

City of Kelowna Public Hearing AGENDA



Tuesday, February 21, 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 February 8, 2017(date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

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

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

2. Notification of Meeting

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

3. Individual Bylaw Submissions

3.1	1050 Kelly Rd, (BL11342) Z16-0043 - Jonathon and Heather Tyre	4 - 18
	To rezone the subject property from RU1 – Large Lot Housing to RU1c- Large Lot Housing with carriage house.	
3.2	769 Barnaby Rd, (BL11341) Z16-0063 - Cathy Wolf	19 - 31
	To consider a rezoning on the subject property from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone and the RU6 – Two Dwelling Housing zone to facilitate a future subdivision.	
3.3	4039 Lakeshore Rd, (BL11343) Z16-0060 - Cindy and Thomas Netzlaw	32 - 47
	To rezone the subject property from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone to facilitate a three lot subdivision.	
3.4	1730 & 1740 Ethel St, (BL11353) Z16-0081 - 1080493 BC Ltd	48 - 70
	To rezone the subject property to facilitate the development of multiple dwelling housing on the subject property.	
3.5	815, 823-825, 829 & 831 Leon Ave and 814 & 822 Harvey Ave, Z15-0027 (BL11354) - 1409493 Alberta Inc.	71 - 92
	To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex.	
3.6	1945 Bennett Rd, (BL11356) LUC16-0002 - Edward & Linda De Cazalet	93 - 177
	To discharge the Land Use Contracts from the subject property.	
3.7	(E of) Upper Canyon Dr, (BL11355) OCP16-0027 & (BL11357) Z16-0075 - Glenwest Properties Ltd	178 - 194
	To consider Official Community Plan Amendment and Rezoning application to amend the Future Land Use designation and rezone portions of the subject property to facilitate a semi-detached strata development and dedicate parkland to the City in the Lost Creek neighbourhood of Wilden.	

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: January 23, 2016

RIM No. 1250-30

To: City Manager

From: Community Planning Department (TB)

Application: Z16-0043 **Owner:** Jonathon David Clark Tyre
Heather Elizabeth Tyre

Address: 1050 Kelly Road **Applicant:** Tara Tschritter

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z16-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, ODYD, Plan 18974, located at 1050 Kelly Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

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

AND 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 from RU1 – Large Lot Housing to RU1c- Large Lot Housing with carriage house.

3.0 Community Planning

Community Planning Staff support the proposed rezoning to RU1c – Large Lot Housing with Carriage House to facilitate the development of a carriage house. The rezoning is consistent with the Official

Community Plan (OCP) Future Land Use of Single/Two Unit Residential and the OCP Policy for Compact Urban Growth.

The applicant's design of the carriage house is significantly higher than the RU1c zoning regulations for height. Staff advised the applicant that RU6 zoning would be more appropriate given the design, however, the applicant prefers to proceed with the request to Council for RU1c. The over-height carriage house will trigger the need for variances which will be considered by Council should the land use change be supported.

4.0 Proposal

4.1 Background

The subject property currently has a single family dwelling on a pie shaped lot. The dwelling was constructed in 1972. It is 1 ½ storeys in height and is located on the western side of the property with a single driveway. The lot is above average size for an RU1 or RU1c lot at over 1600 m². The lot meets the size requirements for an RU6 lot with a full second dwelling.

4.2 Project Description

The proposed rezoning would allow the subject property to construct a carriage house as a secondary use on the property. The OCP Future Land Use Designation is Single/Two Unit Residential and therefore supports this zoning, and would also support RU6 – Two Dwelling Housing to allow for a second Single Family Dwelling or Duplex-type housing.

The proposed siting of the carriage house is in the side yard in order to maintain a large rear yard for each dwelling. Parking is achieved by providing two stalls in the garage component of the carriage house with a third stall located beside the garage for tenant use.

The proposed design features a lower level garage and storage space, with upper level living space. The design includes a butterfly roof and a large covered balcony. The applicant has stated that this roof design allows increased volume of space without increasing the footprint, and would allow for increased storage space.

4.3 Variances

The carriage house as proposed does require Council approval of 3 variances pending the adoption of the rezoning. The first variance is due to the siting of the carriage house in the side yard rather than in the rear yard. The other two variances are related to the carriage house being over-height at midpoint (6.83m) and at peak (7.98m) due to a unique roof design. Community Planning Staff will be preparing a Report to Council that recommends support for the side yard variance but does not recommend support for the height variances. Due to the shape of the lot, the carriage house is more suited to be located in the side yard. However, the height variances could be avoided with an alternate roof design. Alternately, the applicant could rezone to RU6 which would allow the height without a variance or a redesign. However, rezoning to RU6 would trigger increased costs in Development Cost Charges, servicing, and frontage improvements.

The Development Permit and Development Variance Permit will be considered prior to 4th reading of the zoning by Council.



Figure 1: Conceptual Rendering

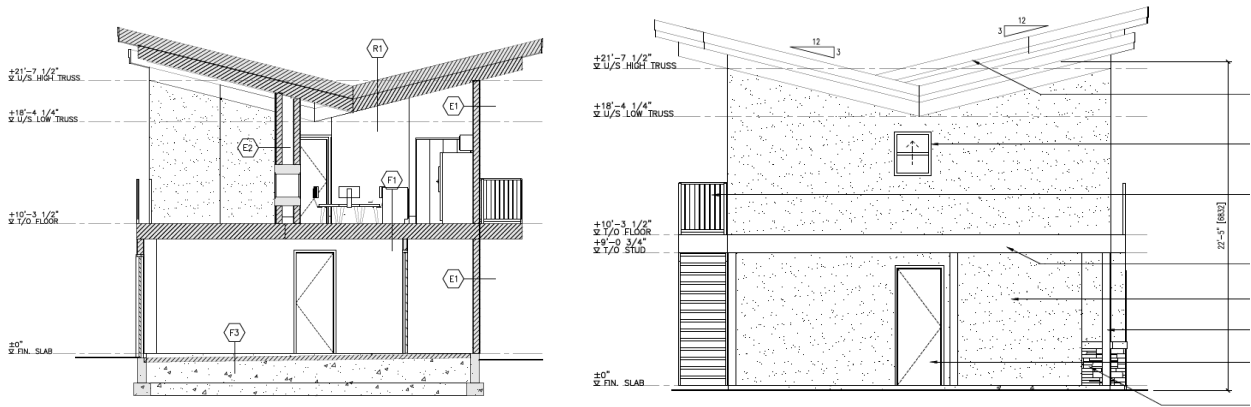


Figure 2 & 3: Section and Side Elevation

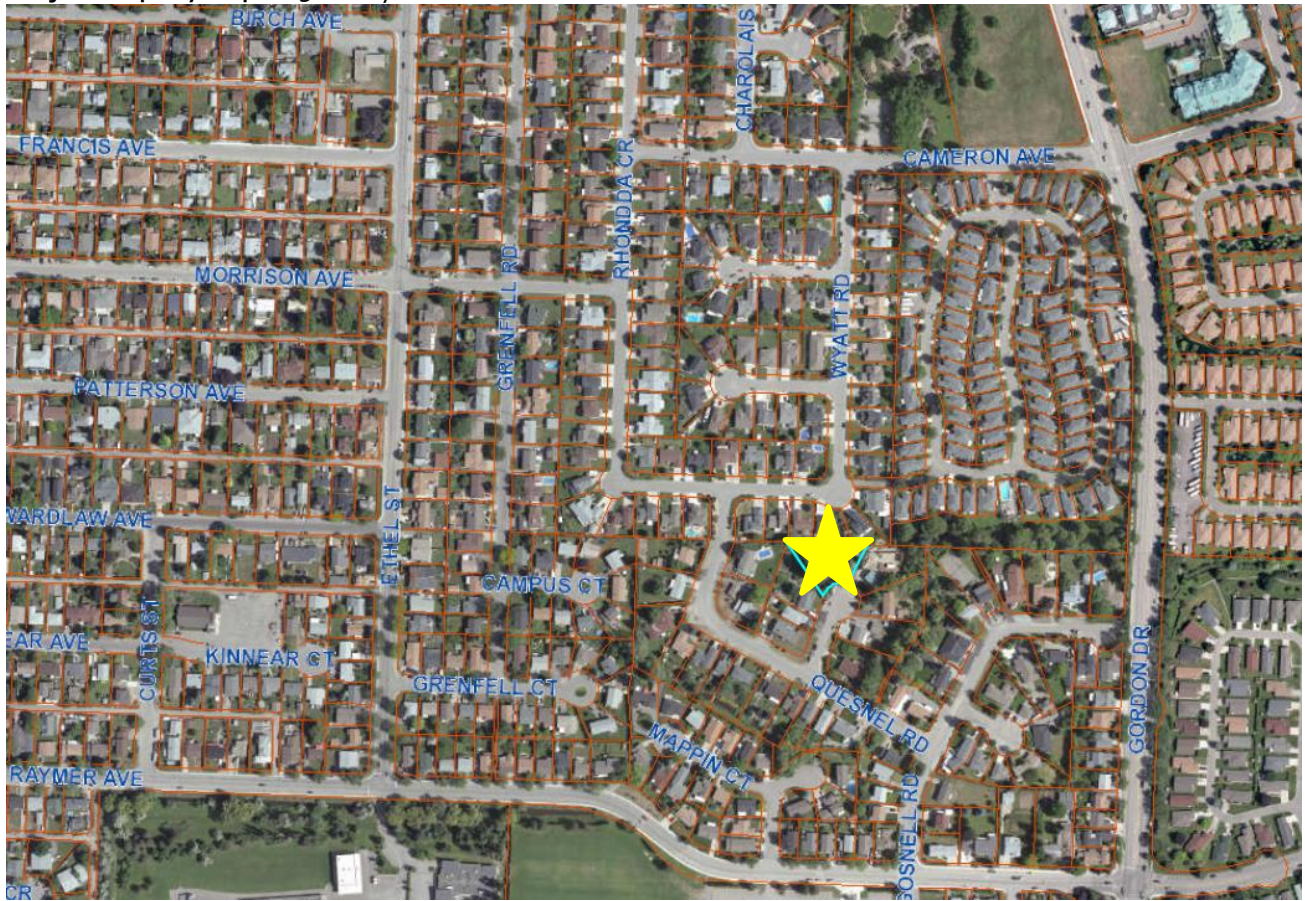
4.4 Site Context

The subject property is on the north end of a cul-de-sac called Kelly Road. It is located in the South Pandosy – K.L.O. Sector and is within the Permanent Growth Boundary. It is located within walking distance to Okanagan College and Guisachan Village. The property earns a walkscore of 60 meaning it is somewhat walkable.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 1050 Kelly Road



4.5 Zoning Analysis Table

CRITERIA	RU _{1c} ZONE REQUIREMENT	PROPOSAL
Subdivision Regulations / Existing Lot		
Minimum Lot Width	16.5 m	24.73 m
Minimum Lot Depth	30.0 m	32.7 m
Minimum Lot Area	550 m ²	1618.74 m ²
Development Regulations		
Maximum Total Site Coverage (buildings)	40%	17%
Maximum Total Site Coverage (buildings, driveways & parking)	50%	32%
Carriage House Development Regulations		
Maximum Accessory Site Coverage	14%	6%
Maximum Accessory Building Footprint	90 m ²	90 m ²
Maximum Net Floor Area	90 m ²	60 m ²
Maximum Net Floor Area to Principal Building	75%	36.5%

CRITERIA	RU1c ZONE REQUIREMENT	PROPOSAL
Maximum Upper Storey Floor Area to Building Footprint	75%	66.7%
Maximum Height (to mid-point)	4.8 m	6.83 m ❶
Maximum Height (to peak)	Peak of principal dwelling (5.79m)	7.98 m ❷
Minimum Front Yard	To be located in rear	Located at side ❸
Minimum Side Yard (east)	2.0 m	3.96 m
Minimum Side Yard (west)	2.0 m	>2.0 m
Minimum Rear Yard	2.0 m	7.5 m
Minimum Distance to Principal Building	3.0 m	6.4 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m ² per dwelling	> 30 m ² per dwelling
❶ Indicates a requested mid-point height variance from 4.8m required to 6.83 proposed ❷ Indicates a requested maximum height variance from 5.79m to 7.98m ❸ Indicates a requested variance to allow a carriage house located at the side of the principal dwelling		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Please see attached Schedule "A" dated July 25, 2016

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- Both units shall have a posted address on Kelly Rd. for emergency response

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

6.4 FortisBC Electric

- There are FortisBC Inc (Electric) (“FBC(E)”) primary distribution facilities along Kelly Road. 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.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

7.0 **Application Chronology**

Date of Application Received: July 4, 2016
Date Public Consultation Completed: August 1, 2016

Report prepared by: Trisa Brandt, Planner I
Reviewed by: Terry Barton, Urban Planning Manager
Reviewed by: Ryan Smith, Community Planning Department Manager
Approved for inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule “A”: Development Engineering Memorandum dated July 25, 2016
Attachment “A”: Site Plan & Floor Plans
Attachment “B”: Conceptual Elevations
Attachment “C”: Applicant Design Rationale



FOR REZONING

Planner
Initials

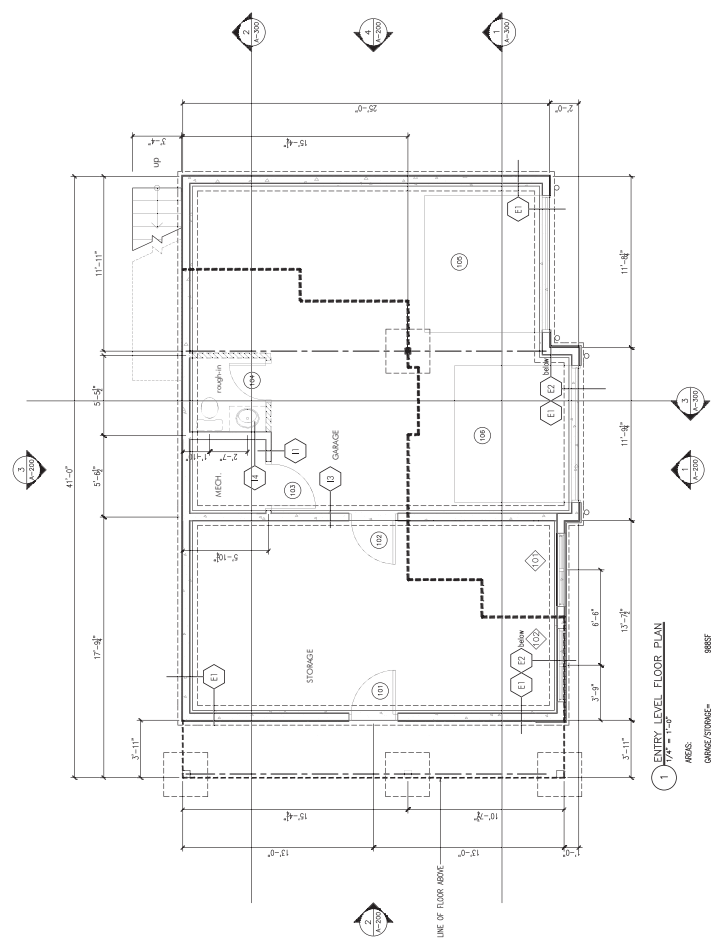
FB

DOOR SCHEDULE

DOOR MARK	SIZE	Type	Style	NOTES
101	3'-0" x 7'-0"	Standard	Standard	
102	3'-0" x 7'-0"	Standard	Standard	
103	3'-0" x 7'-0"	Standard	Standard	
104	3'-0" x 7'-0"	Standard	Standard	
105	3'-0" x 7'-0"	Standard	Standard	
106	3'-0" x 7'-0"	Standard	Standard	
107	3'-0" x 7'-0"	Standard	Standard	
108	3'-0" x 7'-0"	Standard	Standard	
109	3'-0" x 7'-0"	Standard	Standard	
110	3'-0" x 7'-0"	Standard	Standard	

WINDOW SCHEDULE

WINDOW MARK	SIZE	Sill Height	Head Height	NOTES
101	3'-0" x 7'-0"	3'-0"	8'-0"	
102	3'-0" x 7'-0"	3'-0"	8'-0"	
103	3'-0" x 7'-0"	3'-0"	8'-0"	
104	3'-0" x 7'-0"	3'-0"	8'-0"	
105	3'-0" x 7'-0"	3'-0"	8'-0"	
106	3'-0" x 7'-0"	3'-0"	8'-0"	
107	3'-0" x 7'-0"	3'-0"	8'-0"	
108	3'-0" x 7'-0"	3'-0"	8'-0"	
109	3'-0" x 7'-0"	3'-0"	8'-0"	
110	3'-0" x 7'-0"	3'-0"	8'-0"	

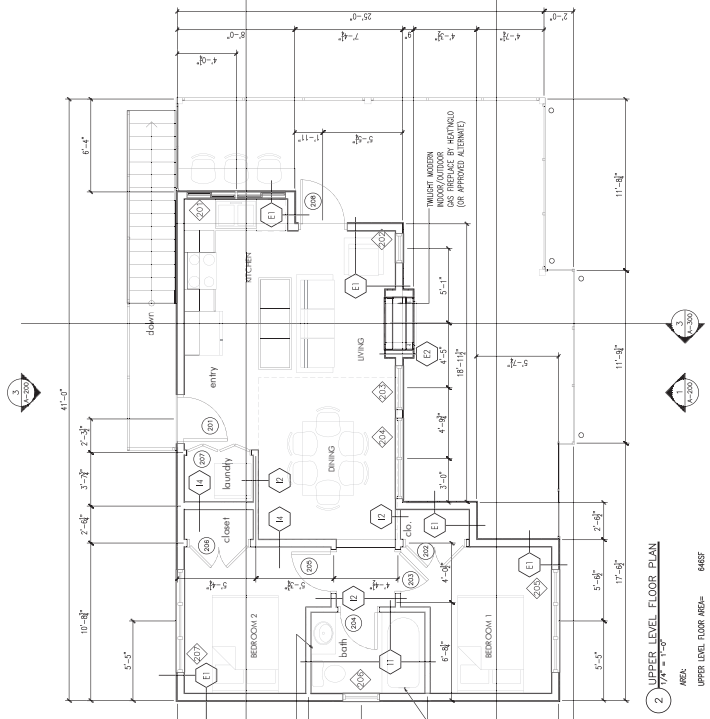


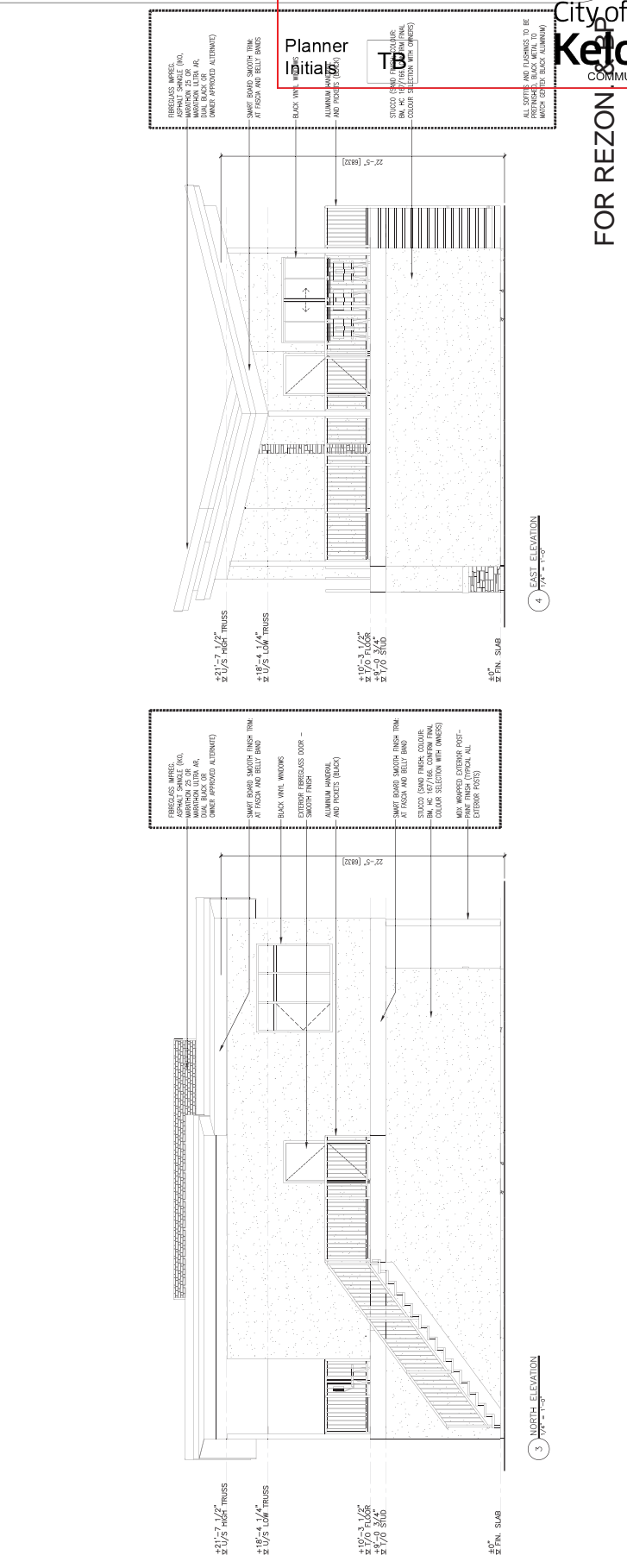
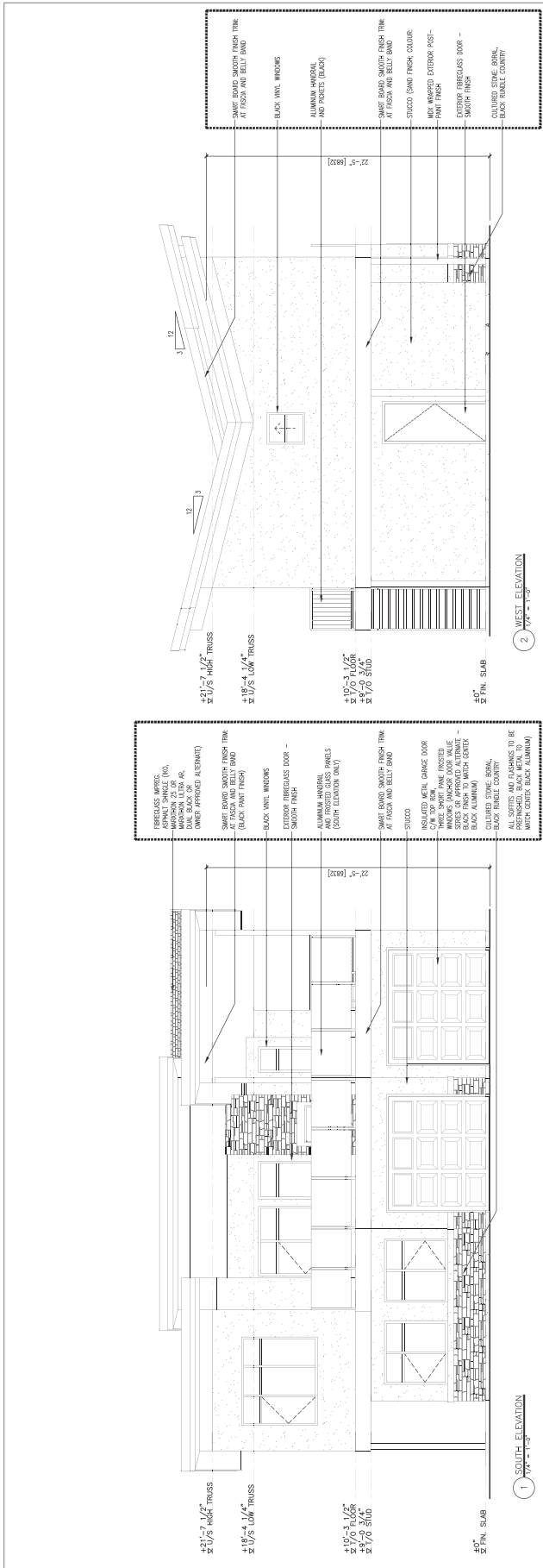
DOOR SCHEDULE

DOOR MARK	SIZE	Type	Style	NOTES
200	3'-0" x 7'-0"	Standard	Standard	
201	3'-0" x 7'-0"	Standard	Standard	
202	3'-0" x 7'-0"	Standard	Standard	
203	3'-0" x 7'-0"	Standard	Standard	
204	3'-0" x 7'-0"	Standard	Standard	
205	3'-0" x 7'-0"	Standard	Standard	
206	3'-0" x 7'-0"	Standard	Standard	
207	3'-0" x 7'-0"	Standard	Standard	
208	3'-0" x 7'-0"	Standard	Standard	
209	3'-0" x 7'-0"	Standard	Standard	
210	3'-0" x 7'-0"	Standard	Standard	

WINDOW SCHEDULE

WINDOW MARK	SIZE	Sill Height	Head Height	NOTES
200	3'-0" x 7'-0"	3'-0"	8'-0"	
201	3'-0" x 7'-0"	3'-0"	8'-0"	
202	3'-0" x 7'-0"	3'-0"	8'-0"	
203	3'-0" x 7'-0"	3'-0"	8'-0"	
204	3'-0" x 7'-0"	3'-0"	8'-0"	
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206	3'-0" x 7'-0"	3'-0"	8'-0"	
207	3'-0" x 7'-0"	3'-0"	8'-0"	
208	3'-0" x 7'-0"	3'-0"	8'-0"	
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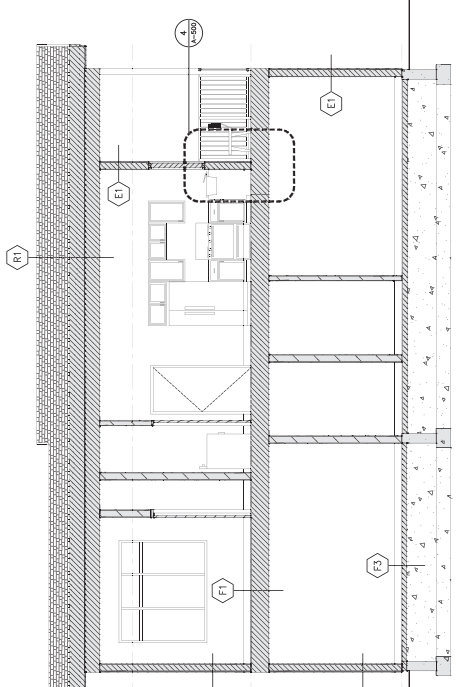


FOR REZONING

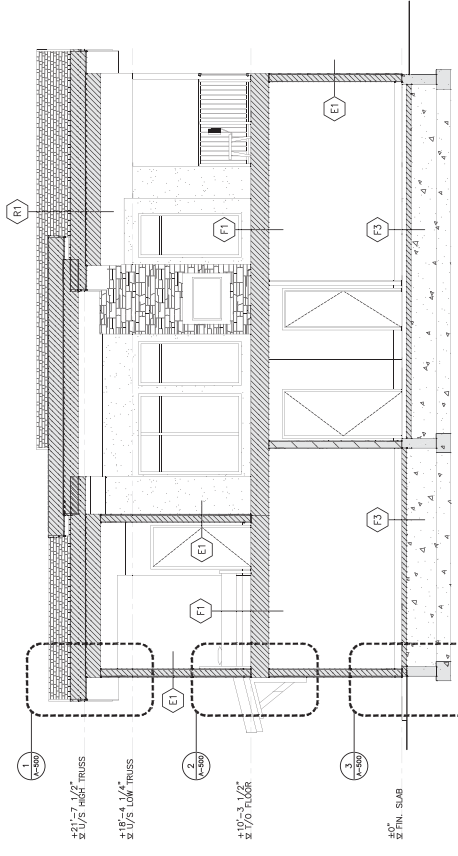
Planner Initials **TB**



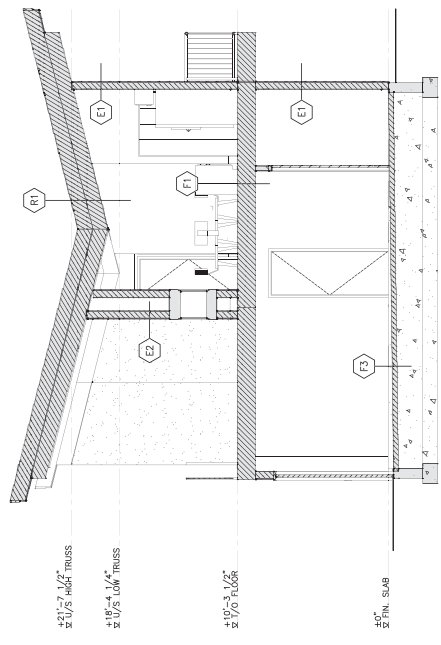
FOR REZON



2 SECTION 2
1/4" = 1'-0"



1 SECTION 1
1/4" = 1'-0"



3 SECTION 3
1/4" = 1'-0"

Design Rationale – 1050 Kelly Road

Little House Contracting, on behalf of our clients, Jock and Heather Tyre, are applying to build a carriage home at 1050 Kelly road. In order to do so, the lot needs to be rezoned from RU1 to RU1-C and have three zoning variances. The first variance would allow for the carriage home to be built in the side yard of this pie-shaped lot, as there is large unused space at the side, not the back. This location will also allow for direct access to the cul-de-sac. The second and third variances are for the height and midpoint of the roofline of the proposed building.

The lot is perfectly positioned for rezoning to RU1-C. The property is off of Raymer Avenue, between Ethel and Gordon, half a block from the RU6 zone that allows for carriage homes. The lot is .4 of an acre (1618 sq m), ample space for a secondary dwelling. There is an extreme shortage of rental properties in Kelowna at this time. Adding a rental in such close proximity to the amenities of Pandosy and Guisachan Villages, Okanagan Lake, the hospital and the college makes good sense.

Three variances are required. The first variance is needed to allow the dwelling to be constructed in the side yard. This is important so that the home has access to the street for off road parking purposes and emergency vehicle requirements. The fact that the new dwelling will have garage parking and storage space below will allow clean-up of an area of yard this currently awkward for upkeep and cluttered due to lack of storage. Currently there is only driveway and carport parking. The garage will hide two cars and all storage from street view. The site location of the building is sensitive to the rear neighbors and preserves their rear yard privacy (7.5 m as opposed to the required 2 m).

The second and third variances are for the height of the building and the midpoint of the roof. The modern style of the structure does not incorporate dormers which prevents it from meeting height restrictions. Aesthetically, this style will enhance the look of the existing neighborhood and ties in nicely with the 70s and 80s homes. The carriage home is rectangular like the other homes, but with more of a modern twist. The style of roof allows for easy incorporation of simple grey water systems to irrigate the landscaping. This is a benefit in the Okanagan with our annual water restrictions. The height is important for storage in both the garage and the small rental unit. Using height maximizes the volume of the space without increasing the footprint. Finally, the vaulted ceilings in the small homes are beneficial for creating a more open feeling. This decreases feelings of claustrophobia and depression for tenants in winter months. Happy neighbors make good neighbors.

The roof style (hence the height) and overall building concept for the carriage home is a design that is more sensitive to our environment in addition to making monthly living costs more

affordable. The design takes into account many of today's sustainable characteristics as well as passive heating and cooling best practices, namely:

1. Orientation of kitchen on the east side of the home where early warming sunlight enters the home and adds to person comfort.
2. Reducing the exterior penetration on both the north and west facing walls thereby eliminating the excessive solar gain often experienced on the west and providing excellent insulation value along the north where windows eliminating loss of conditioned interior air (whether cooled or heated).
3. Exaggerated overhangs on the east and south portion of the carriage home reduce excessive solar gain in the summer while allowing warming sun into the home when the sun is lower in the sky during winter months.
4. Provision of majority of glazing along the south wall to allow solar gain in the home when preferred as well as to allow natural light to bathe the home thereby reducing the use of artificial light during typical daylight hours.

Generally speaking, orienting the longest portion of the home east to west with glazing oriented along the south wall as well as incorporating overhangs and reduced openings along the north will help with the energy performance of the home. Additionally, the home's compact shape and form help reduce raw material use and will also contribute to energy efficiency of the home. Building environmentally conscious structures not only impacts the immediate neighbourhood in which it is built, but the larger community and the world in which we live.

Little House contracting takes pride in the fact that we guide our clients through the process of their carriage home design to ensure the home reflects the character of the neighborhood in which it is being built and the principal dwelling on the lot upon which they intend to build. Homes on Kelly Road were built between the 1970s and 1980s with this existing dwelling being constructed in 1972. The neighboring house at 1060 Kelly road is currently being completely remodeled from the studs, effectively creating a new 2016 home. As such, the design of the carriage home includes architectural elements such as a vaulted style roof, stucco finish and a two story design.

It is important to note that the massing of this carriage home build is in proportion to the design of the buildings in the neighborhood. The 70s and 80s homes are typically 2000 to 3000 sq ft (185-279 sq m), much larger than the 800 to 1400 sq ft (74-130 sq m) homes in the mid-century neighborhoods with carriage homes. Despite the difference in size of the existing homes in this particular neighborhood, the carriage home still has a footprint under the

required 90 sq m. This footprint contains the garage, storage, a small two bedroom rental suite and a beautiful outdoor living space. We did not need to increase the footprint of the building in order to achieve this, only the height. The massing is in proportion with the existing homes in the neighborhood.

Landscaping themes are in line with neighborhood standards, maintaining lawn and garden space in the rear yard. Building setbacks, scale and materials are all within the RU1-C zoning requirements. The design of the carriage home allows for the preservation of an abundance of usable outdoor space. There is over 464 sq meters of open space on the property leaving 232 sq meters of open space for the carriage home and 232 for the main home. The large tree cherry tree behind the carriage home on left rear side will be maintained for shade and privacy. All of the trees in the back and front yards of the existing home will be maintained. New privacy trees will be planted between the carriage home and the neighboring property. Shrubs will be planted in the front yard to separate the carriage home space from the existing home space. All new landscaping will be drought tolerant. Stepping stones from the driveway to the sidewalk of the existing home will be placed to create a path between the two buildings.

The streetscape is enhanced due to the high quality of design and architectural detail in the street facing elevation of the carriage home. The privacy of adjacent properties is not affected by the construction of the carriage home as all of the large windows are facing the street. There is a small kitchen widow that opens on to the side deck on the east elevation of the building. This window will not infringe on the privacy of the neighbors as there is a deck and railing space to obscure the sight line. The outdoor deck space at the front of the building that faces the street will be the area most utilized by tenants as they enjoy the indoor/outdoor fireplace behind the privacy of a frosted glass railing. The north facing elevation (backyard) has the staircase and entrance to the home and one window. The established cherry tree in the back yard as well as the generous 7.5 meter setback (in contrast to the required 2 meter setback for carriage homes on lots with no lane) will ensure no privacy issues for the neighbors to the rear of the property.

The building will cast shadow into the space between the carriage home and the existing house in the morning and onto the driveway of the neighboring property (1060 Kelly rd) in the afternoon creating no impact on private open space of neighboring dwellings. The new carriage home dwelling incorporates an abundance of daylight throughout the day via large south facing windows. Direct sunlight is avoided in the hot afternoon as there are no windows on the west elevation of the building.

Light fixtures will be placed in front of the garage to light the driveway. Lighting at the side entrance to the storage area and alongside the pathway and stairs to the carriage home entrance will be directed down towards to pathway as not to disturb the neighbors. There is an

existing fence beside the pathway to the carriage home entrance and privacy trees will also be planted to mitigate any light pollution.

Parking for the carriage home and main home will be incorporated into the new structure. Two large parking spaces for the main home will be within the closed garage. An additional parking spot for the carriage home will be along the east side of the dwelling for ease of access to the carriage home entrance.

All gas, electrical and mechanical equipment housings are not visible from the road.

REPORT TO COUNCIL



Date: January 23, 2017
RIM No. 1250-30
To: City Manager
From: Community Planning Department (EW)
Application: Z16-0063 **Owner:** Cathy Wolf
Address: 769 Barnaby Rd **Applicant:** Thomson Dwellings Inc.
Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/ Two Unit Residential
Existing Zone: RR2 – Rural Residential 1
Proposed Zone: RU1 – Large Lot Housing/ RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z16-0063 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Lot A District Lot 357 Similkameen Division Yale District Plan 10457, located at 769 Barnaby Rd, Kelowna BC from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone and from the RR2 – Rural Residential 2 zone to the RU6 – Two Dwelling Housing zone as shown on Map “B” attached to the report from Community Planning, dated January 23, 2017 be considered by Council;

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

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

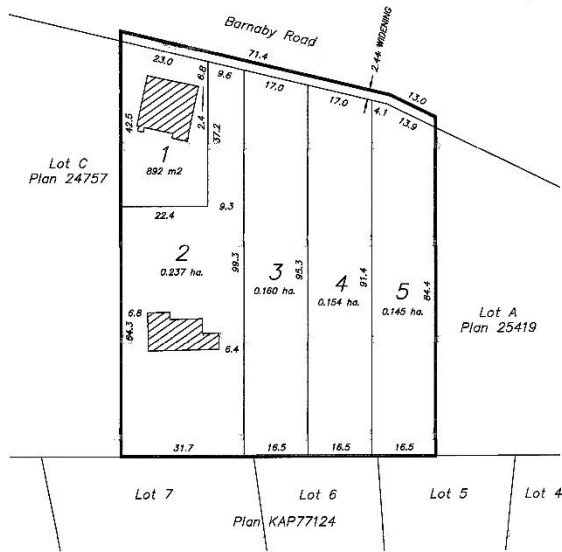
To consider a rezoning on the subject property from the RR2 – Rural Residential 2 zone to the RU1 – Large Lot Housing zone and the RU6 – Two Dwelling Housing zone to facilitate a future subdivision.

3.0 Community Planning

The subject property has a future land use designation of S2RES – Single/ Two Unit Residential in the Official Community Plan (OCP) and is zoned RR2 – Rural Residential 2. The property is within the Permanent Growth Boundary.

Community Planning Staff support the application as the proposed rezoning to the RU1 and the RU6 zone is supported by the OCP S2Res Future Land Use Designation. Rezoning to support a future subdivision is also consistent with the OCP’s permanent growth boundary policies which direct urban uses to lands within the urban portions of the City as well as the OCP’s urban infill policies which aim to maximize the use of existing infrastructure and develop energy efficient settlement patterns.

Figure 1: Proposed Subdivision Layout



4.0 Proposal

4.1 Project Description

The applicant proposes rezoning the majority of the property to the RU1 – Large Lot Housing zone and a smaller western portion of the property to the RU6 – Tow Dwelling Housing zone (*Attachment- Map B Zone Amending Map*). The property currently has a duplex and single family dwelling on the property.



Figure 2 (left). Existing single detached dwelling on the property. Figure 3 (right). Existing duplex on the property.

The rezoning will legalize the existing duplex and facilitate a future 5 lot subdivision (*Attachment A*). All servicing and technical considerations will be managed through a future subdivision and development permit application.

4.2 Site Context

The subject property is in the South Okanagan Mission city sector, in a suburbanized neighbourhood characterized by single family dwellings. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Residential
East	RR2 – Rural Residential 2	Residential
South	RU1 – Large Lot Housing	Residential
West	RR2 – Rural Residential 2	Residential

Subject Property Map: 769 Barnaby Rd



4.3 Zoning Analysis Table

Zoning Analysis Table				
CRITERIA	RU1 ZONE REQUIREMENTS	RU1 PROPOSAL	RU6 ZONE REAQUIREMENTS	RU6 ZONE PROPOSAL
Existing Lot/Subdivision Regulations				
Lot Area	550 m ²	>1450 m ²	700 m ²	892 m ²
Lot Width	16.5 m	16.5 m	18.0 m	23.0 m
Lot Depth	30.0 m	>84.4 m	30.0 m	39.9 m

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Future Land Use - Single/Two Unit Residential (SRES)¹. Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

Chapter 5 - Development Process

General Objective 5.3 Focus Development to designated growth areas.

Permanent Growth Boundary². Policy .1. Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. The City of Kelowna will support development of property outside the Permanent Growth Boundary for more intensive use only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except for Agri-Business designated sites or as per Council's specific amendment of this policy. The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Compact Urban Form³. Policy .2. 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 per ha 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.

6.0 Technical Comments

Most of the technical comments will be addressed at subdivision preliminary layout review stage. However, the following comments are included for Council's consideration.

6.1 Building & Permitting Department

- No comment.

6.2 Development Engineering Department

- See attached memorandums dated November 14 and 15, 2016 (*Attachment B*).

6.3 Fire Department

- All lots shall have access from Barnaby and be addressed off of Barnaby Rd. No concerns with zoning change.

7.0 Application Chronology

¹ City of Kelowna Official Community Plan – Future Land Use Chapter

² City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter)

³ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter)

Date of Application Received: September 15, 2016
Date Public Consultation Received: December 22, 2016

Report prepared by: Emily Williamson, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

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

Attachments:

Map "B" Zone Amending Map

Attachment A - Proposed Subdivision Plan

Attachment B – Development Engineering Memorandums dated November 14 and 15, 2016



RR3

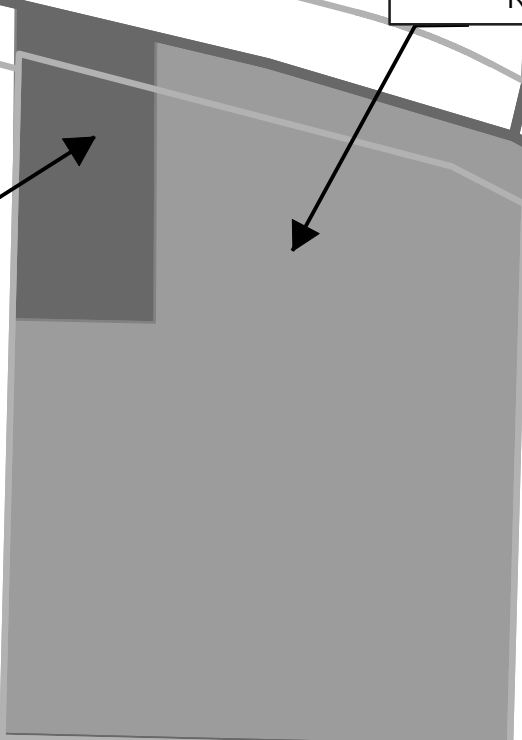
RR1

Barnaby Rd

Subject Property Notes:
Rezone a portion of the subject property from RR2 Rural Residential 2 to RU1 Large Lot Housing.

Subject Property Notes:
Rezone a portion of the subject property from RR2 Rural Residential 2 to RU6 Two Dwelling Housing.

RR2

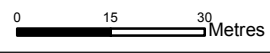


RU5

MAP "B" PROPOSED ZONING
File Z16-0063

- RR2 to RU1
- RR2 to RU6

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



Rev. Thursday, January 05, 2017



CARMEL CR

PROPOSED SUBDIVISION OF LOT A D.L. 357 S.D.Y.D. PLAN 10457

Civic Address:
769 Barnaby Road
Kelowna, BC

ATTACHMENT B

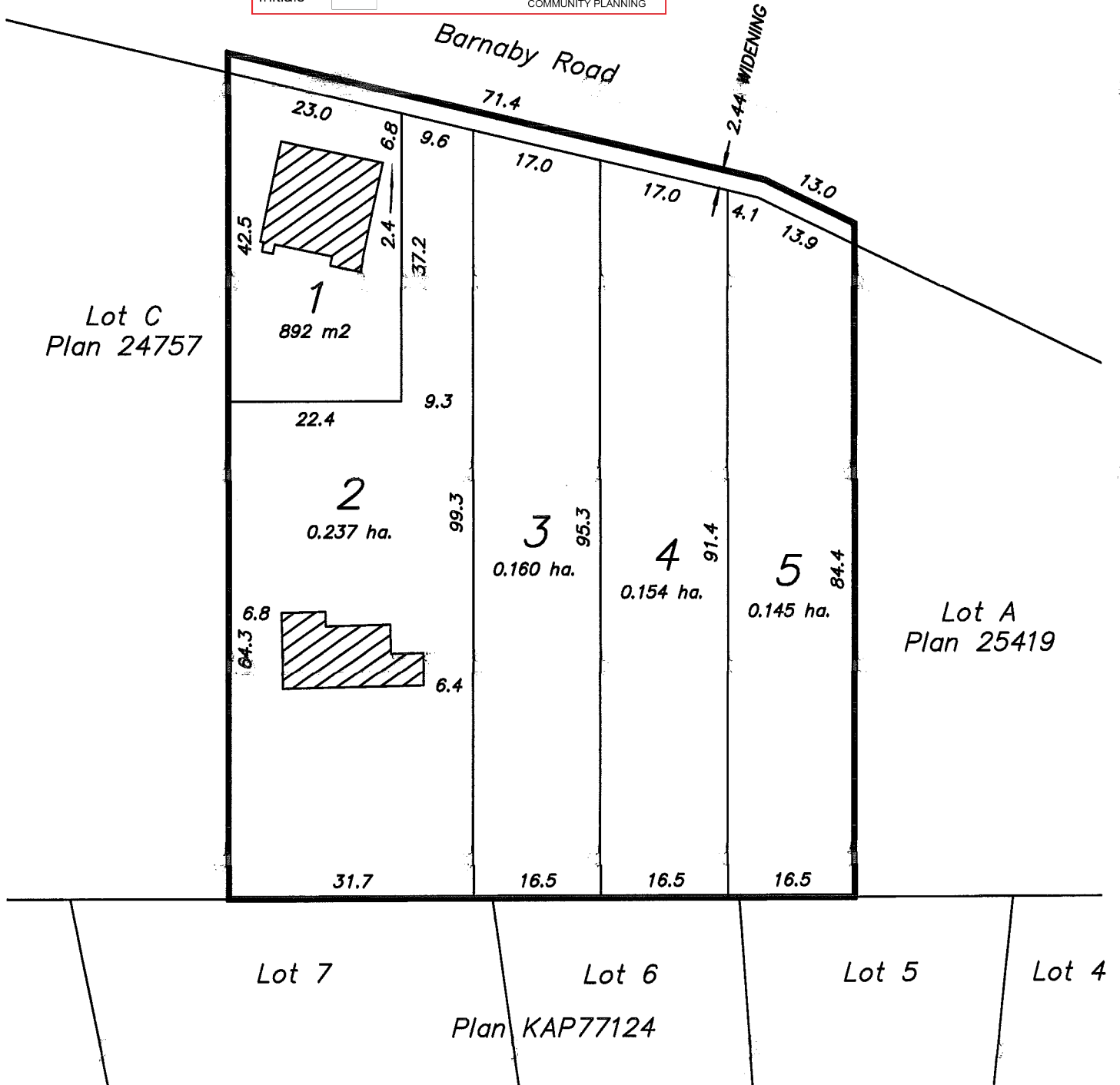
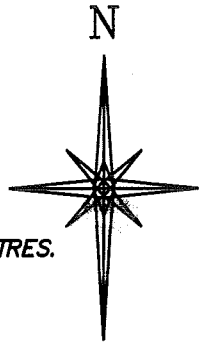
This forms part of application
Z16-0063

Planner
Initials EW



SCALE 1:750

DISTANCES ARE IN METRES.



file 17123 fb 386
Thomson Dwellings
September 14, 2016.

D.A. Goddard Land Surveying Inc.
103-1358 St. Paul Street, Kelowna
Phone (250) 763-3733

CITY OF KELOWNA

MEMORANDUM

Date: November 15, 2016
File No.: Z16-0063
To: Land Use Management (EW)
From: Development Engineer Manager (SM)
Subject: 769 Barnaby Road Lot A Plan 10457

ATTACHMENT A

This forms part of application
Z16-0063

Planner
Initials EW


City of
Kelowna
COMMUNITY PLANNING



The Development Engineering comments and requirements regarding this application to rezone from RR2 to RU1 & RU6 are as follows:

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file S16-0103.



Steve Muenz, P. Eng.
Development Engineering Manager

JF

CITY OF KELOWNA
MEMORANDUM

Date: November 14 2016
File No.: S16-0103
To: Land Use Management Department (RS)
From: Development Engineering Manager (SM)
Subject: Subdivision Application – PLR Requirements

ATTACHMENT A

This forms part of application
Z16-0063

Planner Initials EW


City of Kelowna
COMMUNITY PLANNING

LOCATION: 769 Barnaby Road	ZONE
APPLICANT: Thompson Dwellings Inc	
LEGAL: LOT A, PLAN 10457	

WORKS AND SERVICES REQUIREMENTS

The City's Development Engineering Branch will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan.

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

The following Works & Services are required for this subdivision:

.1 General

- a) 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.
- b) Provide the Consulting Engineer with a copy of the PLR that details the Subdivision requirements.

.2 Geotechnical Report

- a) Provide a comprehensive geotechnical report, 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.**
 - (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.

- (ii) Site suitability for development.
- (iii) Any special requirements for construction of roads, utilities and building structures.
- (iv) Recommendations for items that should be included in a Restrictive Covenant.
- (v) Any items required in other sections of this document.
- (vi) Recommendations for roof drains and perimeter drains.

.3 Water

- a) The property is located within the City of Kelowna water service area.
 - i) Arrange for new individual lot connections before submission of the subdivision plan, including payment of connection fees (provide copy of receipt). The existing 19mm PVC water services are substandard and therefore will need to be disconnected at the main.
 - ii) Remove any existing shared services (cross-connections)

.4 Sanitary Sewer

- a) Arrange for the installation of a 100mm diameter service connection to each lot before submission of the subdivision plan. Including payment of connection fees (provide copy of receipt). The existing service if utilized, will require the relocation of the inspection chamber to the new property line.
- b) Remove any existing septic tanks or service trespasses.

.5 Drainage

- a) The property is located within the City of Kelowna drainage service area. 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 hydrogeotechnical 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.
- a) Provide a detailed Lot Grading Plan.

.6) Roads

- a) Barnaby Road is designated as urban class 1 collector road (City Standard SS-R5.)
- b) Dedicate road widening as indicated in the S.W. Mission Road Study (drawing A3674-68 attached). Upgrade the road frontage to a full urban standard including fillet pavement, curb and gutter, sidewalk, piped drainage system including drywells and catch-basins, street lights, and street trees. Adjust and/or re-locate existing utility appurtenances if required to accommodate this construction.

- c) Boulevards to be landscaped by the homeowner.
- d) Verify that the physical driveway access locations for the proposed lots will satisfy City requirements. Re-locate existing poles and utilities, where necessary.

.7) Power and Telecommunication Services and Street Lights

- a) The existing house is served by overhead wiring. These services must be converted to underground connections. The proposed new lot must also be serviced with underground connections.
- b) Before making application for approval of your subdivision plan, please make arrangements with FortisBC for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- 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.

.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.

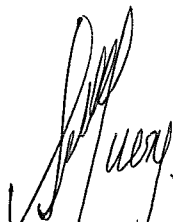
.10) Other Engineering Comments

- 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 (such as Fortis, Gas, 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) Charges and Fees

Development Cost Charges (DCC's) are payable

- a) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee: **\$50.00** per newly created lot (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
 - iii) Engineering and Inspection Fee: 3.5% of construction value (plus GST).
- b) A hydrant levy charge of **\$250.00** per lot (not required if developer installs a fire protection system – mains and hydrants).



Steve Muehzy, P.Eng.
Development Engineering Manager

JF

The proposed application meets Official Community Plan goals including sensitive infill, complete streets and compact urban form (see Section 5.1 Current Development Policies).

4.0 Proposal

4.1 Background

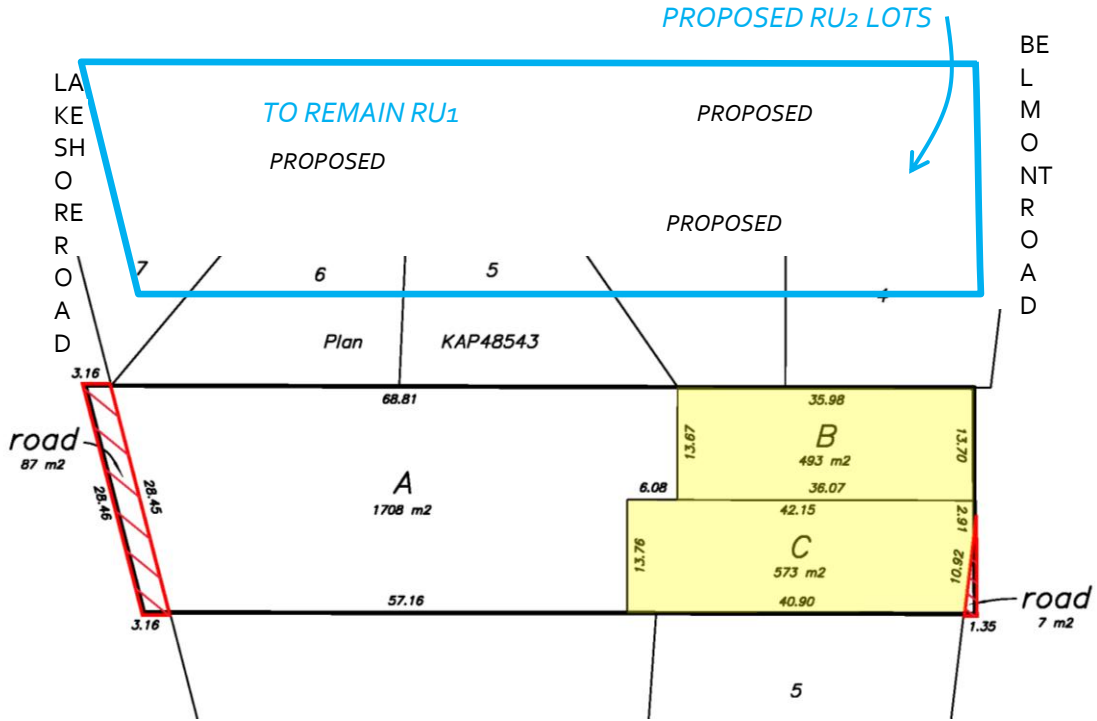
The 0.7-acre subject parcel fronts both Lakeshore Road and Belmont Road. The parcel currently contains one single family dwelling, fronting on Lakeshore Road. The parcel is located within both the Okanagan Floodplain and Comprehensive Development Permit areas.

4.2 Project Description

The proposal is to rezone the east portion of the subject parcel that fronts Belmont Road (shown in yellow below). The intent is to create two RU₂ – Medium Lot Housing zoned lots fronting Belmont Road, shown as Lot B and C on Map 1 with the re (Lot A, fronting Lakeshore Road) retaining the RU₁ – Large Lot Housing zone.

This application will trigger road frontage dedication along both Lakeshore and Belmont Roads. A 3.16m dedication along Lakeshore Road and a 1.39 m portion of the subject property along Belmont Road will be dedicated in favor of the City (shown in red on Map 1). No variances are being tracked at this point as part of the application.

Map 1: Proposed Lot Layout



4.3 Zoning Analysis Table

CRITERIA	REQUIREMENTS	PROPOSAL
RU1 Zone Subdivision Regulations - Lot A		
Lot Area	550 m ²	1,708 m ²
Lot Width	16.5 m	27.4 m
Lot Depth	30.0 m	54.0 m
RU2 Zone Subdivision Regulations – Lots B & C		
Lot Area	400 m ²	Lot B – 493 m ²
		Lot C - 573 m ²
Lot Width	13.0 m	Lot B – 13.7 m
		Lot C – 13.7 m
Lot Depth	30.0 m	Lot B – 36.0 m
		Lot C – 40.9 m

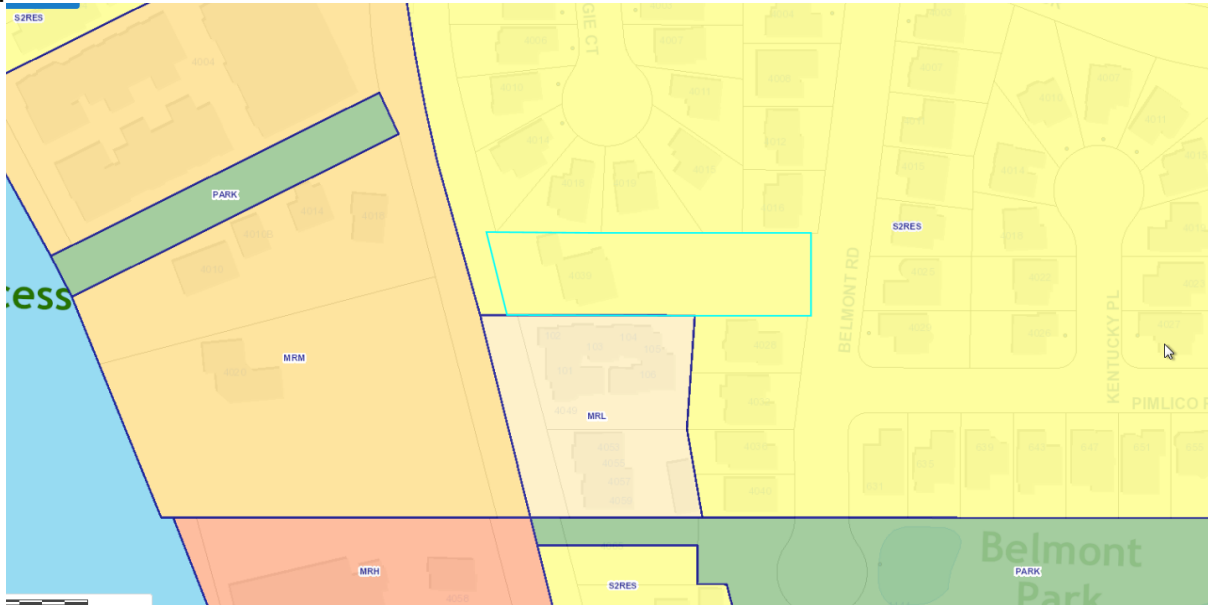
4.4 Site Context

The subject parcel is located in the North Mission/Crawford Sector of the City on the east side of Lakeshore Road. The property has a Future Land Use designations of Single/Two Unit Residential, with Single/Two Unit Residential and Multiple Unit Residential (Low Density) on adjacent parcels (see Map 2).

Single family residential land use exists to the north, east, and south. Multiple family residential exists to the south along Lakeshore Road. City services including water, storm and sanitary exist along both frontage roads.

A number of requirements are triggered with the proposed rezoning and subsequent subdivision applications. As the rezoning application is to facilitate a three lot subdivision, Community Planning is deferring all Development Engineering requirements of the rezoning to the subdivision stage of application. The Preliminary Layout Review letter will outline all requirements which include Development Engineering items such as road dedication, frontage upgrades, service connections and Development Cost Charges. Final Reading of this rezoning application will be one requirement of the proposed three lot subdivision.

Map 2: Future Land Use



Adjacent land uses are as follows:

Orientation	Zoning	Existing Land Use	Future Land Use
North	RU2 –Medium Lot Housing zone	Single family residential	S2RES - Single / Two Unit Residential
East	RU2 –Medium Lot Housing zone	Single family residential	S2RES - Single / Two Unit Residential
South	RU1 - Large Lot Housing zone and RM2 - Low Density Row Housing zone	Single family and multi-family residential	S2RES - Single / Two Unit Residential and MRL – Multiple Unit Residential (Low Density)
West	RU1 - Large Lot Housing zone	Single family residential	MRM – Multiple Unit Residential (Medium Density)

Map 3: Neighbourhood Context



Map 4: Subject Property



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

Staff Note: The two proposed RU2 zoned lots located on Belmont Road are within 310 m walking distance of the bus stops along Lakeshore Road, and 430 m walking distance from the bus stops along Gordon Road. Both of these routes are Primary Transit Network routes which mean there is service every 15 minutes, 15 hours a day, 7 days a week. A City park is located 90 m away, and commercial amenities are 300 m away. As such, the increase in lots in the area not only meet zoning regulations for the S2RES appropriate zone, but also provide new residents many amenities within walking distance.

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

Staff Note: Although the two proposed lots along Belmont Road will be a lesser width than adjacent parcels, the single family dwelling will remain the only permitted building form along the established street.

Complete streets.³ Ensure new roads are built as complete streets that incorporate sidewalks and on street bike lanes on arterial and major collector roads and off-road bike paths as per the Active Transportation Plan and provides for efficient transit service, as well as space to include landscaping.

Staff Note: Requirements of the proposed subdivision include construction or cash in lieu for sidewalks along Belmont Road, currently no sidewalks exist on either side of Belmont. Requirements for dedication of 3.16 m of frontage along Lakeshore Road will provide for future sidewalk, bike lane, landscaping for the Lakeshore Multi-Use Corridor network.

6.0 Technical Comments

6.1 Development Engineering Department

All requirements for the proposed rezoning and subdivision development are to be fulfilled at time of Final Subdivision of the parcel into three lots. These requirements include road dedication, frontage improvements and service connections.

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

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

³ City of Kelowna Official Community Plan, Objective 7.6.2 (Infrastructure Chapter).

7.0 Application Chronology

Date Application Received: September 15, 2016
Date Revised Application Received: October 4, 2016
Date Referral Comments Received: October 24, 2016
Date Public Consultation Completed: November 10, 2016

Report prepared by: Tracey Hillis, Planner

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

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

Attachments:

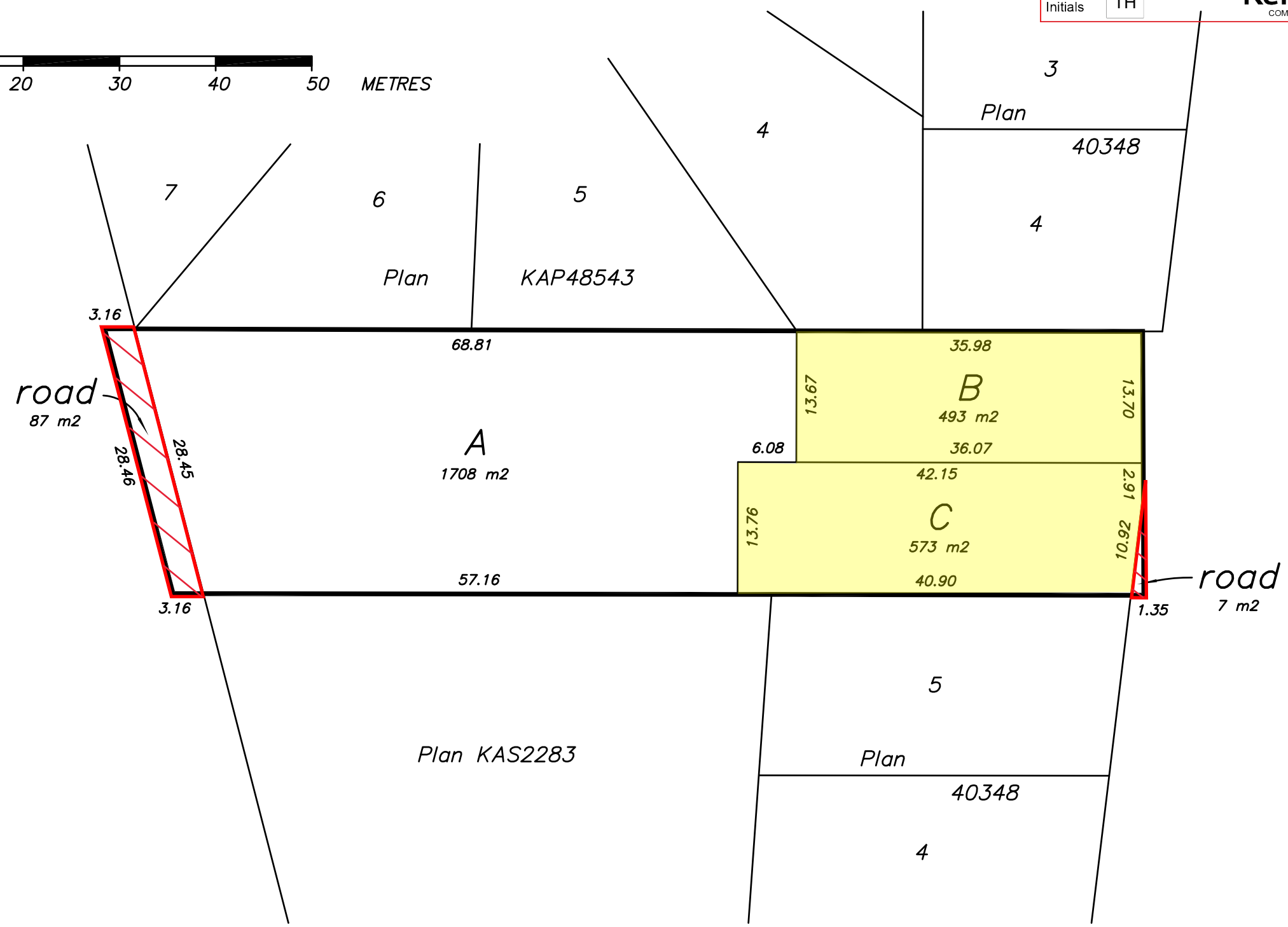
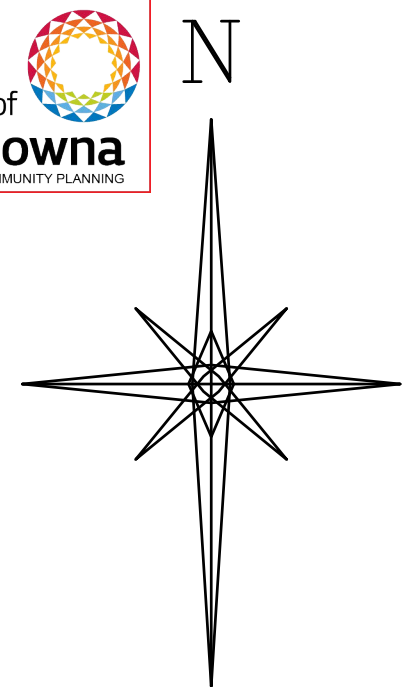
Map "A": Zoning Map
Attachment "A": Proposed Subdivision Sketch
Attachment "B": Development Engineering Memorandum

PROPOSED SUBDIVISION OF LOT 1
SEC. 6 TP. 26 O.D.Y.D. PLAN 9339

SCALE 1:500



ATTACHMENT A
This forms part of application
Z16-0060
Planner Initials TH
City of Kelowna
COMMUNITY PLANNING



NOTE:
Current zoning is RU1.
Lots B and C to be re-zoned RU2.
Lot A to be rezoned for multi-family use.

file 16921 Sept. 29/16.

D.A. Goddard Land Surveying Inc.
103-1358 ST. PAUL STREET KELOWNA PHONE 250-763-3733

CITY OF KELOWNA
MEMORANDUM

Date: October 24, 2016
File No.: Z16-0060

To: Community Planning (TH)

From: Development Engineering Manager (SM)

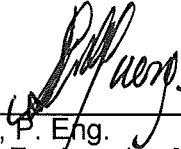
Subject: 4039 Lakeshore Rd RU1 & RU2

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

1. General

Road dedication & frontage improvements are triggered by this rezoning application. The requirements include curb and gutter, storm drainage system and pavement widening. Also required is a landscaped boulevard, street lighting and the re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The cost of this construction is at the applicant's expense.

The proposed redevelopment includes the subject parcel being subdivided into three lots. A subdivision application will require service upgrades that include the installation of additional services. The work will require road cuts and boulevard and pavement restoration. Development Engineering is prepared to defer the requirements of the rezoning to the subdivision stage.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

CITY OF KELOWNA
MEMORANDUM

Date: October 24, 2016
File No.: S16-0047
To: Community Planning (TH)
From: Development Engineering Manager (SM)
Subject: Subdivision Application – PLR Requirements

LOCATION:	4039 Lakeshore Rd	ZONE RU1/RU2
APPLICANT:	Tom & Cindy Netzlaw	
LEGAL:	Lot 1 Plan 9339	

The City's Development Services Department will handle the Works & Services requirements identified below between time of Preliminary Layout Review (PLR) and application for Subdivision Approval. Arrangements for construction must be made before making application for Approval of a subdivision plan. The Development Engineering Technician for this project is Sergio Sartori.

.1) General

- a) This proposed subdivision may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC V1Y 2K0 to obtain further information and to determine suitable location(s) within the development.

.2) Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers 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.

.3) Water

- a) The property is located within the City of Kelowna service area. The existing PVC water service will need to be upgraded to a 19mm copper service for the Lakeshore Rd lot.
- b) New water services can be provided for the Belmont Rd lots at the applicant's cost prior to subdivision approval. **The applicant will be required to sign a Third Party Work Order for the cost of the new service requirements.** For estimate inquiry's please contact Sergio Sartori at ssartori@kelowna.ca or phone 250-469-8589. Or arrange for lot connections before submission of the subdivision plan.

.4) Sanitary Sewer

- a) The Lakeshore Rd lot is serviced with a 100mm diameter service which is acceptable. New sanitary services can be provided for the Belmont Rd lots at the applicant's cost prior to subdivision approval. **The applicant will be required to sign a Third Party Work Order for the cost of the new service requirements.** For estimate inquiry's please contact Sergio Sartori at ssartori@kelowna.ca or phone 250-469-8589.

.5) Drainage

- a) The property is located within the City of Kelowna drainage service area. 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) The development is required to contain and dispose of site generated storm drainage on the site by installing a ground recharge system designed by the consulting civil engineer. The existing lot does not presently have a storm drainage service.

.6) Roads

- a) Lakeshore Road frontage must be upgraded to a full urban standard including curb, gutter, sidewalk, fillet pavement, street lights, storm drainage, landscaping and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- b) Belmont Road frontage must be upgraded to a full urban standard including sidewalk and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- c) Re-locate existing poles and utilities, where necessary.

.7) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate ~3.2m width along the full frontage of Lakeshore Rd. the existing fence and gate post must be removed.
- b) Dedication on Belmont Rd to adjust property line to match existing adjacent properties.
- c) Grant statutory rights-of-way if required for utility services.

.8) Power and Telecommunication Services and Street Lights

- a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- b) Streetlights must be installed on all roads.
- 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) Before making application for approval of your subdivision plan, please make arrangements with Fortis for the pre-payment of applicable charges and tender a copy of their receipt with the subdivision application for final approval.
- e) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

.9) Site Related Issues

Access and Manoeuvrability

- i) Furthermore, it is advised that in the future, access and egress to and from the site may be restricted to right-in and right-out due to a future median.


.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.
- c) Only the service upgrades must be completed at this time. The City wishes to defer the frontage upgrades to Lakeshore Rd & Belmont Road fronting this development. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule.

i) Lakeshore Road	
Item	Cost
Curb & Gutter	\$ 2,832.00
Sidewalk	\$ 3,540.00
Drainage	\$ 4,434.00
Street Lighting	\$ 956.00
Landscape Boulevard	\$ 1,062.00
Road Fillet	\$ 2,974.00
Total	\$15,797.00
ii) Belmont Road	
Item	Cost
Sidewalk	\$ 3,540.00
Total	\$ 3,540.00

.11) Charges and Fees

- a) Development Cost Charges (DCC's) are payable
- b) Fees per the "Development Application Fees Bylaw" include:
 - i) Survey Monument Fee of \$100.00 (\$50.00 per newly created lot) (GST exempt).
 - ii) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) – only if disturbed.
- c) A hydrant levy charge of **\$500.00** (250.00 per new lot).
- d) Utility services upgrades; **to be determined.**
- e) The City wishes to defer the construction of frontage improvements on Lakeshore Rd & Belmont Rd which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to be **\$19,337.00**



 Steve Muenz, P. Eng.
 Development Engineering Manager

SS

2.0 Purpose

To rezone the subject property to facilitate the development of multiple dwelling housing on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to the RM5 – Medium Density Multiple Housing zone in order to accommodate a 26-unit multiple dwelling housing project on the subject parcels. The proposed land use is consistent with the Official Community Plan (OCP) Future Land Use Designation of MRM – Multiple Unit Residential (Medium Density).

The proposal consists of two parcels that are located at a prominent location in the Central City area at the intersection of Ethel Street and Saucier Avenue, one block south of Harvey Avenue. Adding density at this location will be supported by the nearby parks, schools, transit bike routes and proximity to the downtown shopping area. The project benefits from the Ethel Street cycling routes with good commuting connections to the Downtown and central parts of the city. 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 and complementary to several other multi-family buildings in the area. The project is also consistent with several other OCP Urban Infill policies including 'Compact Urban Form' and 'Sensitive Infill'.

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 Background

The existing single family dwelling at 1730 Ethel Street is located on the Kelowna Heritage Register. The homeowner has recently completed the relocation of the house from the subject parcel to 1368 Ethel Street, which will require a future update to the Kelowna Heritage Register. The subject property has a registered heritage tree (mature Copper Beech) located at the southeast corner of the parcel. The proposed building has been designed to embrace and highlight the tree within the development. Should Council support this application, registration of a Tree Protection Covenant will be required prior to final adoption of Rezoning along with the consolidation of the two parcels through a subdivision application.

4.2 Project Description

The proposed development is a 26-unit 4-storey condo building. The intent is to create a strata development, thus allowing the units to be sold individually. The unit breakdown comprises of five studio units, six one-bedroom units and 15 two-bedroom units. The unit sizes range from 518 ft² (42 m²) up to 1,164 ft² (108.1 m²), with private exterior balconies or decks.

The Zoning Bylaw Regulations for parking stall requirements have been met with 26 parking stalls provided underground and 10 stalls at-grade. Secure bicycle parking stalls are provided well in excess of the minimum bylaw requirements, with bicycle spaces provided both within a secure bike room and with wall mounted bike racks. Visitor bicycle stalls are provided near the main building entry.

The architectural style of the building has a contemporary design with stucco siding and wood toned fibre cement accents. Due to the high water table at this location, the building has been designed with the underground parkade structure elevated approximately 1.2 m above natural grade. This has allowed the building design to provide extensive terraced landscaping above the parking structure. This naturally hides the parkade structure while providing large landscaped decks which have at-grade access to the street

facing main floor units. The tiered landscaped planters provide a friendly aesthetic for pedestrians and cyclists along both Ethel and Saucier frontages. If supported, the site development will require a certified Arborist to prepare protection measures for the heritage tree, including temporary construction fencing. This would be included as part of the Development Permit requirements.

Rezoning

The two parcels are currently zoned RU6 – Two Dwelling Housing and the proposed zone is RM5 – Medium Density Multiple Housing. The RM5 zone was created to provide a zone primarily for apartment buildings. It fits within the MRM - Multiple Unit Residential (Medium Density) Future Land Use Designation and is consistent with the adjacent multi-residential parcels which provide developments of similar densities.

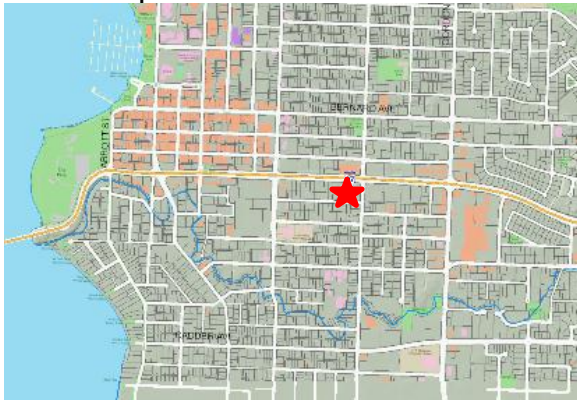
Site Context

The subject properties are located at the Northwest corner of the Ethel Street and Saucier Avenue intersection. The parcels are bordered by existing RM5 – Multi Dwelling Housing sites on the North, East and West sides. The parcels are centrally located between both the City Centre and Capri Landmark Urban Centres. The parcels are designated MRM – Multiple Unit Residential (Medium Density) and are within the Permanent Growth Boundary.

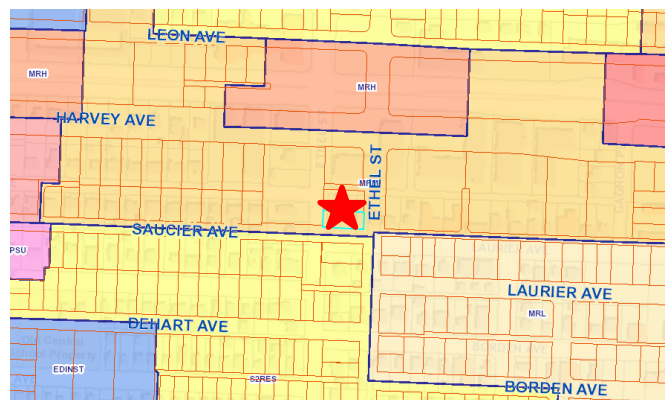
Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Multi-Family (Women’s Housing)
East	RM5 – Medium Density Multiple Housing	Multi-Family Condo Building
South	RU6 – Two Dwelling Housing	Single Family Dwelling
West	RM5 – Medium Density Multiple Housing	Multi-Family Condo Building

Context Map



Future Land Use



Subject Property Map: 1730 & 1740 Ethel Street



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM ₅ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	1.4	1.17
Site Coverage (Building) (incl. Building, parking & driveway)	40 % 65 %	45 % ^❶ 73 % ^❶
Height	18 m or 4.5 storeys	14.7 m & 4 storeys
Front Yard (Ethel Street)	1.5 m (Ground Oriented) 6.0 m	5.72m (to units) 1.5 m (to parkade) ^❷
Side Yard (Saucier Ave)	1.5 m (Ground Oriented) 6.0 m	5.72m (to units) 1.5 m (to parkade) ^❸
Side Yard (north)	4.5 m (under 2.5 storeys) 7.0 m (over 2.5 storeys)	7.0 m
Rear Yard	9.0 m (no lane access)	7.0 m ^❹
Other Regulations		
Minimum Parking Requirements	35 stalls	36 stalls
Bicycle Parking	Class I – 13 stalls Class II – 3 stalls	40 stalls 3 stalls
Private Open Space	503 m ²	750 m ²
<p>❶ Indicates a requested variance to the site coverage (building only) from 40% maximum to 75% proposed and site coverage, (building, parking & driveway) from 65% maximum to 73% proposed.</p> <p>❷ Indicates a requested variance to the front setback from 6.0 m required to 1.5 m proposed.</p> <p>❸ Indicates a requested variance to the side yard setback from 6.0 m required to 1.5 m proposed.</p> <p>❹ Indicates a requested variance to the rear yard setback from 9.0m (no lane access) to 7.0 m proposed.</p>		

Setback and site coverage variances to the Zoning Bylaw Regulations for RM5 – Medium Density Multiple Housing will be requested as part of the Development Variance Permit. The applicant’s interpretation of ground-oriented housing brings about the requested setback variances with the fourth variance being a request to increase the allowable site coverage.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Complete Communities.¹ 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. (approx. 206 people / hectare proposed)

Compact Urban Form.² 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.³ 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.⁴ 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.

Ground-Oriented Housing.⁵ 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.

6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC’s) are required to be paid prior to issuance of any Building Permit(s).
- Demolition Permit required for any existing structures.
- Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.

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

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

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

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

⁵ City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

- A Building Code analysis is required for the structure at time of building permit applications.
- A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work etc.
- Fire resistance ratings are required for storage, janitor and/or garbage enclosure room(s) / area(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 and all corridors, number of required exits per area, door swing direction, handrails on each side of exit stairs, width of exits, spatial calculation for any windows in exit stairs, 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 indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

- Refer to Attachment 'A' dated December 22, 2016.

6.3 Fire Department

- Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD.
- Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- Fire Department access is to be met as per BCBC 3.2.5. It appears access to the building is on Saucier - the building shall be addressed off of Saucier.
- Approved Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance and shall be flush mounted.
- All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met.
- Fire alarm system is to be monitored by an agency meeting the CAN/ULC S561 Standard.
- Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- Fire department connection is to be within 45M of a fire hydrant - unobstructed. It shall be clearly marked and visible.
 - standpipes to be located on intermediate landings.
 - sprinkler zone valves shall be accessible as per fire prevention bylaw -no higher than 7 ft.

- dumpster/refuse container must be 3 meters from structures or overhangs or in a rated room in the parking garage.
- Include a copy of the sprinkler system owner's certificate with fire safety plan.
- copy of referenced NFPA 25 document to be on site

6.4 Ministry of Transportation

- No concerns

7.0 **Application Chronology**

Date of Application Received: November 16, 2016
Date of ADT Review: December 15, 2016
Date of Amended Plans Received: November 29, 2016
Date Public Consultation Completed: January 17, 2017

Report prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, A/ Community Planning Manager

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

Attachments:

Attachment A: Development Engineering Memorandum
Site Plan
Conceptual Elevations
Landscape Plan



CITY OF KELOWNA

MEMORANDUM

Date: December 22, 2016
File No.: Z16-0081
To: Community Planning (LK)
From: Development Engineering Manager(SM)
Subject: 1730 & 1740 Ethel Street

RM5

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 two 13mm water services. The developer's consulting mechanical engineer will determine the domestic, fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development.
- b) The applicant, at his cost, will arrange for the removal of the existing service and the installation of one new larger metered water service. The new service should tie in to the main on Saucier Ave. 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 two 150mm diameter sanitary sewer services. Only one service will be permitted for this development. The developer's consulting civil engineer will determine sanitary sizing for this development. The applicant, at his cost, will arrange for the removal of the existing service (within the lane) and utilize other 150mm service. The estimated cost of this construction for bonding purposes is **\$3,000.00**

.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) Ethel Street Rd fronting this development must be upgraded to an urban standard to including barrier curb & gutter, a new separate 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 **\$25,000.00**

- (a) Saucier 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 **\$22,000.00**

.5) Road Dedication and Subdivision Requirements

By registered plan to provide the following:

- a) Dedicate ~2.4m width along the full frontage of Ethel Street.
- b) Dedicate ~2.2m width along the full frontage of Saucier Ave.
- c) Provide a 6m corner rounding at the intersection of Ethel St and Saucier Ave.
- d) Lot consolidation.
- e) 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 Ethel Street and Saucier 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) 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.

.11) Bonding and Levy Summary

(a) <u>Bonding</u>	
Storm service upgrade	\$10,000.00
Water service upgrade	\$10,000.00
Sanitary service upgrade	\$ 3,000.00
Road Frontage Improvements	<u>\$47,000.00</u>
Total Bonding	<u>\$70,000.00</u>

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.

.12) 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 Saucier 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 piezometers 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.



Steve Muenz, P. Eng.
Development Engineering Manager
SS

CITY OF KELOWNA


MEMORANDUM

Date: December 22, 2016
File No.: DP16-0289
To: Community Planning (LK)
From: Development Engineer Manager (SM)
Subject: 1730 & 1740 Ethel Street

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

1. **General.**

- a) All the offsite infrastructure and services upgrades are addressed in the Development Engineering Report under file Z16-0081.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

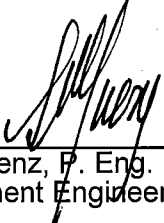
CITY OF KELOWNA

MEMORANDUM

Date: December 22, 2016
File No.: DVP16-0290
To: Community Planning (LK)
From: Development Engineer Manager (SM)
Subject: 1330 St Paul Street

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

The Development Variance Permit to vary the site coverage, front yard setback, side yard setback and rear yard setback does not compromise any municipal services.



Steve Muenz, P. Eng.
Development Engineering Manager

SS



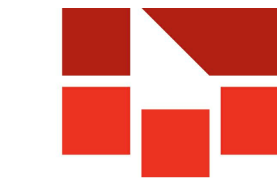
ALL CONTRACTORS ARE REQUIRED TO PERFORM THEIR WORK AND SUPPLY THEIR PRODUCTS IN COMPLIANCE WITH ALL BUILDING CODES AND LAWS OF THE PROVINCE OF BRITISH COLUMBIA

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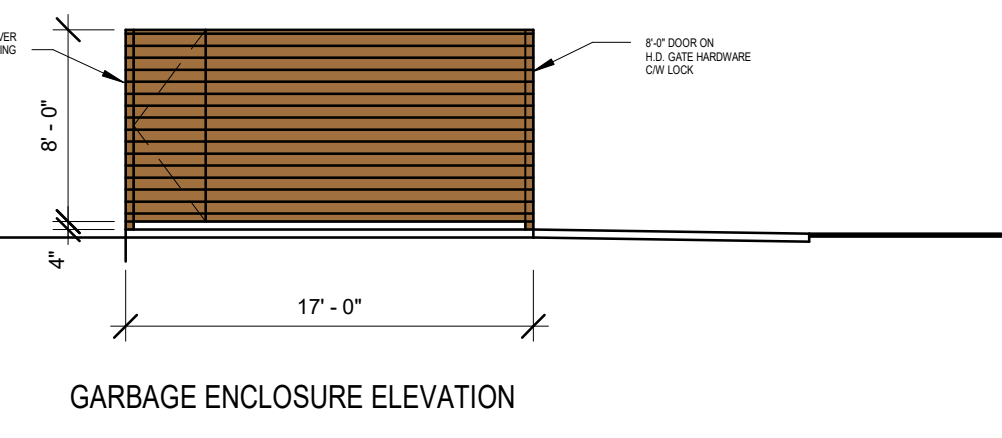
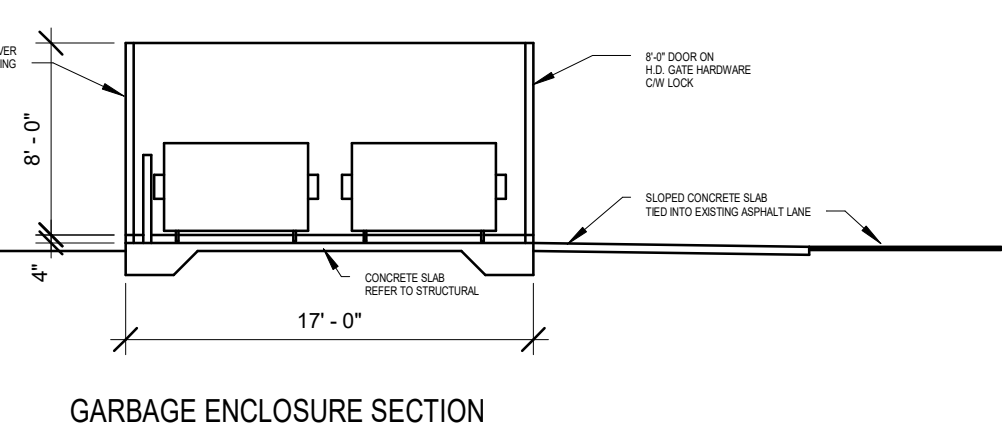
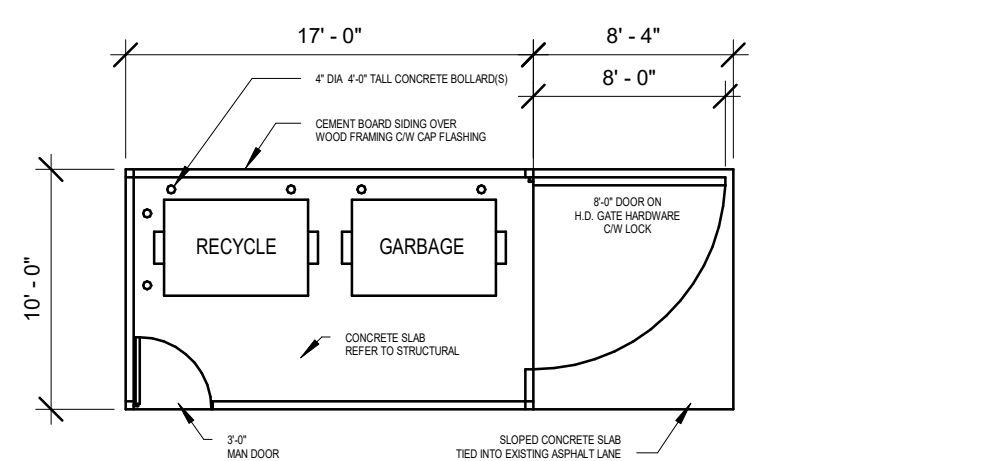
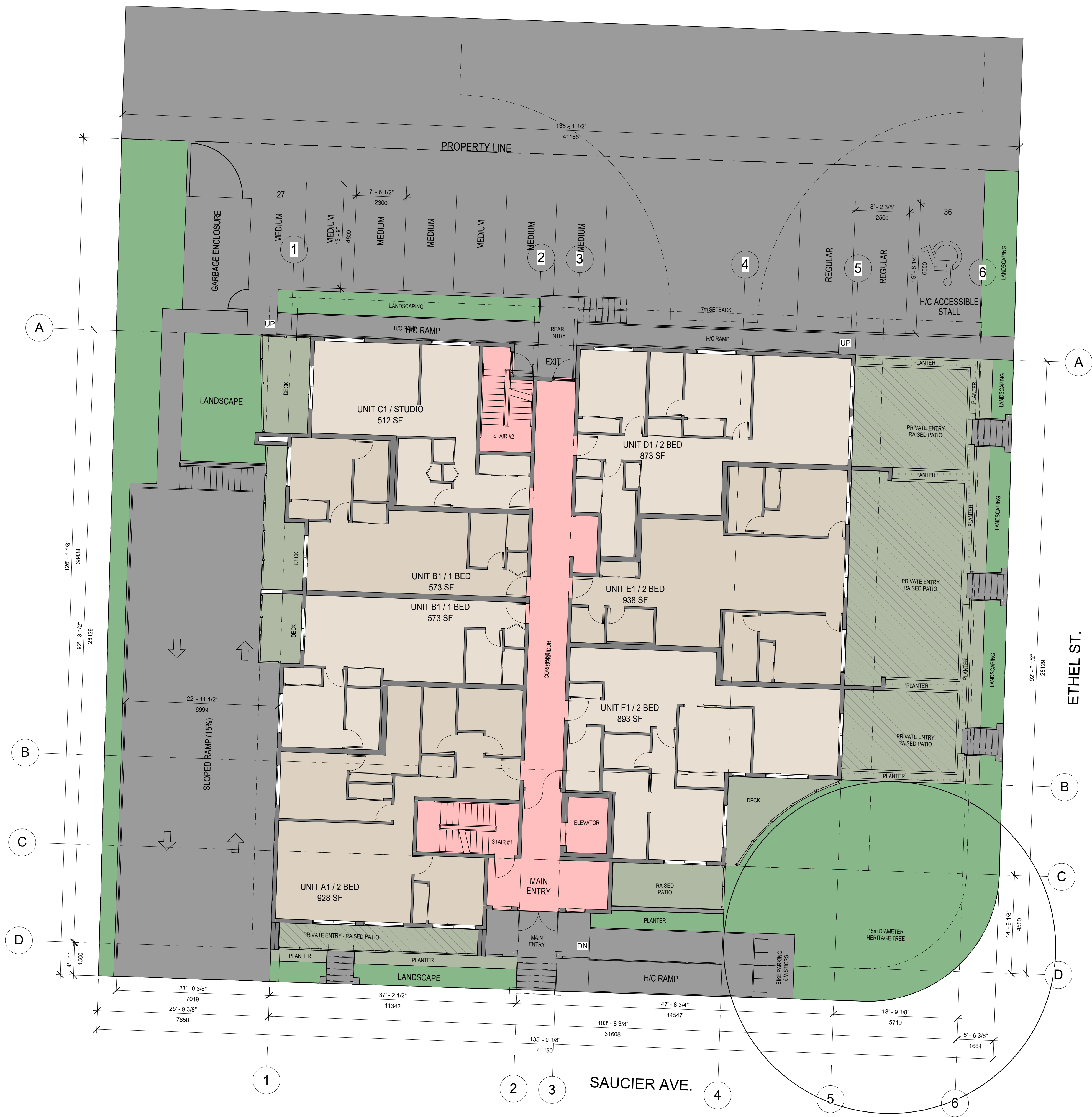


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Revisions		
No	Date	Description
1	2016-09-23	ISSUED FOR REVIEW
2	2016-08-29	ISSUED FOR DP
3	2016-10-05	REISSUED FOR DP
4	2016-11-04	REISSUED FOR DP
5	2017-01-13	REISSUED FOR DP

NOT FOR CONSTRUCTION



2 GARBAGE ENCLOSURE
1/8" = 1'-0"

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

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
SITE PLAN

designed scale 1/8" = 1'-0"

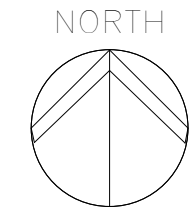
drawn J.F.

checked R.Y.

drawing no. **A2.00**

plotted SEP 23, 2016

NOTES:
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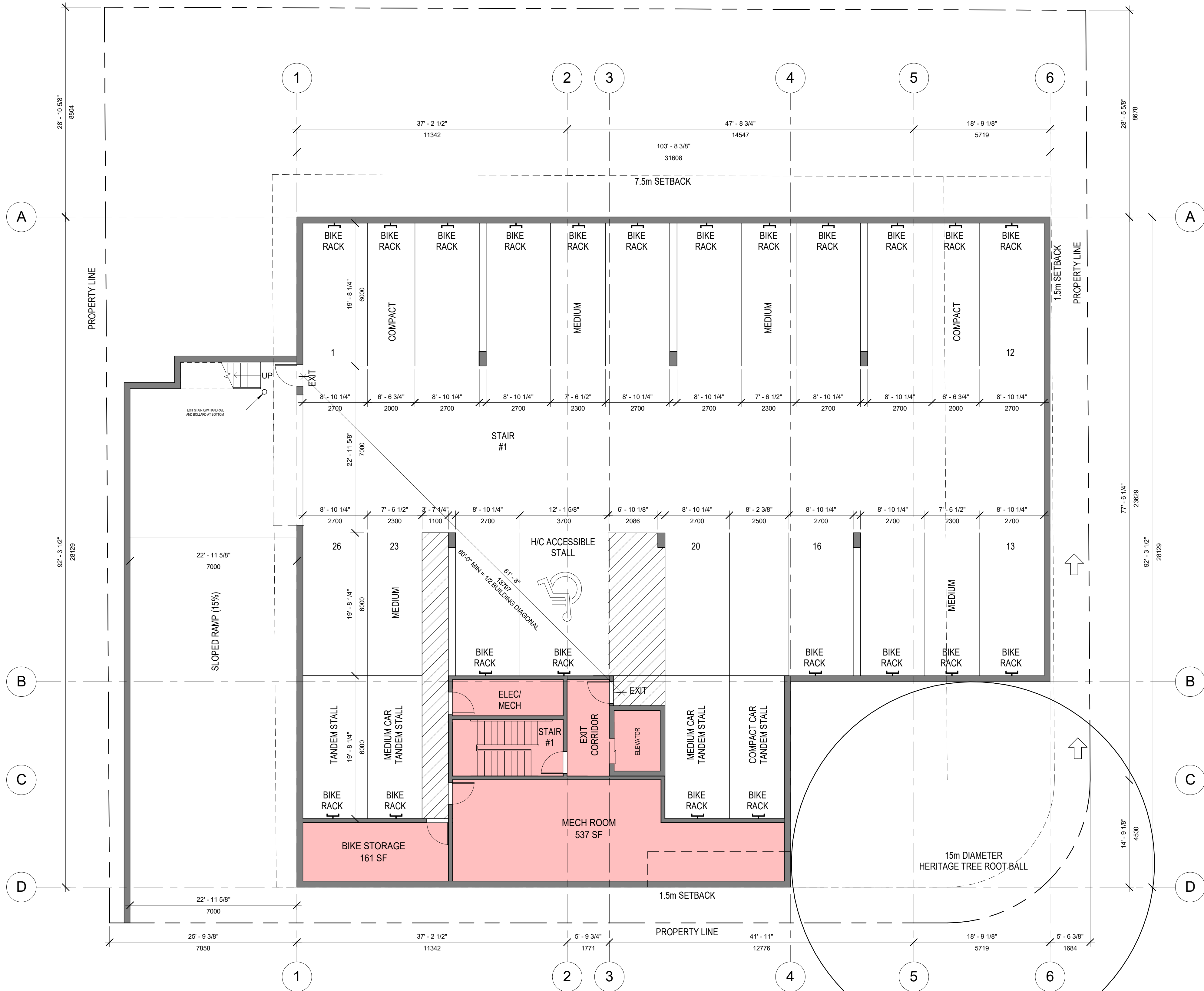
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1 PARKADE FLOOR PLAN
A4.01 1/8" = 1'-0"

NOT FOR CONSTRUCTION

project title
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project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 0 PARKADE PLAN

designed scale As indicated

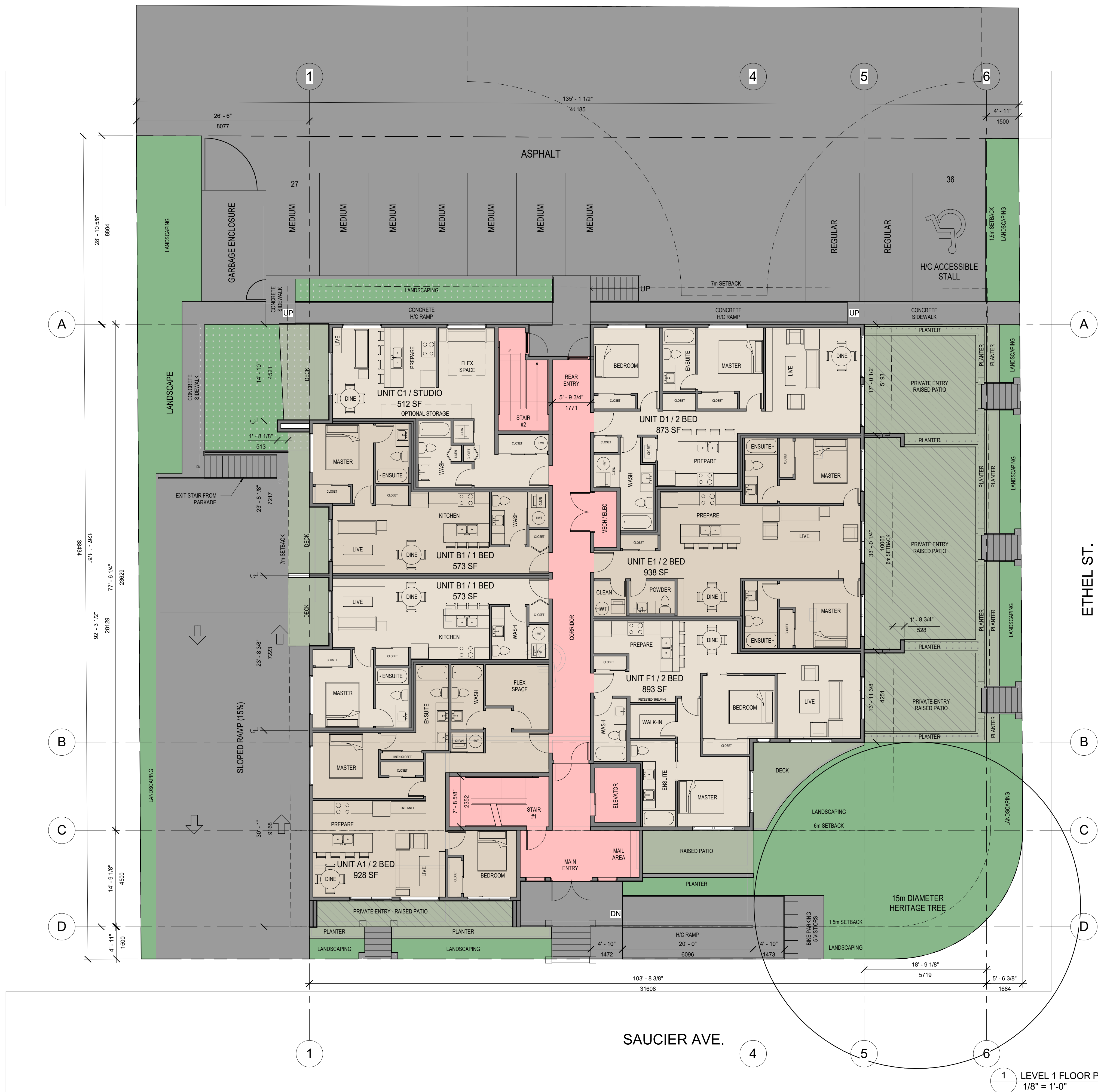
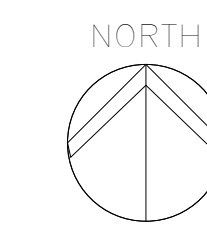
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A3.00

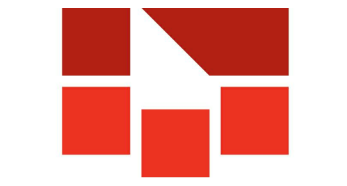
plotted SEP 23, 2016

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1 LEVEL 1 FLOOR PLAN
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project title
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project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 1 FLOOR PLAN

designed scale As indicated

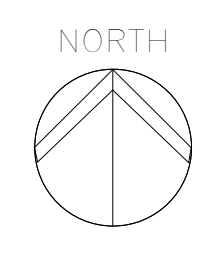
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checked R.Y.

drawing no.
A3.01

plotted SEP 23, 2016

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SEAL

Revisions

No	Date	Description
1	2016-09-23	ISSUED FOR REVIEW
2	2016-08-29	ISSUED FOR DP
3	2016-10-05	REISSUED FOR DP
4	2016-11-04	REISSUED FOR DP
5	2017-01-13	REISSUED FOR DP



1 LEVEL 2 FLOOR PLAN
1/8" = 1'-0"

NOT FOR CONSTRUCTION

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
LEVEL 2 FLOOR PLAN

designed _____ scale As indicated

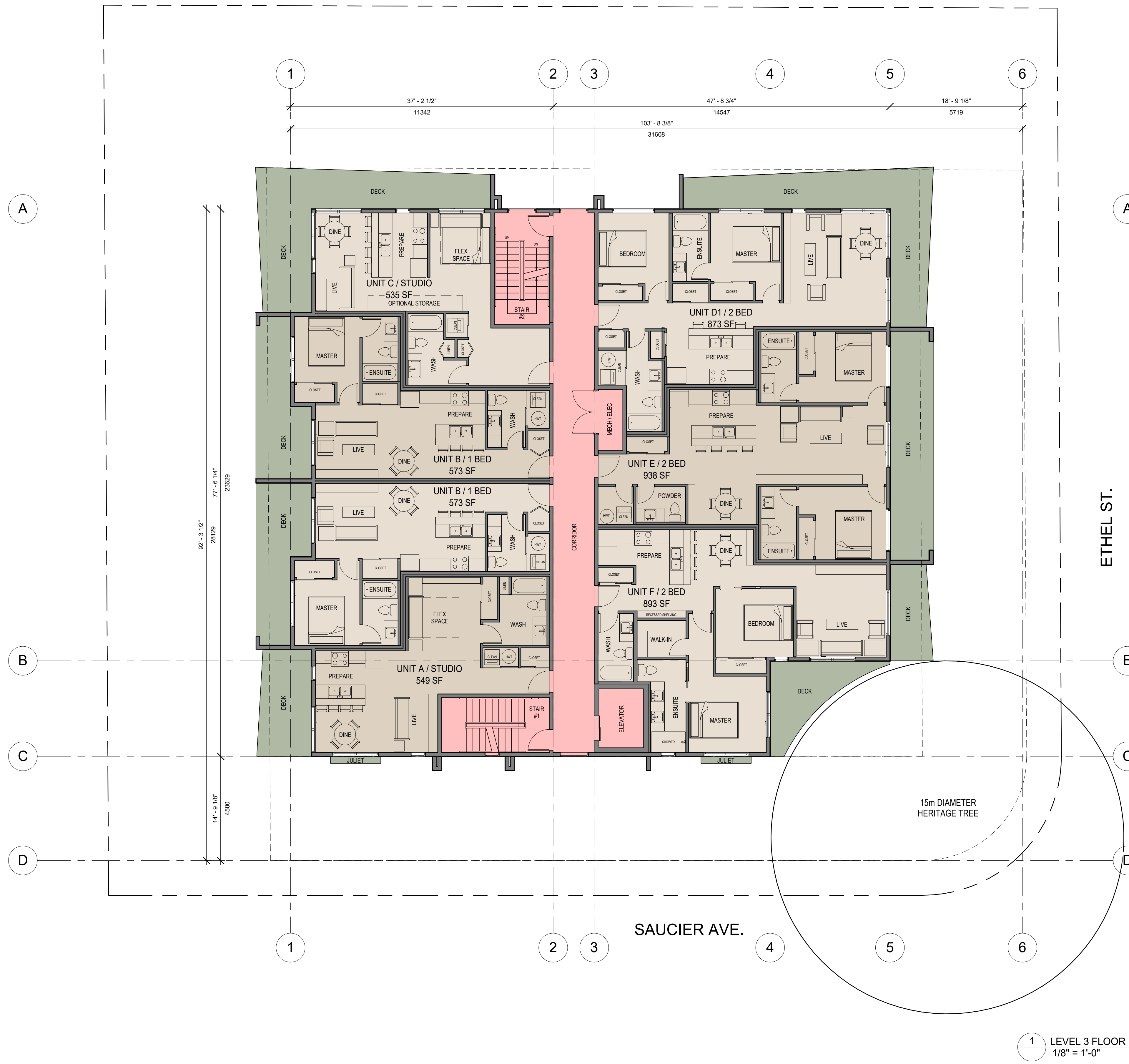
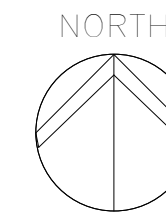
drawn _____ J.F.

checked _____ R.Y.

drawing no. **A3.02**

plotted SEP 23, 2016

NOTES:
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 PLYWOOD OR CENTRE OF STUD
 UNLESS NOTED OTHERWISE



1 LEVEL 3 FLOOR PLAN
 1/8" = 1'-0"

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file no.

drawing title
LEVEL 3 FLOOR PLAN

designed scale As indicated

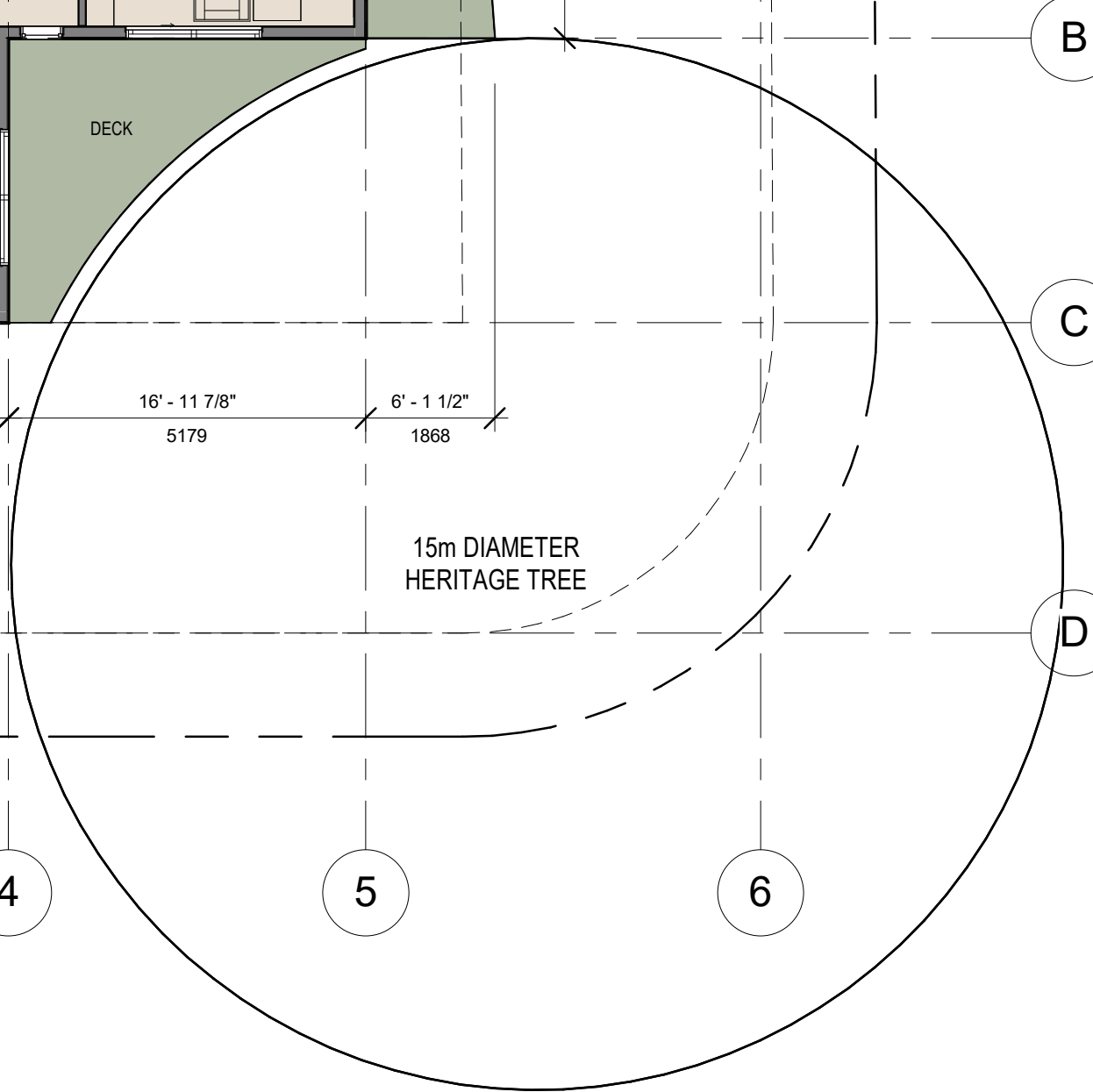
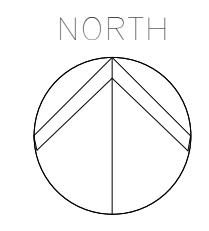
drawn J.F.

checked R.Y.

drawing no.
A3.03

plotted SEP 23, 2016

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1 LEVEL 4 FLOOR PLAN
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drawing title
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drawn J.F.

checked R.Y.

drawing no.
A3.04

plotted SEP 23, 2016

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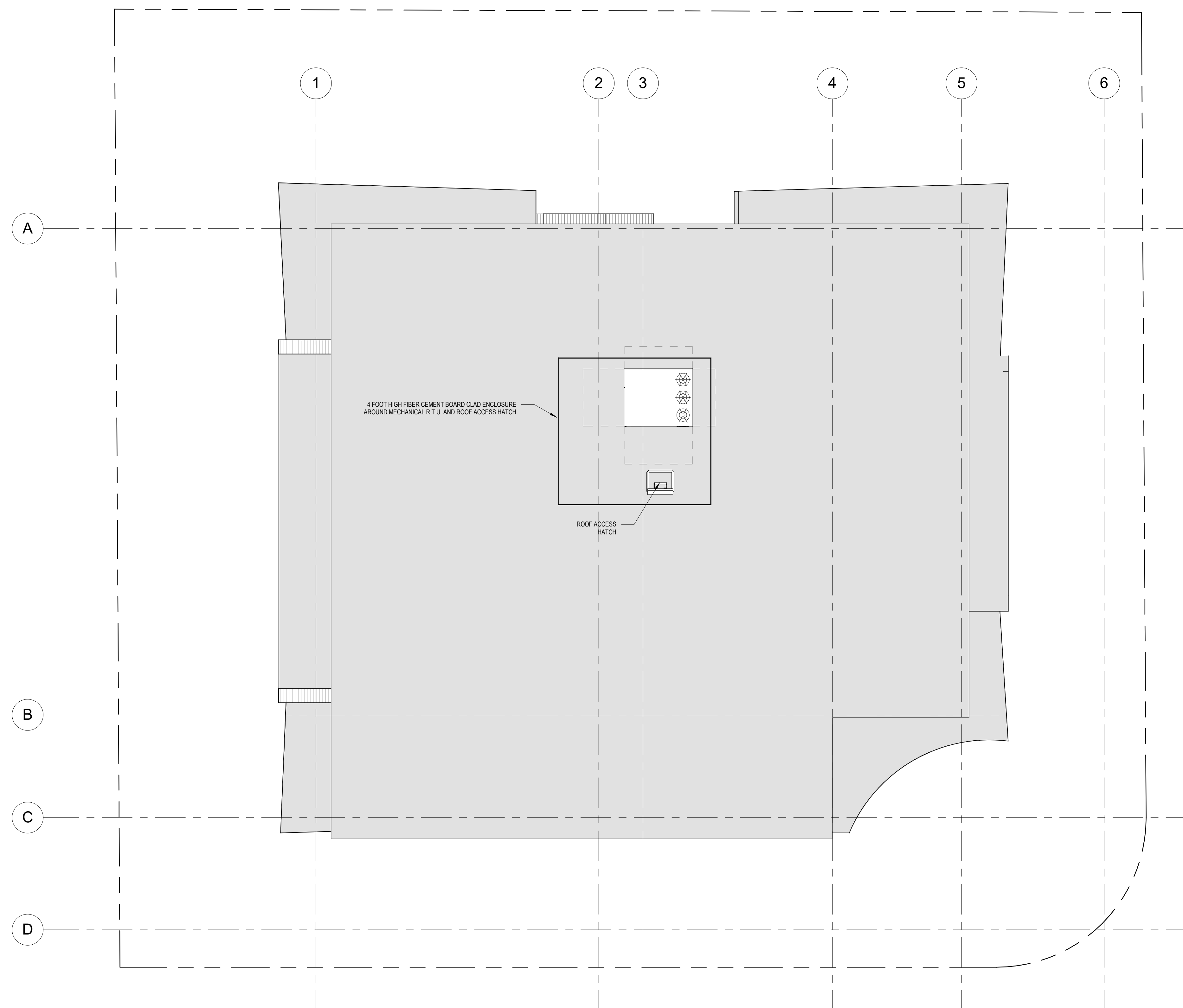
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1 ROOF PLAN
A4.00 1/8" = 1'-0"

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project address
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project no. 1636

file no.

drawing title
ROOF PLAN

designed scale 1/8" = 1'-0"

drawn J.F.

checked R.Y.

drawing no.

A3.09

plotted SEP 23, 2016

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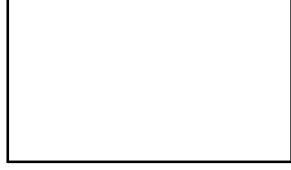


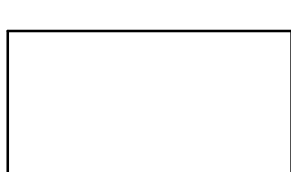

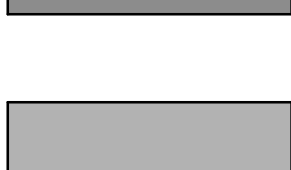


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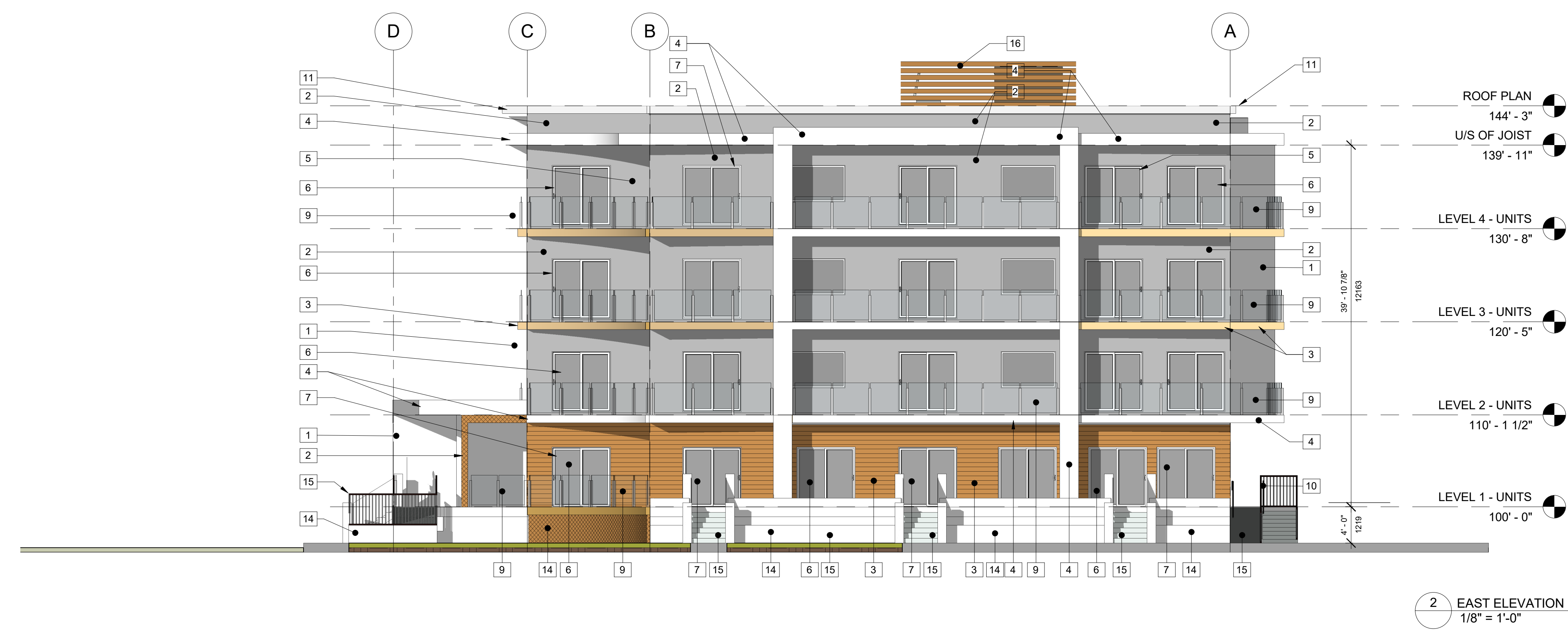
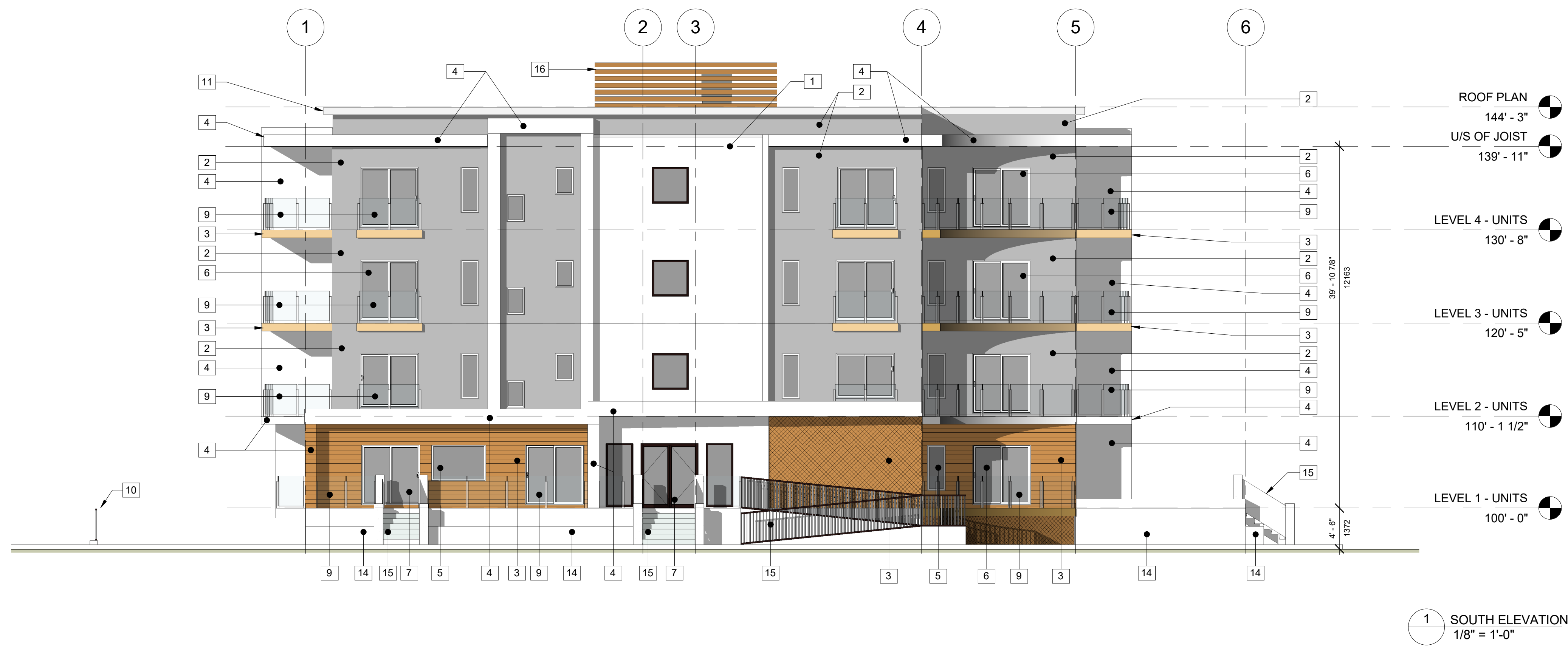
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EXTERIOR MATERIAL LEGEND

-  STUCCO - WHITE
COLOUR: BENJAMIN MOORE OC-67, ICE MIST
-  STUCCO - GREY
COLOUR: BENJAMIN MOORE 2124-30, DEEP SILVER
-  CEMENT FIBER BOARD - WOOD GRAIN
COLOUR: ALLURA, WOOD GRAIN, MAHOGANY
-  CEMENT FIBER BOARD - SOLID WHITE
COLOUR: ALLURA, VANILLA WHITE
-  PARGED CEMENT WALL
COLOUR: MED GREY
-  PREFINISHED METAL FLASHING - LIGHT GREY
COLOUR: TO MATCH DEEP SILVER
-  PREFINISHED METAL FLASHING - MEDIUM GREY
COLOUR: TO MATCH CONCRETE
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COLOUR: TO MATCH WHITE FIBER CEMENT BOARD

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- 14. CONCRETE PLANTERS
- 15. CONCRETE STAIRS / RAMPS C/W PAINTED METAL GUARDRAILS
- 16. WOOD SCREENING AROUND ROOFTOP UNITS
- 17. OVERHEAD PREFINISHED GARAGE DOOR
- 18. CONCRETE RAMP TO PARKADE



NOT FOR CONSTRUCTION

project title
ETHEL STREET APARTMENTS

project address
1730 AND 1740 ETHEL ST

project no. 1636

file no.

drawing title
BUILDING ELEVATIONS

designed scale As indicated

drawn J.F.

checked R.Y.

drawing no.
A4.00

plotted SEP 23, 2016

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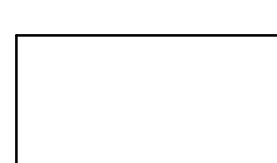


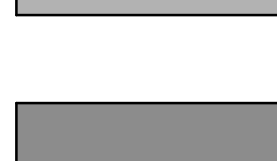
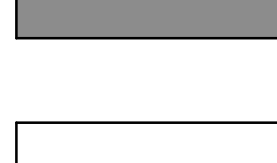
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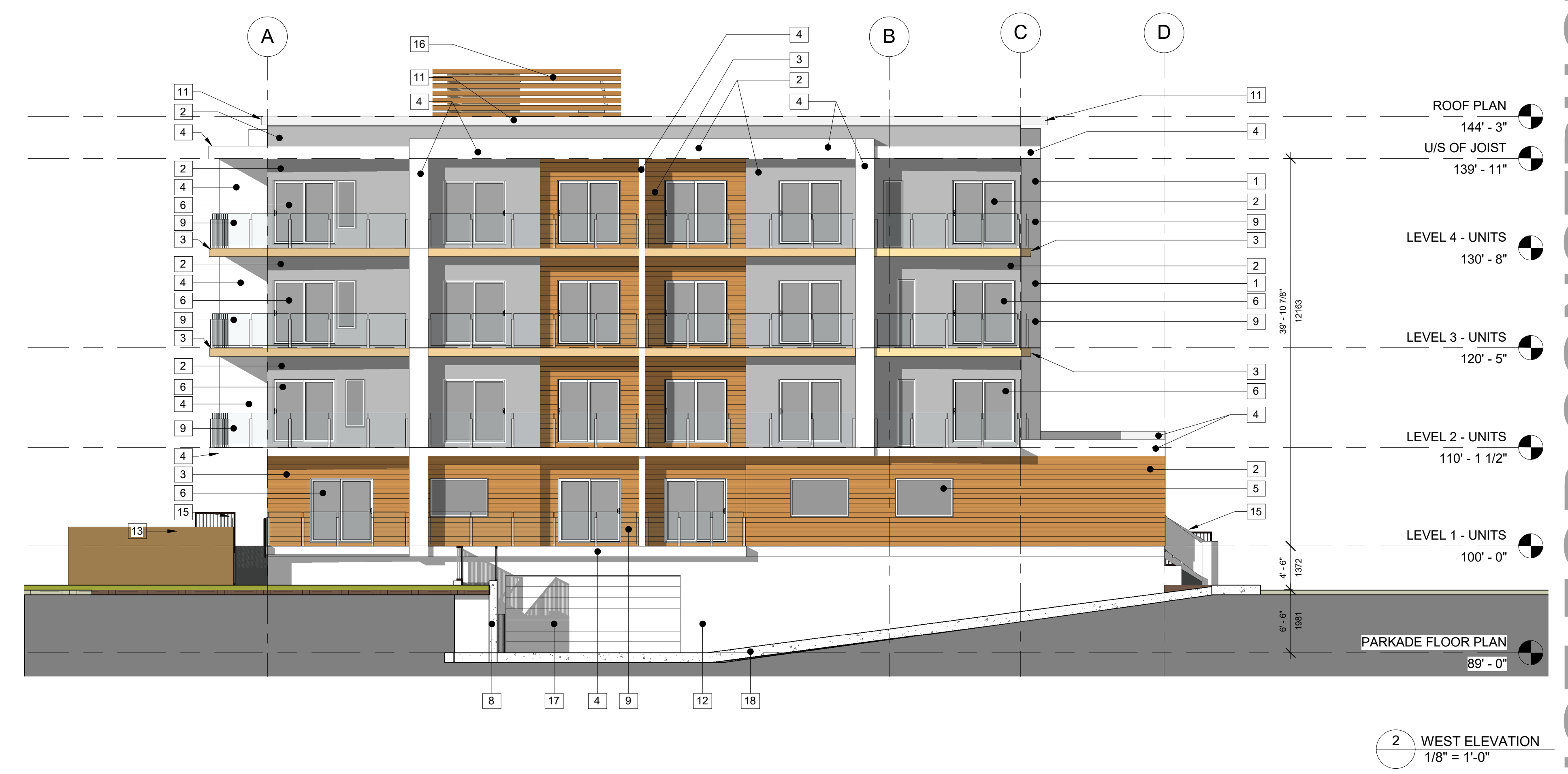
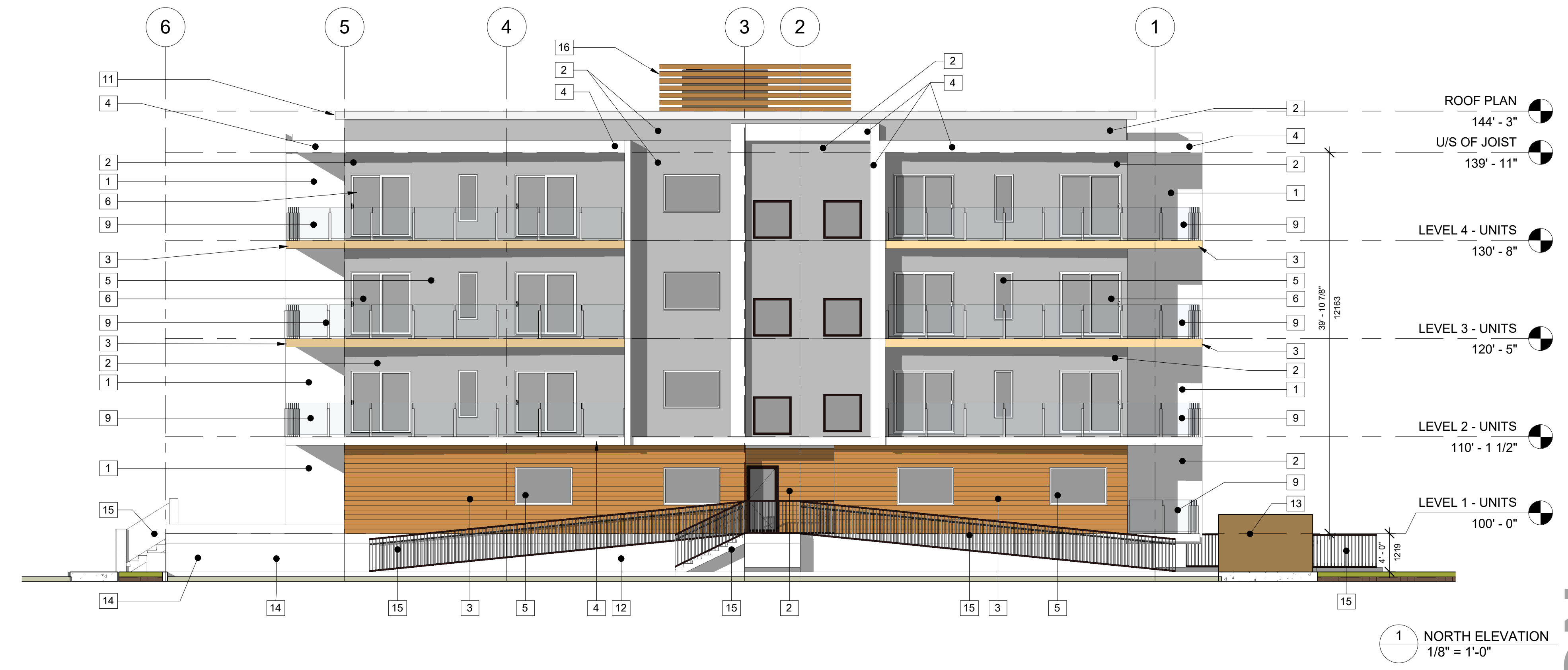
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checked R.Y.

drawing no.
A4.01

plotted SEP 23, 2016



SOUTHEAST VIEW



NORTHEAST VIEW



SOUTHEAST VIEW



EAST VIEW



SOUTHWEST VIEW



NORTHWEST VIEW

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BUILDING IMAGES

designed scale

drawn J.F.

checked R.Y.

drawing no.

A4.02

plotted SEP 23, 2016

1. To the outstanding conditions identified in Attachment "A" associated with the report from the Community Planning Department dated February 6, 2017;
2. The lane between 797 Leon Ave and 863 Leon Ave is closed and sold to the applicant;
3. The land and all subject properties are consolidated into one parcel;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development permit for the subject properties.

2.0 Purpose

To rezone the subject properties from the RU6 – Two Dwelling Housing zone to the RM5 – Medium Density Multiple Housing Zone to facilitate the future development of an apartment complex.

3.0 Community Planning

Staff supports the proposed rezoning application to the RM5 – Medium Density Multiple Housing Zone as it is consistent with the existing MRM – Multiple Unit Residential (Medium Density) Future Land Use designation in the Official Community Plan (OCP). The proposed rezoning and lot consolidation allows a project to be built with a significant amount of residential density in close proximity to the downtown.

If the zoning application is advanced to third reading, a Development Permit will be necessary to approve the form and character of the proposed development. Currently, the proposed development permit drawings show a six storey, 93-unit rental apartment building.

The applicant submitted a public consultation summary report and notes all of the neighbours within a 50 metre radius were notified. Council Policy No. 367 states when an addition of 50 or more dwelling units are proposed the applicant is required to hold a developer run public information session. The public information session was advertised in the Daily Courier newspaper on June 9th and June 11th, 2016 and held at the Italian Club Hall on Lawrence Avenue on June 25, 2016 from 11am to 1pm.

4.0 Proposal

4.1 Project Description

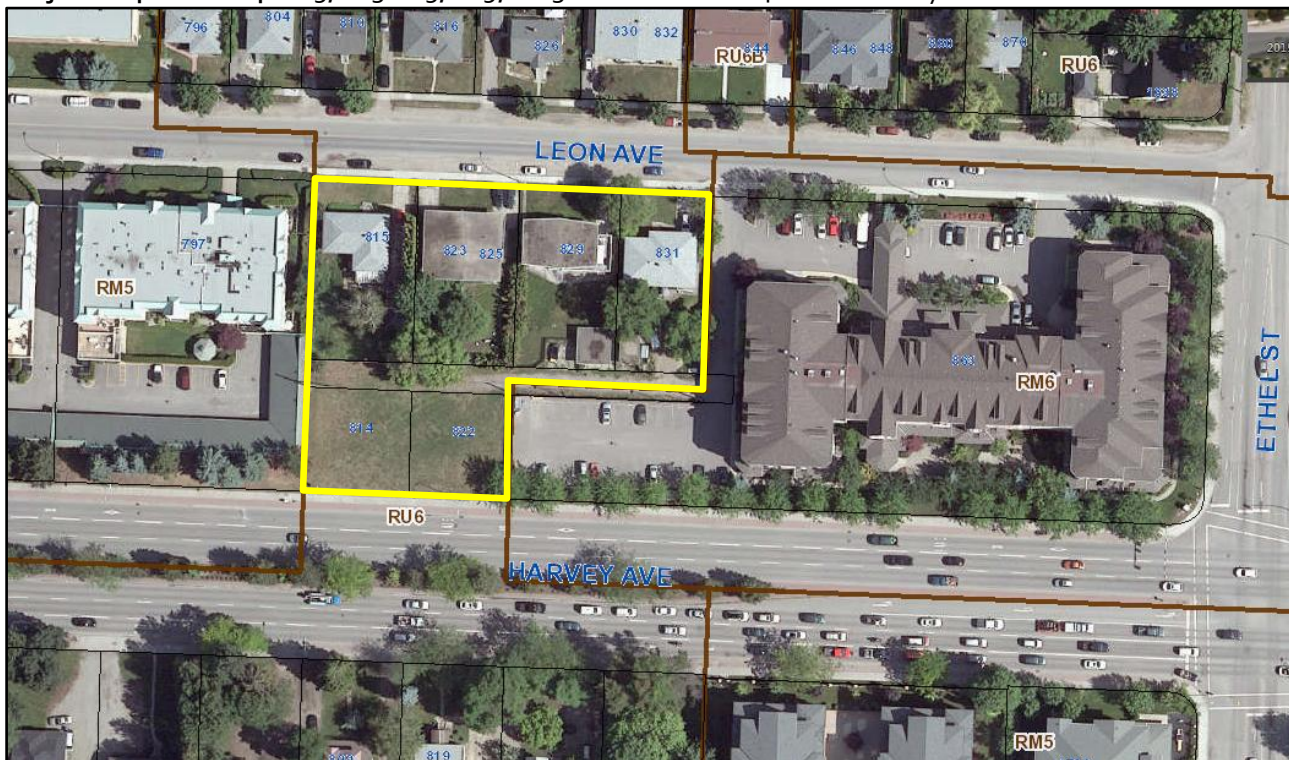
The proposal is for a land use change, to rezone the subject properties from the RU6 – Two Dwelling Housing Zone to the RM5 – Medium Density Multiple Housing Zone. The proposed rezoning and lot consolidation will facilitate the future development of an apartment complex. Drawings submitted for a future development permit show the potential construction of a six storey 93-unit rental apartment complex above a two level parkade structure. The primary access to the parkade would be from the north-west corner of the site along Leon Avenue. A secondary access is proposed from the existing shared easement with the neighbouring 'Dorchester' property. There are five proposed ground oriented units facing Leon Ave. At this time staff are tracking three variances for the project (see Section 4.3 Zoning Analysis Table). Further discussion of the apartment design will occur when a Development Permit and variance application goes to Council.

4.2 Site Context

The subject parcels are located near the downtown 'City Centre' Urban Centre Area, adjacent Harvey Ave and Leon Ave. The subject property is designated as Multiple Unit Residential - Medium Density (MRM) in the OCP and the lot is within the Permanent Growth Boundary. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RM6 – High Rise Apartment Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RM5 – Multiple Unit Residential (Medium Density)	Residential

Subject Properties Map: 815, 823-825, 829, & 831 Leon Ave & 814 & 822 Harvey Ave



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM5 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1400 m ²	4,881m ²
Lot Width	30.0 m	87 m
Lot Depth	35.0 m	68 m
Development Regulations		
Site Coverage	40%	59.4% ❗
Site Coverage (Buildings + Driveways + Parking)	65%	60.1 %
Floor Area Ratio	1.2	1.09

Height	18.0 m/4.5 storeys	19.3m / 6 storeys ❷
Front Yard (north)	6.0 m	6.1 m
Side Yard (west)	7.0 m	9.1 m
Side Yard (east)	7.0 m	7.3 m
Rear Yard (south)	9.0 m	7.63 m (parkade)❸ 16.7 m (residential building)
Other Regulations		
Minimum Parking Requirements	116	128
Bicycle Parking	Class 1: 47 Class 2: 10	Class 1: 115 Class 2: 12
Private Open Space	m ²	1,519 m ²
<p>❶ Indicates a requested variance to site coverage from 40% to 59.4%</p> <p>❷ Indicates a requested variance to height from 18.0 m/ 4.5 storeys to 19.3 m/ 6 storeys</p> <p>❸ Indicates a requested variance to setback from parkade structure from 9.0 m to 7.63 m</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

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

Affordable Housing.³ Support the creation of affordable and safe rental, non-market and/or special needs housing.

6.0 Technical Comments

6.1 Building & Permitting Department

- a) Demolition permits are required for any existing structures.
- b) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- c) Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- d) A Hoarding permit is required and protection of the public from the staging area and the new building area during construction. Location of the staging area and location of any cranes should be established at time of DP.
- e) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):

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

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

³ City of Kelowna Official Community Plan, Objective 10.3, Chapter 10 (Social Sustainability).

- Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
 - Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
 - Spatial Calculation required for windows on inside corner of upper floor units
- f) Mechanical Ventilation inlet and exhausts vents are not clearly defined in these drawings for the enclosed parking storey. The location and noise from these units should be addressed at time of Development Permit.
 - g) We strongly recommend that the developer have his professional consultants review and prepare solutions for potential impact of this development on adjacent properties. Any damage to adjacent properties is a civil action which does not involve the city directly. The items of potential damage claims by adjacent properties are items like settlement of foundations (preload), damage to the structure during construction, additional snow drift on neighbour roofs, excessive noise from mechanical units, vibration damage during foundation preparation work.
 - h) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building.
 - i) 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.
 - j) 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.
 - k) 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.
 - l) Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

6.2 Development Engineering

- See Memorandum dated July 6, 2015 (Attachment A).

6.3 Fire Department

- a) Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required.
- b) Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- c) A visible address must be posted as per City of Kelowna By-Laws - ensure the building is addressed as one address and suites numbers for the various units in the building.
- d) Sprinkler drawings are to be submitted to the Fire Dept. for review when available. Ensure the isolation valves are accessible as per Bylaw 10760.

- e) A fire safety plan as per section 2.8 BCFC is required at occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- f) Fire Department steel lock box acceptable to the fire dept. is required by the fire dept. entrance. Kurt's Lock & Safe at 100A – 1021 Ellis Street, Kelowna is the approved supplier for flush mount lock boxes.
- g) The standpipes connections are to be installed on the transitional landings of the stairwells as per NFPA 14. 3).
- h) Fire Stairwells to be marked clearly (including roof access) as per Fire Department requirements. This would be standardized and approved by the Kelowna Fire Department (KFD).
- i) All requirements of Bylaw 10760 for high buildings shall be followed.
- j) Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard.
- k) Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- l) Fire department connection is to be within 45M of a fire hydrant – and that the FD connection is clearly marked and visible from the street.
- m) Do not issue BP unless all life safety issues are confirmed.

6.4 FortisBC Inc – Electric

- There are no primary distribution facilities adjacent to the subject properties. The current improvements appear to be serviced via secondary overhead facilities in the lane between these properties or via secondary underground in Leon Avenue. Based on the preceding information, the cost to extend service to the proposed multiple unit development may be significant. 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, FortisBC Inc. (Electric) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.5 Ministry of Transportation

- With regard to the above noted zoning file, the Ministry has reviewed and find no objection to the rezoning of the parcel at the above noted civic address on condition there remains no direct access to Highway 97, all access served by Leon Avenue.

7.0 Application Chronology

Date of Application Received: May 15, 2015

Date Public Consultation Completed: June 27, 2016

Report prepared by: Emily Williamson, Planner

Reviewed by: Terry Barton, A/ Community Planning Manager

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

Attachments:

Attachment 'A' – Development Engineering Memorandum dated July 6, 2015

Attachment 'B' – Application Package

CITY OF KELOWNA
MEMORANDUM

Date: July 6, 2015
File No.: Z15-0027

To: Community Planning (AC)

From: Development Engineering Manager

Subject: 815 Leon Ave

ATTACHMENT A

This forms part of application
Z15-0027

Planner
Initials EW



Multi Family Developments

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

1. Domestic Water and Fire Protection

- a) The existing lots are serviced with small diameter water services (4). The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. The estimated cost of this construction for bonding purposes is **\$10,000.00**
- b) The applicant, at his cost, will arrange for the removal of the existing services and the installation of one new larger metered water service.
- 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.
- d)

2. Sanitary Sewer

- a) Our records indicate the proposed development lots are connected with four 100mm and one 250mm diameter sewer services. The developer's consulting mechanical engineer will determine the requirements of this proposed development and establish the required size and preferred location of the new service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal of all existing small diameter services and the installation of a new larger service. The estimated cost of this construction for bonding purposes is **\$8,000.00**

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 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 for the installation of one new overflow service. The estimated cost of this construction for bonding purposes is **\$5,000.00**

4. Road Improvements

- a) Leon Avenue fronting this development site must be upgraded to an urban standard along the full frontage of this proposed development, including curb and gutter, sidewalk, traffic calming measures, landscaped boulevard complete with street trees drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The estimated cost of this construction for bonding purposes is **\$64,500.00**
- b) Walkway on the west side of this development is to be constructed to a 3.5m width based on standard SS-R2. The estimated cost of this construction for bonding purposes is **\$10,200.00**

5. Road Dedication and Subdivision Requirements

- a) Provide a walkway allowance of 3.5m along the west boundary of the development from Leon Ave to Harvey Ave.
- b) Lot consolidation.
- c) If any road dedication or closer affects lands encumbered by a Utility right-of-way (such as Gas, 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 or closer must be incorporated in the construction drawings submitted to the City's Development Manager.
- d) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- 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 utilities, where necessary.

7. Design and Construction

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

- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's 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.

8. 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.

9. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- a) Area ground water characteristics, including water sources on the site.
- b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- c) Drill and/or excavate test holes on the site and install piezometers 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.

10. Development Permit and Site Related Issues

Access and Manoeuvrability

- (i) Driveway access to the site will not be permitted from Harvey Ave or Ethel Street. One access from Leon Ave is permitted.

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

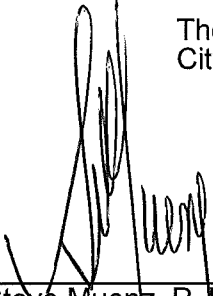
11. Bonding and Levy Summary

a) Bonding

Water service upgrades	\$ 10,000.00
Sanitary sewer service upgrades	\$ 8,000.00
Storm overflow services	\$ 5,000.00
Leon Ave frontage improvements	\$ 64,500.00
Walkway construction improvements	\$ 10,200.00
Total Bonding	\$97,700.00

NOTE: The bonding amount 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.



Steve Muenz, P. Eng.
Development Engineering Manager

SS

Project No.: 15017
File No.: 1-L-001

March 16, 2015

Meiklejohn Architects Inc.
233 Bernard Ave.
Kelowna, B.C. V1Y 6N2

COST

TIME

Dear Jim:

QUALITY

**Re: Leon Avenue Residential Development
Traffic Impact Review**

We are pleased to provide the following proposal for the Traffic Impact Assessment of the anticipated traffic generated by the proposed residential development located at 815 Leon Avenue. The development is planned for 115 multifamily units.

A) SITECONTEXT

The site is bound by Leon Avenue and Highway 97, between Richter Street and Ethel Avenue and will replace four existing single family homes, and two vacant lots. Leon Avenue, from Richter Street to Ethel Street is a local roadway that serves both single family, multifamily and senior housing. High rise and low rise multifamily developments are located to the west, a seniors assisted living complex is located to the east, and single family housing is across the street to the north. The Highway 97 corridor is to the south of the site, with a portion of the assisted living site parking to the southeast of the site, as shown on **Figure 1** below.



Figure 1 - Aerial View of Site (City of Kelowna Map Guide)

**Reference: Leon Avenue Residential Development
 Traffic Impact Review**

Richter Street, the first intersection to the west is a four lane arterial. Ethel Street, the first intersection to the east is a two lane arterial, and identified in the City of Kelowna 20 Year Major Road Network and Road Classification Plan as a four lane arterial. Highway 97 is a six lane arterial (including two HOV lanes).

Access to the site is planned off of Leon Avenue at both the western and eastern ends of the site, 120m and 200m to the west of the intersection with Ethel Street.

Traffic impact reviews are based on trip generation rates. The rates are based on information collated from actual traffic studies, and presented for the average weekday Peak Hour volumes the specific land use will generate, during normal operations. The trip generation rates applied for typical residential developments are from the Institute of Transportation Engineers Trip Generation Rates Manual, Volume 9, as follows:

- Low Rise Apartment (ITE Code 221), with an AM rate of 0.46 trips per unit and PM rate of 0.58 trips per unit;
- Town House (ITE Code 230), with an AM rate of 0.44 trips per unit and PM rate of 0.52 trips per unit;

The development is planned with a full build out 110 Low Rise Apartment and 5 Town House units.

Based on the above, the Site is anticipated to generate an average of 53 additional two-way vehicle trips during the AM Peak Hour (10 inbound / 42 outbound) and 66 additional two-way vehicle trips during the PM Peak Hour (42 inbound / 24 outbound), as presented in the following **Table 1**.

815 Leon Ave			Rate	Total	in		out	
5	Town House	AM	0.44	2	17%	0	83%	2
		PM	0.52	3	64%	2	36%	1
110	MF Low	AM	0.46	51	20%	10	80%	40
		PM	0.58	64	64%	41	36%	23
Total		AM		53		10		42
		PM		66		42		24

Table 1 - ITE Trip Generation Rates

Detailed Traffic Impact Analysis Reports are generally completed when a specific development is anticipated to generate upwards of 100 peak Hour Trips, or if the additional trips from the development have the potential to change the adjacent roadway classification. The proposed development will not require a change in classification for Leon Avenue.

**Reference: Leon Avenue Residential Development
Traffic Impact Review**

The site on Leon Avenue is bound by two City arterial roadways and adjacent to the Provincial Highway 97 corridor, and within easy walking distance to the core of downtown Kelowna and the Rapid bus stops on Highway 97 adjacent to the Richter Street intersection.

Based on the above review, we anticipate the addition of the 110 Low Rise Apartment and 5 Town House units within the Leon neighbourhood will not result in any material change to the operation or performance of the Leon Avenue corridor.

Sincerely,

CTQ CONSULTANTS LTD.

Per:



Mr. David D. Cullen, P.Eng.
Transportation Engineer
DDC:

ZONING SUMMARY		
ADDRESS	815 LEON AVE., KELOWNA B.C.	
LEGAL DESCRIPTION	LOT 16 & 17 PLAN #11100, LOT 12 PLAN #1109, LOT 1 PLAN #1081, LOT 1 PLAN #1081, PROPOSED LANE C/OURSE	
DEVELOPMENT PERMIT AREA	CITY CENTRE	
EXISTING ZONING	RUB - 2 DWELLING HOUSING	
PROPOSED ZONING	N/A	
EXISTING LEGAL USE	VACANT 2 DWELLING HOUSING	
GRADES	LEVEL	
NUMBER OF BUILDINGS	ONE	
EXISTING ZONING: RUB	RUB HIGH RISE APARTMENT HOUSING	
CRITERIA FOR ALL TYPES OF APPLICATION:	ZONING STANDARD	PROPOSAL
SITE AREA (sqm)	1,700 sqm	44,881 sqm
SITE WIDTH (m)	30.0m	48.7m
SITE DEPTH (m)	30.0m	48.7m
OFF-STREET PARKING	116 stalls min. (see parking calculations)	132 stalls
PRIVATE OPEN SPACE	type sqm ft units total	sqm ft units total
	backyard 7.8 17 84 sqm	backyard 7.8 17 84 sqm
	1 bed 12.0 12 162 sqm	1 bed 12.0 12 162 sqm
	total 19.8 29 446 sqm	total 19.8 29 446 sqm
HEIGHT OF BUILDING (TOP OF STOREYS)	10m / 10 storeys	41.0 m / 13 storeys
SITE COVERAGE INCLUDING BUILDINGS, DRIVEWAYS AND PARKING (%)	N/A	N/A
ADDITIONAL REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL AND MULTIPLE UNIT INTENDING RESIDENTIAL APPLICATIONS:	ZONING STANDARD	PROPOSAL
NUMBER OF BICYCLE PARKING SPACES	Class 1: 0.52 per dwelling unit x 93 units Total = 47 bike racks	Class 1: 1.15 bike racks within parkade
NUMBER OF LOADING SPACES	N/A	N/A
DRIFT AISLE WIDTH (m) (IF PROPOSED)	7.0m	7.0m
SETBACKS TO PARKING (m):		
NORTH (FRONT)	3.0m min.	3.0m min.
EAST (SIDE)	N/A	N/A
SOUTH (REAR)	N/A	N/A
WEST (SIDE)	N/A	N/A
FLOOR AREA NET	4,829 sqm min. net area	4,829 sqm (97,225 sq ft)
FLOOR AREA RATIO (F.A.R.)	1.3 x (17.5' x 115') + 0.2 parking bonus = 1.75 max	N/A x min. area 0.217 x 4,881 = 1.09
BUILDING SETBACKS (m):		
NORTH (FRONT)	6.0m min.	41.1m min.
SOUTH (REAR)	9.0m min.	7.0m to parkade (Variance Required) 16.7m to residential building
WEST (SIDE)	4.0m min.	48.7m
EAST (SIDE)	4.0m min.	48.7m
DAYLIGHT ANGLE (IF A TOWER)	65° min. (see elev.)	65° min. (see elev.)
PODIUM HEIGHT (IF PROPOSED)	N/A	N/A
FLOOR PLATE SIZE (IF REQUIRED)	N/A	N/A

PARKING CALCULATIONS			
STALL SIZE	WIDTH	LENGTH	HEIGHT
FULL SIZE STALL	8'0" (2.0m) min.	18'0" (5.0m) min.	6'0" (2.0m) min.
MEDIUM SIZE STALL (95% max)	7'0" (2.0m) min.	15'0" (4.0m) min.	6'0" (2.0m) min.
COMPACT SIZE STALL (10% max)	6'0" (2.0m) min.	11'0" (3.0m) min.	6'0" (2.0m) min.
DISABLED STALL	12'0" (3.7m) min.	19'0" (5.0m) min.	6'0" (2.0m) min.
DRIVE AHEADS (2-way 90° stall)	22'0" (7.0m) min.		
PARKING REQUIREMENTS:			
RECOMMENDATIONS:			
1.0 stall	backyard	12 units	12 stalls
1.25 stalls	1 bed	72 units	90 stalls
1.5 stalls	1 bed	9 units	14 stalls
TOTAL PARKING REQUIRED:			116 stalls
TOTAL PARKING PROVIDED:			
WITH PARKADE:	116 stalls		
PARTIALLY COVERED:	19 stalls		
TOTAL:	135 stalls	including: 23 medium 7 ft compact	

BUILDING CODE REVIEW			
OCCUPANCY	GROUP C	PARKADE:	GROUP F3
ARTICLE	3.2.2.47		
NO. OF STOREYS	6 STOREYS		6 STOREYS
MAX. BUILDING AREA	UNLIMITED		
CONSTRUCTION TYPE	NON-COMBUST.		NON-COMBUST.
SPRINKLERED	YES		YES
ASSEMBLY RATINGS:			
FLOOR	2 HR.		
WALLS / BEARING STRUCTURE	2 HR.		
ROOFS	1 HR.		
INTERCONNECTED FLOOR SPACE	N/A		

BUILDING AND FLOOR AREAS:						
UNIT TYPES	UNIT NFA sqf	UNIT NFA sqm	UNIT COUNT	TOTAL NFA sqf	TOTAL NFA sqm	
A BACHELOR	300	30	8	2,560	238	
A1 BACHELOR	240	22	4	1,360	128	
B 1 BEDDEN	575	53	4	2,300	214	
B1 1 BEDDEN	606	56	44	26,820	2,474	
B2 1 BEDDEN	645	60	4	2,580	240	
B3 1 BEDDEN	660	61	4	2,640	245	
B4 1 BEDDEN	630	59	8	5,040	468	
B5 1 BEDDEN	620	58	8	4,960	461	
C1 2 BED	795	74	4	3,180	295	
T1 2 BED TOWNHOUSE						
LOWRIR LEVEL	510	48				
UPPER LEVEL	670	62				
TOTAL	1,180	110	5	5,825	561	
TOTAL			93	97,225	9,317	

BALCONIES & COMMON DECK AREAS:			
Parkade 7 Townhouses	92	sqm	
Level 1	542	sqm	
Level 1 common deck area	196	sqm	
Level 2 to 4	431	sqm	
Total	1,261	sqm	

COMMON / PRIVATE OPEN SPACES:					
	sqf	sqm			
BALCONIES COMMON DECK AREA	13,573	1,261			
LANDSCAPE AREA	275	256			
TOTAL	13,848	1,518			
SITE COVERAGE:					
BUILDING	23,305	2,165			
ASPHALT PAVING	8,230	770			
TOTAL	31,535	2,935			

	GFA sqf	GFA sqm	Res. GFA sqf	Res. GFA sqm	NFA sqf	NFA sqm
P1 LEVEL	20,445	1,899				
P2 LEVEL	19,400	1,804				
TOWNHOUSE LOWER	2,790	259	2,575	239		
TOWNHOUSE UPPER	3,350	311	3,350	311		
1ST LEVEL	19,975	1,479	19,975	1,192		
2ND LEVEL	15,825	1,479	12,825	1,192		
3RD LEVEL	15,825	1,479	12,825	1,192		
4TH LEVEL	15,825	1,479	12,825	1,192		
TOTAL RESIDENTIAL GFA	69,440	6,460				
TOTAL NET AREA FOR F.A.R.			97,225	9,317		
EFFICIENCY: 1.62:0%						

FIRE PROTECTION:			3.2.4 / 3.2.5 / 3.2.6.
LOCATION OF HYDRANT TO SHAMBLE CONNECTION	45m MAX.		3.2.2.5.
STANDBY/PHONE	YES		3.2.2.6.
SPRINKLERED	YES		
FIRE ALARM SYSTEM	YES		3.2.4.1.2(9)
EXIT LIGHTS	YES		
EMERGENCY LIGHTING	YES		

OCCUPANT LOAD		TABLE 3.1.17.1.
LEVEL 0 (LOWER PARKADE)	46m ² PERSON X 1.813m ²	40 PERSONS
LEVEL 0 (UPPER PARKADE)	46m ² PERSON X 1.026m ²	42 PERSONS
LEVEL 0 (TOWNHOUSE)	2 PERSONS SLEEPING ROOM X 2 (5 UNITS)	10 PERSONS
LEVELS 1-4 (CONDOS UNITS)	2 PERSONS SLEEPING ROOM X 1 (22 UNITS)	44 PERSONS PER FLOOR
BUILDING TOTAL		269 PERSONS

EXIT FACILITIES			3.1 TO 3.6
REQUIRED EXITS	2 MIN. PER FLOOR	REQUIRED WIDTHS	PROHIBITED WIDTHS
	min. 800mm door width as per 3.4.3.2.(A)		
	min. 1100mm stair width as per 3.4.3.2.(A)		
PARKADE LEVEL 0 (LOWER)	6.1m ² person X 40 persons = 244m ²	3 doors @ 3'-0" = 9'-0" (2743mm)	
PARKADE LEVEL 0 (UPPER)	6.1m ² person X 43 persons = 263m ²	3 doors @ 3'-0" = 9'-0" (2743mm)	
RESIDENTIAL LEVELS:			
LEVEL 1 - 5 (800m ²)	6.1m ² person X 44 persons max. = 268m ²	2 doors @ 3'-0" @ each floor width floor = 6'-0" (1829mm)	
LEVEL 1 - 5 (stair)	6.0m ² person X 44 persons max. = 264m ²	2 doors @ 3'-0" @ each floor stair width floor = 7'-0" (2133mm)	
RESIDENTIAL UNITS	min. 1 door @ 800mm each unit	30" door @ each unit (815mm)	
EXIT THROUGH LOBBY	yes (parkade levels only)	3.4.4.2.	
PANIC HARDWARE REQ'D	yes (at bottom of each stair & at lobby)	3.4.8.16(2)	
EXIT EXPOSURE	0'	3.2.3.13.	
MAX. TRAVEL DISTANCE	45m (Residential) & 60m (Parkade)	3.4.2.6.(1)	
EXIT RATINGS REQUIRED:			
STAIR SHAFTS	1 HR.	3.2.3.6.(4)	
CORRIDORS	1 HR.	3.2.3.6.(4)	

REQUIRED FIRE SEPARATIONS		3.1.3.1.
TENANTS' MAJOR OCCUPANCIES		
GROUP C TO C	1 HR BETWEEN UNITS (2 HR @ EACH FLOOR)	
GROUP F3 TO C	1.5 HR (2.5 HR @ EACH FLOOR)	
SERVICES ROOMS	1 HR	3.6.2.
JANITOR ROOM	Non-Rated Fire Separation	

BUILDING FIRE SAFETY		
SMOKE PROTECTION	N/A	3.2.3.16.
FLAME SPREAD RATINGS	YES	3.1.13.2.
METAL DECK ASSEMBLIES	YES	3.1.14.2.
ROOF COVERING CLASSIFICATION	CLASS 'A'	3.1.15.2.
AT-RISK FIRESTOP	N/A	3.1.11.
MAX. AT-RISK AREA	N/A	3.1.11.5.
MAX. COVER SPACE AREA	N/A	3.1.11.6.
CONCEALED FLOOR AREA	N/A	3.1.11.5.

ACCESSIBILITY REQUIREMENTS			3.8.
ACCESS TO MAIN ENTRANCES	REQUIRED	PROVIDED	
ACCESS TO ALL FLOORS	NO	YES	
ACCESSIBLE WASHROOM	NO	NO	

WASHROOM FIXTURES REQUIREMENTS		3.7.2.2.(1)
MIN. 1 HORIZED DWELLING UNIT		
MIN. 1 WIC PROVIDED IN EACH UNIT		

SPATIAL SEPARATION:		3.2.3.1.D
WALL AREA	NORTH, EAST, SOUTH & WEST WALL	
OPENING AREA	ALL WALLS OPENINGS ARE UNRESTRICTED.	
% PROVIDED	2 BUILDING ELEVATIONS FACE A STREET, AND LIMITING DISTANCES EXCEED 9m IN ALL CASES	
LIMITING DISTANCE		
% PERMITTED		
CONSTRUCTION TYPE		
CLADDING MATERIAL		
REQUIRED RATINGS		



ATTACHMENT B

This forms part of application
Z15-0027

Planner Initials

EW

201-19 FROM STREET
WESTON, B.C.
V2B 1W7
113 BURNHAM AVENUE
KELOWNA, B.C.
V1Y 1Y6
MAIL: info@kelowna.ca
MAIL: kel@kelowna.ca



Rev.	Date	Revised By	Revised For
01	2015-09-25	Issued by SP	
02	2015-09-25	Issued by SP	

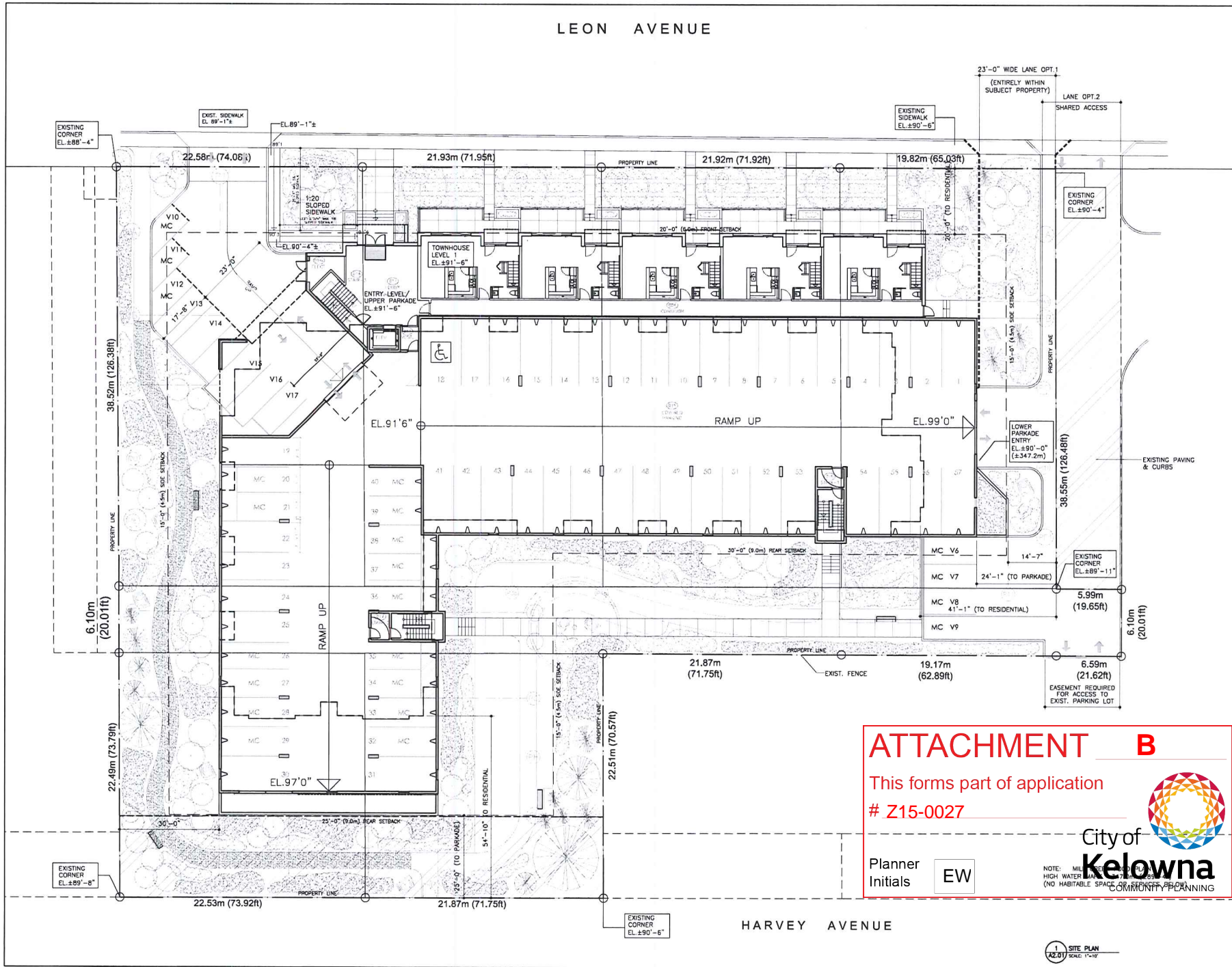
Project Name:
**LEON AVENUE
6-STOREY RENTAL
HOUSING - 93 UNITS**
815 LEON AVE, KELOWNA V1Y 6J7
Drawing Number:

A1.01

REVISIONS LIST TO BE MAINTAINED BY THE CLIENT.
ALL REVISIONS MUST BE REFERENCED TO THIS SHEET.
Drawing Title:
ZONING & CODE SUMMARY

Date:	2015-07-01
Job No.:	1001-1018
Scale:	AS SHOWN
Drawn:	SL/CA
Checked:	JM

LEON AVENUE



201-733-8800 2/FLOOR
 PORTER, B.S.C.
 TEL: 255-492-3143
 FAX: 255-492-3144
 233 BRIDGE AVENUE
 GLENDA, B.C.
 V7E4R6
 TEL: 255-762-2084
 EMAIL: info@melklohn.ca



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No.	Date	Revised
01	2015-06-27	Issued For RFP
02	2015-06-25	Revised For RFP

Project Title
**LEON AVENUE
 6-STORY RENTAL
 HOUSING - 93 UNITS**
 815 LEON AVE, KELOWNA V1Y 4J7
 Drawing Number

A2.01

DATE: 2015-06-27
 DRAWN BY: J. W. WILSON
 TITLE: A2.01-01
 CHECKED BY: J. W. WILSON
 DATE: 2015-06-27
 DRAWN BY: J. W. WILSON

scale: 1"=10'

Date	Printed By
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON
2015-06-27	J. W. WILSON

ATTACHMENT B

This forms part of application
Z15-0027

Planner Initials **EW**

City of Kelowna
 COMMON PLANNING

NOTE: MILLAGE RATE 0.0015%
 HIGH WATER TABLE 171.11 (528.98 FT)
 (NO HABITABLE SPACE COMMON PLANNING)

1 SITE PLAN
 SCALE: 1"=10'



ATTACHMENT B

This forms part of application
 # Z15-0027

Planner Initials **EW**

City of
Kelowna
 COMMUNITY PLANNING



1 BUILDING ELEVATION
 SCALE: 1/8"=1'-0"

2 BUILDING ELEVATION
 SCALE: 1/8"=1'-0"

ELEVATION KEY NOTES
 ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUFACTURER'S STANDING LINE OF COLOURS.

- 1 BRICK VENEER
- 2 STUCCO (3 CONTRASTING COLOURS (SEE COLOUR BOARDS))
- 3 VINYL WINDOWS
- 4 ALUM. CLAD WINDOWS
- 5 FEATURE WALL (SEE COLOUR BOARDS)
- 6 PREFINISHED METAL GUARDRAILS
- 7 DECORATIVE WOOD SCREEN
- 8 PREFINISHED METAL FLASHING
- 9 ENTRY CANOPY (SEE COLOUR BOARDS)
- 10 EXPOSED CONCRETE WALLS C/W SACKED RUBBED FINISH
- 11 CONTROL JOINTS
- 12 PRECAST CONC. CAP @ 1/2 BRICK
- 13 LANDSCAPED PARKED SCENE
- 14 PLANTERS @ 1/2 PARADE SLAB
- 15 PAINTED METAL DOOR
- 16 PAINTED O/W PARADE DOOR
- 17 PREFINISHED METAL AIR GRILLE
- 18 PARADE FLOOR LEVELS BELOW GRADE
- 19 SIGN INCLUDE FOR DAY/ NIGHT ILLUMINATION
- 20 1/2" ALUM. CLADDING WITH WOOD GRAIN (LONG BOARD SP. CENTER)

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No.	Date	Revision
01	2015-06-17	Issued for BP
02	2015-06-17	Issued for BP

Project Title
**LEON AVENUE
 6-STORY RENTAL
 HOUSING - 93 UNITS**

815 LEON AVE, KELOWNA V1Y 6J7

Drawing Number

A4.01

DATE: 2015-06-17
 DRAWING NO: A4.01
 SCALE: AS SHOWN
 SHEET: 38

BUILDING ELEVATIONS

Sheet	2015-06-17
Date	2015-06-17
Scale	AS SHOWN
Sheet	38
Checked	JM

301-741 HORN STREET
 ARLINGTON, D.C.
 7741 140
 TEL: 202-462-3143
 FAX: 202-462-3144
 213 SPINARD AVENUE
 KELOWNA, B.C.
 V7Y 1K2
 TEL: 250-762-3804
 FAX: 250-762-3804



ATTACHMENT B

This forms part of application
 # Z15-0027

Planner Initials **EW**

City of
Kelowna
 COMMUNITY PLANNING

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No.	Date	Revisions
01	2015-04-27	Issued for DP
02	2015-05-25	Approved for DP

Project No: **LEON AVENUE
 6-STORY RENTAL
 HOUSING - 93 UNITS**
 815 LEON AVE, KELOWNA V1Y 637
 Drawing Number

A4.02

THIS PLAN IS NOT TO BE SCALE.
 ALL DIMENSIONS SHALL BE SHOWN ON DRAWING.

BUILDING ELEVATIONS

Date	2016-06-13
Scale	AS SHOWN
Author	AS SHOWN
Checker	AS SHOWN

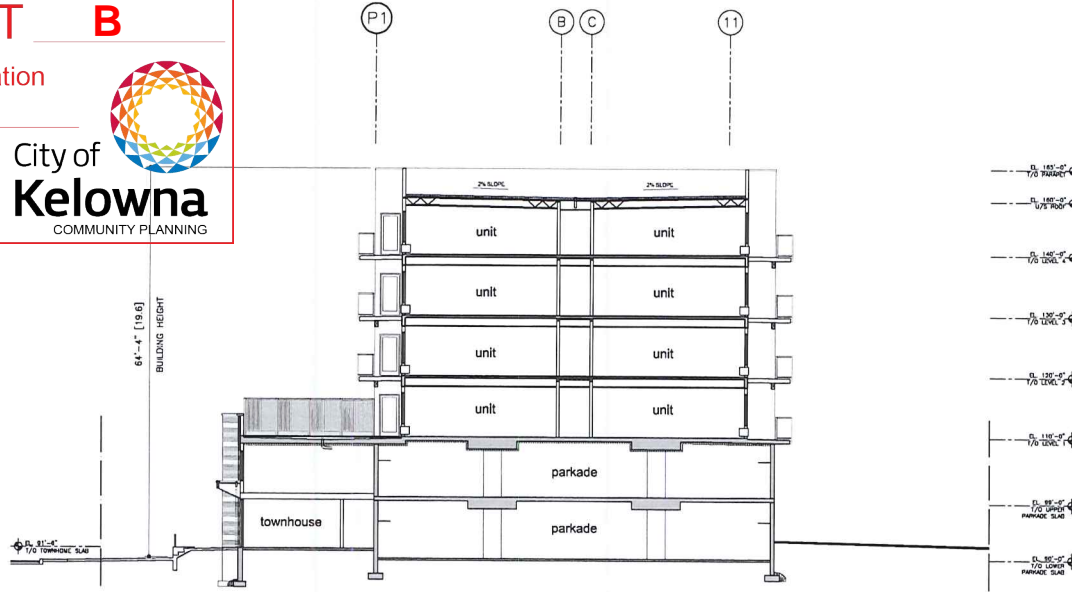
ATTACHMENT B

This forms part of application
Z15-0027

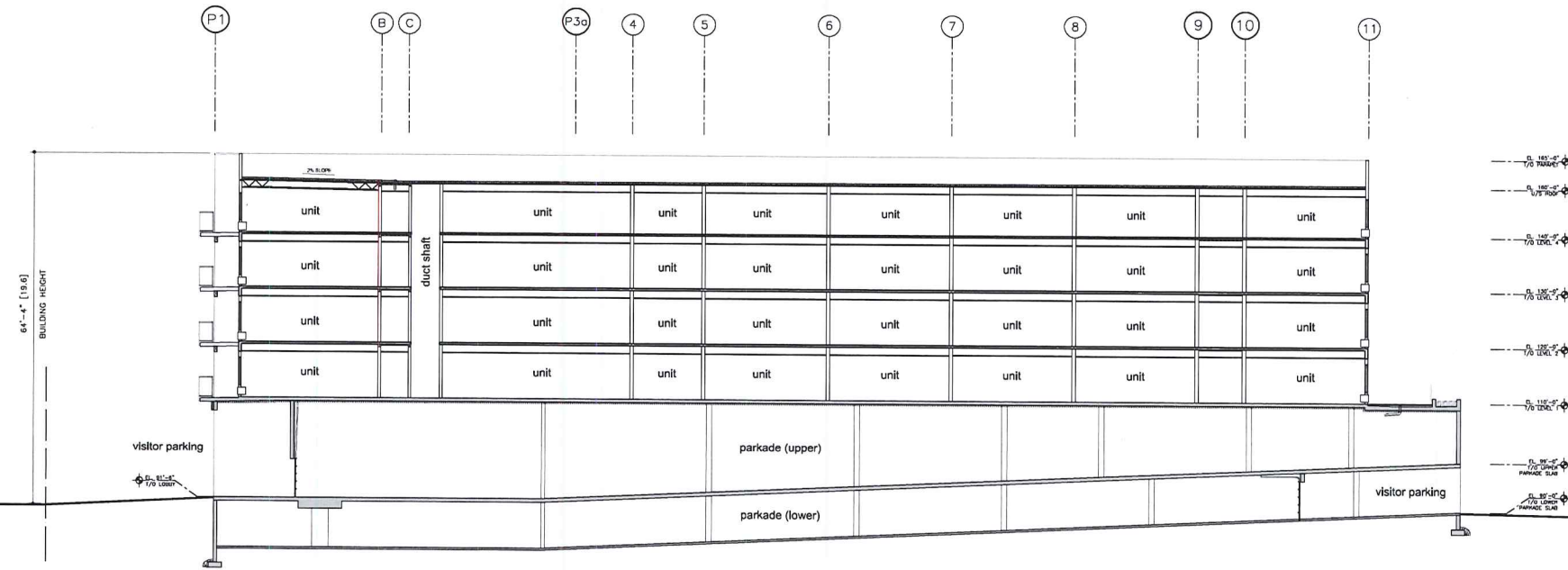


City of
Kelowna
COMMUNITY PLANNING

Planner Initials
EW



1 BUILDING SECTION
SCALE: 1/8"=1'-0"



2 BUILDING SECTION
SCALE: 1/8"=1'-0"

201.7510007 2100
PROVINCIA, B.C.
V1A 1H1
250.250.492.3143
FAX: 250.250.492.3143
215 BROADWAY AVENUE
KELOWNA, B.C.
V1Y 1R6
TEL: 250.762.1004
EMAIL: info@mmi.ca



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No.	Date	Revised	By
01	2015-06-21	Issued for BP	
02	2015-06-23	Issued for SP	

Project No:
**LEON AVENUE
6-STORY RENTAL
HOUSING - 93 UNITS**

815 LEON AVE, KELOWNA V1Y 6J7
Drawing Number:
A5.01

REVISIONS ARE NOT TO BE SEEN.
ALL DIMENSIONS SHALL BE SHOWN ON THIS

Drawing Title:
BUILDING SECTIONS

Date	Drawn By
2015-06-21	mm
2015-06-23	mm
2015-06-23	mm
2015-06-23	mm
2015-06-23	mm
2015-06-23	mm

ATTACHMENT **B**

This forms part of application

Z15-0027

Planner
Initials **EW**



City of
Kelowna
COMMUNITY PLANNING



m+m **a**

Leon Ave rental housing

corner driveway entrance

may 25, 2015

1

ATTACHMENT B

This forms part of application
Z15-0027

Planner
Initials EW



m+m a

Leon Ave rental housing

facing harvey avenue

may 25, 2015

2

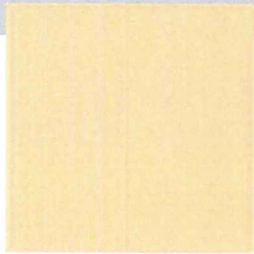
ATTACHMENT B

This forms part of application
Z15-0027

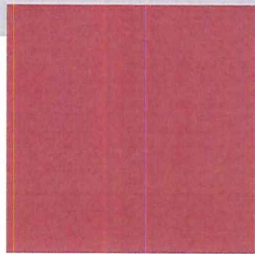
Planner Initials **EW**



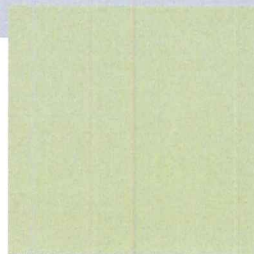
City of
Kelowna
COMMUNITY PLANNING



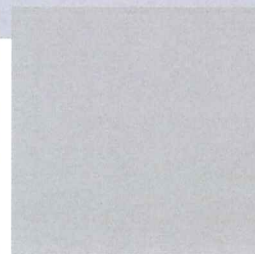
yellow stucco



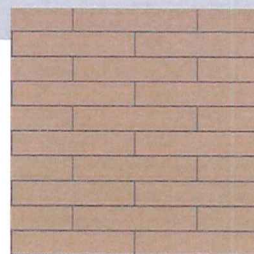
red stucco



green stucco



grey stucco



brick earth-tone

process from the discharge of an LUC, as termination eliminates the LUC one year after adoption whereas, a discharge is immediate. The Report to Council for the termination of the contracts will follow as Application LUCT16-0002.

Staff are supportive of increasing density through the addition of secondary suites for proposals which meet the development regulations.

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

4.0 Proposal

4.1 Background

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

However, issues have arisen, specifically with the continued application of land use contracts as they supersede any subsequent bylaw dealing with land use and development including: Zoning Bylaws, Development Cost Charge Bylaws, and Development Permits. From 1978 to 2014, municipalities or the owners of the land could not unilaterally discharge, cancel, or modify the land use contract without the other party's consent. The Local Government Act was amended in 2014 stating all land use contracts in the province will be terminated as of June 30th 2024. Land use contracts will remain in force until that date. This provides property owners with ten years to complete any development authorized by their land use contract unless the LUC is terminated prior to that date. By June 20th 2022, local governments must have appropriate zoning regulations in place to replace land use contracts upon their termination. However, due to this requirement of the Local Government Act, staff are recommending whenever a property owner applies to change land uses within an LUC, that staff initiate the process to eliminate the whole LUC. This approach will help alleviate the future work load of eliminating and rezoning all LUC's at one time.

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

4.2 Project Description

The applicant is proposing to construct a secondary suite within the existing dwelling as this is an allowable secondary use within the RR3 - Rural Residential Zone. To allow the use, the existing LUC's require termination. Compliance with Zoning Bylaw regulations will be reviewed at time of the Building Permit application, as a Development Permit application is not required.

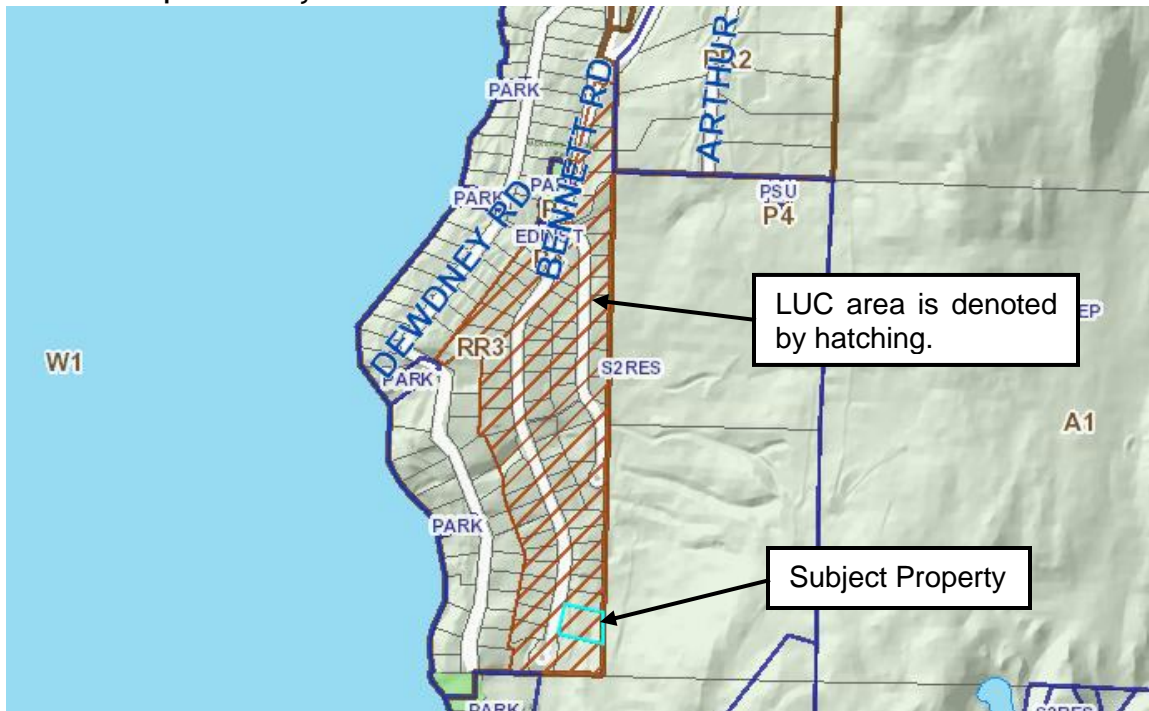
4.3 Site Context

The subject LUC's are located in the McKinley area of Kelowna and applies to 70 parcels which front onto Bennett Road and Paly Road.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family Residential
East	RR2 - Rural Residential 2 A1 - Agricultural 1	Agriculture
South	A1 - Agricultural 1	Single Family Residential
West	RR3 - Rural Residential 3	Single Family Residential

LUC Area Map: McKinley



Subject Property Map: 1945 Bennett Road



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

5.2 Land Use Contract Termination Strategy Report to Council dated September 12, 2016

That Staff bring a package of Land Use Contract Terminations to Council approximately every quarter between 2017 and 2022. It is more cost effective from the notification perspective if the Land Use Contracts are bundled together.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comments with respect the LUC discharge application.

6.2 Development Engineering Department

- See Attachment A

6.3 Irrigation District - Glenmore-Ellison

- No issues with respect to the LUC discharge application.

7.0 Application Chronology

Date of Application Received: February 23, 2016

Date Public Consultation Completed: August 25, 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

Attachment B: GEID Letter

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



CITY OF KELOWNA
MEMORANDUM

Date: May 14, 2016
File No.: LUC16-0002

To: Land Use Management Department (LK)

From: Development Engineering Manager

Subject: 1945 Bennett Road Lot 45 Plan 31701

The subject property is not serviced with Municipal utility services.

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

A handwritten signature in black ink, appearing to read 'Steve Muenz', written over a horizontal line.

Steve Muenz, P. Eng.
Development Engineering Manager

jf



Phone: 250-763-6506

Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

ATTACHMENT **B**

This forms part of application ✓

LUC16-0002

Planner Initials LK

City of
Kelowna
COMMUNITY PLANNING



Fax: 250-763-5688

OUR FILE No.: 144
CITY OF KELOWNA FILE No.: LUC16-0002
P.I.D.: 002-289-113

April 18, 2016

City of Kelowna
Community Planning and Real Estate
1435 Water Street
Kelowna, BC V1Y1J4

Attention: **Mardelle Corbett** (via email: mcorbett@kelowna.ca; planninginfo@kelowna.ca)

Re: **Application to discharge existing Land Use Contract 78-1024 to allow construction of legal suite under Bylaw 8000
1945 Bennett Rd., Lot 46, Plan 31701**

Glenmore-Ellison Improvement District (GEID) has received a referral for the above noted property. It is our understanding that the current LUC restricts secondary suites on the subject property.

GEID has no concerns with respect to this LUC as it relates to secondary suites.

If you have any questions on this matter, please do not hesitate to contact me.

Sincerely,
**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**

John Bartell, ASCT, B.Sc.
Manager of Engineering and Operations

cc: Edward and Linda Decazelet (via email: eddiecazz@gmail.com)

CITY OF KELOWNA

BY-LAW NO. 4194

A by-law to authorize the entering into of a Land Use Contract.

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

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

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

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

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

Considered at a public hearing on January 18, 1977.

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

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

Reconsidered /

DUNN, TRUJANO, WALLEY & BERG BARRISTERS & SOLICITORS MANITOBA AGENT

Reconsidered, finally passed and adopted by a vote in favour thereof
of at least two-thirds majority of the members of the Municipal Council
present this 26 day of April, 1977.

John B. Day
Acting Mayor
[Signature]
City Clerk

I hereby certify the foregoing to be a true
copy of By-Law No. 4194 as passed by the
Municipal Council of the City of Kelowna on
the 26th day of April, 1977.

[Signature]
Clerk of the Municipal Council of the City
of Kelowna.

LAND USE CONTRACT

This Agreement made the 26th day of Apr 1978.

BETWEEN;

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

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

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

(hereinafter called the "Developer")

OF THE SECOND PART

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

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

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

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

AND WHEREAS the Municipality, pursuant to Section 702A of the Municipal Act, may, notwithstanding any by-law of the Municipality, or Section 712 or 713 of the Municipal Act, enter into a Land Use Contract containing such terms and conditions for the use and development of land as may be agreed upon with a developer, and thereafter the use and development of the land shall be in accordance with the Land Use Contract;

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

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

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

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

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

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

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

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

amended
Holds

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

(herein called the "Land")

Consent

2. The Developer has obtained the consent of all persons having a registered interest in the Land as set out in the schedule prefacing the consents to the use and development set forth herein which consents are attached hereto.

Development

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

Compliance

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

Construction

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

Representation

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

Registration

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

DEDICATION

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

PROSPECTUS

[Handwritten signature]

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

Interpret-
ation

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

Uses

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

Incorpor-
ation

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

Legal Fees

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

Binding

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

A public hearing on this Contract was held on the 18 day of January, 1976⁷

THIS AGREEMENT WAS APPROVED by the affirmative vote of at least two-thirds of all the members of the Council of the Municipality present at the meeting on the 26 day of April, 1976⁷.

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

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

Acting-Mayor

Colin B. Dalrymple
[Signature]
Clerk

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

[Signature]
[Signature]

LAND USE CONTRACT

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

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

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS, WALLACE CORMACK BENNETT of
C/O R.R. 1, Kelowna, BRITISH COLUMBIA being

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

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

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

SIGNED, SEALED AND DELIVERED)
in the presence of:

Name: RS/Attn
Address: 346 Harrison
Avenue,
Kelowna, B.C.
Occupation: Solicitor
(as for all three signatures)

B.M. Bennett
BERENICE MARTHA BENNETT

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

Wallace Cormack Bennett
WALLACE CORMACK BENNETT

Acknowledgment of Maker

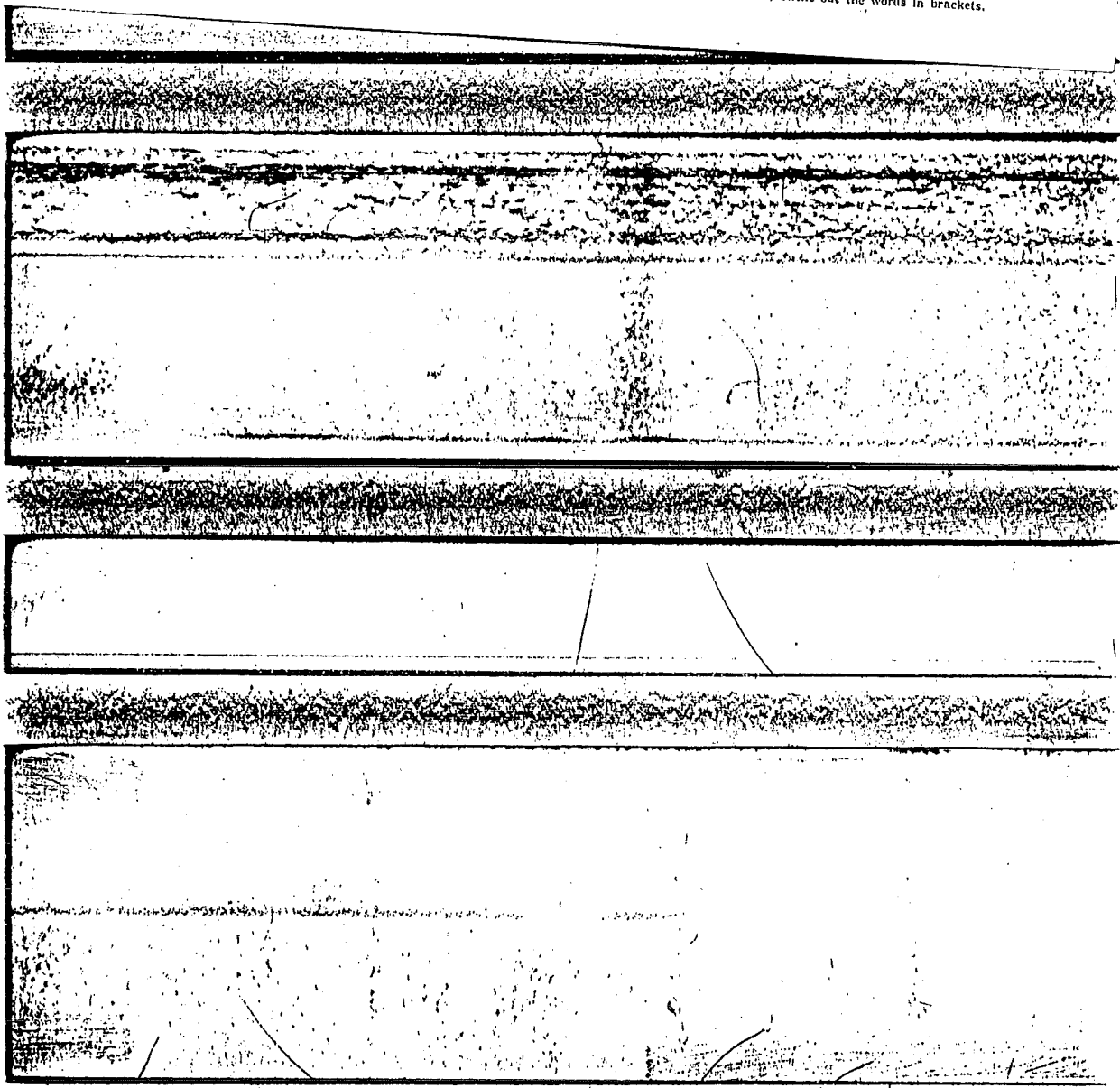
I HEREBY CERTIFY that, on the 13th day of April, 1977, at the City of Kelowna in the Province of British Columbia, BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS and WALLACE CORMACK BENNETT, ~~whose identity has been proved by the evidence on oath of the aforesaid parties~~ (who are personally known to me, appeared before me and acknowledged to me that they/are the persons mentioned in the annexed instrument as the maker s thereof, and whose name s are subscribed thereto as part ies that they know the contents thereof, and that they executed the same voluntarily, and they/are that they know the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office, at the City of Kelowna, British Columbia, this 15th day of April, in the Province of in the year of our Lord one thousand nine hundred and seventy-seven.

Robert Stuart Porter

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

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



CONSENT

KNOW ALL MEN by these presents that:

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

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

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

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

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

..... 8th day of March 9.....

77

SIGNED, SEALED AND DELIVERED
 in the presence of::

.....

THE ROYAL BANK OF CANADA
 BY ITS DULY AUTHORIZED ATTORNEYS:

.....

.. (Witness as to both signatures)

The Royal Bank of Canada and
Pritchard Holdings Limited
STATUTORY DECLARATION OF ATTORNEYS

We, Thomas Bernard Smith and Joseph Rene Denis Fontaine
of the City of Vancouver in the Province of British Columbia,
SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

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

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

this 8th day of March A.D. 1977.

M. W. Keenan
A Commissioner for oaths & Notaries within British Columbia

[Signature]
[Signature]

H. W. H. H. H.

CITY OF KELOWNA

BY-LAW NO. 4666-78

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

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

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

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Ltd., 1630 Ellis Street, Kelowna, B.C., in the form of Land Use Contract attached hereto and forming part of this by-law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts, and other documents in connection with the attached Land Use Contract and affix the corporate Seal of the City of Kelowna to same.

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

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

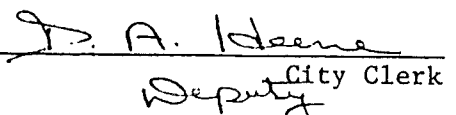
Read a second time by the Municipal Council this 10th day of
October , 1978.

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

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



Mayor



Deputy
City Clerk

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

BETWEEN:

CITY OF KELOWNA

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

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LTD.

(Incorporation No. 125972)

a body corporate duly incorporated
under the laws of the Province of
British Columbia having its registered
office at 1630 Ellis Street, in the
City of Kelowna, Province of British
Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

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

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

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

(hereinafter called the "Land")

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

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

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

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

1. The said Land Use Contract is amended and modified by deleting therefrom Schedule "C" thereof and by substituting therefor the Schedule attached hereto and marked Schedule "1" and forming a part hereof.
2. The Developer has obtained the consent of all persons holding any registered interest in the Land as set out in the Schedule of Consents set forth herein which consents are attached hereto.
3. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement and in the said Land Use Contract.
4. This Agreement shall have the force and effect of a restrictive covenant running with the Land and shall, when registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act, be construed as an amendment and modification to the Land Use Contract hereinbefore described.
5. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the parties so require.

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

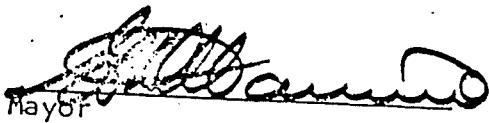
A public hearing on this Agreement was held on the _____ day of _____, A.D., 1978.

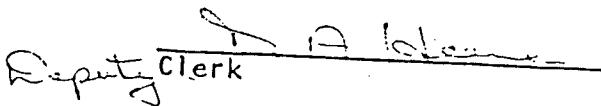
The terms of this Contract were approved by the Ministry of Highways and Public Works on the _____ day of _____, A.D., 1978.

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

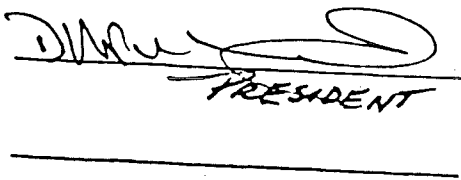
IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

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

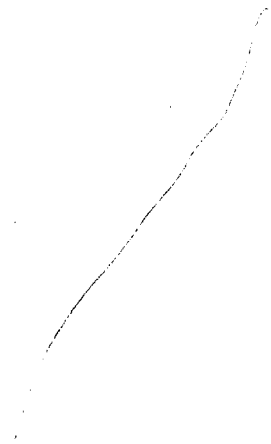

Mayor


Deputy Clerk

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


PRESIDENT

12/11/78



Acknowledgment of Officer of a Corporation

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

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

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

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

CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of
510 Bernard Avenue, Kelowna, B.C. being
the holders of a charge by way of mortgage registered
in the Land Registry Office at Kamloops under
Number L31952 against all and singular that certain parcel of
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

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

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

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

day of _____ 197 , against the aforementioned

Lands in priority to the said charge in the same manner and to the same effect
as if it had been dated and registered prior to the said charges.

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

SIGNED, SEALED AND DELIVERED
in the presence of:

Doreen Ann Wymann

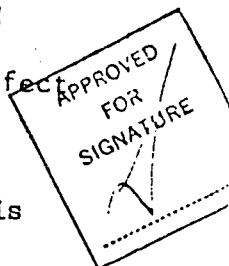
DOREEN ANN WYMAN
208 - 2275 OXFORD STREET

VANCOUVER, B.C.

SECRETARY

THE ROYAL BANK OF CANADA by its
lawful attorneys:

[Signature]



STATUTORY DECLARATION OF ATTORNEYS

We, Harvey Thomas Botham and Clive Roland Schindler
of the City of Vancouver in the Province of British Columbia.

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

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

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

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

H. W. Henson
A Commissioner for taking affidavits within British Columbia

H. W. HENSON

[Signature]
[Signature]

CONSENT

KNOW ALL MEN by these presents that:

WALLACE CORMACK BENNETT of
Post Office Box 169, Kelowna, British Columbia being
the holder of a charge by way of Mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:


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

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

SIGNED, SEALED AND DELIVERED
in the presence of:



Name _____)
F. S. POWER)
BARRISTER & SOLICITOR)
Address 346 Lawrence Avenue)
KELOWNA, B.C.)
Occupation _____)


Wallace Cormack Bennett

Acknowledgment of Maker

I HEREBY CERTIFY that, on the
Kelowna

27th

day of November, 19 78, at
in the Province of British Columbia

WALLACE CORMACK BENNETT

~~Oath of Obedience~~

before me and acknowledged to me that he is the person
maker thereof, and whose name is subscribed thereto as party
thereof, and that he has executed the same voluntarily, and

(whose identity has been proved by the evidence on ~~oath~~)
, who is personally known to me, appeared
mentioned in the annexed instrument as the
that he knows the contents
is of the full age of nineteen years.

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

Robert Stuart Porter

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

ROBERT STUART PORTER

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

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT

of

Post Office Box 169, Kelowna, British Columbia

being

the holder of a charge by way of Mortgage registered

in the Land Registry Office at Kamloops under

Number K1578 against all and singular that certain parcel or

tract of land and premises being in the City of Kelowna

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

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

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

SIGNED, SEALED AND DELIVERED
in the presence of:

R.S. [Signature]
Name R. S. [Signature]
BARRISTER & SOLICITOR
Address 346 Lawrence Avenue
KELOWNA, B.C.
Occupation _____

[Signature]
Berenice Martha Bennett

CONSENT

KNOW ALL MEN by these presents that:

JEAN ELIZABETH MORRIS

_____ of
P.O. 169 KELLOWNA B.C. being
the holder of a charge by way of MORTGAGE registered
in the Land Registry Office at Kamloops B.C. under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the CITY of KELLOWNA B.C.
in the Province of British Columbia and known and described as:

LOTS - 2, 3, 4, 5, 6, 7.

SECTION - 17 AND 20.

TOWNSHIP - 23.

OSOYOOS DIVISION YALE DISTRICT.

PLAN - 17310.

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

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:

Wayne Mullins

200-4545 KINGSWAY

BURNABY, B.C.

SOLICITOR

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

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

MP

SCHEDULE "I"

CONSTRUCTION REQUIREMENTS

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

Construction requirements shall include:

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

- (a) Reconstruct the Bennett Road-McKinley Road intersection.
- (b) Curb and gutter on both sides. (See note on page 3 hereof).
- (c) Twenty-eight foot (28') width hot mix asphaltic concrete. (See note below).
 - Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island at the south end.
 -) Rough grade the boulevard.
 -) Approved drainage facilities.
 -) Fire protection (hydrants).
 - i) Underground wiring (power and communication).
 - i) Street lighting at the corner of Bennett Road and McKinley Landing Road, at the north corner of Lot 27, at the north corner of Lot 12, and at the end of the cul-de-sac on Bennett Road.
 - (j) Traffic control and street name signs.

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

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

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

MP

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

- (a) Curb and gutter on both sides.
- (b) Twenty-five foot (25') width hot mix asphaltic concrete.
- (c) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island centered on the bulb.
- (d) Rough grade the boulevard areas.
- (e) Approved drainage facilities.
- (f) Domestic water system.
- (g) Fire protection (hydrants).
- (h) Underground wiring (power and communication).
- (i) Street lighting at the end of the cul-de-sac on Paly Road.
- (j) Traffic control and street name signs.

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

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control signs.

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

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

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

- A) Twelve foot (12') hot mix asphaltic concrete centered on a sixteen foot (16') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

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

WUP

- (a) Construct and pave a ten foot (10') width.
- (b) Traffic control sign "Walkway".

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

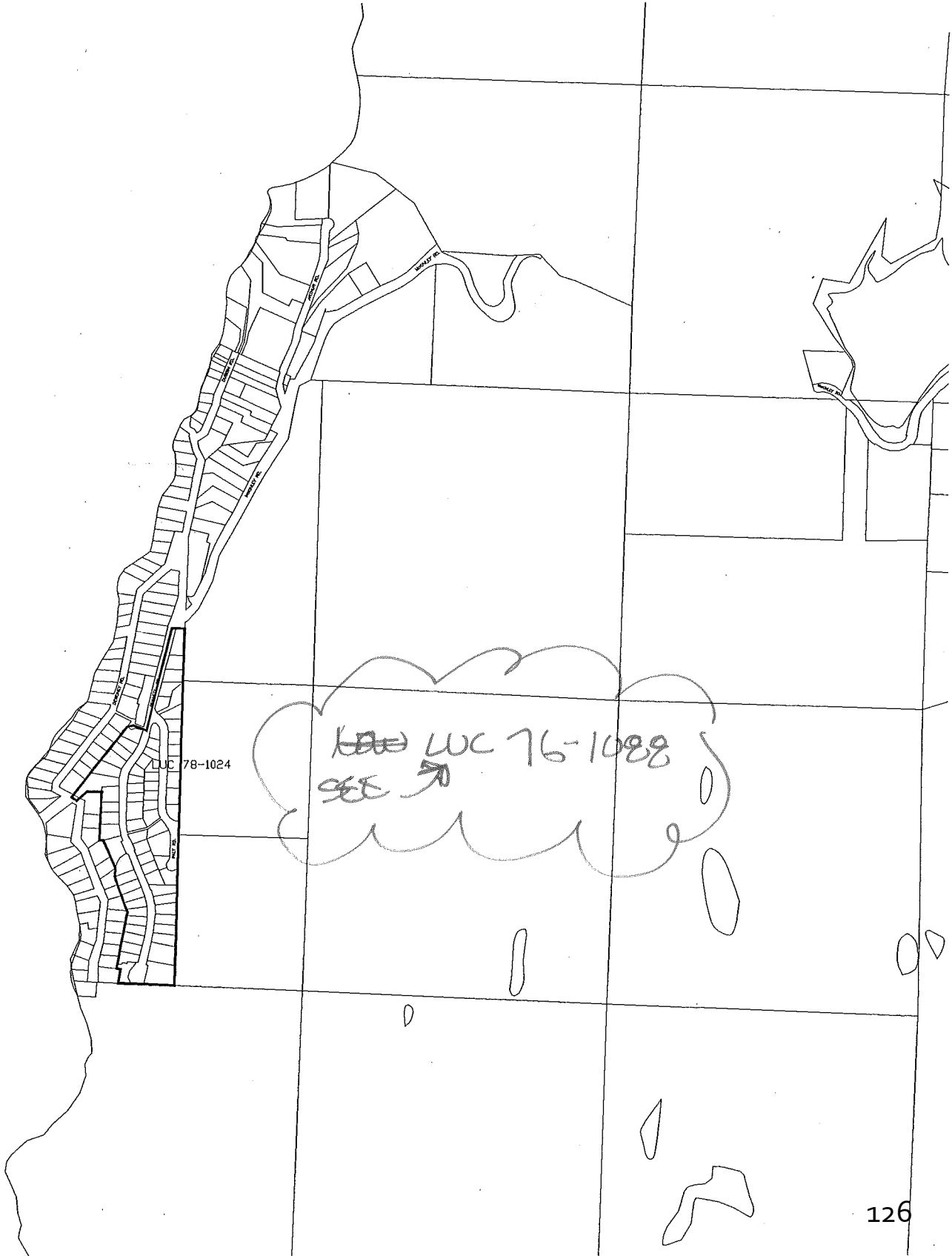
That Lots 3 and 5, Plan 17310, remain as private roads (with right of access for all abutting property owners), and that the road surfaces be paved to appropriate standards, as approved by the Director of Engineering, for this type of road.

WUP

CURB AND GUTTER ON BOTH SIDES OF BENNETT ROAD

WUP

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



~~SEE~~ LUC 76-1088
SEE →

LUC 78-1024

BY-LAW NO. 4666

LAND USE CONTRACT
NO. 78-1024

NAME: PRITCHARD HOLDINGS LTD.

LOCATION: BENNETT RD. (MCKINDLEY)

AMENDMENTS:

BY-LAW/DP/DVP NO.	DATE	LEGAL	COMMENTS
BY-LAW 5033-80	80.11.03	N $\frac{1}{2}$ of E $\frac{1}{2}$ of NW $\frac{1}{4}$	Sec 17, Twp. 23
SEE B/LAW 4194 (276-1088) FOR COMPLETE L.U.C.			
Lot 4	31701	23-17	

QUIT CLAIMS:

BY-LAW NO. DATE LEGAL COMMENTS

COMMENTS

4666 Amended 4194

CITY OF KELOWNA

BY-LAW NO. 4666-78

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

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

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

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

1. The Municipal Council of the City of Kelowna hereby authorizes the City of Kelowna to enter into a Land Use Contract with Pritchard Holdings Ltd., 1630 Ellis Street, Kelowna, B.C., in the form of Land Use Contract attached hereto and forming part of this by-law.
2. His Worship the Mayor and the City Clerk are hereby authorized to sign the attached Land Use Contract as well as any conveyances, deeds, receipts, and other documents in connection with the attached Land Use Contract and affix the corporate Seal of the City of Kelowna to same.

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

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

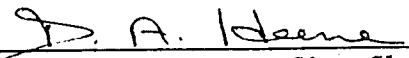
Read a second time by the Municipal Council this 10th day of
October , 1978.

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

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



Mayor



Deputy City Clerk 128

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

BETWEEN:

CITY OF KELOWNA

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

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

PRITCHARD HOLDINGS LTD.

(Incorporation No. 125972)

a body corporate duly incorporated
under the laws of the Province of
British Columbia having its registered
office at 1630 Ellis Street, in the
City of Kelowna, Province of British
Columbia

(hereinafter called the "Developer")

OF THE SECOND PART

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

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

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

(hereinafter called the "Land")

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

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

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

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

1. The said Land Use Contract is amended and modified by deleting therefrom Schedule "C" thereof and by substituting therefor the Schedule attached hereto and marked Schedule "1" and forming a part hereof.
2. The Developer has obtained the consent of all persons holding any registered interest in the Land as set out in the Schedule of Consents set forth herein which consents are attached hereto.
3. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Agreement and in the said Land Use Contract.
4. This Agreement shall have the force and effect of a restrictive covenant running with the Land and shall, when registered in the Land Registry Office by the Municipality pursuant to the provisions of Section 702A(4) of the Municipal Act, be construed as an amendment and modification to the Land Use Contract hereinbefore described.
5. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the parties so require.

DM

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


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

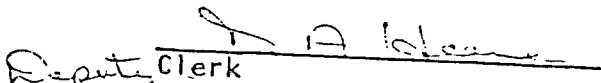
The terms of this Contract were approved by the Ministry of Highways and Public Works on the _____ day of _____, A.D., 1978.

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


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

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


Mayor


Deputy Clerk

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


PRESIDENT

12/17

Acknowledgment of Officer of a Corporation

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

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

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

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

CONSENT

KNOW ALL MEN by these presents that:

THE ROYAL BANK OF CANADA of
510 Bernard Avenue, Kelowna, B.C. being
the holders of a charge by way of mortgage registered
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Number L31952 against all and singular that certain parcel of
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

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

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

in consideration of the sum of One Dollar (\$1.00) hereby agrees and consents
to the registration of a Land Use Contract, made between the Registered Owner
of the said Lands and the City of Kelowna dated the
day of _____ 197 , against the aforementioned

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

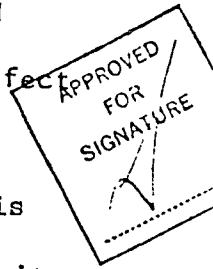
as if it had been dated and registered prior to the said charges.
IN WITNESS WHEREOF The Royal Bank of Canada has caused these presents to be
signed by its duly authorized attorneys in that behalf at Vancouver, B.C. this
23rd day of October, 1978.

SIGNED, SEALED AND DELIVERED
in the presence of:

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

THE ROYAL BANK OF CANADA by its
lawful attorneys:

[Signature]



STATUTORY DECLARATION OF ATTORNEYS

We, Harvey Thomas Botham and Clive Roland Schindler

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

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

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

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

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

H. W. Henson

A Commissioner for taking affidavits within British Columbia

H. W. HENSON

[Signature]

[Signature]

CONSENT

KNOW ALL MEN by these presents that:

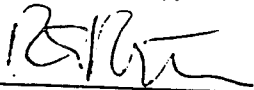
WALLACE CORMACK BENNETT of
Post Office Box 169, Kelowna, British Columbia being
the holder of a charge by way of Mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

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

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

SIGNED, SEALED AND DELIVERED
in the presence of:


Name



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

Address

Occupation


Wallace Cormack Bennett

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT of
Post Office Box 169, Kelowna, British Columbia being
the holder of a charge by way of Mortgage registered
in the Land Registry Office at Kamloops under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the City of Kelowna
in the Province of British Columbia and known and described as:

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

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

SIGNED, SEALED AND DELIVERED
in the presence of:

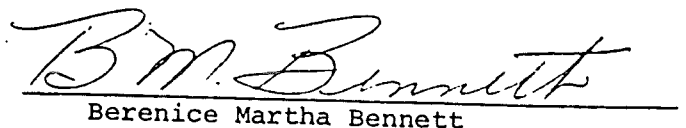
Name



Address

R. S. P. 1978
BARRISTER & SOLICITOR
346 Lawrence Avenue
KELOWNA, B.C.

Occupation


Berenice Martha Bennett

Acknowledgment of Maker

I HEREBY CERTIFY that, on the
Kelowna

27th

day of November, 19 78, at
in the Province of British Columbia

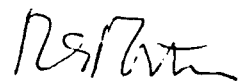
WALLACE CORMACK BENNETT

~~oath of~~ *Ken*

before me and acknowledged to me that he is the person
maker thereof, and whose name is subscribed thereto as party
thereof, and that he has executed the same voluntarily, and

(~~whose identity has been proved by the evidence on~~ *W*)
, who is personally known to me, appeared
mentioned in the annexed instrument as the
that he know s the contents
is of the full age of nineteen years.

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



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

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

CONSENT

KNOW ALL MEN by these presents that:

JEAN ELIZABETH MORRIS

_____ of
P.O. 169 KELOWNA B.C. being
the holder of a charge by way of MORTGAGE registered
in the Land Registry Office at Kamloops B.C. under
Number K1578 against all and singular that certain parcel or
tract of land and premises being in the CITY of KELOWNA B.C.
in the Province of British Columbia and known and described as:

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

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

SIGNED, SEALED AND DELIVERED }
IN THE PRESENCE OF :
Wayne Mullins
200 - 4545 KINGSWAY
BURNABY, B.C.
SOLICITOR

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

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

12/2

SCHEDULE "I"

CONSTRUCTION REQUIREMENTS

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

Construction requirements shall include:

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

- (a) Reconstruct the Bennett Road-McKinley Road intersection.
- (b) Curb and gutter on both sides. (See note on page 3 hereof).
- (c) Twenty-eight foot (28') width hot mix asphaltic concrete. (See note below).
- (d) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island at the south end.
- (e) Rough grade the boulevard.
- (f) Approved drainage facilities.
- (g) Fire protection (hydrants).
- (h) Underground wiring (power and communication).
- (i) Street lighting at the corner of Bennett Road and McKinley Landing Road, at the north corner of Lot 27, at the north corner of Lot 12, and at the end of the cul-de-sac on Bennett Road.
- (j) Traffic control and street name signs.

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

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

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

12/2

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

- (a) Curb and gutter on both sides.
- (b) Twenty-five foot (25') width hot mix asphaltic concrete.
- (c) Forty-four foot (44') radius paved turnaround complete with an eighteen foot (18') radius traffic island centered on the bulb.
- (d) Rough grade the boulevard areas.
- (e) Approved drainage facilities.
- (f) Domestic water system.
- (g) Fire protection (hydrants).
- (h) Underground wiring (power and communication).
- (i) Street lighting at the end of the cul-de-sac on Paly Road.
- (j) Traffic control and street name signs.

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

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control signs.

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

- A) Eighteen foot (18') hot mix asphaltic concrete centered on a twenty-two foot (22') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

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

- A) Twelve foot (12') hot mix asphaltic concrete centered on a sixteen foot (16') surface.
- B) Approved drainage facilities.
- C) Traffic control sign.

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

11/17

- (a) Construct and pave a ten foot (10') width.
- (b) Traffic control sign "Walkway".

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

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

11/17

CURB AND GUTTER ON BOTH SIDES OF BENNETT ROAD

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

11/17

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

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

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

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

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

Considered at a public hearing on January 18, 1977.

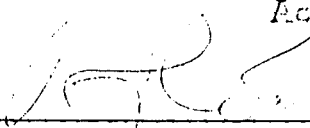
Read a second time by the Municipal Council this 1st day of February, 1977.

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

Reconsidered /

Edi B. King

Acting Mayor



City Clerk

(LUC-76-1088)

of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

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

(hereinafter called the "Developer")

OF THE SECOND PART

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

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

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

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

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

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

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

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

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

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

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

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

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

Development

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

Compliance

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

Construction

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

Represent-
tation

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

Registration

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

DEDICATION

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

PROSPECTUS

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

Suits Allowed

Interpretation
Uses

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

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

Incorporation

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

Legal Fees

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

Binding

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

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

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

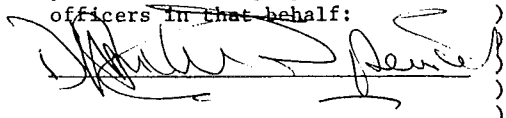
IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals the day and year first above written.

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

Mayor

Clerk

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



LAND USE CONTRACT

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

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

CONSENT

KNOW ALL MEN by these presents that:

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

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

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

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

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

..... 8th day of March 19..... 77

SIGNED, SEALED AND DELIVERED
 in the presence of:

..... *V. E. Carter*

.....

THE ROYAL BANK OF CANADA
 by its lawfully authorized attorneys:

[Handwritten Signature]

..... (Witness as to both signatures)

CONSENT

KNOW ALL MEN by these presents that:

BERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS, WALLACE CORMACK BENNETT of
c/o R.R.1, KELOWNA, BRITISH COLUMBIA being

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

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

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

SIGNED, SEALED AND DELIVERED)
in the presence of:

Name: RS/WM

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

Occupation: Solicitor
(as to all three signatures)

B.M. Bennett
BERENICE MARTHA BENNETT

Jean Elizabeth Morris
JEAN ELIZABETH MORRIS

Wallace Cormack Bennett
WALLACE CORMACK BENNETT

Acknowledgment of Maker

I HEREBY CERTIFY that, on the 13th day of April, 1977, at the City of Kelowna in the Province of British Columbia SERENICE MARTHA BENNETT, JEAN ELIZABETH MORRIS and WALLACE CORMACK BENNETT (whose identity has been proved by the evidence on oath of the aforesaid parties ~~they/are~~), who is personally known to me, appeared before me and acknowledged to me that ~~they/are~~ the person ~~s~~ mentioned in the annexed instrument as the maker ~~s~~ thereof, and whose name ~~s~~ are subscribed thereto as part ~~ies~~ that ~~they~~ know the contents thereof, and that ~~they~~ executed the same voluntarily, and ~~they/are~~ of the full age of nineteen years.

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

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

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

STATUTORY DECLARATION OF ATTORNEYS

We, Thomas Bernard Smith and Joseph Rene Denis Fontaine
of the City of Vancouver in the Province of British Columbia,

SEVERALLY DO SOLEMNLY DECLARE:

1. That we are the attorneys for The Royal Bank of Canada.
2. That we are the persons who subscribed the name of The Royal Bank of Canada in the annexed instrument as the maker thereof.
3. That at the time of the execution of the said instrument the power of attorney had not been revoked by or on behalf of The Royal Bank of Canada and we had not received any notice or information of the bankruptcy or dissolution of The Royal Bank of Canada.
4. That we know the contents of the said instrument and subscribed the name of the said The Royal Bank of Canada thereto voluntarily as the free act and deed of the said The Royal Bank of Canada.

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

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

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

[Signature]
A Commissioner for taking Affidavits within British Columbia

[Signature]
[Signature]

APPEAL NO.: 44

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

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

APPLICANT: Lupton Agencies
(Pritchard Holdings Limited)

LOCATION: McKinley Landing

Appeal # 44

Lupton Agencies - Pritchard Holdings Ltd.

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

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

Add Schedule of Construction
requirements
~~the~~ off site

Appeal # 47

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

In Account With

J. GALT WILSON
Barrister & Solicitor

April 5, 1976

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

0114 - City of Kelowna - Land Use Contracts

TO ALL PROFESSIONAL SERVICES
RENDERED, to date, including:

APR 9 1976

to check searches, Skoglund, Pritchard Holdings, Blackmore &
McConachie, Lombardy Developments, Vintage Management

to work on Contracts

to telephone call from Lupton Agencies

to work on Skoglund Contract

to work on Lombardy Developments Contract, etc.

to search re R & E and Wrexham Holdings

to drafting of Contracts

to work on R & E Enterprises Contract

to work on Clairex Holdings and Wrexham Holdings Contracts

TO OUR FEES HEREIN

\$704.00

Disbursements:

to payment of 12 searches to Chertkow, Thomas et al

to photocopying

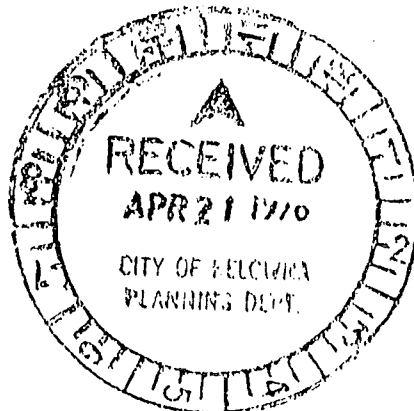
\$132.00

25.60

TO OUR ACCOUNT

[Handwritten signature]

\$861.60



*Approved - Apr. 20/76
CP 3-76*

March 30, 1976.

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

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

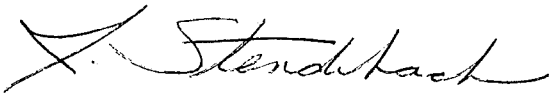
Dear Sirs:

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

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

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

Yours truly,



J. Stendebach,
City Planner.

JS:el

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

March 25, 1976



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

Dear Sir:

Land Use Contract
City of Kelowna and Pritchard Holdings Ltd.

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

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

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

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

City Planner
Page 2
March 25, 1976

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

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

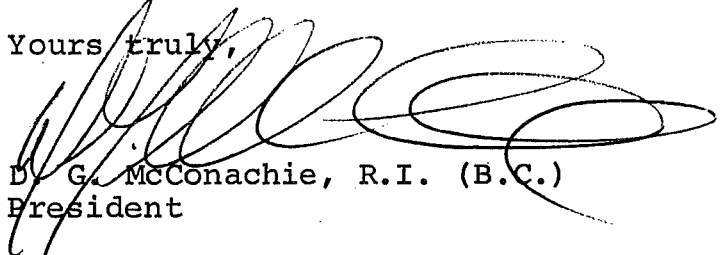
3. Substitution of the following paragraph in place of Paragraph 3 of Page 3:-

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

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

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

Yours truly,



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

LUPTON AGENCIES LTD.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

CITY OF KELOWNA

March 12, 1976.

CP3-76

Mr. J.T.F. Horn,
City Solicitor,
Weddell, Horn, Jabour & Pearce,
Barristers & Solicitors,
1450 Pandosy St.,
Kelowna, B.C.

Dear Sir:

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

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

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

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

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

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

Yours truly,

Original Signed by
J. STENDEBACH
J. Stendebach,
City Planner.

JS:el

DAY F1461

J. GALT WILSON
Barrister & Solicitor

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

Your File No.:

Our File No.: 0114

March 9, 1976

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



Attention: J. Stendebach

Dear Sirs:

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

Please find enclosed proposed Land Use Contracts for your approval.

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

Yours truly,

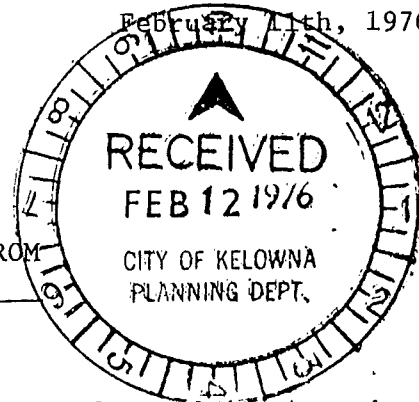

J. GALT WILSON

JGW:eal
Encls.

These should be placed in Apprao files

CITY OF KELOWNA
MEMORANDUM

February 11th, 1976.



TO: City Planner.
FROM: City Administrator.
SUBJECT: VARIOUS MATTERS OF CORRESPONDENCE ARISING FROM THE ZONING BOARD OF APPEAL MEETINGS.

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

1. Letter dated January 20th, 1976 in connection with "Timberline Development" re Lombardy Developments Ltd.
- # 45 2. Letter dated January 21st, 1976 in connection with the "McKinley Landing Development" of Pritchard Holdings Ltd.
3. Letter dated January 22nd, 1976 in connection with "Fairfield Park Property" being a development by Skoglund Holdings Ltd.
4. Letter dated January 22nd, 1976 in connection with a development by B. & M. Holdings under the title of "Fairfield Park Property".
5. Letter dated January 22nd, 1976 in connection with a development by Vintage Management Ltd. under the title of "Fairfield Park Property".

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

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

DB Herbert.
D.B. Herbert,
City Administrator.

DBH/rc
Encl.

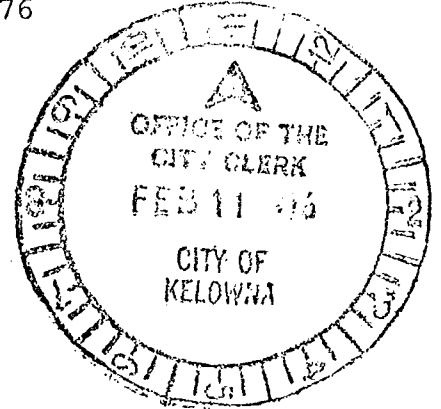
c.c. Mr. D.G. McConachie,
Lupton Agencies Ltd.,
6 Shops Capri,
Kelowna, B.C.
V1Y 3H4

**LUPTON
AGENCIES
LTD.**

6 Shops Capri / Kelowna / British Columbia / Canada / Y.Y. 3 PLANNING DEPT 7624400



February 10, 1976



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

Attn: City Clerk

Dear Sir:

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

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

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

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

Yours truly,

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

LUPTON AGENCIES LTD.

Agents for Pritchard Holdings Ltd.

11 Feb 76

PHOTOCOPY TO:	
Council	
City	
City Clerk	
City Planner	
FROM: [Signature]	

← Are you negotiating the
land use contract
← Has the City Clerk
approved (initials)

DGMC:kpr

C.C. Pritchard Holdings Ltd.



CITY OF KELOWNA

763-6011

CITY HALL, 1435 WATER ST., KELOWNA, B.C.

January 22nd, 1976.

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

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

Dear Sir:

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

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

"THAT a by-law be prepared to rezone the properties to proposed Rural Residential RR-1 zone;

AND THAT a Land Use Contract be negotiated to permit development of the property and establish a maximum of seventy (70) lots."

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

Yours very truly,

J.M. Stendebach,
City Planner.

JMS:st.

**LUPTON
AGENCIES
LTD.**

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

January 21, 1976

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

Attn: D. B. Herbert, Administrator

Dear Sir:

Zoning Board of Appeal
"McKinley Landing Development"
Pritchard Holdings Ltd.
Land Use Contract

Lots 2, 3, 4, 5, 6 and 7, Plan 17310, O.D.Y.D.

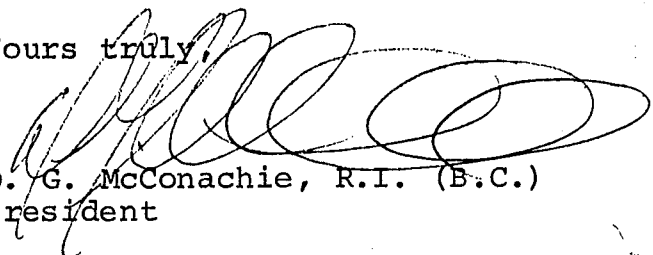
With reference to our telephone conversation January 19, 1976, and further to the Zoning Board of Appeal meeting of January 14, 1976, it would be appreciated if you would ensure the immediate preparation of a Land Use Contract as agreed in principle by Council on January 14, 1976. In this regard, you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

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

City of Kelowna
Page 2
January 21, 1976

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

Yours truly,



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

LUPTON AGENCIES LTD.

DGMC:kpr

C.C. Pritchard Holdings Ltd.



CITY OF KELOWNA

762-2212

CITY HALL, 1435 WATER ST., KELOWNA, B.C.

December 15th, 1975.

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

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

Dear Sir:

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

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

Yours very truly,

D.A. Heene

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

DAH:st

c.c. City Planner

**LUPTON
AGENCIES
LTD.**

44

336
39

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

September 12, 1975

McKinley Landings?
outside of urban defini-
area but may be
logical infilling
site inspect

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

Your Worship and Council:

Proposed By-Law No. 3928

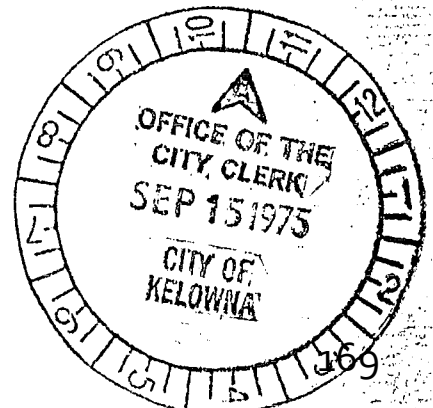
Further to our letters of August 7th and 26th, 1975 submitted on behalf of our client, Pritchard Holdings Limited, we outline below, for members of Council, a brief history of the time delays encountered to date in obtaining approval for this development.

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

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

- Lots 2, 3, 4, 5 and 6, Section 17, Township 23, O.D.Y.D., Plan 17310; and
- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

opposed



His Worship the Mayor
and Council

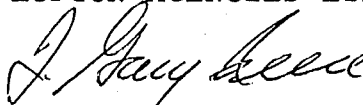
Page 2

September 12, 1975

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

Yours very truly,

LUPTON AGENCIES LTD.



for D. G. McConachie
President

Agents for Pritchard Holdings Ltd.

DGMC:kpr

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

August 7, 1975

No

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

Your Worship and Council:

Proposed Bylaw No. 3938

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

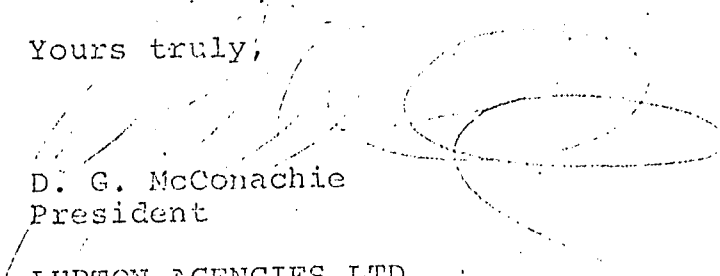
- Lots 2, 3, 4, 5, and 6, Section 17, Township 23, O.D.Y.D., Plan 17310
- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

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

His Worshi_e
Page 2
August 7, 1975

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

Yours truly,



D. G. McConachie
President

LUPTON AGENCIES LTD.

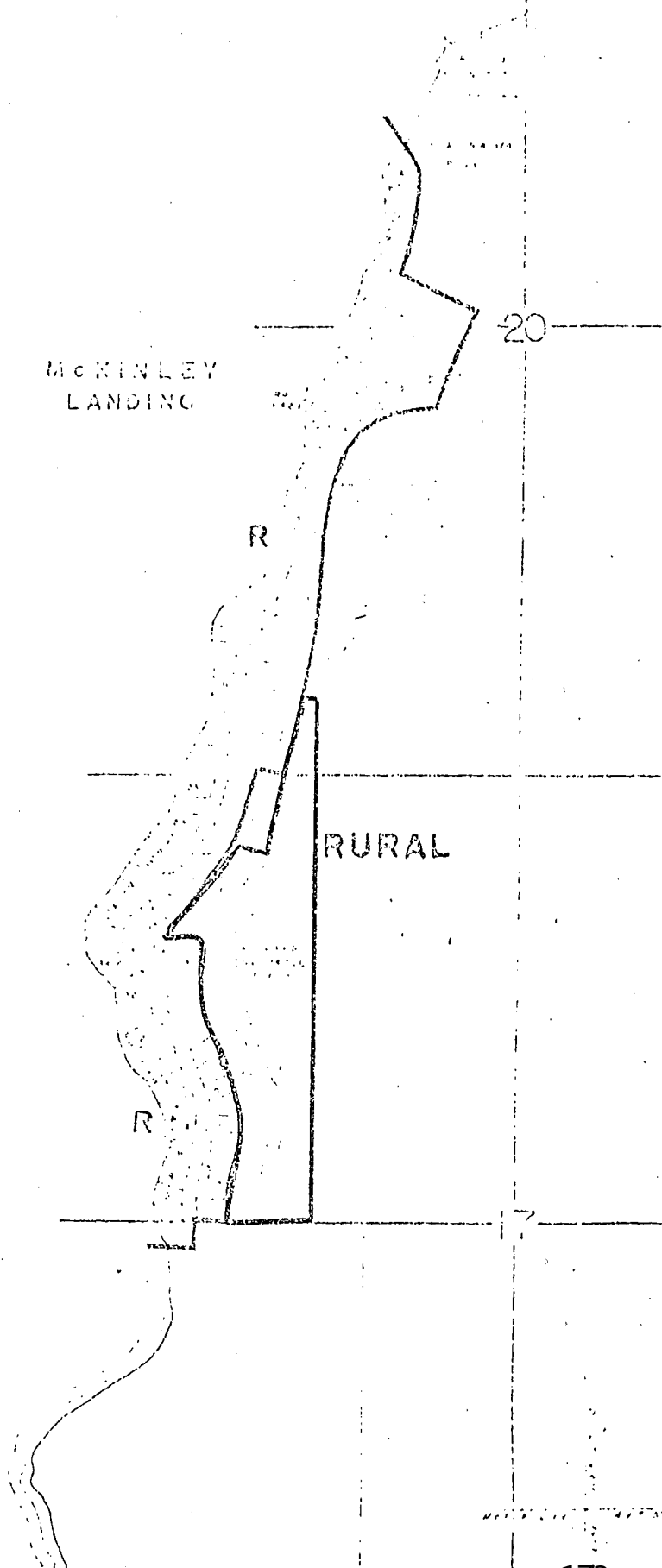
Agents for Pritchard Holdings Ltd.

DGMC:cmp

CC: Pritchard Holdings Ltd.

O K A N A G A N

L A K E



August 26, 1975

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

Your Worship and Council:

Proposed Bylaw No. 3938

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


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

- Lots 2, 3, 4, 5 and 6, Section 17, Township 23, O.D.Y.D., Plan 17310;
- Lot 7, Sections 17 and 20, Township 23, O.D.Y.D., Plan 17310.

His Worship
Page 2
August 26, 1975

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

Yours truly,



D. G. McConachie
President

LUPTON AGENCIES LTD.

Agents for: Pritchard Holdings Ltd.

DGMC:kpr

C.C. Pritchard Holdings Ltd.

REPORT TO COUNCIL



Date: February 6, 2017

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LB)

Application: OCP16-0027 / Z16-0075 **Owner:** Glenwest Properties Ltd., Inc.
No. Co889227

Address: Upper Canyon Dr (E of) **Applicant:** Wilden Construction Corp.

Subject: OCP Amendment & Rezoning Applications

Existing OCP Designation: S2RESH – Single / Two Unit Residential – Hillside

Proposed OCP Designation: PARK – Major Park / Open Space (Public)
S2RESH – Single / Two Unit Residential – Hillside

Existing Zone: RU1h – Large Lot Housing (Hillside Area)

Proposed Zone: P3 – Parks and Open Space
RU4h – Low Density Cluster Housing (Hillside Area)

1.0 Recommendation

THAT Official Community Plan Map Amendment Application No. OCP16-0027 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 The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC from the S2RESH – Single / Two Unit Residential – Hillside designation to the PARK – Major Park / Open Space (Public) designation, as shown on Map “A” attached to the Report from the Community Planning Department dated February 6, 2017, be considered by Council;

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

AND THAT Council considers the Public Hearing to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT Rezoning Application No. Z16-0075 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of The South West 1/4 of Section 5 Township 23 ODYD Except Plans KAP83526, KAP88266, EPP9195, EPP24895, EPP24897 and EPP55131, located at Upper Canyon Dr (E of), Kelowna, BC from the RU1h – Large Lot Housing (Hillside Area) zone to the P3 – Parks and Open Space and RU4h – Low Density Cluster Housing (Hillside Area) zones, as shown on Map “B”

attached to the Report from the Community Planning Department dated February 6, 2017, 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 February 6, 2017;

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 consider Official Community Plan Amendment and Rezoning application to amend the Future Land Use designation and rezone portions of the subject property to facilitate a semi-detached strata development and dedicate parkland to the City in the Lost Creek neighbourhood of Wilden.

3.0 Community Planning

Staff support the proposal to amend the Future Land Use designation and rezone portions of the subject property for the Wilden Lost Creek strata development. These amendments will allow for a 39 unit strata development of semi-detached buildings and one single detached house while protecting steep slopes and dedicating additional parkland to expand on natural open space in the existing Upper Canyon area.

The purpose of the RU₄h – Low Density Cluster Housing (Hillside Area) zone is to allow for comprehensively planned clusters of semi-detached and single detached housing in a strata format with urban services, in order to preserve topography, natural features, open space, or environmentally sensitive features. The proposed clustered semi-detached housing is more sensitive to the site topography than a traditional single detached residential subdivision. The RU₄h zone is consistent with the Official Community Plan (OCP) Future Land Use designation of S₂RESH – Single / Two Unit Residential – Hillside and the Glenmore Highlands Area Structure Plan (ASP) designation of Clustered Single / Multiple Family on the property.

The southern and eastern portions of the proposed development site have steep slopes and are not suitable for development. Amending the Future Land Use designation for these areas to PARK – Major Park / Open Space and rezoning to P₃ – Parks and Open Space will facilitate additional parkland dedication to the City and expansion of natural open space in the Upper Canyon area, which connects to a large network of natural open space through Wilden. The area proposed to be added as parkland totals approximately 0.65 hectares (1.6 acres).

The applicant has submitted a Development Permit application for form and character as well as a Development Variance Permit application to allow additional driveway access onto Rocky Point Drive. Should Council support the OCP Amendment and Rezoning applications, staff will bring forward the Development Permit and Development Variance Permit applications for Council consideration at a future date.

The applicant completed neighbourhood consultation in accordance with Council Policy No. 367. To date, staff have been contacted by two area residents with concerns about impacts on adjacent property.

Staff have reviewed this application, and it may move forward without affecting either the City's Financial Plan or Waste Management Plan.

4.0 Proposal

4.1 Background

The site is within the Glenmore Highlands ASP area, adopted by Council in April 2000. The ASP established the policy framework for the orderly development of the area and includes general plans for land uses, transportation, and servicing. The subject site is designated for Clustered Single / Multiple Family in the ASP.

4.2 Project Description

The proposed project consists of 38 semi-detached units and one single detached unit in a total of 20 buildings. The site is accessed from Rocky Point Drive and four of the buildings are proposed to front directly onto Rocky Point Drive, with the rest accessed by internal strata roads.

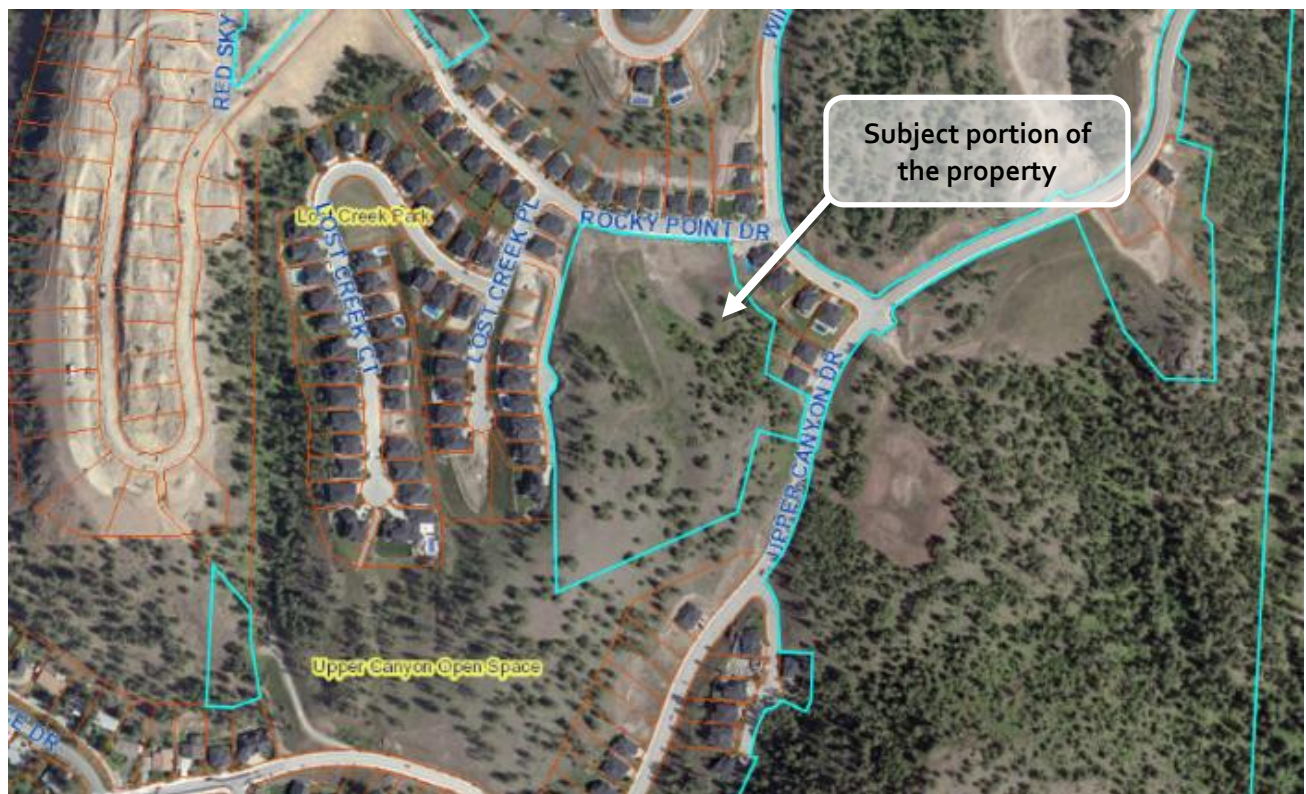
4.3 Site Context

The subject property is located in the southern portion of the Wilden neighbourhood in the Glenmore-Clifton-Dilworth Sector. It is west of the intersection of Upper Canyon Drive and Wilden Ridge Drive, with access off Rocky Point Drive. The area around the site is characterized by single detached residential and natural open space, with a small undeveloped local commercial and multi-family node to the east.

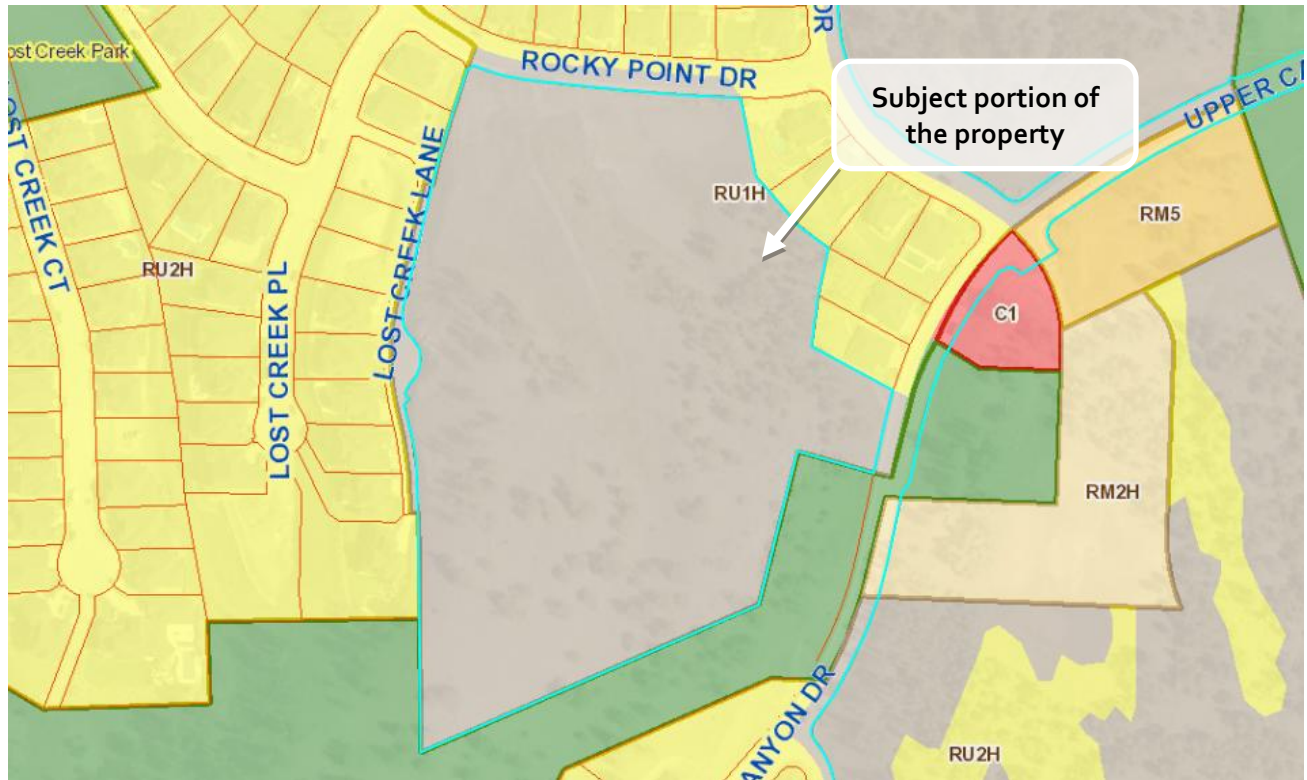
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h – Large Lot Housing (Hillside Area)	Single dwelling housing
East	RU1h – Large Lot Housing (Hillside Area) P3 – Parks and Open Space	Single dwelling housing Public park
South	P3 – Parks and Open Space	Public park
West	RU2h – Medium Lot Housing (Hillside Area)	Single dwelling housing

Subject Property Map 1: (E of) Upper Canyon Drive Context



Subject Property Map 2: (E of) Upper Canyon Drive Existing Zoning and Future Land Use Designations



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU4h ZONE REQUIREMENTS	RU4h PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	6,000 m ²	30,916 m ²
Lot Width	40.0 m	110 m
Lot Depth	30.0 m	205 m
Development Regulations		
Density	17 dwellings / ha	12.6 dwellings / ha

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 4: Future Land Use

Single / Two Unit Residential – Hillside (S2RESH)

Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, and those complementary uses (i.e. minor care centres, minor public services / utilities, and neighbourhood parks),

which are integral components of urban neighbourhoods. This designation applies to suburban hillside areas where slopes are over 20%. Subdivisions on hillsides over 20% slope will be required to rezone to a hillside zone.

Major Park / Open Space (Public) (PARK)

City, District, Community, Neighbourhood and Linear parks. Not all parks required over the next 20 years are indicated on the map, as Neighbourhood parks will be provided at City standards as integral components of new and redevelopment initiatives. A major Recreation Park will be provided in the Glenmore Valley area. Open space indicated at the south end of Ellison Lake is intended as wildlife habitat preservation subject to approval of the appropriate provincial ministry or agency.

Chapter 5: Development Process

Policy 5.14.12 Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Policy 5.22.1 Cluster Housing. Require new residential development to be in the form of cluster housing on or near environmentally sensitive areas and areas of steeper slopes to lessen site disturbance and environmental impact on those areas identified on the Future Land Use Map 4.1 as single-two unit residential hillside. Steeply sloped areas should be retained as natural open space, public or private. The intent of the clustering would be to preserve features identified through the Development Permit process that otherwise might be developed and to maximize open space in order to:

- a. Protect environmentally sensitive areas of a development site and preserve them on a permanent basis utilizing the most appropriate tools available;
- b. Facilitate creative and flexible site design that is sensitive to the land's natural features and adaptive to the natural topography;
- c. Decrease or minimize non-point source (i.e. asphalt roofs, driveways and parking) pollution impacts by reducing the amount of impervious surfaces in site development;
- d. Promote overall cost savings on infrastructure installation and maintenance; and
- e. Provide opportunities for social interaction, walking and hiking in open space areas.

Policy 5.36.3 Design for People and Nature. Structure new neighbourhoods around parks, pedestrian and bike routes, open spaces, and environmental areas, rather than around roadways and cars.

Policy 7.12.2 Natural Area Parks and Open Space. Provide a city-wide network of natural area parks which meet the following criteria:

- Contains representative Okanagan ecosystems;
- Contains areas of outstanding natural beauty (including areas with high visual sensitivity and high visual vulnerability, such as rocky outcrops, ridge lines, hilltops, silt slopes, canyons, and water edges);
- The land area is contiguous and forms part of a larger open space network;
- Contains conservation areas;
- Protects viewshed corridors; and
- Where appropriate, trails which maximize public safety while minimizing human impact on the most sensitive and vulnerable areas.

To achieve the above, the City will need to acquire land. In determining what land to acquire, the City will assess:

- Costs / benefits to ensure the City is receiving a public asset, rather than a maintenance liability;
- Liability from natural and man-made hazards (falling rocks, debris, hazardous trees, fuel modification, etc.) to ensure hazards are mitigated in advance of acquisition;
- Maintenance access to ensure it is acceptable; and
- Opportunities for linear trails, view points, staging areas, etc. to ensure availability of a public recreation component.

5.2 Glenmore Highlands Area Structure Plan (ASP)

Section 3.6.3 Clustered Single / Multiple Family

The intent of the Clustered Single / Multiple Family designation is to encourage sensitive siting of moderate density residential uses within the difficult topography of the Glenmore Highlands ASP area. This housing type generally occurs in areas that are more protected from off-site views or are less topographically constrained than Clustered Single Family pockets.

- Residential units should be clustered and / or building envelopes should be sited so as to be sensitive to the natural terrain (grading is to be minimized); siting should protect the natural integrity and stability of slopes, respect significant features of the natural environment and preserve the character of existing vegetation and other natural landscape features.
- Access to individual developments should be sensitive to the environment and topography.

6.0 Technical Comments

6.1 Building & Permitting Department

- Any retaining walls or slope stability to platform the building sites are required to be designed by a geotechnical engineer and the work done as part of the subdivision.
- Locations of rock pits to be clearly determined on site grading plans and comment for design should be provided in the geotechnical report.
- Roof water disposal to be determined by geotechnical engineer at time of subdivision. If the roof water is connected to storm then engineering details should be provided since this requirement is not within the Building Code. Details should include slope of piping, clean outs, connection to dwelling, size of pipe, backflow protection, etc.
- Any sloped areas above the building platform should have a drainage swale system before the property line to deal with potential overland water flow issues.

6.2 Development Engineering Department

- See attached memorandum, Schedule "A".

6.3 Parks & Buildings Planning

- The land transferred to the City shall be free and clear of noxious weeds as regulated in the British Columbia *Weed Control Act*; no debris and garbage; no unauthorized tree cutting, no damage to natural vegetation, no material and construction storage and / or equipment parking. The land shall be kept in a natural, undisturbed condition.

- The proposed subdivision plan identifies a steeply sloped hazardous area for public ownership. The following mitigation measures will be required to be undertaken by the developer prior to transfer in ownership to the City:
 - The applicant will be required to retain a Registered Professional Geotechnical Engineer (PEng) to develop and implement a rock fall hazard mitigation plan to reduce and mitigate potential slope hazards. The plan will include a flat fall zone as part of the open space parcel and the construction of a trench (rock fall berm or swale) to capture falling rocks, trees, and slope slippage. The plan will be reviewed and approved by the City prior to undertaking any work. All approved recommendations of the Professional Engineer's report shall be implemented prior to transfer in ownership of the lands to the City of Kelowna.
 - The applicant will be required to retain a Registered Professional Forester (RPF) or recognized equivalent to develop and implement a plan to reduce potential wildfire hazards. The plan will address fuel reduction, forest health and the protection of significant characteristics of the forested area. The plan and work will be reviewed and approved by the City prior to undertaking any work. All approved recommendations of the RPF's report shall be implemented prior to transfer in ownership of the lands to the City of Kelowna.
 - To prevent private / public encroachment, the applicant will be required to delineate all private property lines adjacent to the open space parcel with a minimum 1.2 m (4 ft) high black vinyl chain link fence (or approved equivalent) located 150 mm (6 in) within the private property. On residential lots with registered No Disturb covenants immediately adjacent to the Natural Area Park, the fence shall be located 150 mm (6 in) before the start of the covenant area.

7.0 Application Chronology

Date of Application Received: November 16, 2016
Date Public Consultation Completed: January 11, 2017

Report prepared by:

Laura Bentley, Planner II

Reviewed by:

Todd Cashin, Subdivision, Suburban and Rural Planning Manager

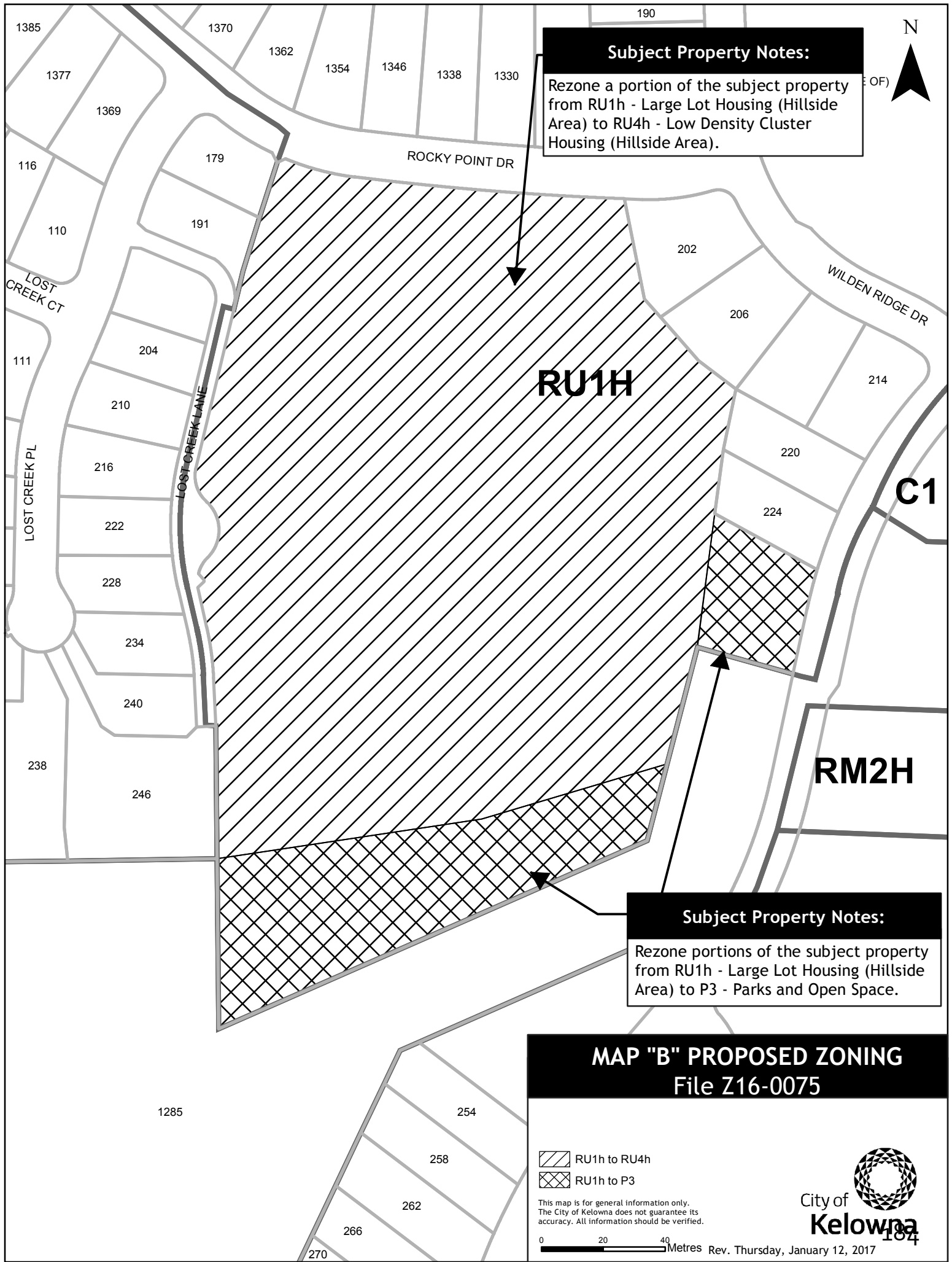
Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Map "A" OCP Bylaw Amending Map
Map "B" Zoning Bylaw Amending Map
Schedule "A" City of Kelowna Memorandum



Conceptual Site Plan
Conceptual Renderings



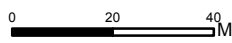
Subject Property Notes:
 Rezone a portion of the subject property from RU1h - Large Lot Housing (Hillside Area) to RU4h - Low Density Cluster Housing (Hillside Area).

Subject Property Notes:
 Rezone portions of the subject property from RU1h - Large Lot Housing (Hillside Area) to P3 - Parks and Open Space.

MAP "B" PROPOSED ZONING
File Z16-0075

-  RU1h to RU4h
-  RU1h to P3

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



Rev. Thursday, January 12, 2017



**CITY OF KELOWNA
MEMORANDUM**

Date: December 8, 2016
File No.: Z16-00075-01
To: Community Planning (LB)
From: Development Engineering Manager(SM)
Subject: (E of) Upper Caynon Dr. RU1h to RU4h and P3

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

The Development Engineering Technologist for this project is Ryan O'Sullivan

1. General

- a) This proposed subdivisions may require the installation of centralized mail delivery equipment. Please contact Rick Ould, Delivery Planning Officer, Canada Post Corporation, 530 Gaston Avenue, Kelowna, BC, V1Y 2K0 (250-763-3558 ext. 2008) to obtain further information and to determine suitable location(s) within the development.

2. Geotechnical Report

Provide a comprehensive geotechnical report, prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below:
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.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development.
- (iii) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iv) Any special requirements for construction of roads, utilities and building structures.
- (v) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands.

- (vi) Recommendations for items that should be included in a Restrictive Covenant.
- (vii) Any items required in other sections of this document.
- (viii) Recommendations for erosion and sedimentation controls for water and wind.
- (ix) Recommendations for roof drains and perimeter drains.
- (x) Recommendations for construction of detention or infiltration ponds if applicable.

3. Domestic Water and Fire Protection

- a) The property is located within 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.
- c) Provide an adequately Sanitary system connection complete with individual lot connection with flow demands of the project area in accordance with the Subdivision, Development & Servicing Bylaw.

5. Storm 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. Road Improvements
- h) Private access and internal roads must be constructed and paved to the City standard min SS-R2.
 - i) Verify that physical driveway access will satisfy City requirements for all lots. For steeper lots (15%), show driveways on the lot grading plan with grades or profiles. Where lots are serviced by onsite sewage disposal systems, show limits of cut and fill lines.
 - j) Re-locate existing poles and utilities, where necessary.
 - k) Temporary asphalt cul-de-sacs or turn-a-round will be required at each terminal end of roads and emergency access road that will be extended in the future. Additional dedication or a Statutory Right-of-Way may be needed.
7. Subdivision
- (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.
8. 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 the subject properties are within the "Capri Landmark Urban Centre".

- b) Street lights must be installed on all fronting roads as per bylaw requirements. Design drawings to include level of illumination plan.
- 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).

9. 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.

10. 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.

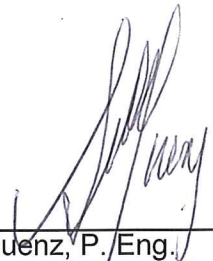
11. Servicing Agreements for Works and Services

- (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.

12. 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) Direct the roof drains into on-site rock pits or splash pads.
 - (iii) Indicate on the site, the locations of loading bays as well as the garbage and recycle bins.



Steve Muenz, P. Eng.
Development Engineering Manager
RO



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NO.	DATE	BY	REVISION

DESIGN CONSULTANT

SCALE

gta

GTA ARCHITECTURE LTD.
 243-1889 Springfield Road
 Kelowna, British Columbia
 V1Y 9V2
 Fax: 250.979.4366
 Telephone: 250.979.1668

PROJECT
WILDEN - LOST CREEK
 KELOWNA, BC

SHEET TITLE
SITE PLAN

1 PROPOSED SITE LAYOUT
 A1.0 1" = 50'

PRELIMINARY, JANUARY 2017

DRAWN CC	SHEET NO.
DESIGN	A1.0
SCALE AS NOTED	DATE November 16, 2016
FILE: A16-03	



1 BUILDING A EXTERIOR
A3.10 N.T.S.



2 BUILDING B EXTERIOR
A3.10 N.T.S.



3 BUILDING C EXTERIOR
A3.10 N.T.S.



4 BUILDING D EXTERIOR
A3.10 N.T.S.

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PROJECT

WILDEN - LOST CREEK

KELOWNA, BC

SHEET TITLE

BUILDING COLOUR ELEVATIONS

DRAWN CC	SHEET NO.
DESIGN	A3.10
SCALE AS NOTED	
DATE November 16, 2016	FILE: A16-03

PRELIMINARY, JANUARY 2017