq.m. ] GFA                         | 2 Bicycle Parking spaces                                                |

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SEAL

1 29/MAR/2016 ISSUED FOR REZONING AND DEVELOPMENT PERMIT

NO DATE REMARKS

Retail / Distillery

160 Highway 33 W  
Kelowna, British Columbia

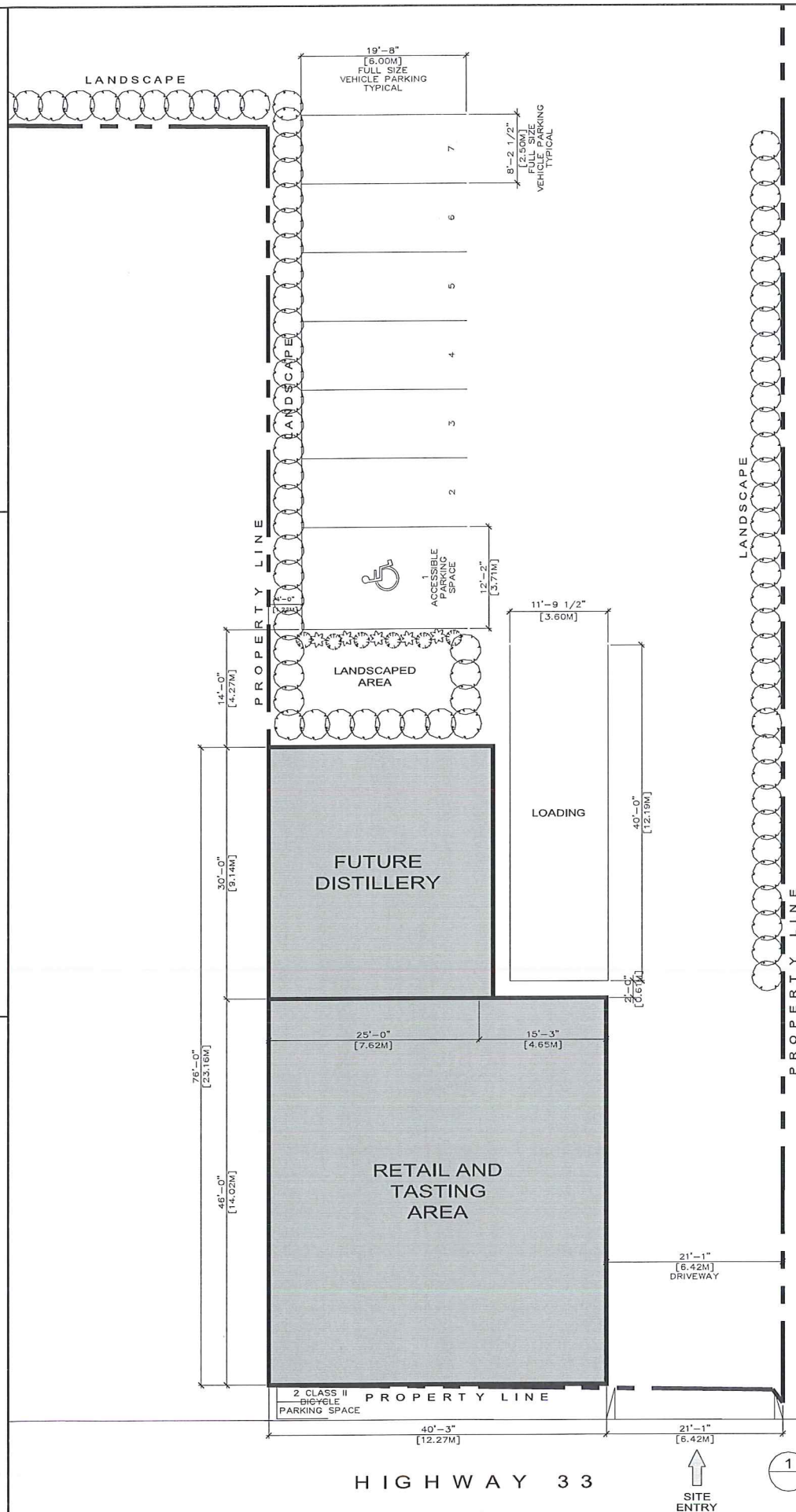
DRAWING LISTS  
PROJECT STATISTICS  
OVERALL SITE PLAN

REZONING APPLICATION  
DEVELOPMENT PERMIT

A151

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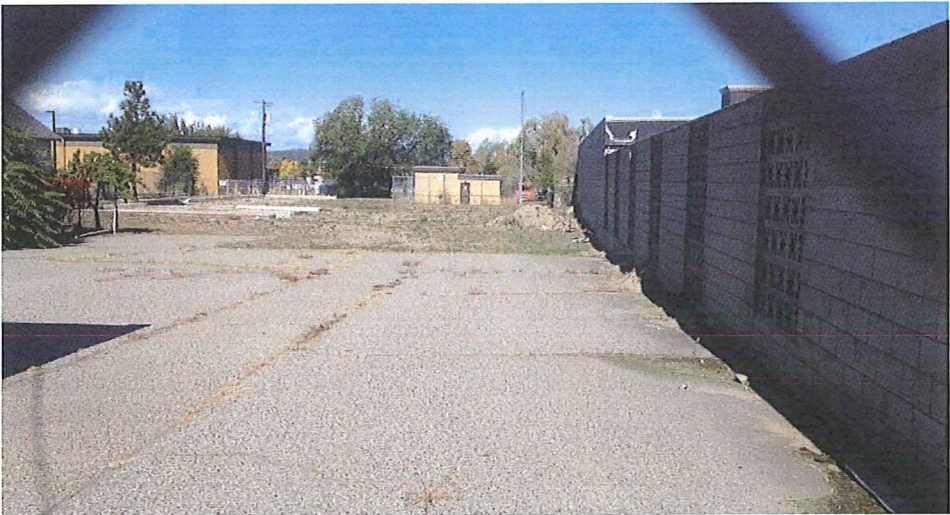




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2 EXISTING SOUTH ELEVATION / EAST ELEVATION / DRIVEWAY  
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3 EXISTING DRIVEWAY / EXISTING REAR GRAVEL AREA  
SCALE: NTS



4 EXISTING SOUTH ELEVATION & ADJACENT EAST PROPERTY  
SCALE: NTS



5 EXISTING SOUTH ELEVATION & ADJACENT WEST PROPERTY  
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Retail / Distillery

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Kelowna, British Columbia

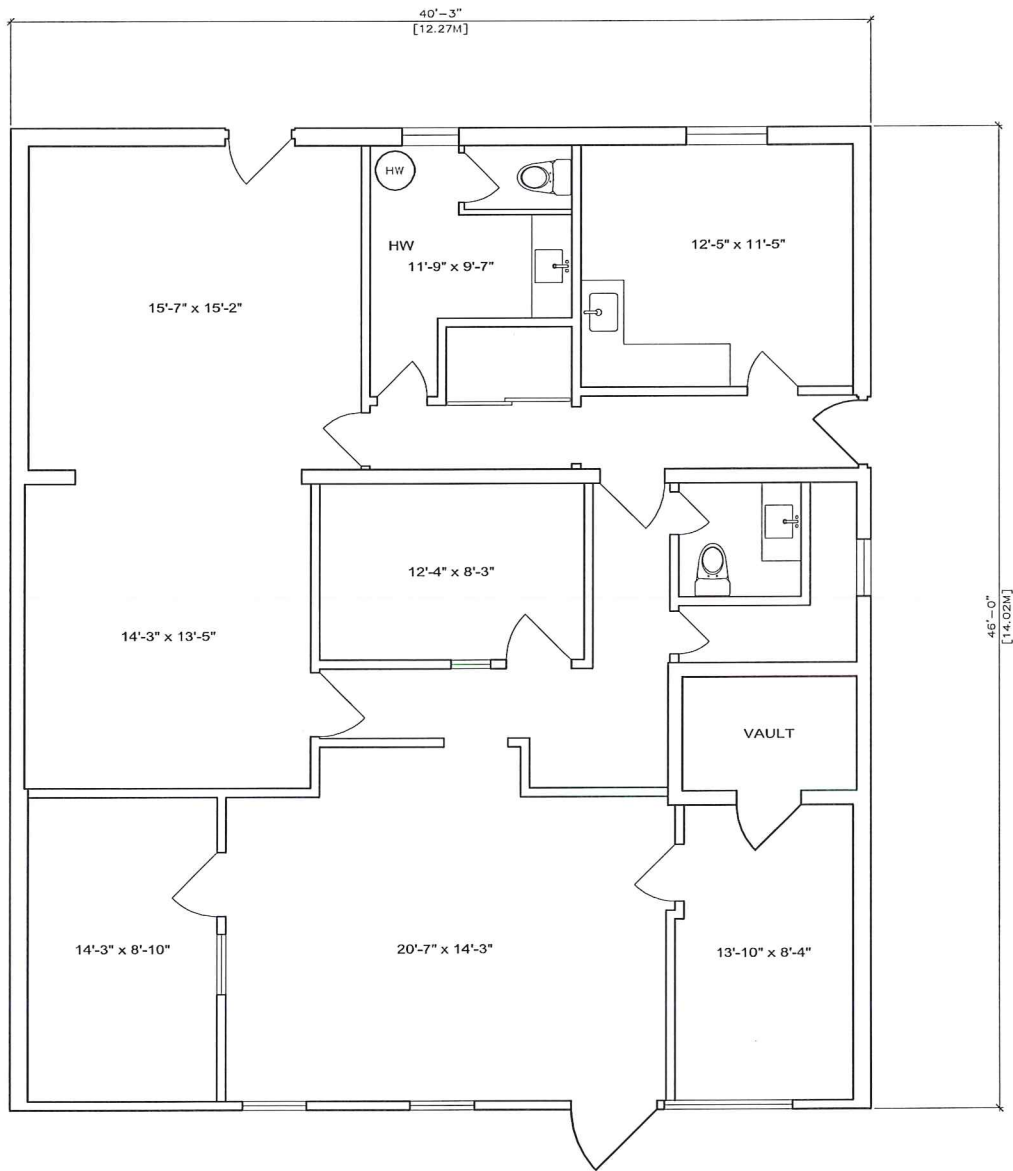
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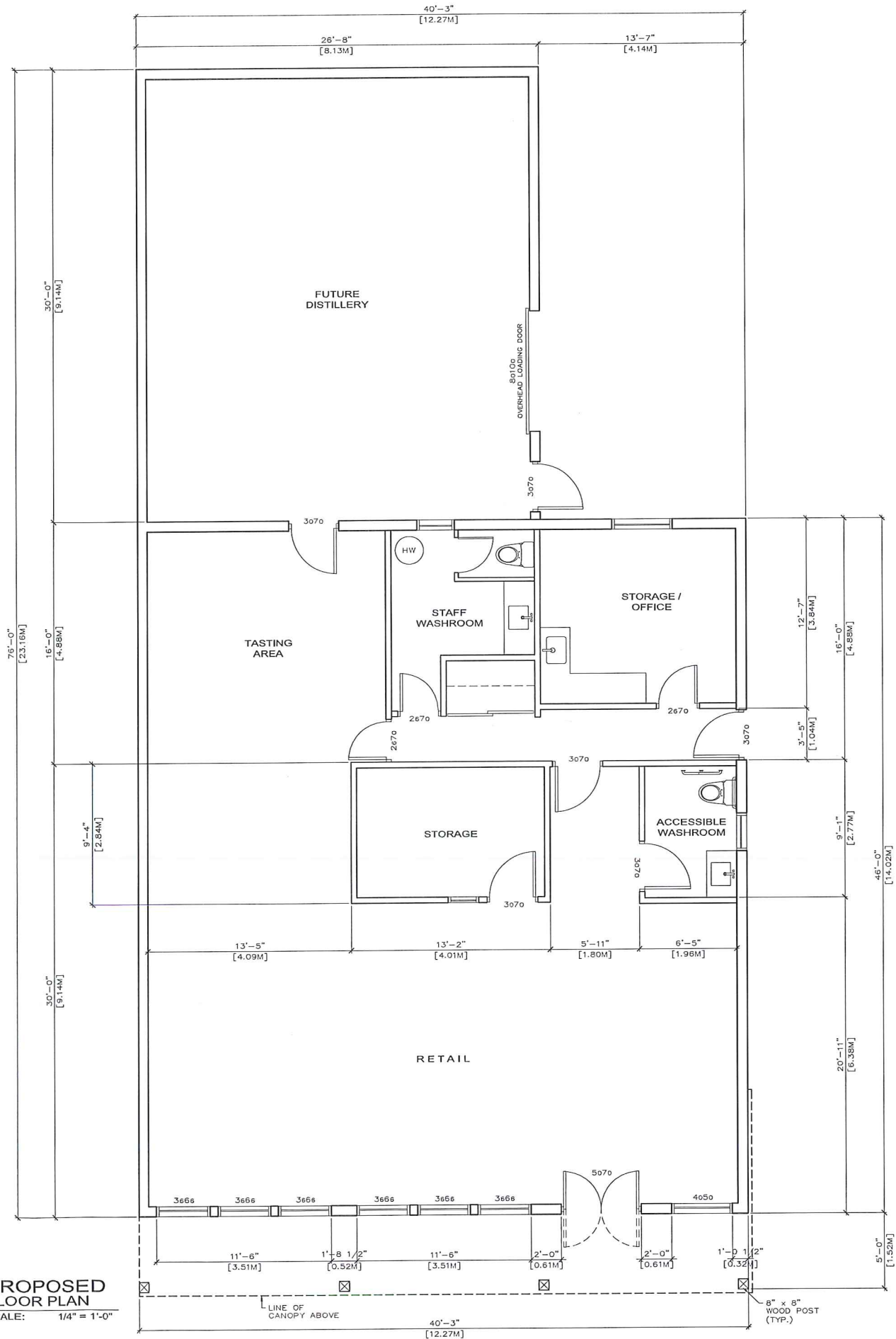




2

EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"



1

PROPOSED FLOOR PLAN

SCALE: 1/4" = 1'-0"

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| NO | DATE      | REMARKS                                    |
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| 1  | 29MAR2016 | ISSUED FOR REZONING AND DEVELOPMENT PERMIT |

Retail / Distillery

160 Highway 33 W  
Kelowna, British Columbia

EXISTING FLOOR PLAN  
PROPOSED FLOOR PLAN

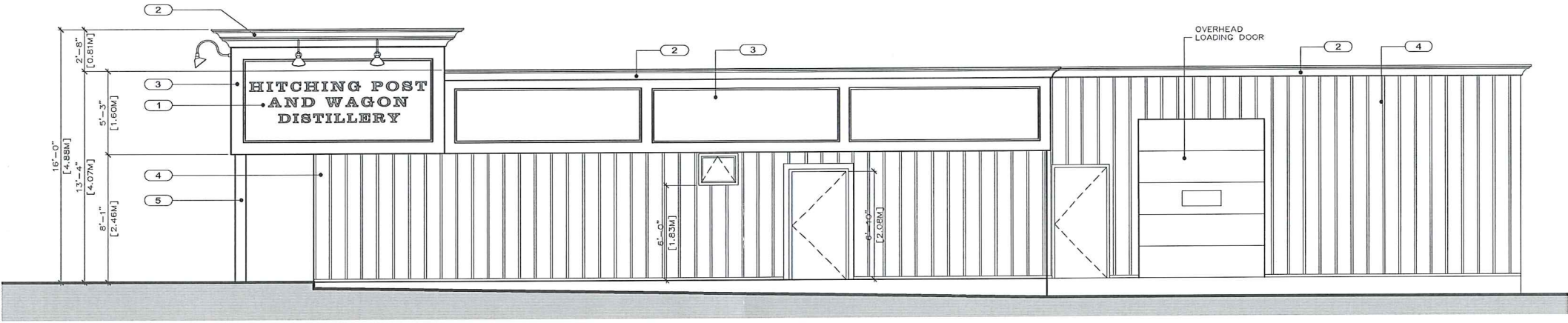
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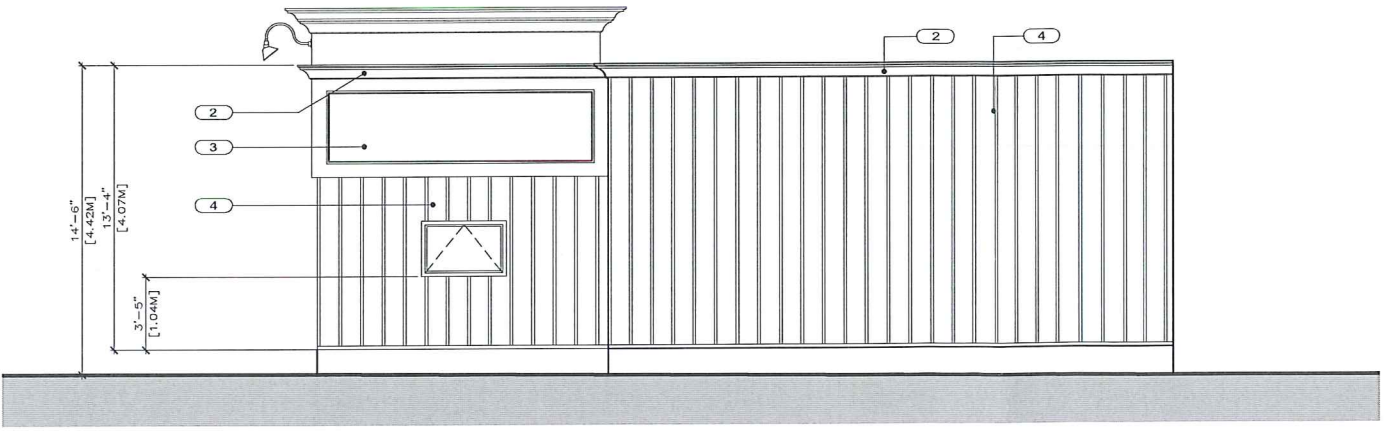
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1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

EXTERIOR FINISH LEGEND

- 1 SIGNAGE
- 2 WOOD CORNICE  
STAINED & VARNISHED
- 3 WOOD PARAPET WALL  
STAINED & VARNISHED
- 4 WOOD BOARD & BATTEN
- 5 WOOD COLUMN  
STAINED & VARNISHED
- 6 DOUBLE GLAZED DOOR/WINDOW  
IN VINYL FRAME  
with 4" WOOD TRIM

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Retail / Distillery

160 Highway 33 W  
Kelowna, British Columbia

BUILDING ELEVATIONS

REZONING APPLICATION  
DEVELOPMENT PERMIT

A401

SCALE: 1/4" = 1'-0" PROJECT NO: 1526  
DRAWN BY: MP DATE:  
CHECKED BY: JK NOV2015



# PLANT LIST - Distillery - 160 Hwy 33 W

updated March 29, 2016

TOTAL BOTANICAL NAME

COMMON NAME

SIZE

SPACING

SYMBOL

6 Anelanchier alnifolia

Saskatoon

1.5m tall multi-stem

1 Parrotia persica

Persian Ironwood

6cm cal., B&B multi-stem

SHRUBS

10 Cornus alba 'Prairie Fire'

Prairie Fire Dogwood

#1 pot 900 o.c.

9 Hydrangea arborescens Annabelle

Anabelle Hydrangea

#1 pot 900 o.c.

15 Mahonia aquifolium

Oregon Grape

#1 pot 750 o.c.

15 Potentilla fruticosa 'Gold Star'

Gold Star Shrubby Cinquefoil

#1 pot 700 o.c.

15 Physocarpus opulifolius 'Diabolo'

Diabolo Ninebark

#1 pot 850 o.c.

8 Polystichum munifolium

Sword Fern

#1 pot 700 o.c.

15 Salix purpurea 'Nana'

Dwarf Arctic Willow

#1 pot 600 o.c.

3 Yucca glauca

Small Soapweed

#1 pot 500 o.c.

2 Syringa x prestoniae 'Donald Wyman'

Donald Wyman Preston Lilac

#2 pot 1200 o.c.

GROUND COVERS

21 Microbiota decussata

Russian Cypress

#1 pot 600 o.c.

ORNAMENTAL GRASSES

9 Arhenatherum variegatum

Variegated Oat Grass

#1 pot 400 o.c.

36 Calamagrostis Karl Foerster

Karl Foerster Reed Grass

#1 pot 600 o.c.

47 Panicum virgatum

Switch Grass

#1 pot 500 o.c.

PERENNIALS

Ep 33 Erigeron 'Pink Jewel'

Pink Jewel Fleabane

#1 pot 400 o.c.

NOTES:

1) In case of discrepancy between plant numbers on this list and on the plan, the plan shall prevail

2) All planting shall be in accordance with BCSLA/BCLNA Landscape Standard, latest edition.

3) Growing medium: 400mm depth for planting bed areas.

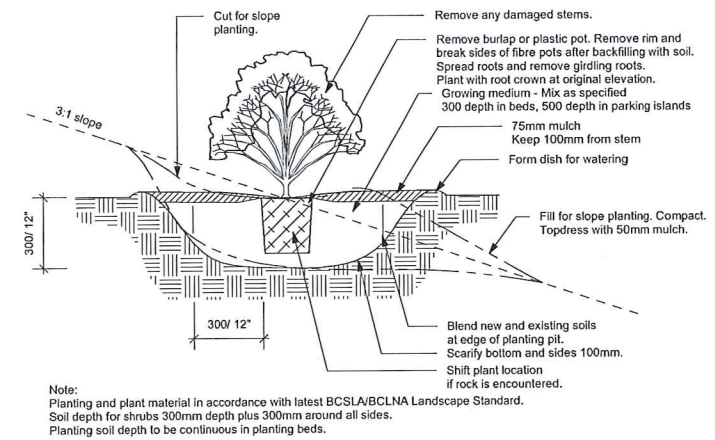
4) All planting beds: cover with 75mm of decomposed organic mulch or approved equal.

5) All trees to have 1.0m dia watering dish with 75mm depth mulch.

## 1 Landscape Plan

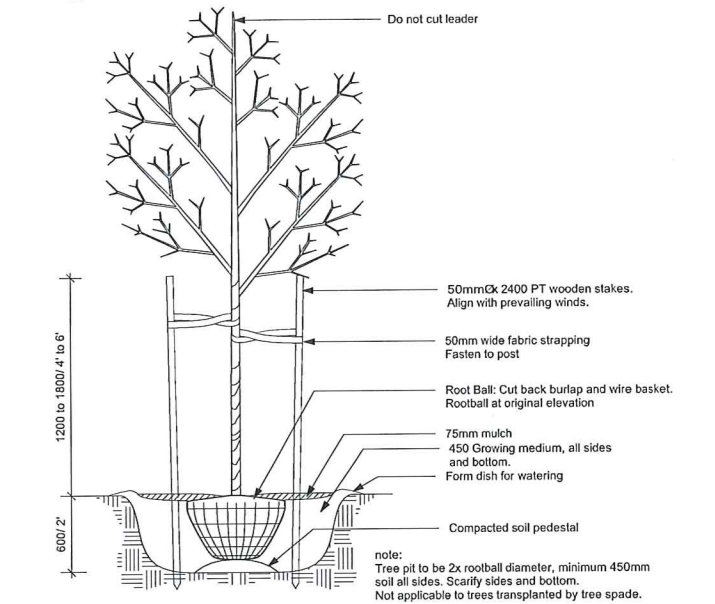
1" = 8' - 0"

HIGHWAY 33



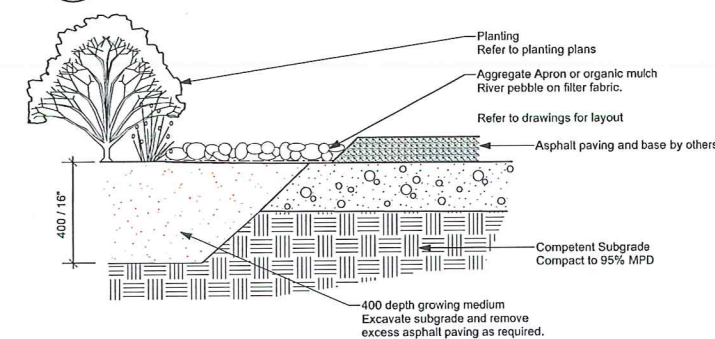
## 1 Shrub Planting

1" = 24' - 0"



## 2 Tree Planting

1" = 24' - 0"



## 3 Parking Area Planting

not to scale

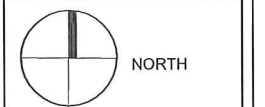
## GENERAL NOTES

- All work to satisfaction of the Owner.
- All work in compliance with City of Kelowna municipal standards.
- Dispose of all excavated and surplus materials off site, recycle where feasible.
- Contractor to confirm location of any site service before proceeding.
- Contractor to confirm actual site conditions and layout before proceeding.
- All dimensions are in millimeters, unless noted otherwise.
- Contractor to coordinate landscape construction with work of other disciplines, including civil, electrical, and architectural, as directed by the Owner.
- Contractor to make good all damage to satisfaction of the Owner, at no additional cost.
- Public to be protected from harm at all times. Do not leave work areas in an unsafe or hazardous condition, fence and/or make safe as required.
- Sidewalks and street to be kept clean at all times and cleaned to the satisfaction of the City.
- All work to be completed consistent with all drawings and specifications.
- Ensure positive drainage for all landscape areas.

Refer to architectural and civil engineering drawings.  
Site grading and drainage, including retaining wall design by others.  
Tree locations to be adjusted in the field as determined by location of underground services. Confirm locations before digging.

All drawings remain the property of Greenway Landscape Architecture. Use for any purpose and reproduction only by written consent.

| # | DATE       | ISSUE/REVISION     |
|---|------------|--------------------|
| 1 | Mar 29, 16 | DEVELOPMENT PERMIT |



## Greenway

Landscape Architecture  
2280 Park Crescent  
Coquitlam BC V3J 6T4  
T 604 461 9120  
E paul@greenwayla.ca

Paul Whitehead RBCSLA  
Registered Landscape Architect #246

CLIENT

PROJECT  
**Retail / Distillery**  
160 Highway 33 W  
Kelowna BC

DRAWING  
**Landscape Plan**

DRAWING NUMBER

**L-1**

SCALE AS NOTED

DRAWN PACW

PROJECT NUMBER 1604



## EXTERIOR FINISH LEGEND

- 1 SIGNAGE
- 2 WOOD CORNICE  
STAINED & VARNISHED
- 3 WOOD PARAPET WALL  
STAINED & VARNISHED
- 4 WOOD BOARD & BATTEN
- 5 WOOD COLUMN  
STAINED & VARNISHED
- 6 DOUBLE GLAZED DOOR/WINDOW  
IN VINYL FRAME  
with 4" WOOD TRIM



## Front Elevation

Retail / Distillery

160 Highway 33, Kelowna, British Columbia

Jka

architecture planning interior design





## Retail / Distillery

160 Highway 33, Kelowna, British Columbia

Jka

architecture planning interior design





## Retail / Distillery

160 Highway 33, Kelowna, British Columbia

Jka

architecture planning interior design



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**CITY OF KELOWNA**  
**MEMORANDUM**

---

**Date:** July 05, 2016  
**File No.:** Z16-0020  
**To:** Urban Planning Management (PM)  
**From:** Development Engineering Manager (SM)  
**Subject:** 160 Hwy 33 W P4 to C4

---

The Development Engineering Department has the following comments and requirements associated with this application to rezone the property at 160 Hwy 33 W from P4 to C4 to accommodate a proposed craft distillery.

The Development Engineering Technologist for this project is Jason Ough

**1. General**

These are Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

**2. Domestic Water and Fire Protection**

- a) The property is located within the Rutland Water District (RWD) 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 RWD 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.

**3. Sanitary Sewer**

The developer's consulting mechanical engineer will determine the development requirements of the proposed development and establish the service needs. This property is currently serviced with a 150mm diameter sanitary service. Only one service per lot will be permitted for this development. The applicant will arrange for the removal and disconnection of the existing service and the installation of one new larger service, if required, at the applicants cost.



**4. Storm Drainage**

- a) 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 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 in Highway 33 with an overflow service.
- b) Storm drainage systems, oil and grit separator and overflow service(s) for the site will be reviewed and approved by Engineering when site servicing designs are submitted.

**5. Road Improvements**

- a) Refer to MOTI comments and requirements regarding driveway access.
- b) Parking is limited to the rear of the building.

**6. Road Dedication and Subdivision Requirements**

- a) Grant Statutory Rights of Way if required for utility services.
- b) 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.

**7. 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.

**8. Design and Construction If offsite improvements are required.**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).

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

**9. Survey Monuments and Iron Pins**

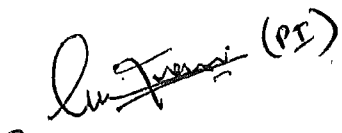
If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

**10. Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

**11. Development Permit and Site Related Issues**

- a) Access and Manoeuvrability
  - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways.
  - (ii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.

 (PE)  
Per \_\_\_\_\_  
Steve Muenz, P. Eng.  
Development Engineering Manager

jo

Dear local neighbours:

Below is a plan of what our new concept will be on 160 Hwy 33 West. The concept is as follows:

The purpose of the project is to create a small craft distillery that will sell small product both on-site in the form of cocktails and for take-home consumption. Since it will have a lounge endorsement, we aim to install a wood fired pizza oven that will sell pizza and Calzones: as well as offer beer, wine and other non-alcoholic refreshments. All of the alcoholic products will be served in a responsible manner.

This project has many benefits for the Rutland area including:

- Cleans up an otherwise dormant building and parking lot.
- Creates excitement into the area.
- Creates a minimum of 5 new jobs.
- Provides a new entrant for the Rutland area: There is no distillery or wood fired pizza place.
- Creates potential for tourists to stop which will add to greater residual benefit to the area.
- Allows for something new for locals to visit.

Should you have any further questions or concerns please do let me know.

Dan Allen

President – Endless Summer Distillery

250-212-8602

# C4 Distillery District Rezoning / Development Permit Application

160 Highway 33 W, Kelowna, British Columbia

## ARCHITECTURAL

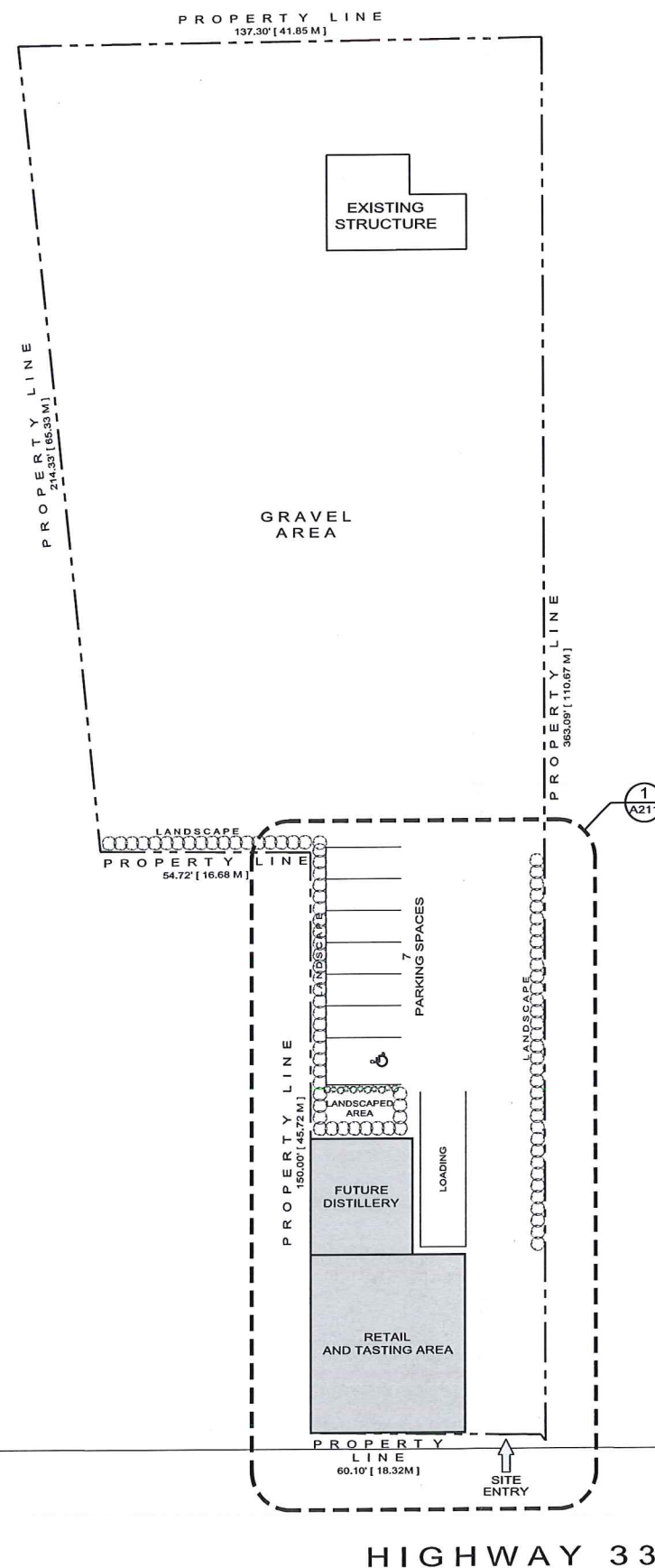
**Jordan Kutev Architect Inc.**  
180 - 2250 Boundary Road,  
Burnaby, British Columbia  
V5M 3Z3  
Tel.: 604 299 3222  
Fax: 604 299 3826  
www.jka.cc

- A151 DRAWING LISTS  
OVERALL SITE PLAN  
PROJECT STATISTICS
- A152 SITE PLAN  
CONTEXT PLAN  
ZONING MAP  
EASEMENT MAP
- A153 EXISTING PHOTOS
- A211 EXISTING FLOOR PLAN  
PROPOSED FLOOR PLAN
- A401 BUILDING ELEVATIONS

## LANDSCAPE

**Greenway  
Landscape Architecture**  
2280 Park Crescent,  
Coquitlam, British Columbia  
V3J 6T4  
Tel.: 604 461 9120  
Email: paul@greenwayla.ca

- L-1 LANDSCAPE PLAN



## PROJECT STATISTICS

| Retail / Distillery<br>160 Highway 33 W, Kelowna, British Columbia |                                                                                                    |                                                                         |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| Project Name:                                                      | Retail / Distillery                                                                                |                                                                         |
| Civil address:                                                     | 160 Highway 33 W, Kelowna, British Columbia                                                        |                                                                         |
| Legal Description:                                                 | Lot A Section 26 Township 28 Land District 41 Plan 74060                                           |                                                                         |
| Proposed Zoning:                                                   | C4                                                                                                 |                                                                         |
| Site area:                                                         | 35850.02 sq. ft. [ 3330.57 sq. m.]                                                                 |                                                                         |
| Uses                                                               | Allowed / required<br>Breweries and Distillery, minor                                              | Proposed                                                                |
| Main Floor                                                         |                                                                                                    | Retail / Distillery                                                     |
| Site coverage                                                      | 75.00%                                                                                             | Surface Coverage<br>2651.50 sq. ft. [ 246.33 sq. m.]<br>7.39%           |
| Building Height                                                    | 49.21 ft. [ 15.00 m. ]<br>or 4 Storeys                                                             | 14.50 ft. [ 4.42 m. ]<br>1 Storey                                       |
| Setbacks<br>Front                                                  | 0.00 ft. [ 0.00 m. ]                                                                               | 0.00 ft. [ 0.00 m. ]                                                    |
| Side ( East )                                                      | 0.00 ft. [ 0.00 m. ]                                                                               | 21.00 ft. [ 6.40 m. ]                                                   |
| Side ( West )                                                      | 0.00 ft. [ 0.00 m. ]                                                                               | 0.00 ft. [ 0.00 m. ]                                                    |
| Rear                                                               | 0.00 ft. [ 0.00 m. ]                                                                               | 319.75 ft. [ 97.45 m. ]                                                 |
| Floor Area Ratio ( FAR )                                           | 1                                                                                                  | 0.07                                                                    |
| Total Floor Area                                                   | 35850.02 sq. ft. [ 3330.57 sq. m.]                                                                 | 2651.50 sq. ft. [ 246.33 sq. m.]                                        |
| Off-Street Parking Spaces                                          | 5 Parking spaces                                                                                   | 5 Parking spaces<br>4 Full Size Vehicle Parking<br>1 Accessible Parking |
| Commercial                                                         | 1.75 per<br>1076.39 sq. ft. [ 100 sq. m. ] GFA                                                     | 4 Full Size Vehicle Parking                                             |
| Accessible Parking Spaces<br>Commercial                            | 1 Accessible Parking Space                                                                         | 1 Accessible Parking Space                                              |
| Off-Street Loading Spaces<br>Commercial                            | 1 Loading space                                                                                    | 1 Loading space                                                         |
| Bicycle Parking Spaces<br>Commercial<br>Class I                    | 1 Bicycle Parking space<br>0.20 per<br>1076.39 sq. ft. [ 100 sq. m. ] GFA<br>or 1 per 10 Employees | 1 Bicycle Parking space                                                 |
| Class II                                                           | 2 Bicycle Parking spaces<br>0.60 per<br>1076.39 sq. ft. [ 100 sq. m. ] GFA                         | 2 Bicycle Parking spaces                                                |

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PRIME CONSULTANT

|            |                                               |         |
|------------|-----------------------------------------------|---------|
| CONSULTANT | REGISTERED ARCHITECT                          |         |
| SEALED     | JORDAN KUTEV                                  |         |
| 29MAR2016  | ISSUED FOR REZONING AND<br>DEVELOPMENT PERMIT |         |
| NO         | DATE                                          | REMARKS |

Retail / Distillery

160 Highway 33 W  
Kelowna, British Columbia

DRAWING LISTS  
PROJECT STATISTICS  
OVERALL SITE PLAN

REZONING APPLICATION  
DEVELOPMENT PERMIT

A151

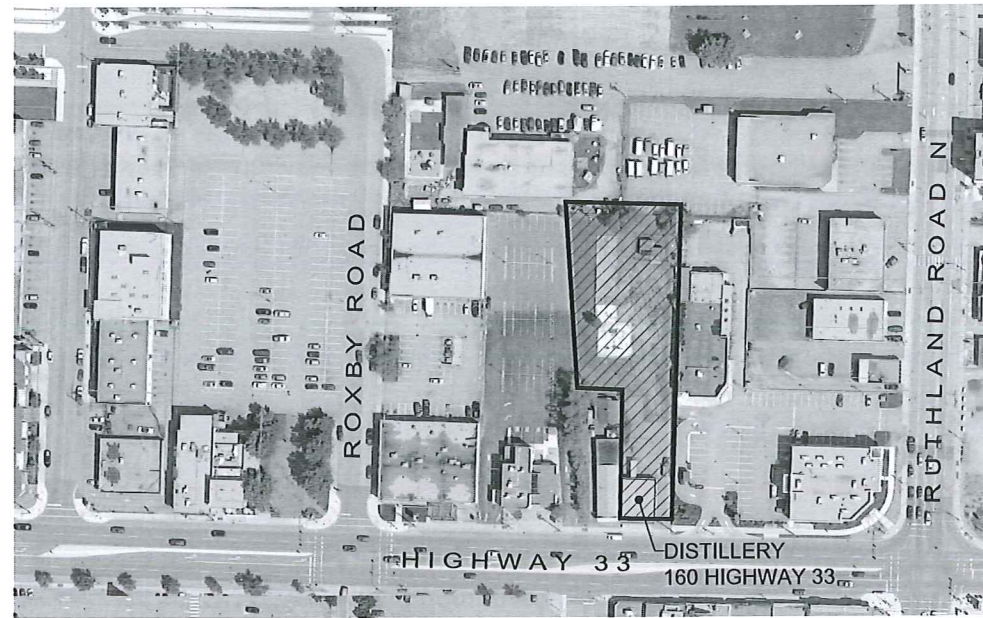
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| SCALE:<br>1" = 20' | PROJECT NO:<br>1526 |
| DRAWN BY:<br>MP    | DATE:<br>NOV2015    |
| CHECKED BY:<br>JK  |                     |

ROXBYS ROAD

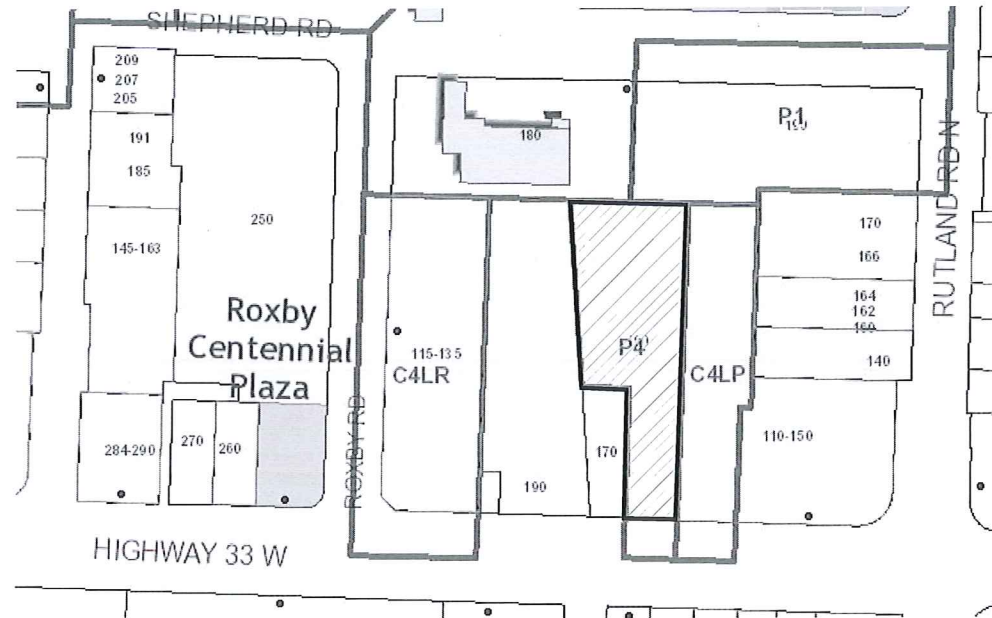
RUTLAND ROAD N

HIGHWAY 33

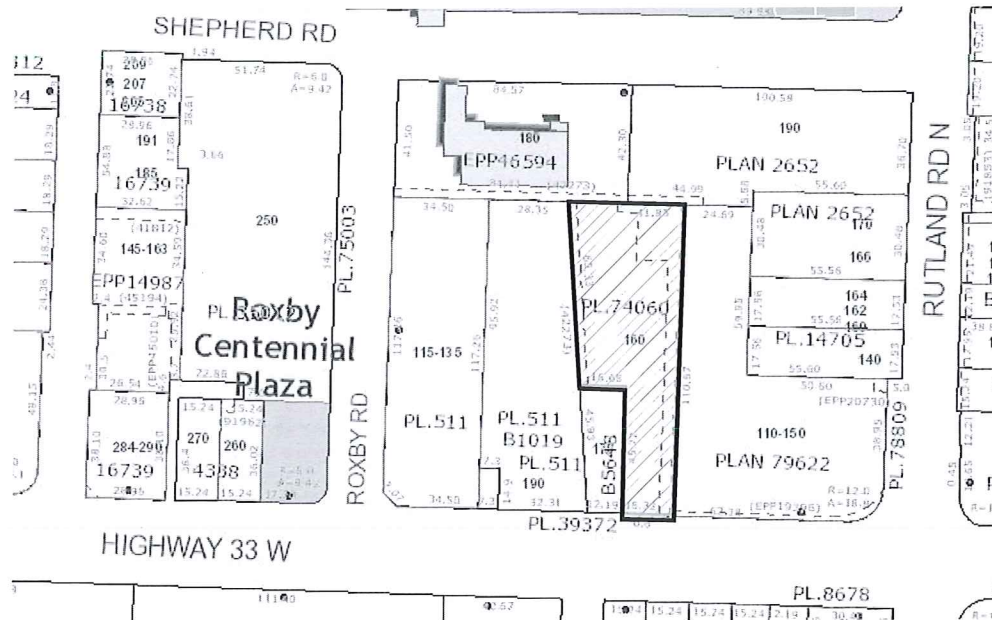




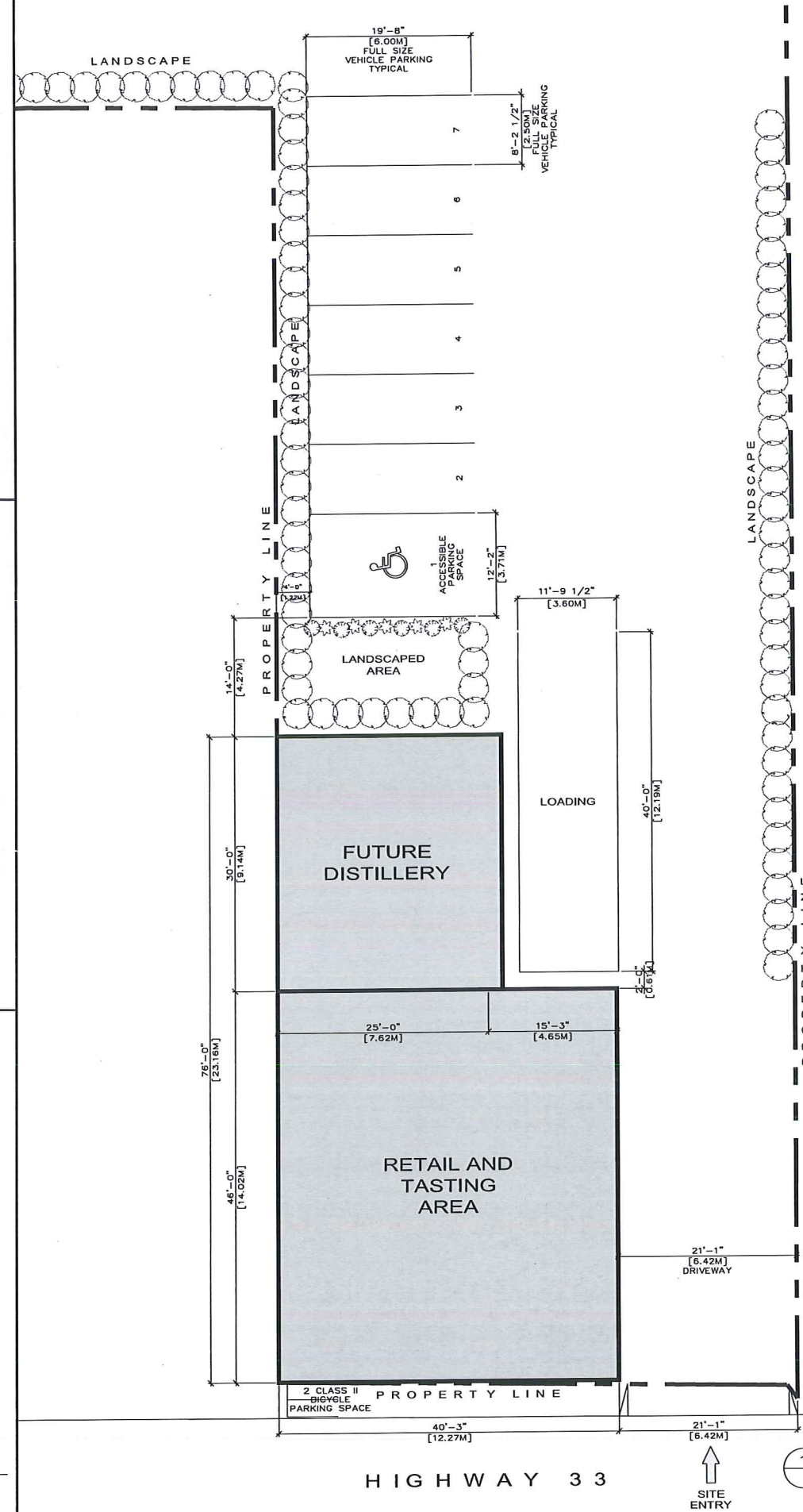
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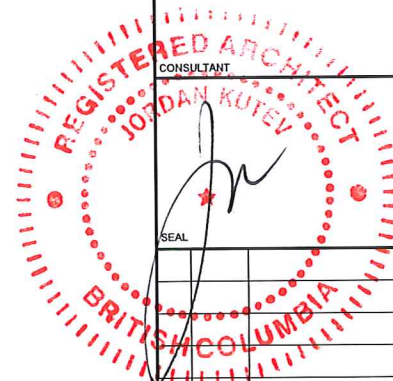
3 ZONING MAP  
SCALE: NTS



4 EASEMENT MAP  
SCALE: NTS



1 SITE PLAN  
SCALE: 1/8" = 1' - 0"



| NO | DATE      | REMARKS                                    |
|----|-----------|--------------------------------------------|
| 1  | 29MAR2016 | ISSUED FOR REZONING AND DEVELOPMENT PERMIT |

Retail / Distillery  
160 Highway 33 W  
Kelowna, British Columbia

SITE PLAN  
CONTEXT PLAN  
ZONING MAP  
EASEMENT MAP

REZONING APPLICATION  
DEVELOPMENT PERMIT

A152

|                 |                  |
|-----------------|------------------|
| SCALE: AS NOTED | PROJECT NO: 1526 |
| DRAWN BY: MP    | DATE: NOV2015    |
| CHECKED BY: JK  |                  |





1 EXISTING  
SOUTH ELEVATION & ADJACENT WEST PROPERTY  
SCALE: NTS



2 EXISTING  
SOUTH ELEVATION / EAST ELEVATION / DRIVEWAY  
SCALE: NTS



3 EXISTING  
DRIVEWAY / EXISTING REAR GRAVEL AREA  
SCALE: NTS



4 EXISTING  
SOUTH ELEVATION & ADJACENT EAST PROPERTY  
SCALE: NTS



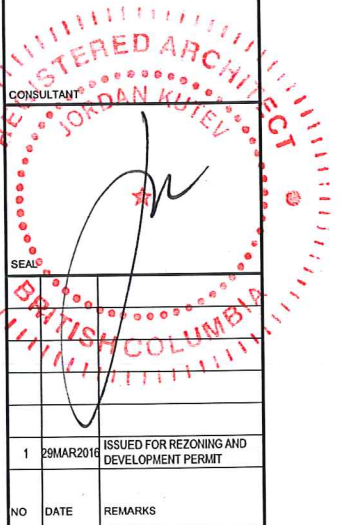
5 EXISTING  
SOUTH ELEVATION & ADJACENT WEST PROPERTY  
SCALE: NTS

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INFORMATION RELATING TO THESE DRAWINGS.

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NO DATE REMARKS

Retail / Distillery

160 Highway 33 W  
Kelowna, British Columbia

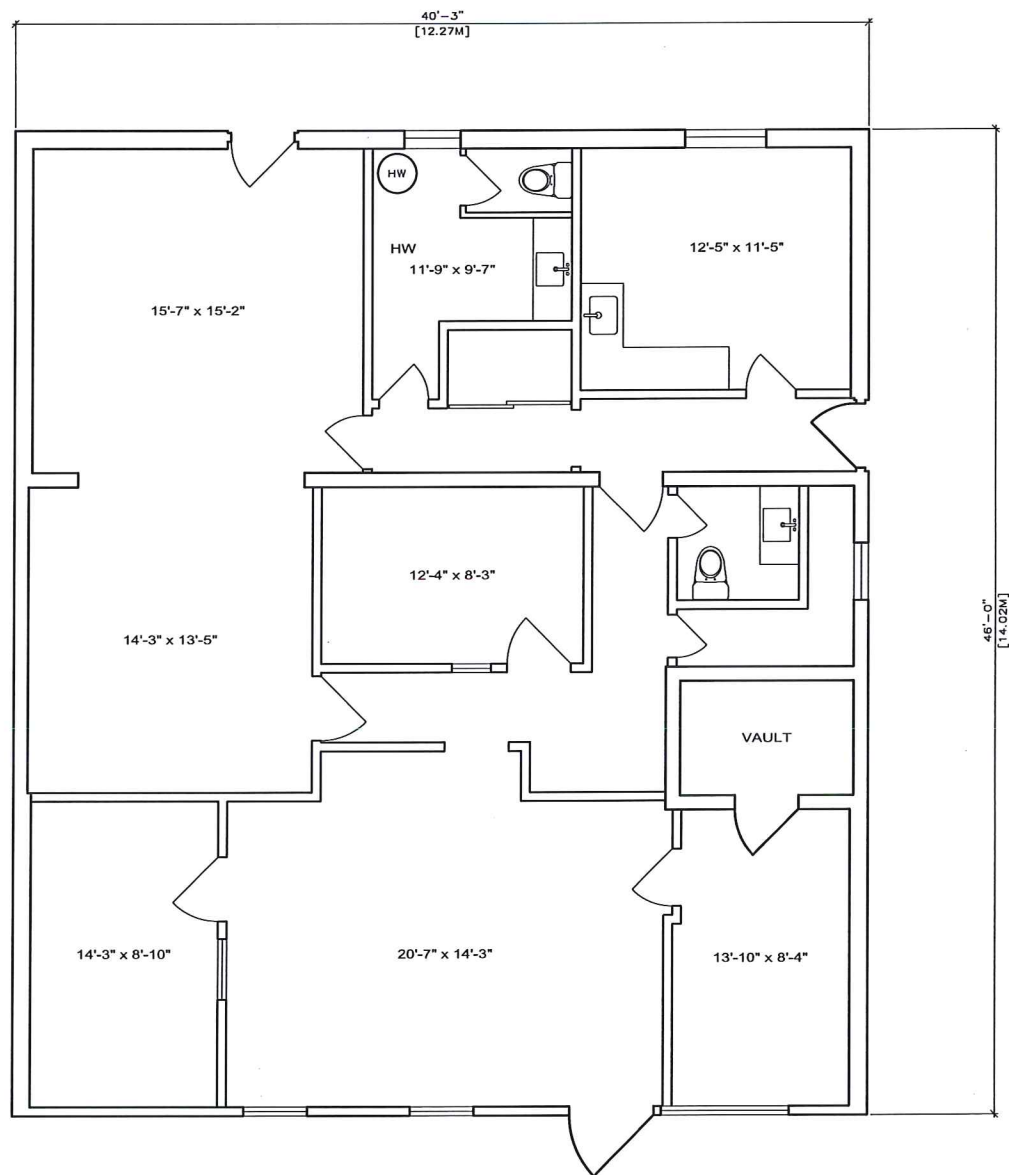
EXISTING PHOTOS

REZONING APPLICATION  
DEVELOPMENT PERMIT

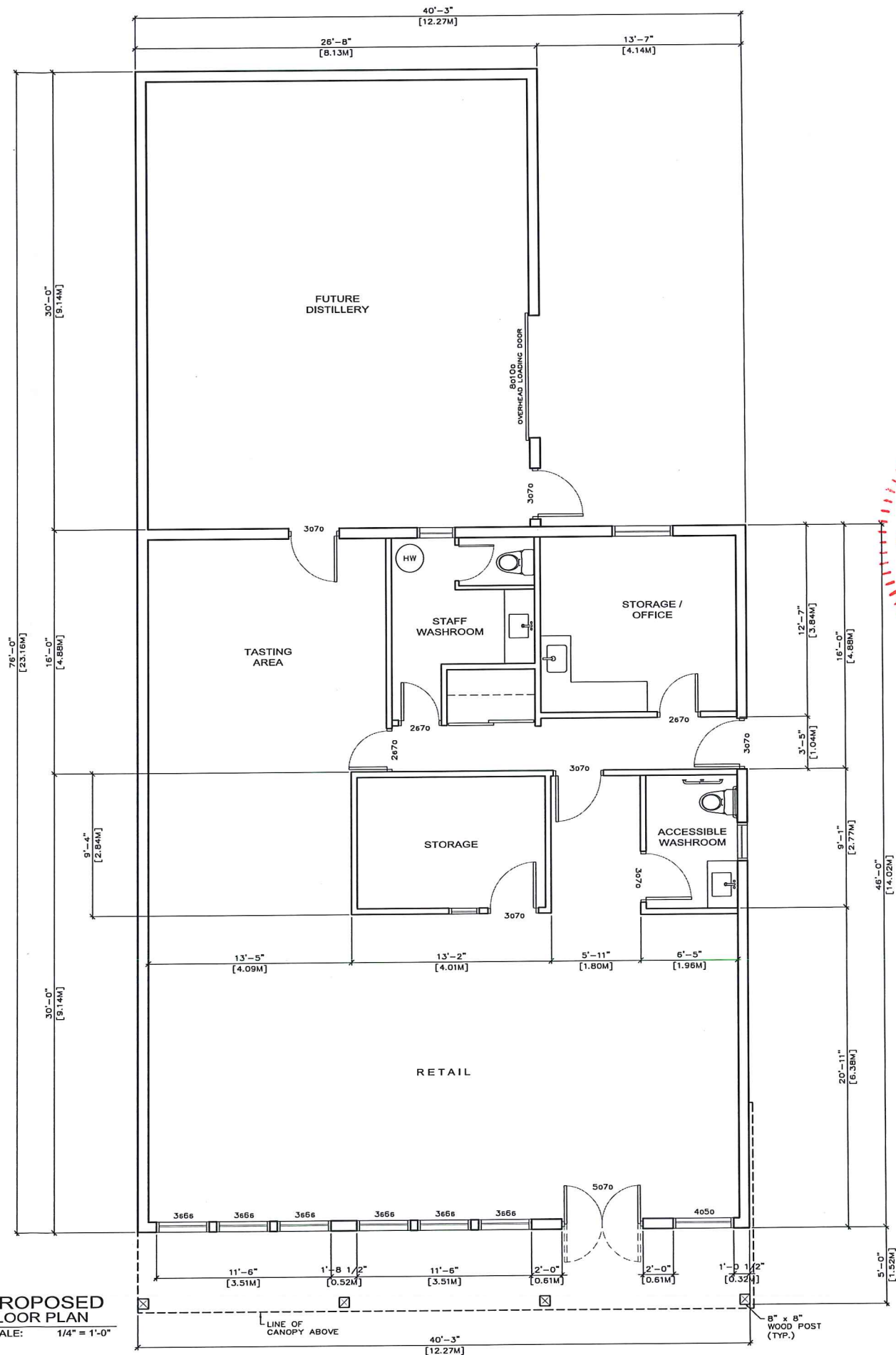
A153

SCALE: NTS PROJECT NO: 1526  
DRAWN BY: MP DATE:  
CHECKED BY: JK NOV2015





2  
EXISTING  
FLOOR PLAN  
SCALE: 1/4" = 1'-0"



1  
PROPOSED  
FLOOR PLAN  
SCALE: 1/4" = 1'-0"

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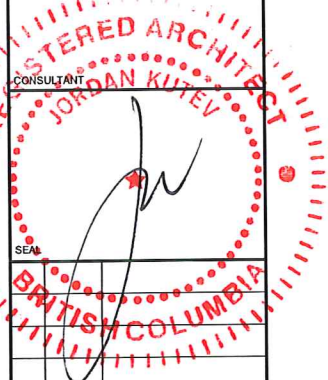


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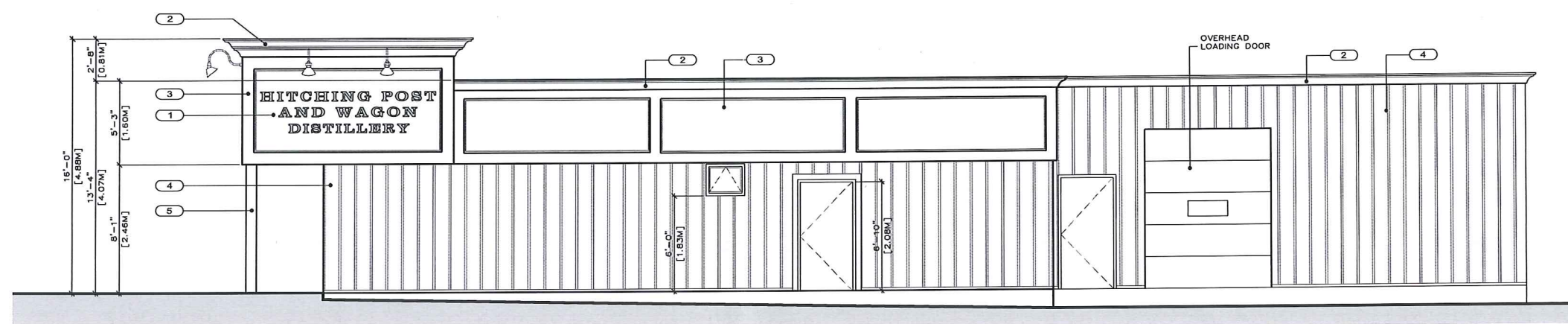
| NO | DATE      | REMARKS                                    |
|----|-----------|--------------------------------------------|
| 1  | 29MAR2016 | ISSUED FOR REZONING AND DEVELOPMENT PERMIT |

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|                                               |                     |
|-----------------------------------------------|---------------------|
| Retail / Distillery                           |                     |
| 160 Highway 33 W<br>Kelowna, British Columbia |                     |
| EXISTING FLOOR PLAN<br>PROPOSED FLOOR PLAN    |                     |
| REZONING APPLICATION<br>DEVELOPMENT PERMIT    |                     |
| A211                                          |                     |
| SCALE:<br>1/4" = 1'-0"                        | PROJECT NO:<br>1526 |
| DRAWN BY:<br>MP                               | DATE:               |
| CHECKED BY:<br>JK                             | NOV2015             |



1 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

- EXTERIOR FINISH LEGEND**
- 1 SIGNAGE
  - 2 WOOD CORNICE  
STAINED & VARNISHED
  - 3 WOOD PARAPET WALL  
STAINED & VARNISHED
  - 4 WOOD BOARD & BATTEN
  - 5 WOOD COLUMN  
STAINED & VARNISHED
  - 6 DOUBLE GLAZED DOOR/WINDOW  
IN VINYL FRAME  
with 4" WOOD TRIM

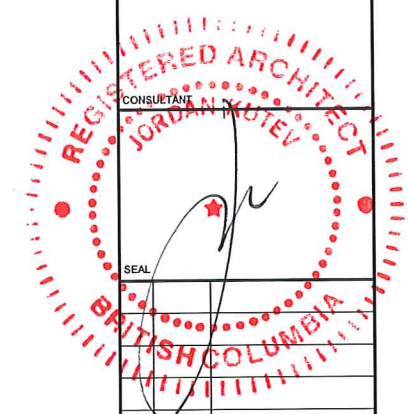
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1 29MAR2016 ISSUED FOR REZONING AND DEVELOPMENT PERMIT

NO DATE REMARKS

Retail / Distillery

160 Highway 33 W  
Kelowna, British Columbia

BUILDING ELEVATIONS

REZONING APPLICATION  
DEVELOPMENT PERMIT

A401

SCALE: 1/4" = 1'-0"  
PROJECT NO: 1526  
DRAWN BY: MP  
DATE: NOV2015  
CHECKED BY: JK



# PLANT LIST - Distillery - 160 Hwy 33 W

updated March 29, 2016

| SYMBOL                    | TOTAL                               | BOTANICAL NAME               | COMMON NAME              | SIZE      | SPACING |
|---------------------------|-------------------------------------|------------------------------|--------------------------|-----------|---------|
| <b>TREES</b>              |                                     |                              |                          |           |         |
| 6                         | Amelanchier alnifolia               | Saskatoon                    | 1.5m tall multi-stem     |           |         |
| 1                         | Parrotia persica                    | Persian Ironwood             | 6cm cal., B&B multi-stem |           |         |
| <b>SHRUBS</b>             |                                     |                              |                          |           |         |
| 10                        | Cornus alba 'Prairie Fire'          | Prairie Fire Dogwood         | #1 pot                   | 900 o.c.  |         |
| 9                         | Hydrangea arborescens Annabelle     | Anabelle Hydrangea           | #1 pot                   | 900 o.c.  |         |
| 15                        | Mahonia aquifolium                  | Oregon Grape                 | #1 pot                   | 750 o.c.  |         |
| 15                        | Potentilla fruticosa 'Gold Star'    | Gold Star Shrubby Cinquefoil | #1 pot                   | 700 o.c.  |         |
| 15                        | Physocarpus opulifolius 'Diabolo'   | Diabolo Ninebark             | #1 pot                   | 850 o.c.  |         |
| 8                         | Polystichum munitum                 | Sword Fern                   | #1 pot                   | 700 o.c.  |         |
| 15                        | Salix purpurea 'Nana'               | Dwarf Arctic Willow          | #1 pot                   | 600 o.c.  |         |
| 3                         | Yucca glauca                        | Small Soapweed               | #1 pot                   | 500 o.c.  |         |
| 2                         | Syringa x prestoniae 'Donald Wyman' | Donald Wyman Preston Lilac   | #2 pot                   | 1200 o.c. |         |
| <b>GROUND COVERS</b>      |                                     |                              |                          |           |         |
| 21                        | Microbiota decussant                | Russian Cypress              | #1 pot                   | 600 o.c.  |         |
| <b>ORNAMENTAL GRASSES</b> |                                     |                              |                          |           |         |
| 9                         | Arrhenatherum variegatum            | Variegated Oat Grass         | #1 pot                   | 400 o.c.  |         |
| 36                        | Calamagrostis Karl Foerster         | Karl Foerster Reed Grass     | #1 pot                   | 600 o.c.  |         |
| 47                        | Panicum virgatum                    | Switch Grass                 | #1 pot                   | 500 o.c.  |         |
| <b>PERENNIALS</b>         |                                     |                              |                          |           |         |
| Ep                        | Erigeron 'Pink Jewel'               | Pink Jewel Fleabane          | #1 pot                   | 400 o.c.  |         |

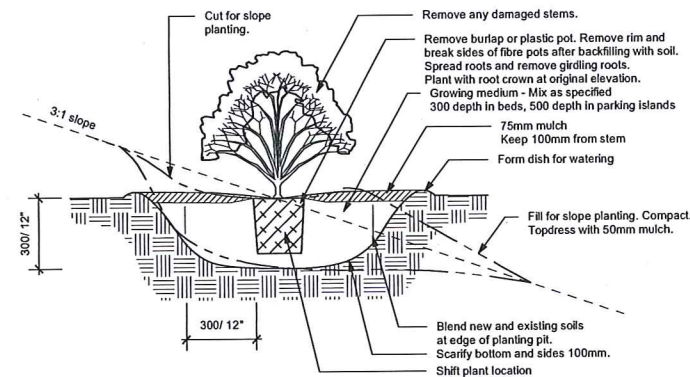
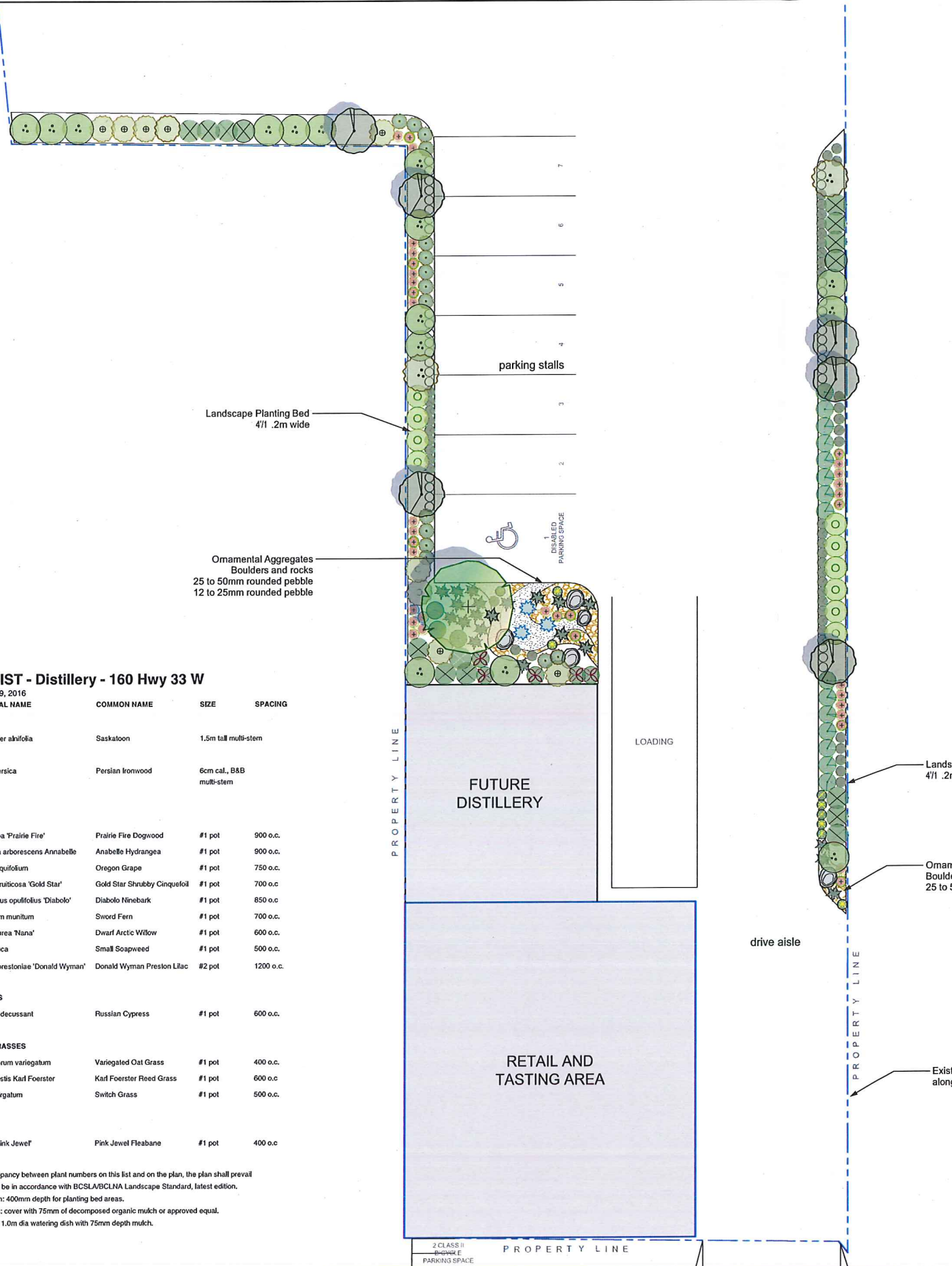
## NOTES:

- 1) In case of discrepancy between plant numbers on this list and on the plan, the plan shall prevail
- 2) All planting shall be in accordance with BCSLA/BCLNA Landscape Standard, latest edition.
- 3) Growing medium: 400mm depth for planting bed areas.
- 4) All planting beds: cover with 75mm of decomposed organic mulch or approved equal.
- 5) All trees to have 1.0m dia watering dish with 75mm depth mulch.

## 1 Landscape Plan

1" = 8' - 0"

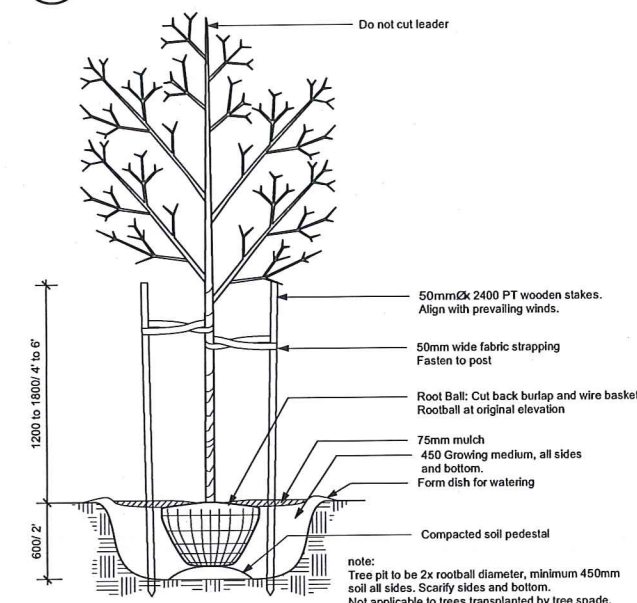
HIGHWAY 33



Note:  
Planting and plant material in accordance with latest BCSLA/BCLNA Landscape Standard.  
Soil depth for shrubs 300mm depth plus 300mm around all sides.  
Planting soil depth to be continuous in planting beds.

## 1 Shrub Planting

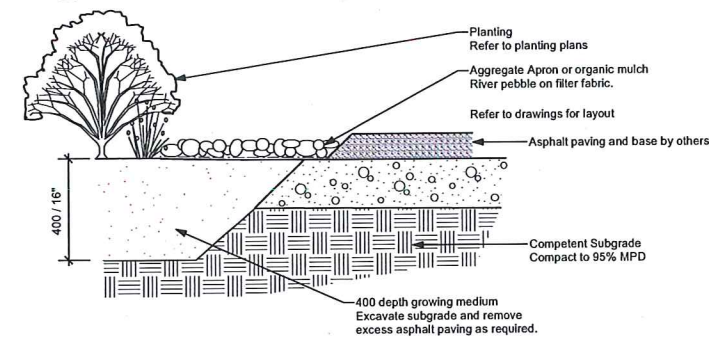
1" = 24' - 0"



note:  
Tree pit to be 2x rootball diameter, minimum 450mm soil all sides. Scarify sides and bottom.  
Not applicable to trees transplanted by tree spade.

## 2 Tree Planting

1" = 24' - 0"



## 3 Parking Area Planting

not to scale

## GENERAL NOTES

1. All work to satisfaction of the Owner.
2. All work in compliance with City of Kelowna municipal standards.
3. Dispose of all excavated and surplus materials off site, recycle where feasible.
4. Contractor to confirm location of any site service before proceeding.
5. Contractor to confirm actual site conditions and layout before proceeding.
6. All dimensions are in millimeters, unless noted otherwise.
7. Contractor to coordinate landscape construction with work of other disciplines, including civil, electrical, and architectural, as directed by the Owner.
8. Contractor to make good all damage to satisfaction of the Owner, at no additional cost.
9. Public to be protected from harm at all times. Do not leave work areas in an unsafe or hazardous condition, fence and/or make safe as required.
10. Sidewalks and street to be kept clean at all times and cleaned to the satisfaction of the City.
11. All work to be completed consistent with all drawings and specifications.
12. Ensure positive drainage for all landscape areas.

Refer to architectural and civil engineering drawings.  
Site grading and drainage, including retaining wall design by others.

Tree locations to be adjusted in the field as determined by location of underground services. Confirm locations before digging.

All drawings remain the property of Greenway Landscape Architecture. Use for any purpose and reproduction only by written consent.

| #  | DATE       | ISSUE/REVISION     |
|----|------------|--------------------|
| 1. | Mar 29, 16 | DEVELOPMENT PERMIT |



**Greenway**  
Landscape Architecture  
2280 Park Crescent  
Coquitlam BC V3J 6T4  
T 604 461 9120  
E paul@greenwayla.ca  
Paul Whitehead RBCSLA  
Registered Landscape Architect #246

CLIENT  
  
PROJECT  
**Retail / Distillery**  
160 Highway 33 W  
Kelowna BC

DRAWING  
**Landscape Plan**  
DRAWING NUMBER  
**L-1**

SCALE AS NOTED  
DRAWN PACV  
PROJECT NUMBER 1604



## EXTERIOR FINISH LEGEND

- 1 SIGNAGE
- 2 WOOD CORNICE  
STAINED & VARNISHED
- 3 WOOD PARAPET WALL  
STAINED & VARNISHED
- 4 WOOD BOARD & BATTEN
- 5 WOOD COLUMN  
STAINED & VARNISHED
- 6 DOUBLE GLAZED DOOR/WINDOW  
IN VINYL FRAME  
with 4" WOOD TRIM



## Front Elevation

### Retail / Distillery

160 Highway 33, Kelowna, British Columbia



**Jka**

architecture planning interior design





## Retail / Distillery

160 Highway 33, Kelowna, British Columbia



**Jka**

architecture planning interior design





## Retail / Distillery

160 Highway 33, Kelowna, British Columbia

**Jka**

architecture planning interior design



# REPORT TO COUNCIL



**Date:** December 12, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** Z16-0048 **Owner:** Calvin & Sunok Condy

**Address:** 3031 Abbott Street **Applicant:** John Sproule

**Subject:** Rezoning Application

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RM4 - Transitional Low Density Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z16-0048 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8 Block 2 District Lot 14 ODYD Plan 4743, located at 3031 Abbott Street, Kelowna, BC from the RU1 - Large Lot Housing zone to the RM4 - Transitional Low Density Housing 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 August 31, 2016;

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

## 2.0 Purpose

To rezone the subject property to facilitate the development of a proposed five-unit townhouse project on the subject property.

## 3.0 Community Planning

Community Planning Staff recommends support for the proposed rezoning to facilitate the development of a five-unit townhouse on the subject property.

The proposed rezoning is consistent with the Official Community Plan (OCP) Future Land Use designation of MRM - Multiple Unit Residential (Medium Density). The MRM designation extends to

a number of properties to the North, East and South of the subject property. To date, only one other site has redeveloped. Due to the small lot sizes, the assembly of multiple lots is generally needed to achieve the development and density envisioned for the area. With the site being a corner lot, the property presents an opportunity for urban infill development that isn't achievable on individual interior lots.

The property's proximity to retail services, employment opportunities, recreation and transportation options make it an appropriate location for the addition of residential density. The proposed project will help contribute to fulfilling the City's policy of 'Complete Communities' by increasing the residential density of the property and neighbourhood. The project is also consistent with several other OCP Urban Infill policies including 'Compact Urban Form' and 'Sensitive Infill'. The parcel fronts onto the Abbott Street multi-use corridor fulfilling the City's policy of Ground Oriented Housing.

Although row housing and stacked row housing are permitted forms of development within the RM4 zone, it was created with low rise apartments in mind and the development regulations reflect this. As a row house development on a small urban lot, several of the development regulations are not met and variances are being requested.

Row houses are typically developed under the RM3 zone and Staff are considering the variances in light of the development regulations for similar forms of development in other zones. For example, the development has access to grade and individual unit entrances face onto Newsom Road and Abbott Street, and is considered ground-oriented housing. Several OCP policies support this form of development to improve housing options for families. While both the RM2 and RM3 zones have development regulations that specifically encourage ground-oriented housing, primarily through the reduction of front and side yard setbacks, the RM4 zone does not have these same provisions since ground-oriented housing is not characteristic of the zone.

In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property.

## **4.0 Proposal**

### **4.1 Project Description**

#### Proposed Development

The proposed development consists of a five-unit, three storey townhouse building with attached garages. The intent is to create a building strata, thus allowing the units to be sold individually. Unit sizes range from just under 1,600 ft<sup>2</sup> (148 m<sup>2</sup>) up to 1,800 ft<sup>2</sup> (167 m<sup>2</sup>), with private exterior decks or patio space. The unit breakdown comprises of one two-bedroom unit and the four three-bedroom units, making this development appealing for families.

Secured parking is provided for each of the units. The rear of the building has four attached garages which are accessed from the lane and one garage accessed from Newsom Avenue. Each garage offers tandem parking for two vehicles. Each unit has an at-grade pedestrian entrance facing either Newsom Avenue or Abbott Street. The location along Abbott Street, and the proximity to the South Pandosy amenities and Okanagan Lake make this development appealing to expectant buyers.

#### Rezoning

The property is currently zoned RU1 - Large Lot Housing and the proposed zone is RM4 - Transitional Low Density Housing. The RM4 zone was created to facilitate development that provides a transition between low and medium density developments. It is the lower density of

the two zones under the MRM - Multiple Unit Residential (Medium Density) Future Land Use designation, the other being RM5 - Medium Density Multiple Housing.

#### Variances

This project is similar to another that was approved by Council in March of this year and located at 1295 St. Paul Street in the downtown for a 4-unit townhouse development. The applicant is requesting several similar variances to facilitate this housing form on the subject parcel. The variances are noted in the Zoning Analysis Table in Section 4.3 below and include increasing the site coverage, reducing setbacks, and allowing an additional driveway access. Should the zoning be supported by Council, a development permit and the variances will come forth to Council for approval.

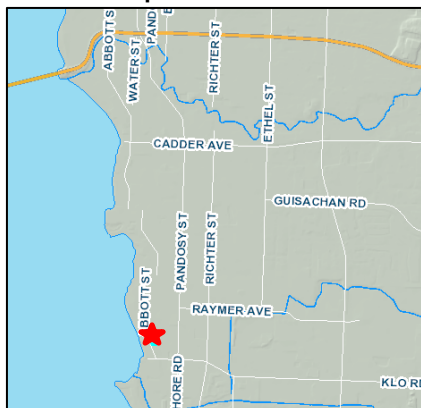
#### 4.2 Site Context

The subject property is located at the southeast corner of Abbott Street and Newsom Avenue in the South Pandosy Urban Centre. It is west of the SOPA development on Pandosy Street. The parcel is designated for development as MRM - Multiple Unit Residential (Medium Density) within the Official Community Plan (OCP) and is within the Permanent Growth Boundary. The surrounding area is characterized by a mix of single dwelling housing to the north, south and west. There is some multi-residential to the north and mixed use commercial and residential to the east along Pandosy Street. The Kelowna Paddle Centre is across Abbott Street to the west.

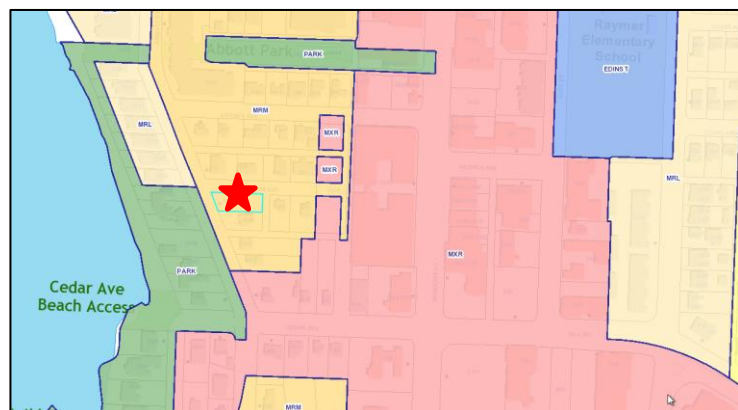
Specifically, adjacent land uses are as follows:

| 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        | P3 - Parks & Open Space | Single Dwelling Housing<br>Paddle Centre |

**Context Map:**



**Future Land Use**



## Subject Property Map: 3031 Abbott Street



## 4.3 Zoning Analysis Table

| Zoning Analysis Table                                    |                                                              |                                          |
|----------------------------------------------------------|--------------------------------------------------------------|------------------------------------------|
| CRITERIA                                                 | RM4 ZONE REQUIREMENTS                                        | PROPOSAL                                 |
| Existing Lot/Subdivision Regulations                     |                                                              |                                          |
| Minimum Lot Area                                         | 900 m <sup>2</sup>                                           | 632.70 m <sup>2</sup> *                  |
| Minimum Lot Width                                        | 30.0 m                                                       | 14.90 m *                                |
| Minimum Lot Depth                                        | 30.0 m                                                       | 43.04 m *                                |
| Development Regulations                                  |                                                              |                                          |
| Maximum Floor Area Ratio                                 | 1.15                                                         | 1.15                                     |
| Maximum Site Coverage (buildings)                        | 50%                                                          | 51% ❶                                    |
| Maximum Site Coverage (buildings, driveways and parking) | 60%                                                          | 68.8% ❷                                  |
| Maximum Height                                           | 13.0 m / 3 storeys                                           | 13.0 m & 3 storeys                       |
| Minimum Front Yard                                       | 4.5 m (two storeys or less)<br>6.0 m (more than two storeys) | 3.0 m ❸<br>6.0m                          |
| Minimum Side Yard (south)                                | 2.3 m (two storeys or less)<br>4.5 m (more than two storeys) | 1.5 m ❹                                  |
| Minimum Side Yard (north)                                | 4.5 m                                                        | 0.6 m ❺                                  |
| Minimum Rear Yard                                        | 7.5 m (two storeys or less)                                  | 1.5 m ❻                                  |
| Other Regulations                                        |                                                              |                                          |
| Minimum Parking Requirements                             | 10 stalls (5 full, 5 medium)                                 | 10 stalls (5 full, 5 medium)             |
| Minimum Private Open Space                               | 25 m <sup>2</sup> per dwelling                               | 58 m <sup>2</sup> per dwelling (average) |
| Subdivision, Development & Servicing Bylaw No. 7900      |                                                              |                                          |
| Driveway Access (not allowed with rear lane access)      | No driveway access                                           | Newsom Avenue driveway access proposed ❼ |



\* No subdivision is being proposed; therefore, the lot does not need to conform to the minimum lot dimensions of the RM4 subdivision regulations.

- ❶ Indicates a requested variance to increase the building site coverage from 50% to 51%.
- ❷ Indicates a requested variance to increase the total site coverage from 60% to 68.8%.
- ❸ Indicates a requested variance to reduce the front yard setback from 4.5 m to 3.0 m proposed.
- ❹ Indicates a requested variance to reduce the side yard setback from 4.5m to 1.5m proposed.
- ❺ Indicates a requested variance to reduce the flanking street side setback from 4.5 m to 0.6 m proposed.
- ❻ Indicates a requested variance to reduce the rear yard setback from 7.5 m to 1.5 m proposed.
- ❼ Indicates a requested variance to allow a driveway access when a parcel abuts a lane.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Complete Communities.**<sup>1</sup> 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.

**Compact Urban Form.**<sup>2</sup> 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.**<sup>3</sup> 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.

**Healthy Communities.**<sup>4</sup> Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

**Housing Mix.**<sup>5</sup> Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

**Ground-Oriented Housing.**<sup>6</sup> Encourage all multiple-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms so as to provide a family housing choice within the multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

<sup>5</sup> City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

<sup>6</sup> City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

## **6.0 Technical Comments**

### **6.1 Building & Permitting Department**

- No concerns with rezoning.
- Additional comments provided for Development Permit and Development Variance Permit applications.

### **6.2 Development Engineering Department**

- Refer to Attachment A dated August 31, 2016.

### **6.3 Fire Department**

- The complex shall have one main address with unit numbers or each addressed off of the street that the unit is accessed from.
- Laneways are not for emergency access.

### **6.4 FortisBC - Electric**

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Abbott Street and Newsom Avenue. Based on the plans submitted, it is unclear whether adequate space has been provided to accommodate the transformation required to service the proposed development. It is recommended that FBC(E) be contacted as soon as possible to determine servicing and land rights requirements for the proposed design. 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.

## **7.0 Application Chronology**

|                                     |                    |
|-------------------------------------|--------------------|
| Date of Application Received:       | August 29, 2016    |
| Date Public Consultation Completed: | September 28, 2016 |
| Date of Amended Plans Received:     | November 24, 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  
Siteplan & Floor Plans  
Conceptual Elevations & Renderings

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## CITY OF KELOWNA

# MEMORANDUM

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**Date:** August 31, 2016  
**File No.:** Z16-0048

**To:** Community Planning (LK)

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

**Subject:** 3031 Abbott Street

RU1 to RM4

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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 a 19-mm water service. 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 service and the installation of one new larger metered water service. The estimated cost of this construction for bonding purposes is **\$10,000.00**.
- 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 a 100mm-diameter sanitary sewer service. 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 service and the installation of a new larger service. The new service should tie in to the main on Newsom Ave. 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

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) Abbott Street Rd fronting this development must be upgraded to an urban standard to including barrier curb & gutter, concrete sidewalk, storm drainage, landscaped boulevard 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 **\$12,800.00**
- (a) Newsom Ave fronting this development must be upgraded to an urban standard to including barrier curb & gutter, sidewalk, storm drainage, landscaped boulevard 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 ~1.5m width along the full frontage of Newsom Ave.
- b) Provide a 6m corner rounding at the intersection of Abbott St and Newsom Ave.
- c) Grant statutory rights-of-way if required for utility services.

.6) Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as this site is located within the South Pandosy urban town centre.
- b) Streetlights must be installed on Abbott St and Newsom Ave if needed.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.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.
- 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 Newsom Ave

.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      | \$10,000.00 |
| Sanitary service upgrade   | \$10,000.00 |
| Road Frontage Improvements | \$38,200.00 |

Total Bonding **\$68,200.00**

**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

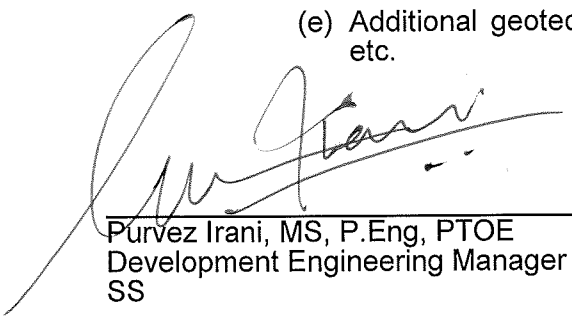
Access and Manoeuvrability

- (i) Access to the site is permitted from the lane as per bylaw. A development variance permit will be required for council approval for the proposed access to Newsom Ave.

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





### SEE A3.2 FOR 3D MASSING

| MATERIAL SCHEDULE                               |
|-------------------------------------------------|
| ○ PANELIZED FINISH WITH METAL REVEAL - CHARCOAL |
| ○ ARCHITECTURAL METAL SIDING LONGBOARD - CHERRY |
| ○ CULTURED STONE CLADDING                       |
| ○ METAL WINDOWS - ANOZGED CLEAR                 |
| ○ ENTRY DOOR - WOOD GRAIN                       |
| ○ SIGNAGE                                       |
| ○ METAL GARAGE DOOR - TRANSLUCENT GLAZING       |
| ○ TRIM - CEMENTITIOUS TRIM WITH DARK COLOR      |
| ○ PAINTING - METAL / W/WHITESH                  |
| ○ EXTERIOR LIGHTING                             |
| ○ METAL VENT - PAINTED                          |
| ○ TRELLIS                                       |
| ○ STONE RETAINING WALL                          |
| ○ LANDSCAPE BERM                                |
| ○ FENCING                                       |
| ○ METAL ROOFING                                 |



STREET VIEW FROM ABBOTT & NEWSOM



STREET VIEW FROM NEWSOM



STREET VIEW FROM ABBOTT

|                                                                          |                          |
|--------------------------------------------------------------------------|--------------------------|
| PROJECT<br>ABBOTT                                                        |                          |
| ADDRESS<br>3031 ABBOTT ST.<br>LOT 8, BLOCK 2, D.L.<br>14, ODD, PLAN 4743 |                          |
| CLIENT<br>CALVIN CONDY<br>CALCONDI@BNAH.CA                               |                          |
| ISSUED                                                                   |                          |
| DATE                                                                     | ISSUED FOR               |
| 14.11.16                                                                 | RECEIVING OF APPLICATION |
| 15.01.17                                                                 | FOR REVIEW               |
| 15.01.17                                                                 | FOR REVIEW               |
| 15.11.16                                                                 | FOR REVIEW               |
| 15.11.16                                                                 | FOR REVIEW               |
| 15.11.16                                                                 | FOR REVIEW               |
| 15.11.16                                                                 | FOR REVIEW               |
| DRAWING                                                                  |                          |
| MASSING                                                                  |                          |
| DRAWN BY<br>FH                                                           | REVIEWED BY<br>JS        |
| 1601                                                                     | A3.2                     |





# OUTLAND DESIGN LANDSCAPE ARCHITECTURE

200 - 1880 Spill Road  
Kelowna, BC V1Y 4K2  
T (250) 868-9270  
www.outlanddesign.ca



PROJECT TITLE

## 3031 ABBOTT STREET

Kelowna, BC

SHOWN TITLE

## CONCEPTUAL LANDSCAPE PLAN

ISSUED FOR REVISION

|    |          |                    |
|----|----------|--------------------|
| 1. | 16.07.21 | Development Permit |
| 2. |          |                    |
| 3. |          |                    |
| 4. |          |                    |
| 5. |          |                    |

PROJECT NO.

DESIGN BY

DRAWN BY

CHECKED BY

DATE

SCALE

SCALE



DRAWING NUMBER

# L1/2

ISSUED FOR REVIEW ONLY

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Landscape Architecture Limited and shall not be reproduced,  
stored, or transmitted without permission.



### NOTES

1. PLANT MATERIAL AND CONSTRUCTION METHODS SHALL MEET OR EXCEED B.C.L.P.A. STANDARDS.
2. ALL SOFT LANDSCAPE AREAS SHALL BE WATERED BY A FULLY AUTOMATIC TIMED UNDERGROUND IRRIGATION SYSTEM.
3. TREE AND SHRUB BEDS TO BE DRESSED IN A MINIMUM 50mm ROCK MULCH. DO NOT PLACE WEED MAT UNDERNEATH TREE AND SHRUB BEDS.
4. TREE AND SHRUB BEDS TO RECEIVE A MINIMUM 300mm DEPTH TOPSOIL PLACEMENT.
5. TURF AREAS FROM SOO SHALL BE NO. 1 GRADE GROWN FROM CERTIFIED SEED OF IMPROVED CULTIVARS REGISTERED FOR SALE IN B.C. AND SHALL BE TOLERANT OF DROUGHT CONDITIONS. A MINIMUM OF 100mm DEPTH OF GROWING MEDIUM IS REQUIRED BENEATH TURF AREAS. TURF AREAS SHALL MEET EXISTING GRADES AND HARD SURFACES FLUSH.

### PLANT LIST

| BOTANICAL NAME                          | COMMON NAME                     | QTY | SIZE / SPACING & REMARKS       |
|-----------------------------------------|---------------------------------|-----|--------------------------------|
| <b>TREES</b>                            |                                 |     |                                |
| SYRINGA RETICULATA 'IVORY SILK'         | 'IVORY SILK' SYRINGA            | 6   | 6m CAL.                        |
| TEUCCARIA 'HAKKA'                       | TEUCCARIA 'HAKKA'               | 3   | 6m CAL.                        |
| POPULUS TREMULOIDES 'ERECTA'            | POPULUS TREMULOIDES 'ERECTA'    | 13  | 6m CAL.                        |
| <b>SHRUBS</b>                           |                                 |     |                                |
| TAXUS X MEDIA 'HICKSII'                 | HICKS YEW                       | 24  | #01 CONT. / 0.75M O.C. SPACING |
| <b>PERENNIALS &amp; GRASSES</b>         |                                 |     |                                |
| PENNISETUM ALOPECUROIDES 'LITTLE BUNNY' | LITTLE BUNNY OAR FOUNTAIN GRASS | 34  | #01 CONT. / 0.75M O.C. SPACING |
| NEPETA X FAASSENII 'WALKER'S LOW'       | WALKER'S LOW CATMINT            | 16  | #01 CONT. / 0.90M O.C. SPACING |
| RUDBECKIA SUBHIRTELLA 'FULGIDA'         | BLACK EYED SUSAN                | 34  | #01 CONT. / 0.75M O.C. SPACING |
| ARCTOSTAPHYLOS UVA-URSI                 | BEAR BERRY                      | 56  | #01 CONT. / 0.75M O.C. SPACING |
| VINCA MINOR                             | PERIWINKLE                      | 56  | #01 CONT. / 0.75M O.C. SPACING |
| FESTUCA ARIZONICA                       | ARIZONIAN FESCUE                | 27  | #01 CONT. / 0.60M O.C. SPACING |
| GERANIUM DALMATIUM                      | DALMATIAN CRANESBILL            | 27  | #01 CONT. / 0.60M O.C. SPACING |

# REPORT TO COUNCIL



**Date:** December 5, 2016

**RIM No.** 1250-04

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** OCP16-0013  
TA16-0008

**Owner:** Kettle Valley Holdings Ltd.,  
INC. No. 551772  
City of Kelowna

**Address:** 410 Providence Avenue  
347 Quilchena Drive

**Applicant:** Aplin Martin Consultants Ltd.

**Subject:** OCP Amendment & Text Amendment Applications

**Existing OCP Designation:** EDINST - Educational/ Major Institutional  
PARK - Major Park/Open Space (public)

**Proposed OCP Designation:** S2RES - Single/ Two Unit Residential  
MRM - Multiple Unit Residential (Medium Density)  
PARK - Major Park/Open Space (public)

**Existing Zone:** CD2 - Kettle Valley Comprehensive Residential Development

---

## 1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0013 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of Lot 1 Section 23 Township 28 SDYD Plan KAP85435 located at 410 Providence Avenue, Kelowna, BC from the EDINST - Educational/ Major Institutional to MRM - Multiple Unit Residential (Medium Density), EDINST - Educational/ Major Institutional to S2RES - Single/ Two Unit Residential, EDINST - Educational/ Major Institutional to PARK - Major Park/Open Space (Public) designations as shown on Map "A" attached to the Report from Community Planning Department dated December 5, 2016, be considered by Council;

AND THAT Official Community Plan Map Amendment Application No. OCP16-0013 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of portions of Lot 2, Section 23, Township 28, SDYD, Plan KAP85435, located on Quilchena Drive, Kelowna, B.C. from the EDINST - Education/Major Institutional designation to PARK - Major Park / Open Space designation as shown on Map "A" attached to the Report from Community Planning Department dated December 5, 2016, be considered by Council;

THAT Official Community Plan Map Amendment Application No. OCP16-0013 to amend Map 4.1 in the Kelowna 2030 - Official Community Plan Bylaw No. 10500 by changing the Future Land Use designation of



AND THAT the Official Community Plan Map Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Council considers the Public Information Session public process to be appropriate consultation for the *Purpose* of Section 879 of the *Local Government Act*, as outlined in the Report from the Community Planning Department dated December 5, 2016;

AND THAT Zoning Bylaw Text Amendment Application No. TA16-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated December 5, 2016 for Lot 1 Section 23 Township 28 SDYD Plan KAP85435 located at 410 Providence Avenue be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Official Community Plan Map Amending Bylaw and the Zoning Bylaw Text Amending 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 28, 2016.

## 2.0 Purpose

To amend the Official Community Plan to change the Future Land Use designation and to amend the Kettle Valley Comprehensive Development Zone (CD2) to facilitate the development of Single Family Residential and Multi-Family Residential development on the subject property.

## 3.0 Community Planning

Staff are supportive of the proposed OCP Amendment and Text Amendment applications to facilitate residential development at 410 Providence Avenue. School District 23 (SD23) recently confirmed that they no longer have any interest in the land and will not proceed with their option to purchase. This triggered the Developer to consider alternative solutions for the site and Planning is supportive of providing a range of single family and low density multi-family that is consistent and complements the surrounding neighbourhood. In addition, the developer is committed to re-establishing the City's soccer field in a different location on-site that is more compatible with the adjacent Quilchena Park. The developer is also proposing to construct a multi-use trail as part of Road 'B' in order to connect Quilchena Park and Main Street Park in order to promote walking and cycling.

The Kettle Valley neighbourhood has a significant park and open space network (17 acres plus the green space associated with Chute Lake Elementary) that goes beyond the City's minimum standards due in large part to the successful partnership agreements with the Developer over the past decade. The retention of the soccer field is a key City priority as it has become a well-used community asset with more than 250 hours of bookable time each year in addition to more casual 'drop-by' use. This amount of use is anticipated to increase over the coming decade as the City continues to grow. By relocating the soccer field within an expanded Quilchena Park, it will take advantage of the existing parking lot, playground and other existing park amenities.

Should the OCP Amendment and Text Amendment be supported by Council, the applicant would be required to apply for a Form & Character Development Permit for the Multi-Family Residential Development and Building Permits for the Single Family Residential Development. Staff will also

need to issue a subdivision to create the new lots and prior to Final Subdivision the developer will be required to:

1. Dedicate the land for Parks to the City of Kelowna;
2. Substantially complete the soccer field construction and surrounding park landscaping to City standards.

## 4.0 Proposal

### 4.1 Background

As part of the original Kettle Valley Community Master Plan approvals in 1996, the subject property, at 14.1 acres was designated for a future public school in the OCP and the Kettle Valley Comprehensive Development Zone (CD2) with SD23 holding an option to purchase. Knowing that the school was a long term objective, a partnership was formed in 1998 between the City and the Developer to build and operate a public soccer field, parking area and trail system on the site. It was formalized through a lease agreement that still stands to this day. With the opening of the nearby Chute Lake Elementary School in 2006, recent upgrades and expansion to Okanagan Mission Secondary School in 2014 and a future middle school development planned within the 'Ponds' neighbourhood, SD23 has determined they have no interest in acquiring the subject site. They formally withdrew their option to purchase the site from the developer in 2015 (refer to Attachment "C" for the specific details of the agreement). Part of the agreement requires that Kettle Valley Developments provide a payment in lieu of the transfer of land equivalent to the School Acquisition Fee to SD23, effectively making a contribution to the public school system. Therefore, the preservation of the school designation in the OCP and within CD2 is no longer warranted and alternative forms of development may be considered.

### 4.2 Project Description

The developer's proposal includes a combination of Single Family Homes and Multi-Family Row Housing for an estimated total of 82 units. The CD2 - Kettle Valley Comprehensive Residential Development zone allows for a maximum density of 1028 units. The current neighbourhood build-out is well below this maximum by approximately 225 units. The proposed subdivision has been designed to blend with the established neighbourhood pattern. This includes smaller lots and multi-



Figure 1 – Rendering of dwellings with 'front' yards backing onto Quilchena Park.

family units surrounded by medium sized lots, as a transition to the existing similar zoned parcels. The proposed residential parcels that would normally back onto Quilchena Park will be designed to 'front' onto the park to provide an appealing park interface.

The combination of house types and the proposed row house units will expand the range of housing types available in Kettle Valley, while supporting the existing services and amenities in the area. In addition, the developer is proposing a 2.9-acre park dedication to the City in order to expand Quilchena Park on the western side and provide a replacement soccer field designed to regulation standards. There is also a small park dedication proposed near Road 'B' and Providence Avenue that will act as additional greenspace area. The proposed development also includes a multi-use pathway along one of the local roads (proposed 'Road B') to provide a walking and cycling connection to the village centre. In an effort to provide a sensitive transition from the established neighbourhood to the proposed area, all parcels with significant slope will have registered 'No Build' and 'No Disturb' covenants on title.



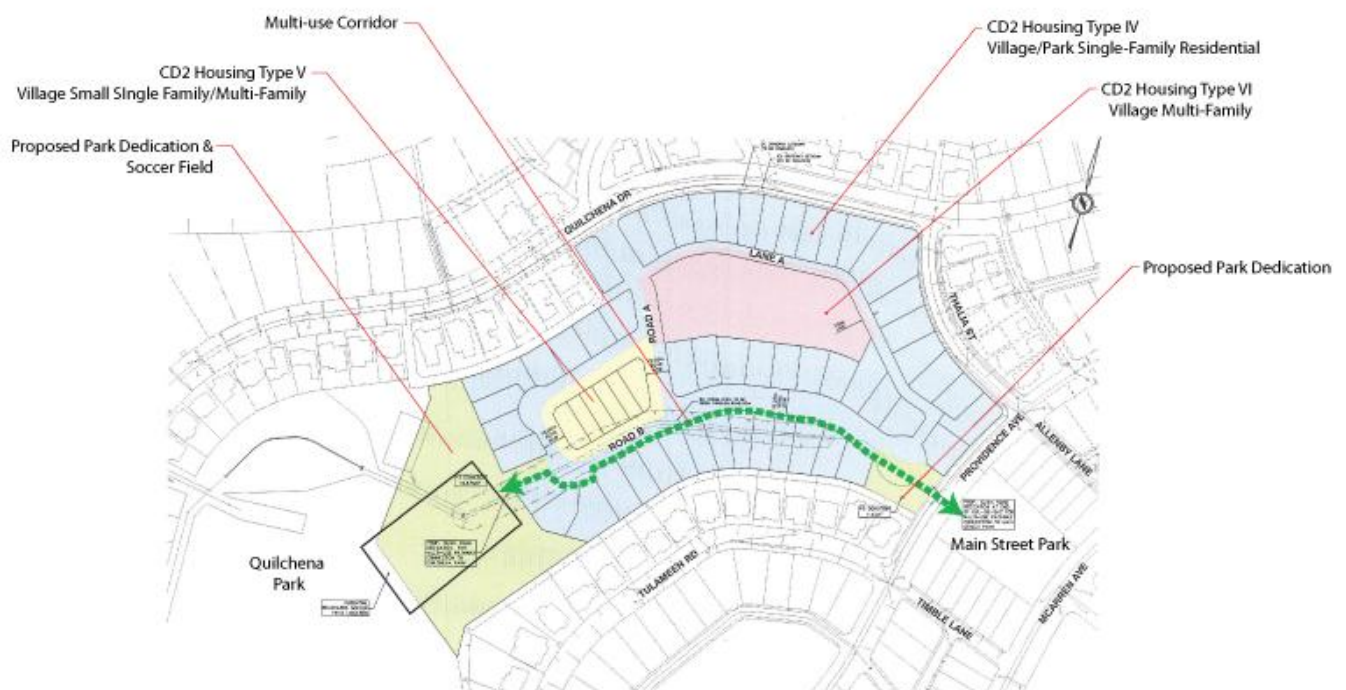
Should the OCP Amendment and Text Amendment applications be approved by Council, the park dedication together with the building of the soccer field will be requirements of the Subdivision application.

#### 4.3 Public Consultation

Council Policy No. 367 - Public Notification & Consultation for Development Applications requires the applicant to consult the public regarding the proposed OCP Amendment and Text Amendment for the subject property. The public engagement completed by the applicant includes:

- Open House #1 - February 15, 2016 from 4pm -7pm at the Okanagan Mission Community Hall (attendance approx. 107 people) - included a follow-up online survey to provide public feedback.
- Open House #2 - May 2, 2016 from 4pm - 7pm at the Okanagan Mission Community Hall (attendance approx. 60 people).
- Kettle Valley website ([www.kettlevalley.com](http://www.kettlevalley.com)) - Maintains a page dedicated to the subject property 'Quilchena Development'
- Facebook page (The Village of Kettle Valley) - provides project information.

Figure 1.0 - Proposed Subdivision Layout

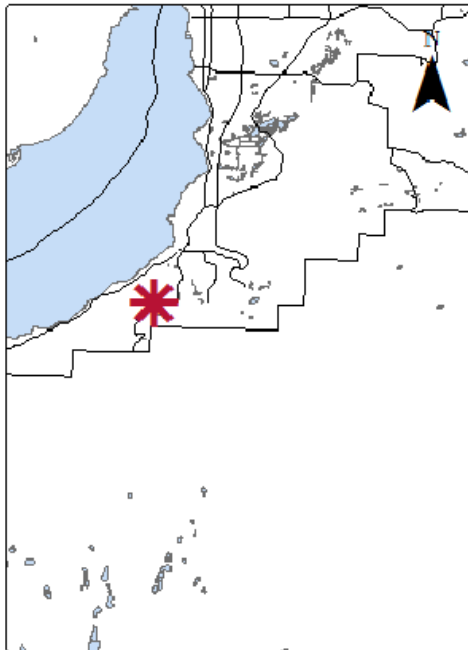


## Site Context

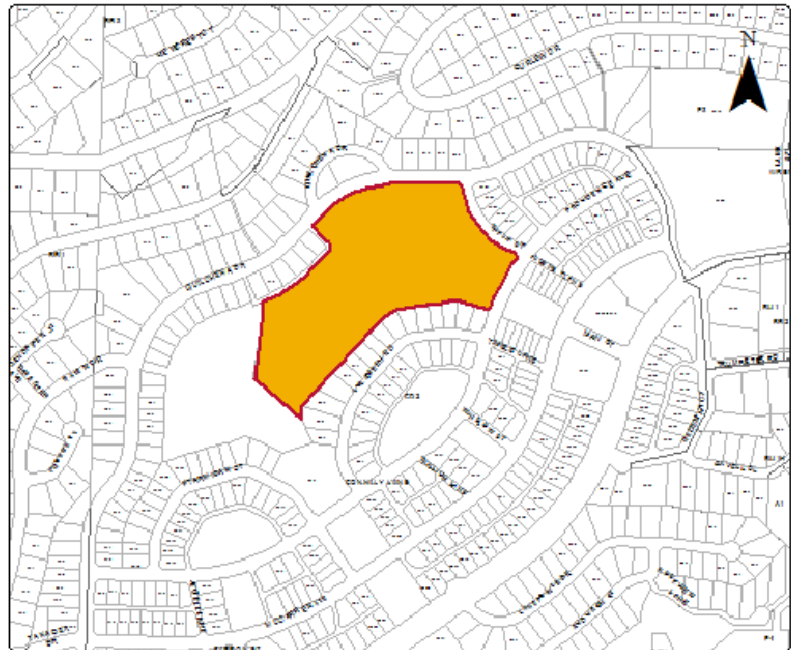
Specifically, adjacent land uses are as follows:

| Orientation | Zoning                                                    | Land Use                        |
|-------------|-----------------------------------------------------------|---------------------------------|
| North       | CD2 - Kettle Valley Comprehensive Residential Development | Single Dwelling Housing         |
| East        | CD2 - Kettle Valley Comprehensive Residential Development | Single Dwelling Housing<br>Park |
| South       | CD2 - Kettle Valley Comprehensive Residential Development | Single Dwelling Housing         |
| West        | CD2 - Kettle Valley Comprehensive Residential Development | Park<br>Single Dwelling Housing |

## Subject Property Map: 410 Providence Avenue



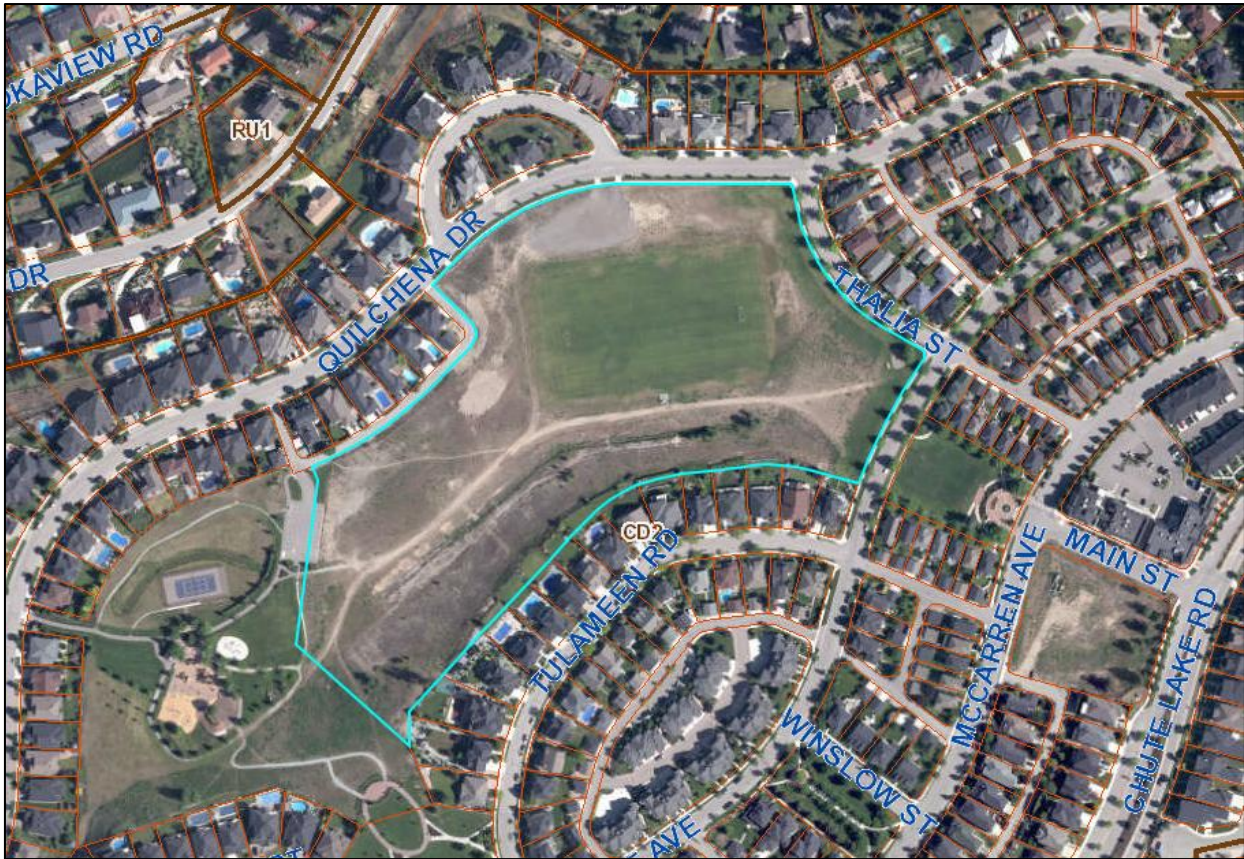
CONTEXT



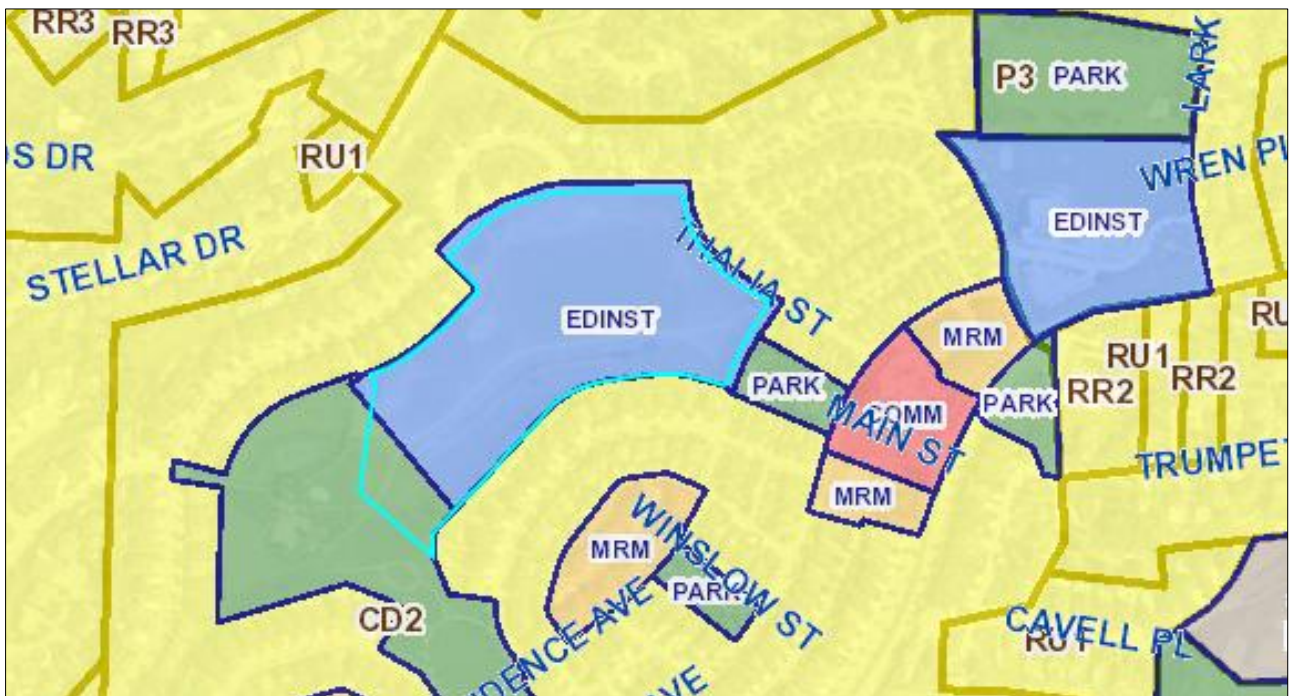
NEIGHBOURING ZONING



Subject Property: 410 Providence Avenue

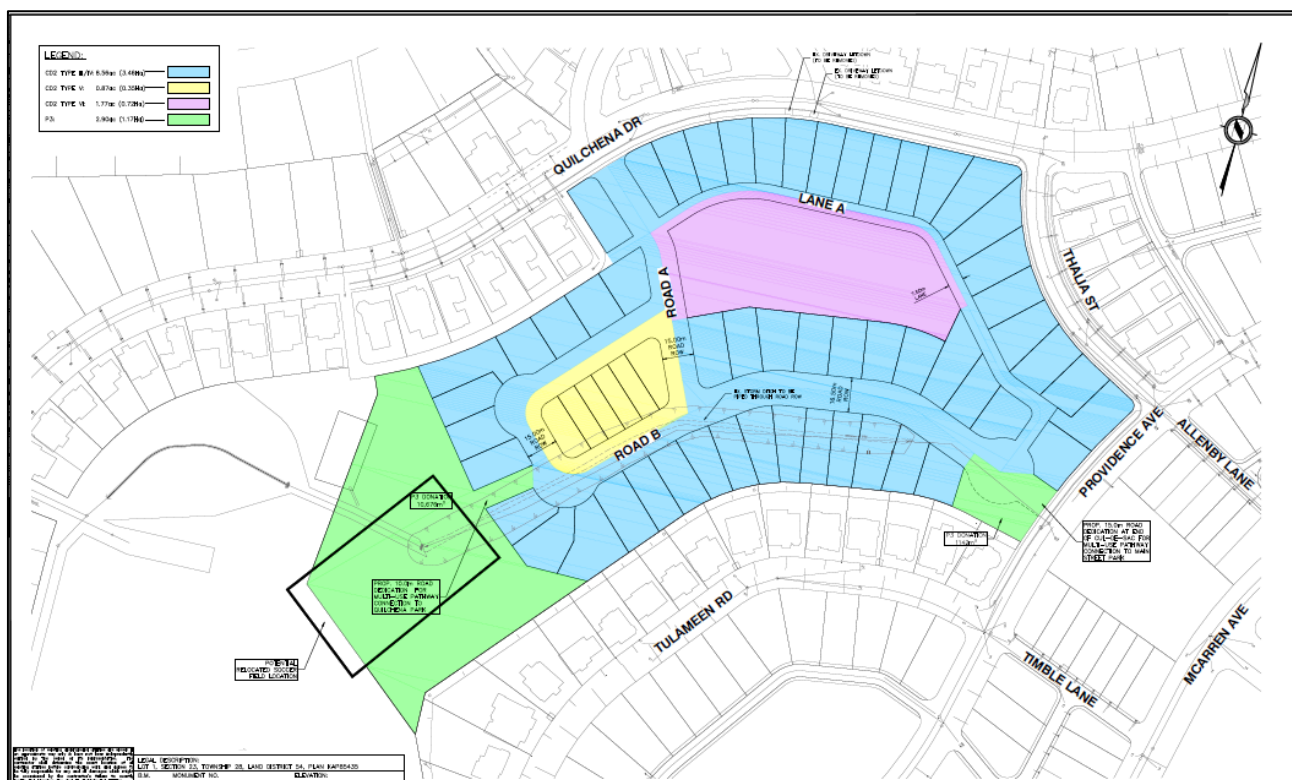


Future Land Use Map: 410 Providence Avenue





## Kettle Valley Proposed Regulating Plan - Amended area indicated.



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

**Re-designation of School Sites<sup>1</sup>.** Not support the re-designation of surplus school sites (e.g. Raymer, both Dilworth sites, McWilliams Centre, Johnson Road, South Kelowna, former Dr. Knox, Casorso, Kettle Valley) to ensure retention of facilities and open space as a community asset.

*Note: Staff are of the opinion that the subject property is not subject to this policy. School District #23 never formally acquired this property (and no public funds were utilized for acquisition) and as such, does not meet the intent of the policy.*

**Compact Urban Form.<sup>2</sup>** 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.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

**Sensitive Infill.**<sup>3</sup> Encourage new development or redevelopment of existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**Healthy Communities.**<sup>4</sup> Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

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<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

## **6.0 Technical Comments**

### **6.1 Development Engineering Department**

- Refer to Attachment A: Development Engineering Memorandum

## **7.0 Application Chronology**

|                               |                   |
|-------------------------------|-------------------|
| Date of Application Received: | July 15, 2016     |
| Date of Public Open House #1: | February 15, 2016 |
| Date of Public Open House #2: | May 2, 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 September 28, 2016  
Attachment B: Lot Plan (Aplin Martin)  
Attachment C: Copy of Kettle Valley /SD23 Agreement  
Map A: OCP Amendment - Map 4.1 Generalized Future Land Use  
Map B: Kettle Valley Proposed Regulating Plan  
Map C: Type III or IV Housing  
Map D: Type V - Village/ Small Single Family  
Map E: Type VI - Village Multi-Family  
Map F: Type VII or VIIa - Cluster Estate



## CITY OF KELOWNA

# MEMORANDUM

**Date:** September 28, 2016

**File No.:** TA16-0008

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

**From:** Development Engineering Technologist (JF)

**Subject:** 410 Providence Ave Quilchina Residential Development Proposed 61 lots S.D.

The Development Engineering Branch comments and requirements regarding this application to Amend the CD2 zone to permit the following types on the subject property (as described in Schedule A & Map B): Hillside Single Family (Type 3 or 4) Narrow Single Family (Type 5) Row Houses (Type 6) Major Park and Open Spaces are as follows:

### .1) General

- a) Provide a Pre-design report to address all offsite Utility and Transportation servicing including costs.
- b) PRIOR TO FINAL ADOPTION OF THE TEXT AMENDMENT BYLAW, a Predesign report specific to this development is required to identify all offsite servicing needs in accordance with the Subdivision, Development and Servicing Bylaw. A Servicing Agreement for all offsite works required by this subdivision must be provided, along with Performance Security, before final adoption of the Text Amendment Bylaw.
- c) Where there is a possibility of a high water table or surcharging of storm drains during major storm events, non-basement homes may be required. This must be determined by the engineer and detailed on the Lot Grading Plan required in the drainage section.
- d) The submitted design drawings in support of this application will be reviewed at the PLR application stage.

### .2) Geotechnical Report

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.**

The Geotechnical reports (1 hard copy, 1 PDF) must be submitted to the Development Engineering Services Department for distribution to the Inspection Services Division and Subdivision Approval Division prior to submission of Engineering drawings or application for subdivision approval.

**.3) Water**

- a) The property is located within the City Water service area.
- b) For offsite works a Predesign Report is required complete with costs. Performance security and a Servicing Agreement will be required for offsite works. See comments in the "General" section.
- c) Provide an adequately sized domestic water and fire protection system complete with individual lot connections. The water system must be capable of supplying domestic and fire flow demands of the project in accordance with the Subdivision, Development & Servicing Bylaw. Provide water calculations for this subdivision to confirm this.

**.4) Sanitary Sewer**

- a) Provide a downstream sanitary sewer main flow analysis check for the proposed development.
- b) For offsite works, a construction cost estimate, performance security and a servicing agreement will be required.

**.5) Drainage**

- a) Provide an adequately sized drainage system complete with individual lot connections. The Subdivision, Development and Servicing Bylaw requires that each lot be provided with an individual connection; however, the City Engineer may permit use of individual ground water disposal systems, where soils are suitable. For on-site disposal of drainage water, a hydro geotechnical report will be required complete with a design for the disposal method (i.e. trench drain / rock pit). The Lot Grading Plan must show the design and location of these systems for each lot.
- b) Confirm if offsite works are required and how drainage will be handled on site.
- c) Confirm locations and sizes of any detention facilities if required.
- d) A Predesign report is required that addresses how Storm water Management will be dealt with. For offsite works, performance security and a Servicing Agreement will be required prior to rezoning. See comments in the "General" section.
- e) Provide the following drawings:
  - i) A detailed Lot Grading Plan (indicate on the Lot Grading Plan any slopes that are steeper than 30% and areas that have greater than 1.0 m of fill);
  - ii) A detailed Stormwater Management Plan for this subdivision; and,
  - iii) An Erosion and Sediment Control Plan.
- f) Show details of dedications, rights-of-way, setbacks and non-disturbance areas on the lot Grading Plan.



- g) Identify clearly on a contour map, or lot grading plan, the top of bank(s). Provide cross sections along the top of the bank at each property corner and at locations where there are significant changes in slope. Cross sections are to be perpendicular to the contour of the slope. Show the proposed property lines on the cross sections.

**.6) Roads**

- b) Dedicate and Construct Local roads in accordance to City of Kelowna standard drawing SS-R4. For local roads with a Multi Use Pathway dedicate 16.5m
- c) Construct the emergency access road in accordance with City standard SS-R2 (6.0m road).
- d) Provide traffic control and street name signs where required. The City will install all signs and traffic control devices at the developer's expense.
- e) Show Street Sign, Markings and Traffic Control Devices on the Composite drawing.
- f) Verify that physical driveway access will satisfy City requirements for all lots.

**.7) Power and Telecommunication Services and Street Lights**

- b) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground
- c) Street lights must be installed on all roads.
- d) Before making application for approval of your subdivision plan, please make arrangements with Fortis BC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application.
- e) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

**.8) Design and Construction**

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.

- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's 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 named on the insurance policy as an additional insured.

**.10) Other Engineering Comments**

- a) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.
- b) If any road dedication affects lands encumbered by a Utility right-of-way, 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 Engineer.



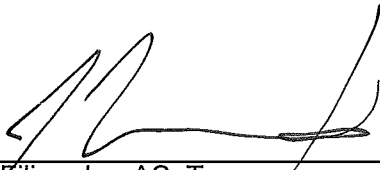
**.11) Charges and Fees**

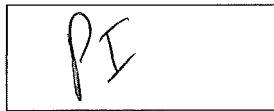
- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Street/Traffic Sign Fees: at cost if required (to be determined after design).
  - ii) Survey Monument Fee: \$50.00 per newly created lot (GST exempt).
  - iii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
  - iv) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
  - v) Latecomer Processing Fee: \$1,000.00 (plus GST) per agreement (no charge for 1 day agreements).

- c) Water Extended Service Area Latecomers (ESA's):

| ESA#               | Front ender          | Component              | Anniversary (rates change) | *Rate/unit \$     |
|--------------------|----------------------|------------------------|----------------------------|-------------------|
| 14                 |                      |                        |                            |                   |
| Available EDU's 49 | <i>Kettle Valley</i> | <i>Adams Reservoir</i> | <i>Sept. 29 16</i>         | <b>\$3,880.00</b> |
|                    |                      |                        |                            |                   |
|                    |                      |                        |                            |                   |

\*(these fees are to be confirmed at time of subdivision)

  
 John Filipenko ASCT  
 Development Engineering Technologist

  
 Development Engineering Manager  
 (initials)

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** September 28, 2016  
**File No.:** OCP16-0013  
**To:** Land Use Management Department (LK)  
**From:** Development Engineering Technologist (JF)  
**Subject:** 410 Providence Ave Quilchina Residential Development Proposed 61 lots S.D.


---


The Development Engineering Branch comments and requirements regarding this application to change the current OCP Designation from EDINST & PARK to S2RES, MRM, & PARK are as follows:

The Development Engineering Technologist for this project is John Filipenko. ASCT

**.1) General**

All the offsite infrastructure and services upgrades are addressed in the Text Amendment Report under file TA16-0008

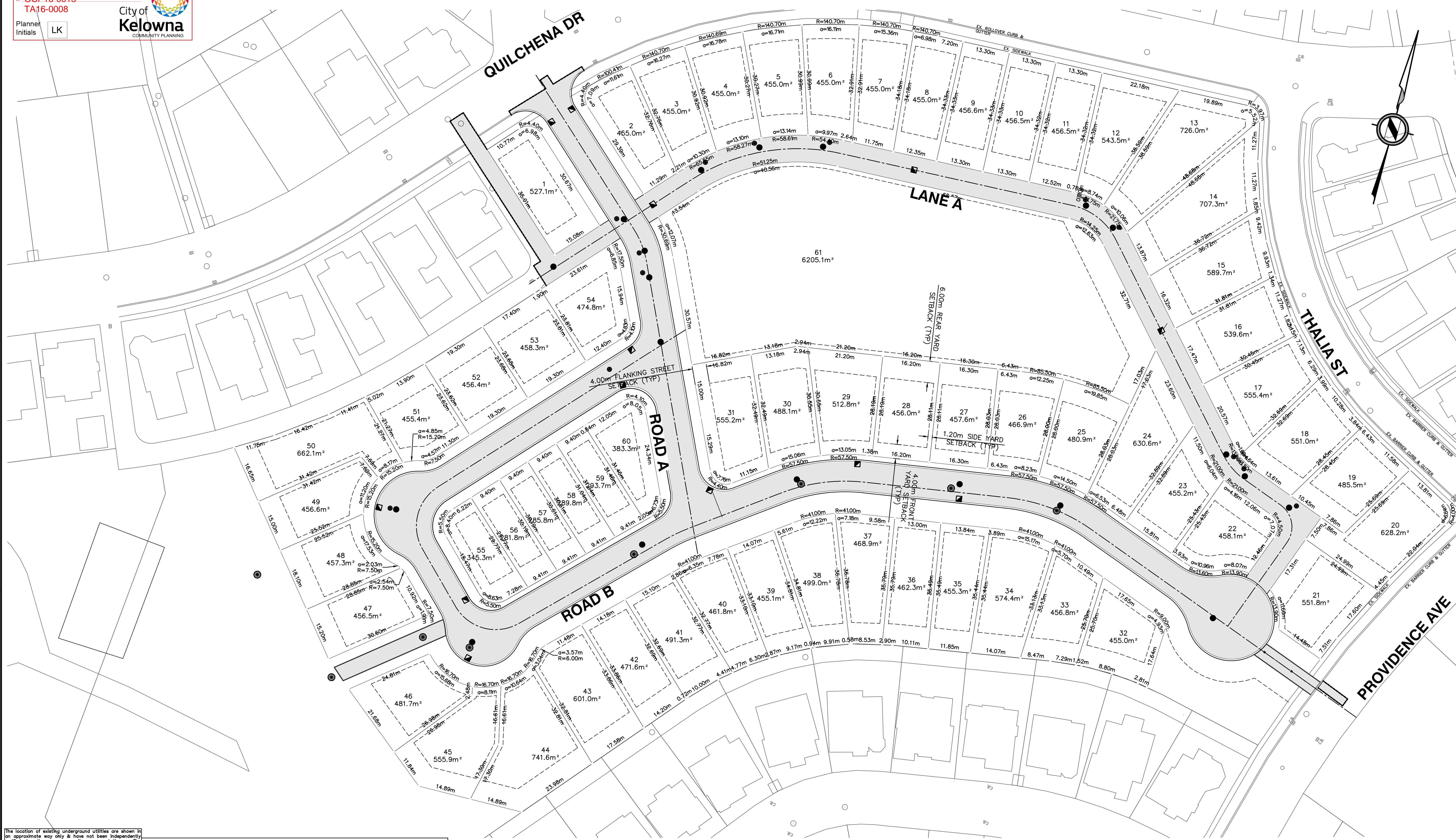
  
\_\_\_\_\_  
John Filipenko ASCT  
Development Engineering Technologist

  
Development Engineering Manager  
(initials)





NOTICE TO IT IS THE RESPONSIBILITY OF THE CONTRACTOR'S SURVEYOR TO VERIFY THAT ALL LEGAL SURVEY DIMENSIONS SHOWN ON THE ENGINEERS DRAWINGS AGREE WITH THOSE ON THE REGISTERED LEGAL SURVEY PLAN. SHOULD THERE BE ANY DISCREPANCIES, THEN IMMEDIATELY NOTIFY THE ENGINEER OF RECORD.



The location of existing underground utilities are shown in an approximate way only & have not been independently verified by the owner or its representative. The contractor shall determine the exact location of all existing utilities before commencing work and agree to be fully responsible for any and all damages which might be occasioned by the contractor's failure to exactly locate and preserve any and all underground utilities.

LEGAL DESCRIPTION:  
LOT 1, SECTION 23, TOWNSHIP 28, LAND DISTRICT 54, PLAN KAP85435  
B.M. MONUMENT NO. ELEVATION:

LEGEND

|                |     |
|----------------|-----|
| WATER          | —   |
| SAN. SEWER     | --- |
| STORM SEWER    | --- |
| GAS            | --- |
| U/G TELEPHONE  | --- |
| U/G ELECTRICAL | --- |

MANHOLE  
UTILITY POLE  
LAMP STANDARD  
CATCH BASIN  
HYDRANT  
TREES  
SURVEY MONUMENT

|        |
|--------|
| ○ M.H. |
| ● U.P. |
| □ L.S. |
| ⊠ C.B. |
| ⊕ H.D. |
| ⊙ T    |
| ⊗      |

LEGEND

|   |                     |
|---|---------------------|
| — | NEW PAVEMENT        |
| ▨ | ASPHALT REPLACEMENT |
| ▩ | MILL AND OVERLAY    |

NAD 83  
INSERTION BASE POINT= 300,000 , 550,000  
Locations and offsets of existing utilities shown on this plan are not guaranteed to be accurate and must be verified in the field PRIOR TO CONSTRUCTION. The City of Kelowna does not guarantee their accuracy. Concerned persons should not rely on these documents and should verify all information shown by way of site survey and other appropriate methods. The City of Kelowna accepts no liability for use of these files or information.

**APLIN MARTIN**  
ENGINEERING ARCHITECTURE PLANNING SURVEYING  
454 Leon Avenue, Kelowna, B.C. Canada V1Y 6J3  
Tel: (250) 448-0157, Fax: (778) 436-2312, Email: general@aplinmartin.com

|     |          |     |                                      |       |  |
|-----|----------|-----|--------------------------------------|-------|--|
|     |          |     |                                      |       |  |
| 1   | 16/08/03 | JRG | ISSUED FOR PRELIMINARY LAYOUT REVIEW | BR    |  |
| 0   | 16/07/13 | JRG | ISSUED FOR REZONING/OCP AMENDMENT    | BR    |  |
| NO. | YY/MM/DD | BY  | REVISION                             | CH'KD |  |

|                                           |                           |        |     |
|-------------------------------------------|---------------------------|--------|-----|
| BASE                                      | JRG                       | DESIGN | JRG |
| APPROVED                                  | BR                        |        |     |
| DATE                                      | AUGUST 2016               |        |     |
| SCALE                                     | HORIZ. 1:500<br>VERT. N/A |        |     |
| SCALE NOT ACCURATE<br>OVER LONG DISTANCES |                           |        |     |

|                                                                                                                                                         |          |          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| <b>THE CITY OF KELOWNA</b><br>DESIGN AND CONSTRUCTION<br><b>VILLAGE OF KETTLE VALLEY</b><br><b>QUILCHENA RESIDENTIAL DEVELOPMENT</b><br><b>LOT PLAN</b> |          | DIVISION |
| DRAWING NO.                                                                                                                                             | REV NO   |          |
| <b>16-601-031</b>                                                                                                                                       | <b>1</b> |          |



**MODIFICATION AGREEMENT**Dated as of the 17 day of <sup>Feb</sup>~~January~~, 2015. (SW)**BETWEEN:****KETTLE VALLEY HOLDINGS LTD.**5636 Jasper Way  
Kelowna, BC V1W 5L7

("Kettle Valley")

**AND:****THE BOARD OF EDUCATION OF  
SCHOOL DISTRICT NO. 23 (CENTRAL OKANAGAN)**1940 Haynes Road  
Kelowna, BC V1X 5X7

("School Board")

**WHEREAS:**

- A. Pursuant to the School Agreement, Mission Hill agreed to transfer the 6 Acre Site for \$1.00 to the School Board as satisfaction in full of the balance of the SSAC due for the development of the whole of the Lands;
- B. Pursuant to the School Agreement, Mission Hill also granted to the School Board an option to acquire the 8.1 Acre Site on the terms set out in the School Agreement;
- C. The School Agreement was binding on successors and assigns;
- D. Kettle Valley acquired the Lands from Mission Hill and assumed the benefits and obligations under the School Agreement;
- E. On November 26, 2012, the School Board elected not to exercise its option to acquire the 8.1 Acre Site;
- F. Kettle Valley and the School Board have agreed that in lieu of the transfer of the 6 Acre Site, Kettle Valley will make payment of the SSAC Balance on the terms and conditions outlined in this agreement;

In consideration of the terms, covenants and conditions herein, the parties agree as follows:

1. **Definitions** The parties agree that the following terms shall have the following meanings in this agreement:
  - (a) **"Confidential Information"** refers to any and all information about the School Agreement, and about this modification of School Agreement, acquired by the School Board, including without limiting the generality of the foregoing, all information, written or oral or in the form of computer data, or otherwise obtained by the School Board which is or would logically be considered to be confidential or proprietary in nature, including but not limited to all contracts, agreements, technical information, and financial information, which is or may be either applicable to or related in any way to the School Agreement, as modified by this agreement, together with analyses, compilations, studies or other documents prepared by the School Board containing or based upon, in whole or in part, information acquired by the School Board as consequence of the School Agreement, as modified.
  - (b) **"6 Acre Site"** means an undefined 6 acres of Lot 1 Section 23 Township 28 SDYD Plan KAP85435 ("Lot 1");
  - (c) **"8.1 Acre Site"** means an undefined 8.1 acres of Lot 1;
  - (d) **"Closing Date"** means the earlier of:
    - (i) 60 days after issuance of Preliminary Layout Review by the City of Kelowna to subdivide Lot 1 into a minimum of 57 residential lots more particularly described in Section 4, or ;
    - (ii) 60 days after Kettle Valley waives the condition precedent in paragraph 4(a);
  - (e) **"Deposit"** means the deposit referred to in paragraph 3(a) in the amount of \$50,000.00;
  - (f) **"Kettle Valley"** means Kettle Valley Holdings Ltd, trustee for the Kettle Valley Development Limited Partnership;
  - (g) **"Lands"** means collectively Lot 1 Section 23 Plan 22290, except Plans 24513 25767 and 32591; and Lot 168 Section 24 Plan 32591; and Lot A Section 23 Plan 29585 except Plan 32591; and Lot A Sections 23 and 24 Plan 23380 except Plan 32591; Lot 1 Sections 23 and 24 Plan 41091; and part of the North East ¼ of Section 14; all in Township 28 SDYD;
  - (h) **"Mission Hill"** means Mission Hill Management Inc;
  - (i) **"Representatives"** means, as the case may be, the directors, officers, board members, coordinators, employees, agents, affiliates, lawyers, engineers, accountants, consultants and financial advisors of the School Board;

- (j) "School Agreement" means that certain agreement entered into between Mission Hill and the School Board and dated May 28, 1996;
  - (k) "School Board" means The Board of Education of School District No. 23 (Central Okanagan);
  - (l) "SSAC" means the School Site Acquisition Charges payable under Section 937.3 of the *Local Government Act* previously known as the School Site Acquisition Fee;
  - (m) "SSAC Balance" means the aggregate sum of \$1,057,664.00 being the sum of \$1,100,000.00 less the \$42,336.00 SSAC previously paid by Kettle Valley in respect of The Highlands subdivision (plan EPP35140);
2. Kettle Valley and the School Board hereby agree that the School Agreement is modified to replace the requirement for Kettle Valley to transfer the 6 Acre Site to the School Board in full satisfaction of the SSAC for the development of the Lands, with payment to the School Board of the SSAC Balance on the terms set out below.
  3. **Payment of the SSAC Balance:** The SSAC Balance shall be payable by Kettle Valley as follows:
    - (a) by payment of the Deposit of \$50,000.00 to Pushor Mitchell LLP on execution of this agreement, to be held by Pushor Mitchell LLP, in trust, as follows:
      - (i) to pay the Deposit to the School Board on the Closing Date if the transaction contemplated herein is completed;
      - (ii) to pay the Deposit to Kettle Valley on demand on or after the Closing Date if the transaction contemplated herein is not completed by reason of any default on the part of the School Board;
      - (iii) to pay the Deposit to the School Board on demand on or after the Closing Date if Kettle Valley has removed or waived the Conditions Precedent and the transaction contemplated herein is not completed for any reason whatsoever, other than by reason of a default on the part of the School Board;
    - (b) If Kettle Valley fails to pay the Deposit when required pursuant to the terms of this agreement, this agreement will be null and void, at the option of the School Board;
    - (c) by payment of the balance to the School Board by solicitor's trust cheque on the Closing Date.



4. **Kettle Valley's Condition Precedent:**
  - (a) The obligation of Kettle Valley to pay the SSAC Balance on the Closing Date is subject to the City of Kelowna issuing a Preliminary Layout Review, within 2 years of the date of this agreement, for the subdivision of Lot 1 into a minimum of 57 residential lots, on conditions Kettle Valley can satisfy using commercially reasonable, and financially viable, efforts.
  - (b) This condition is for the sole benefit of Kettle Valley and may be waived unilaterally by Kettle Valley, at Kettle Valley's election, in writing. If Kettle Valley does not give the School Board notice in writing of the satisfaction or waiver of this condition precedent within the time stipulated, then the Deposit will be paid to Kettle Valley and Kettle Valley's obligation to pay the SSAC Balance will be at an end and Kettle Valley will be obliged to transfer the 6 Acre Site to the School Board as contemplated in the School Agreement.
5. **Satisfaction of SSAC payable in respect of the Lands:** Upon Kettle Valley paying the SSAC Balance to the School Board:
  - (a) the School Board will have no further right to acquire the 6 Acre Site;
  - (b) the School Board acknowledges and agrees that the SSAC Balance is the full and final payment in satisfaction of all SSAC payable, or which may become payable, for the development and subdivision, in any manner and any number of lots or strata lots, of the Lands.
6. **Non-Payment of SSAC by Kettle Valley:** In the event that the condition precedent in Section 4 is not satisfied, or if Kettle Valley fails to pay the SSAC Balance within 26 months of the date of this agreement, unless otherwise extended or modified by agreement of the parties, in writing, then the School Agreement will continue to apply, unamended, and Kettle Valley will be obligated to transfer the 6 Acre Site to the School Board on the terms and conditions contained in the School Agreement.
7. **Confidentiality**
  - (a) The School Board shall:
    - (i) ensure that the Confidential Information be kept in strict confidence and shall not be used for any purpose whatsoever other than for the purpose of negotiating and completing the transactions contemplated in the School Agreement as modified herein;
    - (ii) ensure that the Confidential Information shall not be disclosed to any person other than the School Boards Representatives who have a need to know and the School Board shall be responsible for any breach of this provision by any of its Representatives;

- (iii) not disclose any Confidential Information to any person other than in accordance with the terms of the School Agreement, as modified herein, except in the event that the School Board or its Representatives are required by law to otherwise disclose any Confidential Information. Prior to any such disclosure, the School Board will immediately provide Kettle Valley written notice thereof so that Kettle Valley may seek a protective order or other appropriate remedy or waive compliance by the School Board with this provision. In the event that any court or administrative body requires disclosure of the Confidential Information, then the School Board or any of its Representatives required to provide such disclosure will furnish only that portion of the Confidential Information which is legally required and will each exercise their best efforts to obtain reasonable assurances that confidential treatment will be accorded such Confidential Information; and
- (iv) at the request of Kettle Valley, return all documents and materials provided hereunder, or at Kettle Valley's direction certify in writing that all such documents or material were destroyed. The School Board will require all Representatives to comply with this provision.

## 8. General

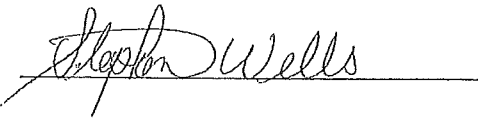
- (a) The provisions contained in this agreement, constitute the entire agreement between the parties and supersede all previous communications, representations, and agreements, whether oral or written, between the parties with respect to the subject matter of this agreement, there being no representations, warranties, terms, conditions, undertakings, or collateral agreements (express, implied, or statutory), between the parties other than as expressly set forth in this agreement.
- (b) This agreement shall enure to the benefit of and be binding upon the parties to this Agreement and their respective heirs, executors, and administrators, successors and permitted assigns.
- (c) This Agreement will be governed by and interpreted in accordance with the laws of British Columbia and the applicable laws of Canada.
- (d) All references to any part, whether a party to this Agreement or not, will be read with such changes in number and gender as the context or reference requires.
- (e) This agreement and any certificate or other writing delivered in connection with this agreement may be executed in any number of counterparts and any party to this Agreement may execute any counterpart, each of which when executed and delivered will be deemed to be an original and all of which counterparts of this agreement or such other writing, as the case may be, taken together will be deemed to be one and the same instrument. The execution of this agreement or any other writing by any party will not become effective until all counterparts, as the case may be, have been executed by all the parties to this Agreement. A copy of this agreement delivered by facsimile or other electronic means and

bearing a copy of the signature of a party to this agreement shall for all purposes be treated and accepted as an original copy thereof.

(f) Time is of the essence of this agreement.

Signed by the parties as of the date on Page 1.

**KETTLE VALLEY HOLDINGS LTD.**  
by its authorized signatory:

A handwritten signature in cursive script, appearing to read "Stephen Wells", is written over a horizontal line.

**THE BOARD OF EDUCATION**  
**SCHOOL DISTRICT NO. 23 (CENTRAL OKANAGAN)**  
by its authorized signatories:

A handwritten signature in cursive script, appearing to read "Larry Paul", is written over a horizontal line.

Larry Paul CA  
Secretary-Treasurer  
S.D. No. 23

07/01/2015 9:05 AM  
TMA 34748.56 lxs  
DF 68200 rc



KETTLE VALLEY HOLDINGS LTD.

40691

Pushor Mitchell LLP In Trust

02/18/2015

40691

Contract-2/17/15..... 50,000.00

5101

Comment: Refundable Deposit-School Aquisition Fee

Total

50,000.00

MSF16001E-1

REORDER FROM YOUR LOCAL SAFEGUARD DISTRIBUTOR, IF UNKNOWN, CALL 800-523-2422

C4VSS50010000

M97SF019999



Printed in Canada

ORIGINAL

-THIS AGREEMENT made this 28<sup>th</sup> day of May, 1996.

BETWEEN:

**MISSION HILL MANAGEMENT INC.** (Inc.#399236), a  
company duly incorporated pursuant to the laws of the Province of  
British Columbia, having an address c/o 200 - 1465 Ellis Street,  
Kelowna, British Columbia V1Y 2A3

(hereinafter referred to as "Mission Hill")

OF THE FIRST PART

AND:

**THE BOARD OF SCHOOL TRUSTEES,**  
**SCHOOL DISTRICT NO. 23 (CENTRAL OKANAGAN),** 1940  
Haynes Road, Kelowna, British Columbia V1X 5X7

(hereinafter referred to as the "School District")

OF THE SECOND PART

W H E R E A S:

A. Mission Hill is the registered owner or is entitled to become the registered owner  
of:

LOT 1, SEC. 23, TP. 28, SDYD, PLAN 22290, EXCEPT  
PLANS 24513, 25767 AND 32591;

LOT 168, SEC. 24, TP. 28, SDYD, PLAN 32591;

LOT A, SEC. 23, TP. 28, SDYD, PLAN 29585, EXCEPT PLAN  
32591;

LOT A, SECS. 23 & 24, TP. 28, SDYD, PLAN 23380 EXCEPT  
PLAN 32591;

LOT 1, SECS. 23 & 24, TP. 28, SDYD, PLAN 41091; AND

PART OF THE NE 1/4 OF SEC. 14, TP 28, SDYD;

(hereinafter referred to as the "Lands");

B. Mission Hill has a Land Use Contract on the Lands which is in the process of being cancelled and is to be replaced with zoning through the zoning process of the City of Kelowna for commercial and residential use of the property;

C. There are certain obligations under the Land Use Contract related to schools, as well as obligations under the rezoning process and the School Sites Acquisition Act (Bill 43), R.S.B.C., which said obligations will be replacing the obligations under the Land Use Contract in effect on the Lands;

D. Mission Hill and the School District wish to enter into an agreement as outlined herein in order to clarify the agreement between the parties as to the fulfilment of all obligations under the Land Use Contract, School Sites Acquisition Act (Bill 43) and the zoning processes;

NOW THEREFORE the within Agreement shall replace all obligations as hereinbefore outlined and shall bind the parties to the following:

1. Attached hereto and marked as Schedule "A" is a plan of the Lands outlining thereon two school sites; namely, a secondary or middle school site and an elementary school site, which said school sites will be in the approximate locations as outlined on the said Schedule "A". The secondary or middle school site has approximately 14.1 acres in size and the said location and size of the secondary or middle school site has been approved by the School District and Mission Hill agrees to the transfer of the said site to the School District. With regard to the transfer of the said 14.1 acre secondary or middle school site, Mission Hill agrees to transfer 6 acres of the said property to the School District for the sum of \$1.00, receipt of which is hereby acknowledged. The remaining 8.1 acres of land will be purchased by the School District at fair market value, with the School District being responsible for full payment thereof through its own resources or by collection of sums from other developers in the area who may contribute their funds for the purposes of purchasing the said 8.1 acres. Fair market value herein shall be based upon an independent appraiser, namely Kent-MacPherson Appraisals, valuating the land

*or other agreed  
appraiser acceptable  
to both parties.*

*HH*



as serviced institutional land. Payment in full and transfer of the land must occur by no later than the time limit outlined in paragraph 8 herein. Purchase of the lands will be subject to the approval of the Ministry of Education.

2. The School District has received the 6 acre elementary school site from Mission Hill through the Land Use Contract in approximately 1980. This said location is outlined on the plan attached hereto as Schedule "A".

3. The transfer of the 6 acre elementary school site as well as a further six acres for \$1.00 for the secondary or middle school site shall completely fulfil the obligations of Mission Hill with regard to the development of its properties as related to potential dedications of land for school purposes pursuant to School Sites Acquisition Act (Bill 43) and the Land Use Contract and/or any other legal obligations for dedications of land for school purposes. Over and above these two 6 acre transfers as outlined herein and as acknowledged in paragraph 1 herein, Mission Hill will transfer a further 8.1 acres to the School District by way of transfer for fair market value. The School District may not demand under current or future legislation any further school sites from Mission Hill or subsequent owners of the Lands.

4. With regard to the lands designated as the secondary or middle school site, in the event that the School District does not develop the secondary or middle school on the secondary or middle school site upon subdivision of the 4500th lot in the City of Kelowna Southwest Mission Sector Plan area plus a further twelve (12) months and in any event within fifty (50) years of the date of this agreement, then in that event Mission Hill and/or its successors or assigns shall have the option to buy back the said lands from the School District for the same dollar price paid by the School District to Mission Hill for the said property, plus the cost of legal fees and registration costs paid to purchase the lands and the costs expended by the School District on maintenance of the said lands as required in paragraph 5 herein, and in addition the dollar price paid by The School District as outlined herein will be increased by the increase in the cost of living during each year from the date of payment the said cost of living being that sum as designated so by Statistics Canada for the country of Canada. This increased value shall

be paid by Mission Hill being the cost of living increase for each year from the time that The School District purchases the said lands until such time as Mission Hill buys back the land pursuant to this paragraph.

5. The School District, following transfer of the said property to the School District shall be obligated to maintain the property in a neat and clean state of repair and so as to fulfil all by-laws of the City of Kelowna or Regional District of Central Okanagan or any other governing body having rules and regulations as to the appropriate cleanliness and maintenance of properties by way of weed control, litter management, etc., and so as to ensure that the said property does not become an eyesore or nuisance to the neighbours.

6. The parties agree that Mission Hill shall have the right to landscape either of the two school sites prior to the building of the school. This right to landscape however shall be conditional upon a landscaping plan being approved by the School District in writing prior to the landscaping being carried out, it being the intent that the landscaping shall make it possible to utilize the area for soccer fields, baseball fields, etc. by the neighbourhood and general use prior to the development of the site as a school building site. On construction of the school on the property, whether it be elementary school or secondary or middle school, the School District would then reimburse Mission Hill for their entire costs of providing the agreed landscaping on the said property upon which the school is being developed. The said costs as outlined herein shall be proved by a statement provided and certified by a chartered accountant hired for the purposes of determining the said costs. The School District will endeavour to enter into a land use agreement for the public use of the school sites, with the agreement to be between the City of Kelowna and School District 23 with terms similar in an agreement dated November 2, 1995 attached hereto as Schedule "B".

7. The parties agree that prior to commencement of construction of the secondary or middle or elementary schools on the properties referred to herein, the School District will consult Mission Hill if Mission Hill deems that it is necessary, as to the design of the Schools, it being understood between all parties that the entire design scheme for the Mission Hill area

is an important aspect of the marketing and development of the properties as a whole. To the extent possible The School District will endeavour to ensure that its buildings are designed to fall within the theme guidelines of the subdivision so as to enable the schools to fit into the subdivision in an aesthetically pleasing and appropriate fashion. At the same time both parties acknowledge that the design must meet Ministry of Education approval. Some aspects of the design themes for the subdivision are outlined in the documents attached hereto as Schedule "C".

8. It is agreed between the parties that the secondary or middle school site will be subdivided, if approved by the City of Kelowna, into a separate lot and shall be available for transfer to the School District at the time of the subdivision of the 200th lot within Mission Hill's Lands or in any event by no later than December 31, 2005. In the event that a separate lot for the 14 acre secondary or middle school site is not created until the second phase, then the School District shall be entitled to register an option to purchase on those lands containing that area that will be the acreage for the secondary or middle school site in order to protect its interest and right to purchase those lands. In the event, therefore, that a right or option to purchase those lands is registered against the Mission Hill property and in the event that a subdivision of those lands containing that registered interest is made prior to the transfer of the lands to the School District, the School District will provide partial releases of its option and/or right to purchase against all those individual lots that are not the lands being purchased by the School District. Therefore partial releases of the right to purchase will be provided by the School District to release those lands against which the registration is not required, within thirty (30) days of the request to provide such a partial release. It is at the time of the subdivision and creation of the 14.1 acre lot that an independent appraisal of the property by Kent-MacPherson Appraisals (or other agreed appraiser acceptable to both parties) will be carried out in order to determine the fair market value of the said 8.1 acre parcel that forms a portion of the secondary or middle school site. This appraisal shall form the basis of the fair market value and the School District shall then be entitled to purchase the parcel of land for that said fair market value as outlined in the Kent-MacPherson (or other agreed appraiser acceptable to both parties) appraisal for a period of five years from the date of the creation of the subdivided property, unless otherwise negotiated. However on the anniversary date of each year during the five year period, the cost of the appraised value of the property will increase by the increase in the cost of living during that past one year period as designated by Statistics Canada for the Country of Canada. This increased price of the land as each year goes by during the five year period shall be paid



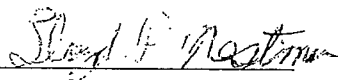
by the School District at the time of transfer of the 8.1 acre parcel to the School District. If at the expiration of the five year period from the date of the creation of the separate lot the School District has failed or neglected to purchase the lands from Mission Hill then the School District shall lose the right to purchase the 8.1 acre parcel as outlined herein. Following the expiration of the five year period this 8.1 acre parcel may be then retained by Mission Hill and utilized by them for their development with the right to apply for the rezoning and redevelopment of the 8.1 acre parcel.

9. This agreement contains the entire agreement between the parties and everything contained herein shall enure to the benefit of and be binding upon the heirs, executors, administrators, successors, assigns and other legal representatives of each of the parties hereto, and where there is more than one party or there is a female party or a corporation, the provisions hereto shall be read with all grammatical changes thereby rendered necessary and all covenants shall be deemed joint and several.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals and, where corporations, have caused their corporate seals to be hereunto affixed by the hands of their proper officers, duly authorized in that behalf, as of the day and year first above written.

MISSION HILL MANAGEMENT INC.

By its authorized Signatory(ies)

Per: 

(Seal)

Per: 

SCHOOL DISTRICT NO. 23 (CENTRAL OKANAGAN)

By its authorized Signatory

Per: 

(Seal)

SCHEDULE C

DESIGN THEME GUIDELINES

### Subject Property Notes:

Amend the OCP for a portion of the subject property from Education / Institutional (EDINST) to Multiple Unit Residential (Medium Density) (MRM)

### Subject Property Notes:

Amend the OCP for a portion of the subject property from Education / Institutional (EDINST) to Single/Two Unit Residential (S2RES).

### Subject Property Notes:

Amend the OCP for a portion of the subject property (Lot 2) from Education/Institutional (EDINST) to Major Park and Open Space (PARK).

### Subject Property Notes:

Amend the OCP for a portion of the subject property (Lot 1) from Education/Institutional (EDINST) to Major Park and Open Space (PARK).

## MAP "A" OCP AMENDMENT OCP16-0013

# SCHEDULE

# A

This forms part of application  
# OCP16-0013

Planner  
Initials

LK

City of  
**Kelowna**  
COMMUNITY PLANNING



- EDINST to MRM
- EDINST to PARK
- EDINST to S2RES

This map is for general information only.  
The City of Kelowna does not guarantee its  
accuracy. All information should be verified.

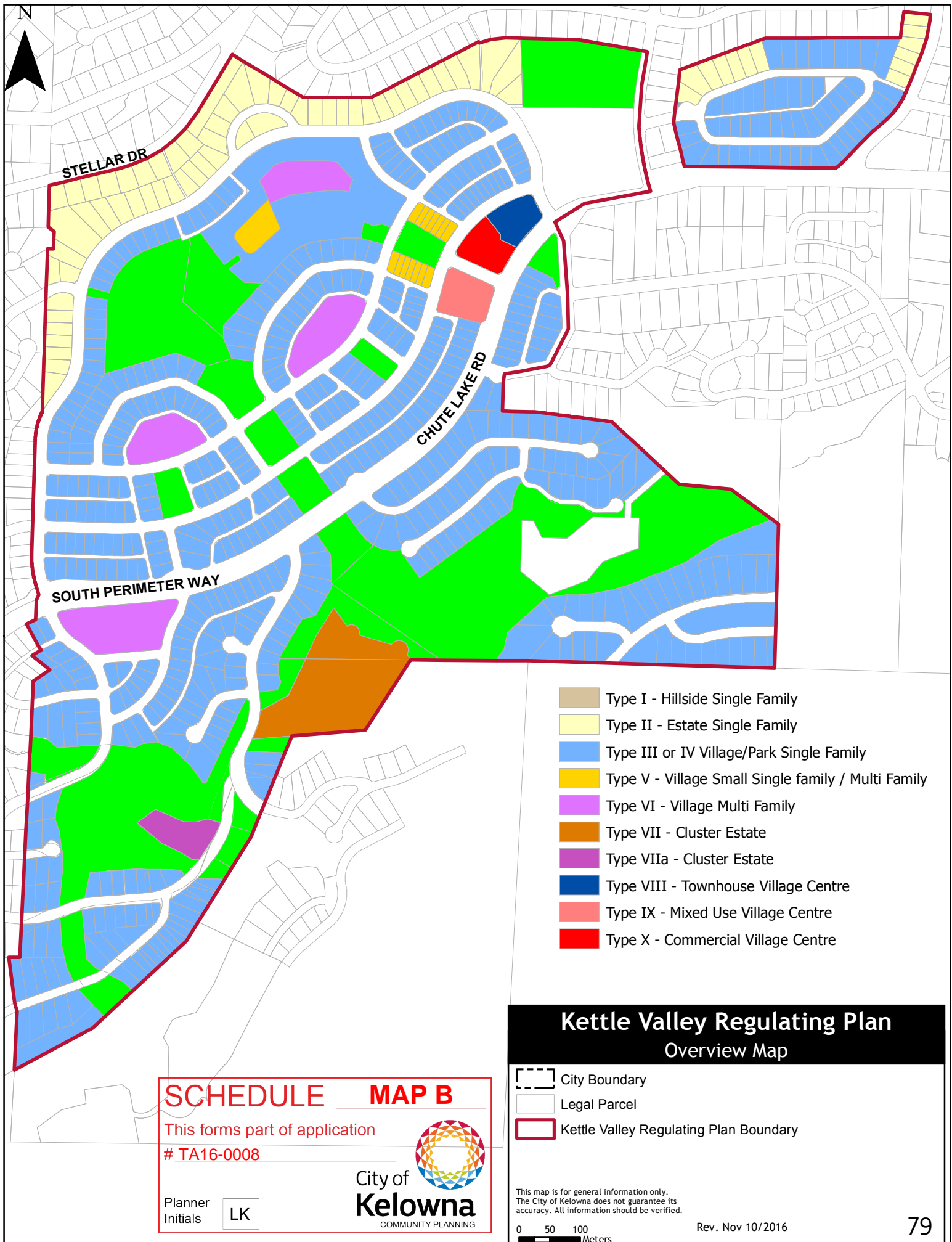
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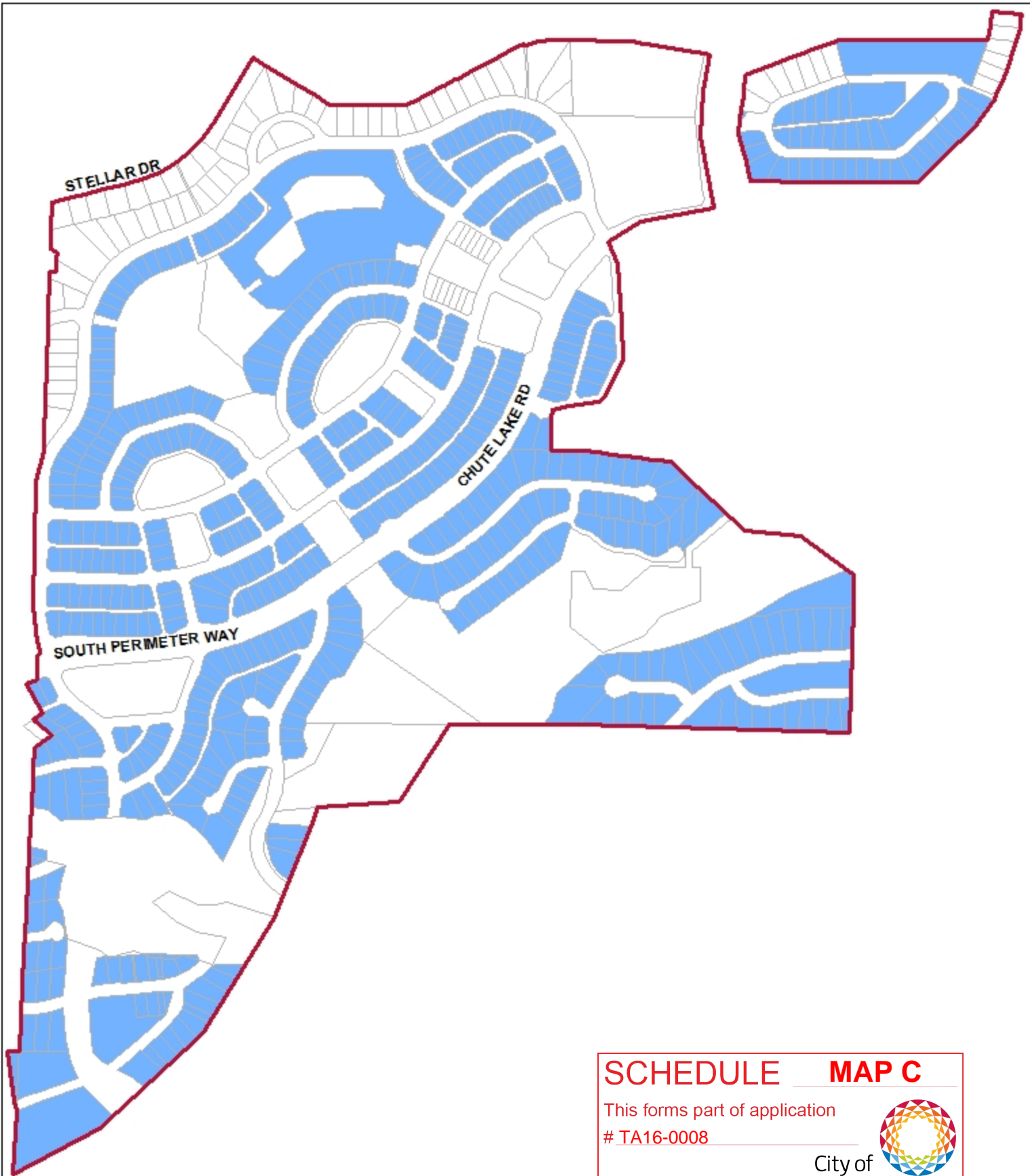


City of  
**Kelowna**

Rev. Monday, November 28, 2016







## SCHEDULE MAP C

This forms part of application

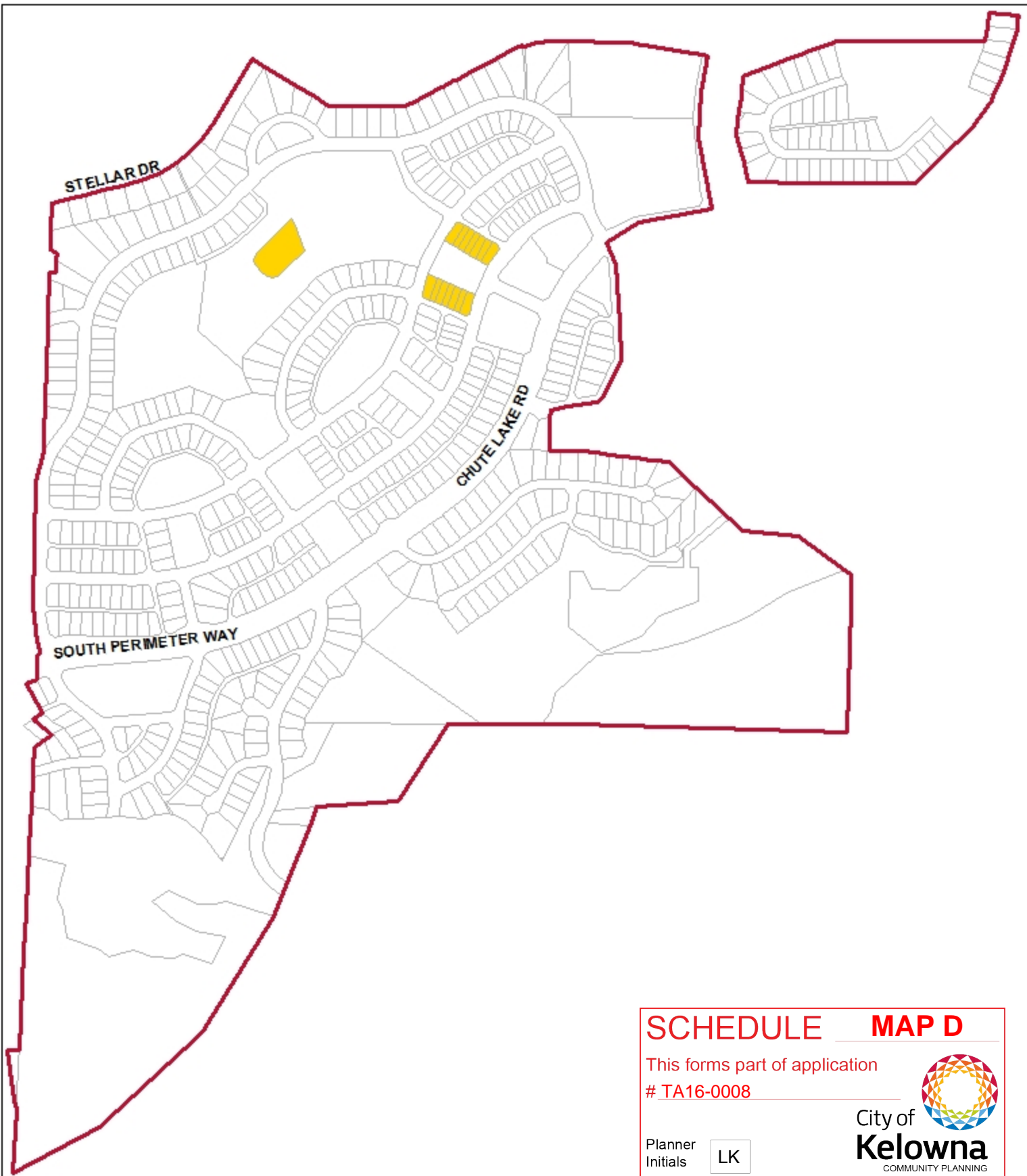
# TA16-0008

Planner  
Initials

LK

City of  
**Kelowna**  
COMMUNITY PLANNING





SCHEDULE

MAP D

This forms part of application

# TA16-0008

Planner Initials

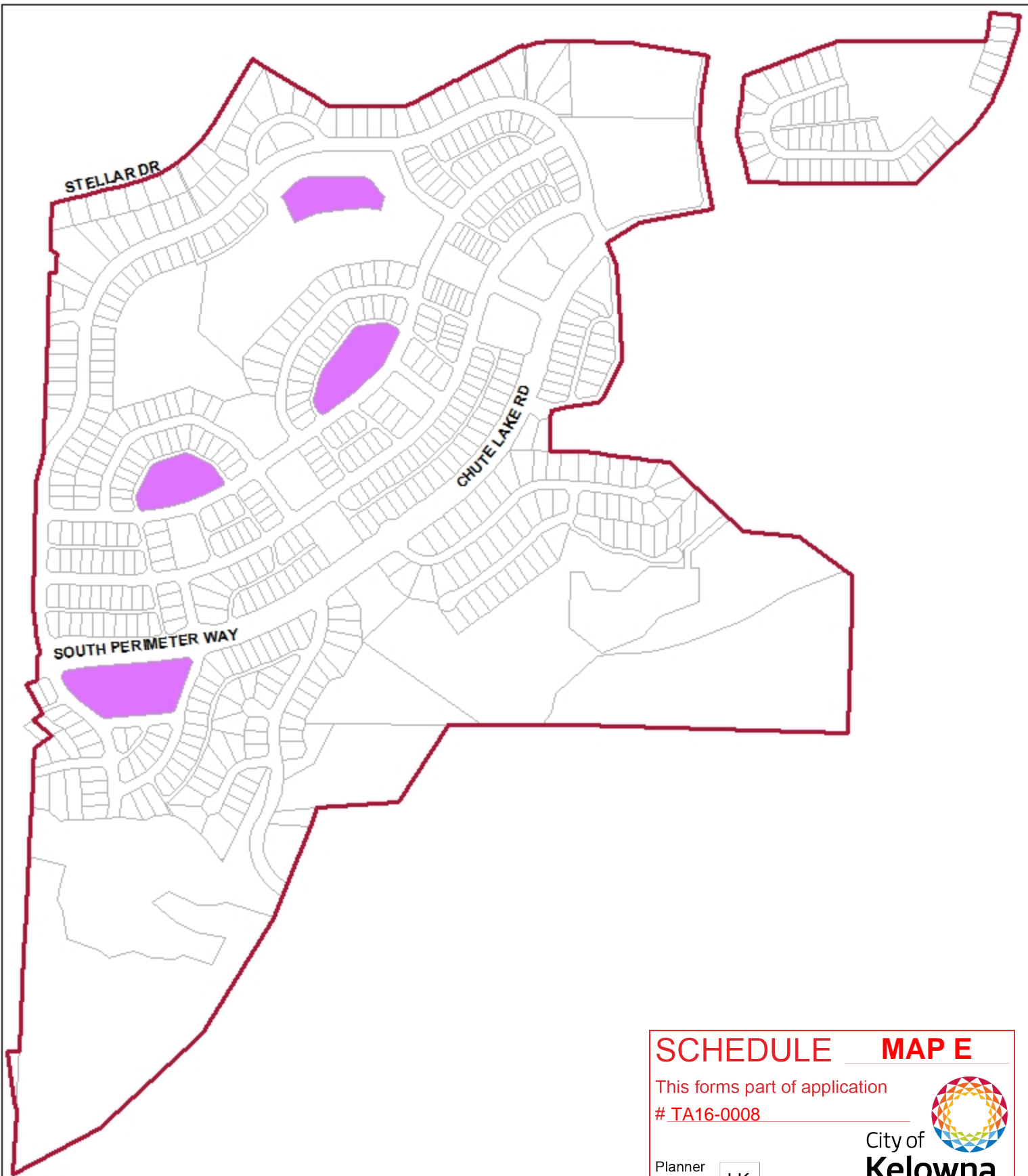
LK

City of Kelowna

COMMUNITY PLANNING







**SCHEDULE**


**MAP E**

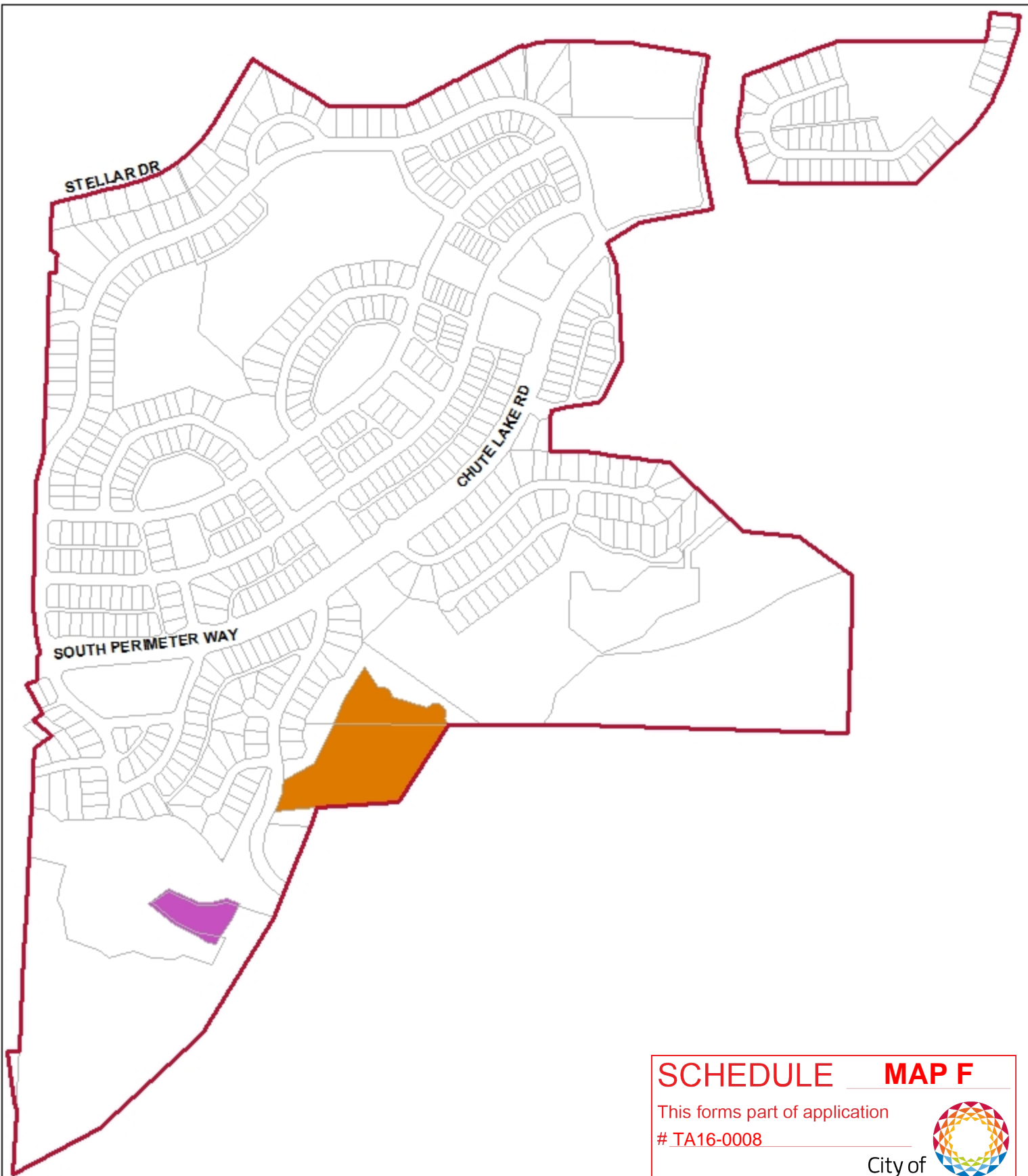
This forms part of application  
# TA16-0008

Planner  
Initials

LK

City of  
**Kelowna**  
COMMUNITY PLANNING





**SCHEDULE**

**MAP F**

This forms part of application  
# **TA16-0008**

Planner  
Initials

LK

  
City of  
**Kelowna**  
COMMUNITY PLANNING