

May 06, 2019

City of Kelowna 1435 Water Street, Kelowna, B.C. V1Y 1G4

Attn: Mr. Adam Cseke, Planner

Re: DEVELOPMENT PERMIT APPLICATION 130 McCurdy Road, Kelowna (Lot 2, Plan 39917) Rezoning Application **Z17-0021**, OCP amendment **OCP17-0007** 

Dear Adam;

Further to the above noted Development Permit application Culos Development (1996) Inc. ("Culos 96") is pleased to submit the following "rationale" for the proposed redevelopment of the site at 130 McCurdy Road.

Culos 96 has been working with The Father Delestre Knights of Columbus Council ("K of C "), the property owner at 130 McCurdy Road for over 10 years with the goal of redeveloping the site with an affordable housing development in keeping with the needs of the community. In 2017 a Letter of Intent was entered between K of C and Resurrection Recovery Resource Society (dba "Freedoms Door") for the development of a supportive housing project on the site with the intent of housing graduates of the recovering addicts program facilitated by Freedoms Door. At that time, rezoning and OCP amendment applications noted above were initiated by Freedoms door on behalf of the property owner.

A public hearing was held on September 19, 2017, at which time the Rezoning and OCP amendments were given second and third reading.

Freedoms Door was subsequently unable to obtain the funding required to proceed with the project and in October, 2018 Culos 96 acquired the site from K of C under a "buy back" agreement whereby K of C would have the right to purchase 3 strata lots in the completed project with the balance of strata lots to be sold by Culos 96.

Culos 96 is currently in negotiations with a potential partner to ensure this housing will meet the needs in the community. We anticipate being able to share more information in the near future.



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We are not aware of any other changes from the initial presentation of September , 2017 and would ask that the Development Permit, Rezoning and OCP amendment be moved forward at this time.

Please feel free to contact me should you have any questions or concerns.

**Best regards** Culos Development (1996) Inc. Per:

Michael A. Culos, President



This permit relates to land in the City of Kelowna municipally known as

130 McCurdy Rd

and legally known as

Lot A, Section 26, Township 26, ODYD, Plan EPP91828

and permits the land to be used for the following development:

Supportive Housing Apartment Building

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision June 10 2019

Decision By: COUNCIL

Development Permit Area: Comprehensive

This permit will not be valid if development has not commenced by June 10, 2021.

Existing Zone:

Future Land Use Designation:

## This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

# NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Culos Development (1996) Inc., No. BC1099204

Applicant: Mike Culos

Terry Barton Community Planning Department Manager Community Planning & Strategic Investments Date

### 1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.
- e) A restrictive covenant registered on title limiting the dwelling units on floors two, three, and four to 'supportive housing'.

This Development Permit is valid for two (2) years <u>from the date of Council approval</u>, with no opportunity to extend.

#### 3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property own of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

- a) An Irrevocable Letter of Credit in the amount of \$58,418.75 or
- b) A certified cheque in the amount of **\$58,418.75**

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

### 5. INDEMNIFICATION

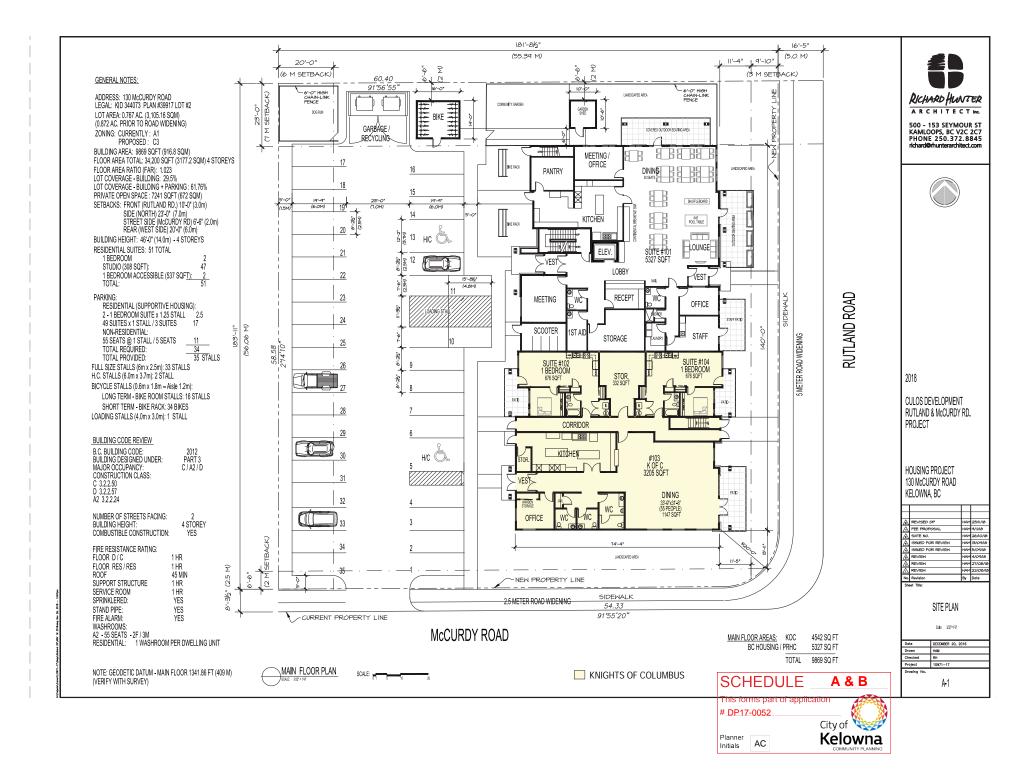
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

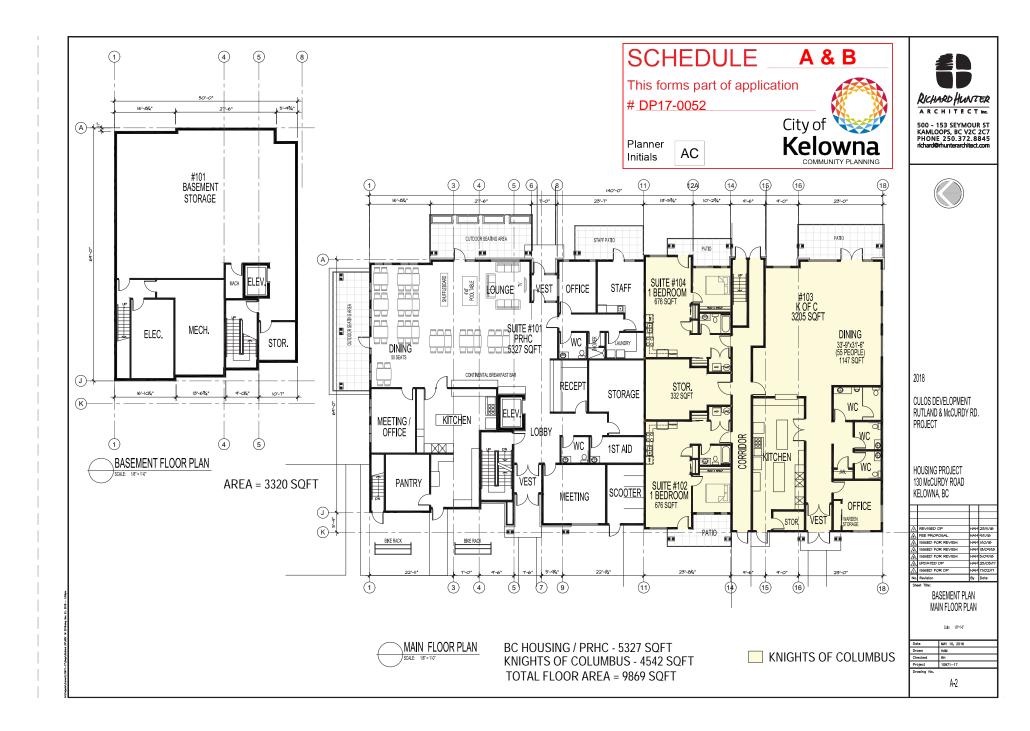
a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

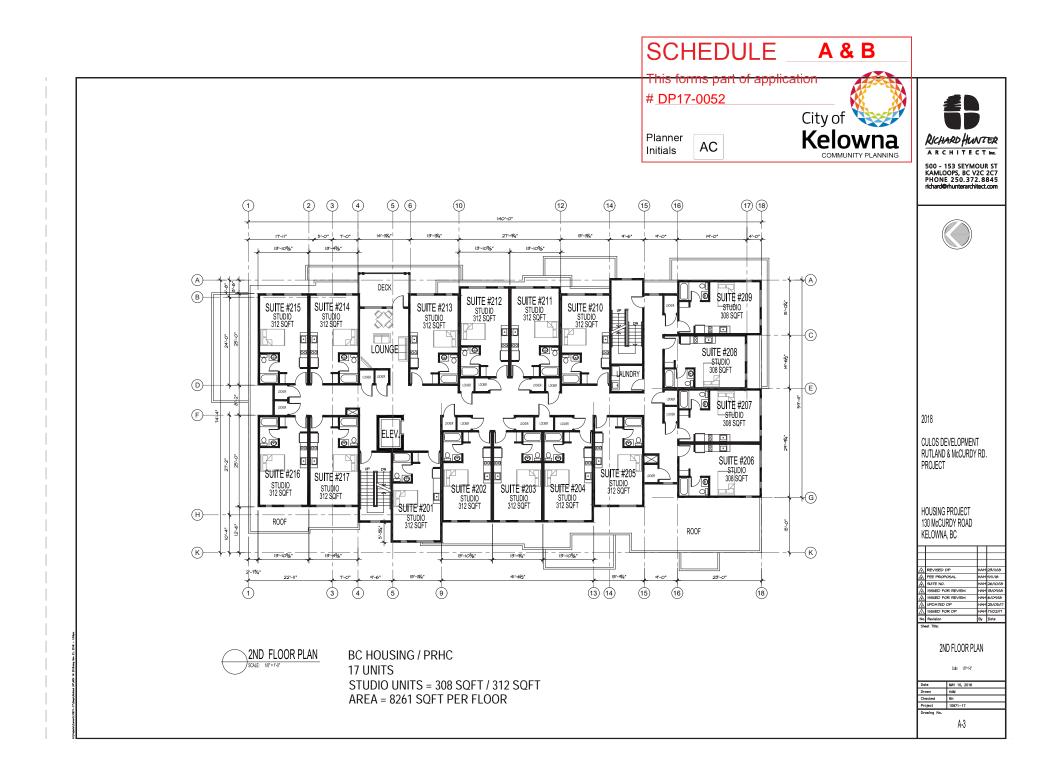
All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

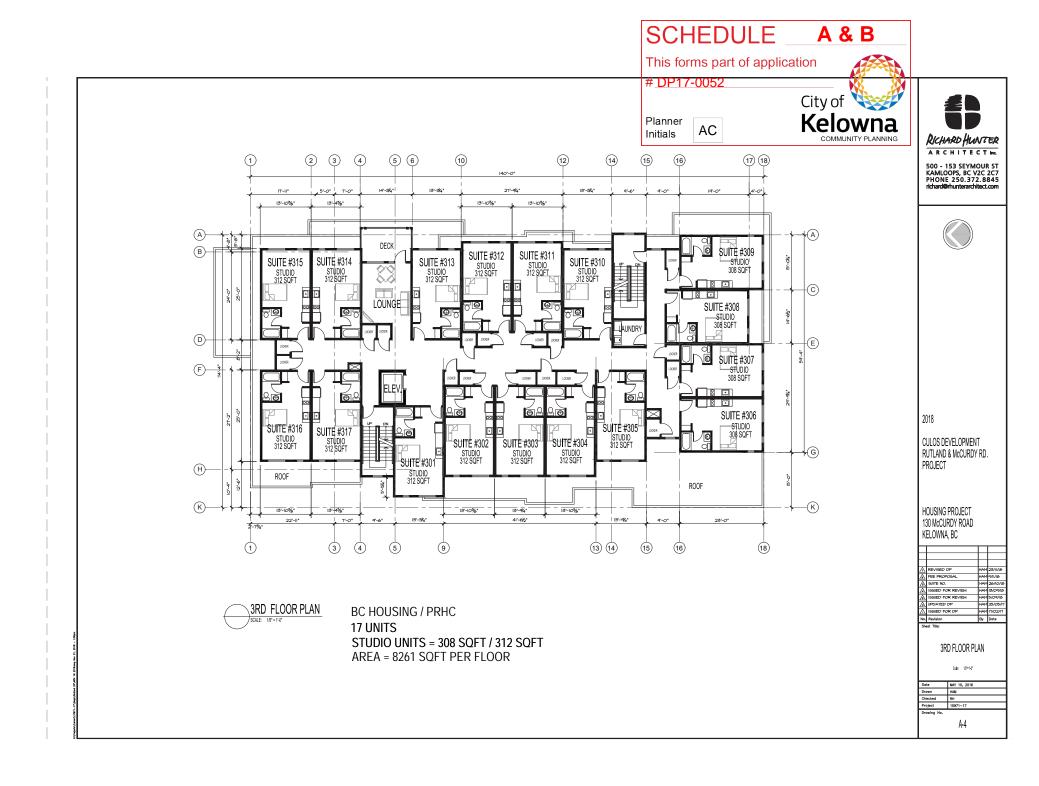
The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.

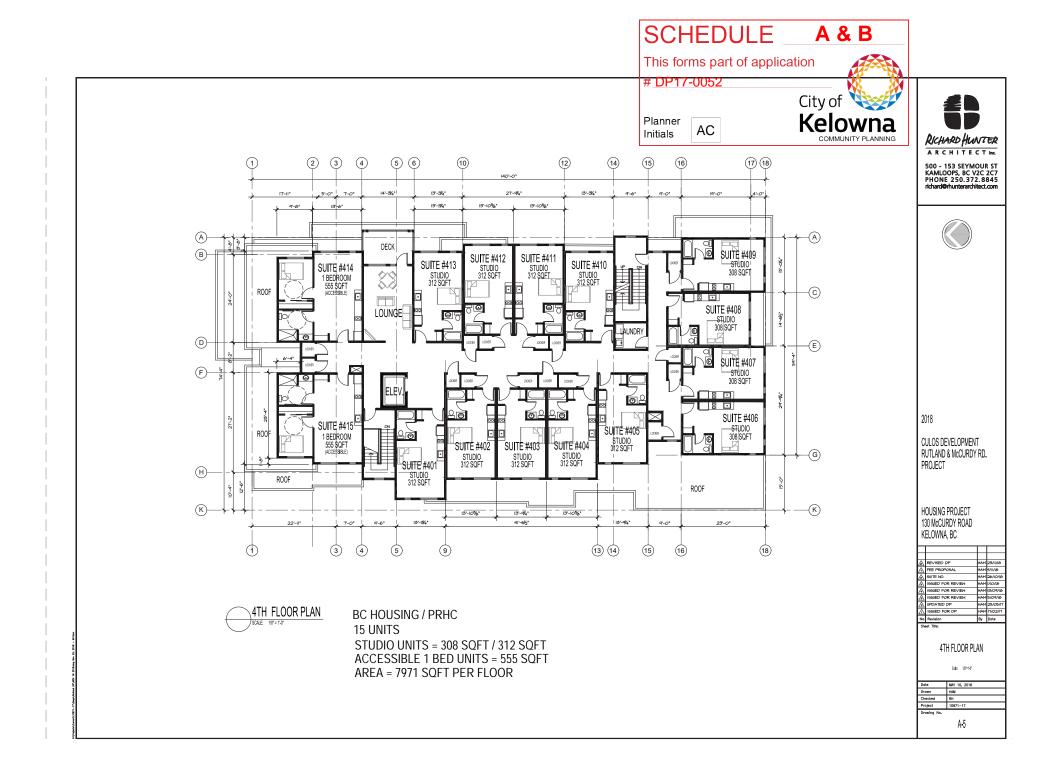


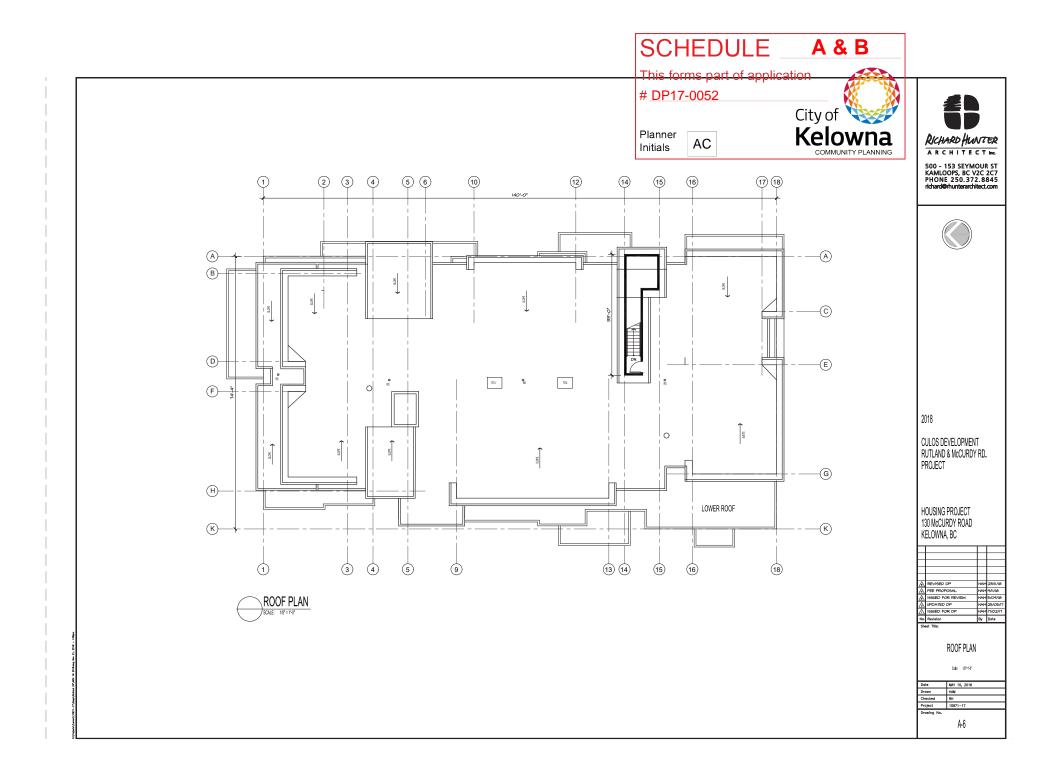


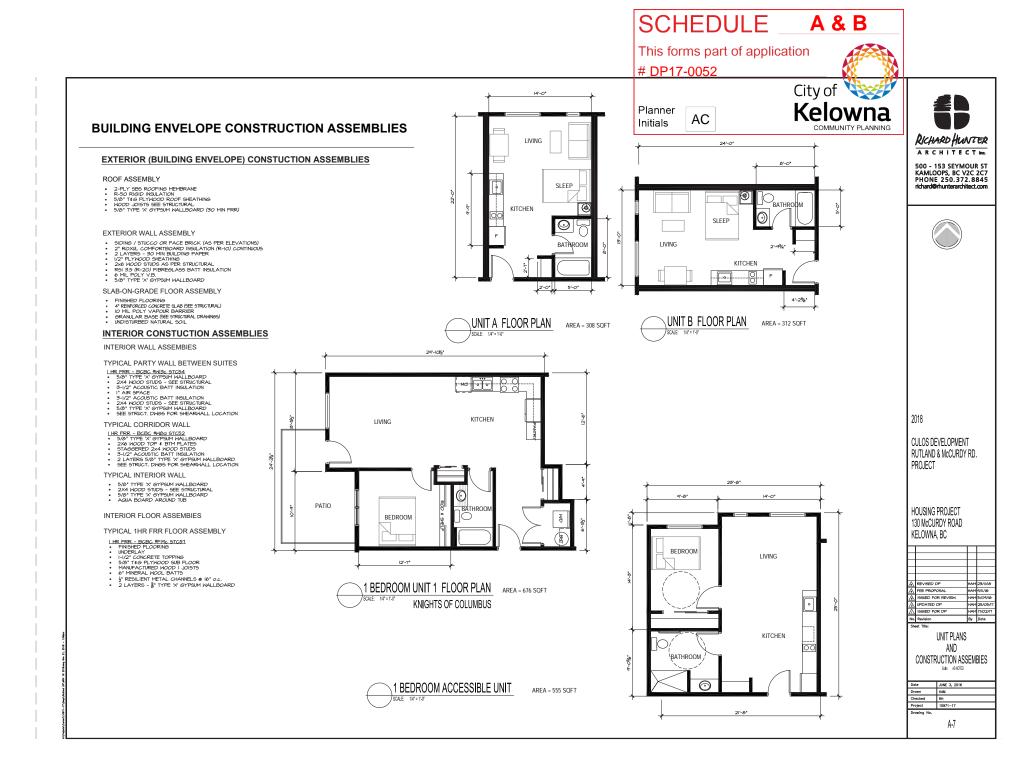


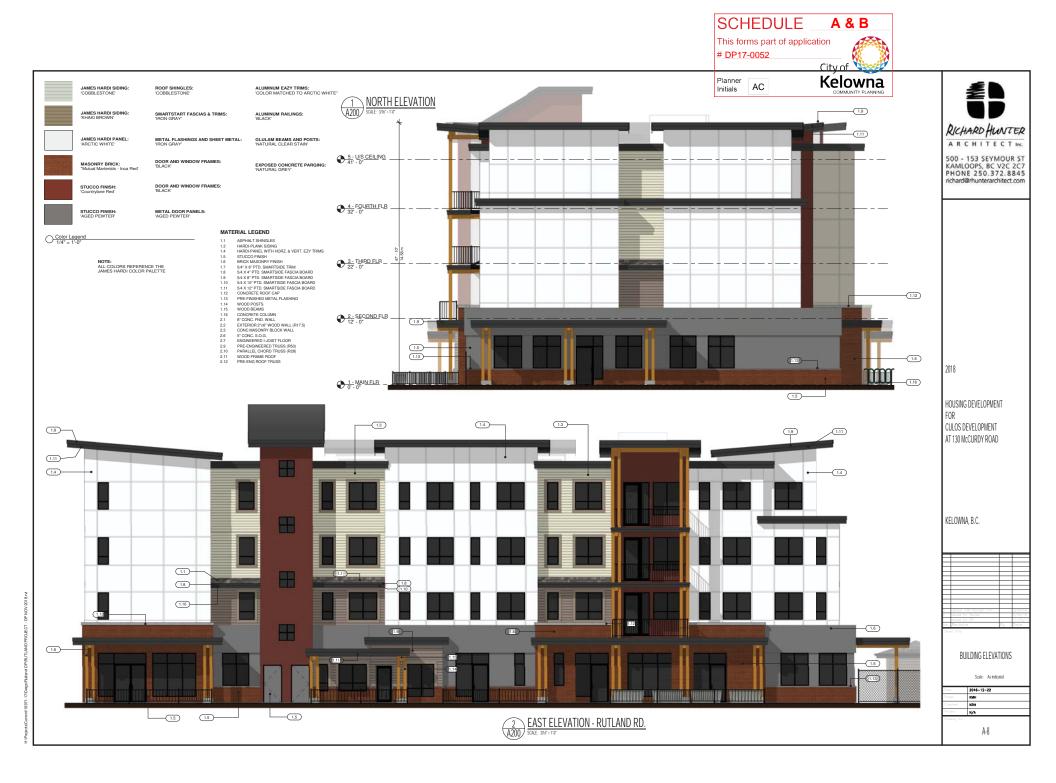




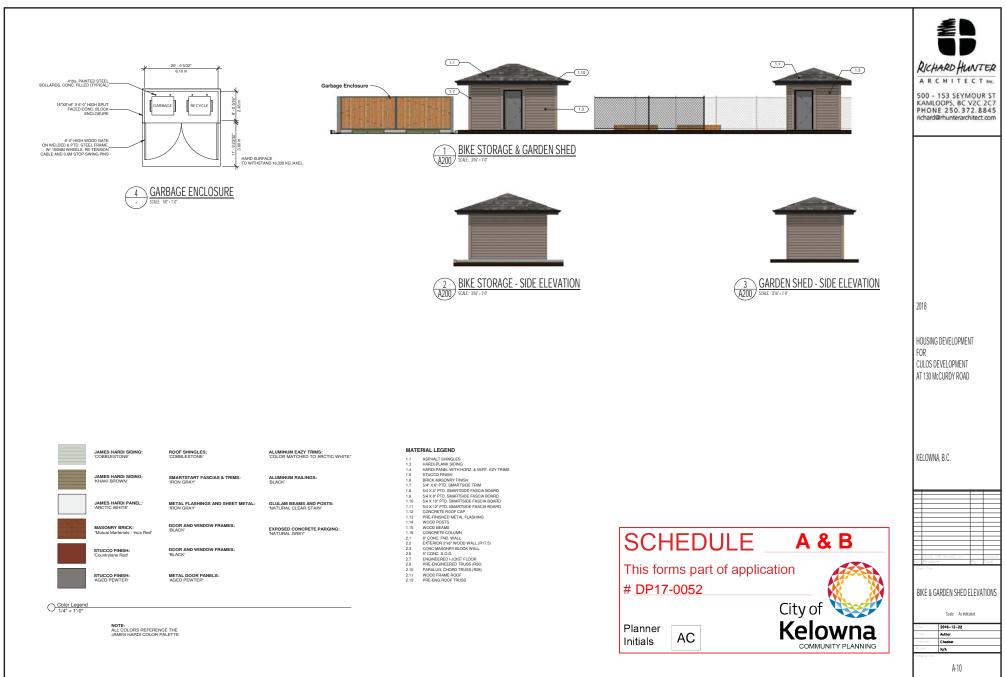




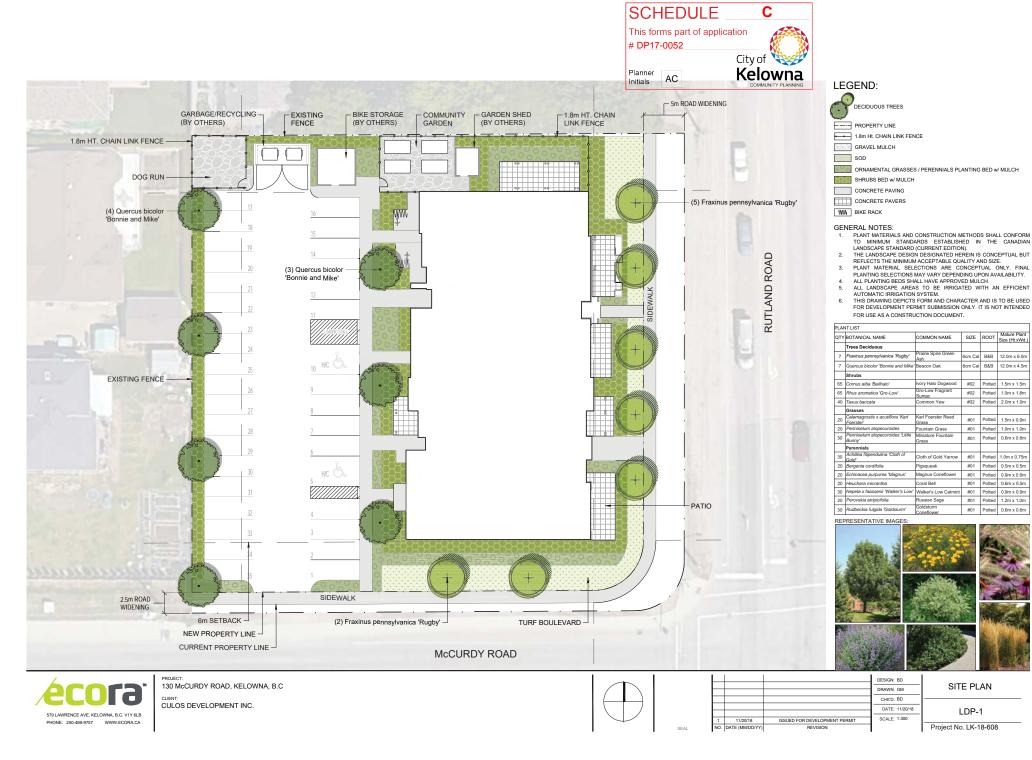


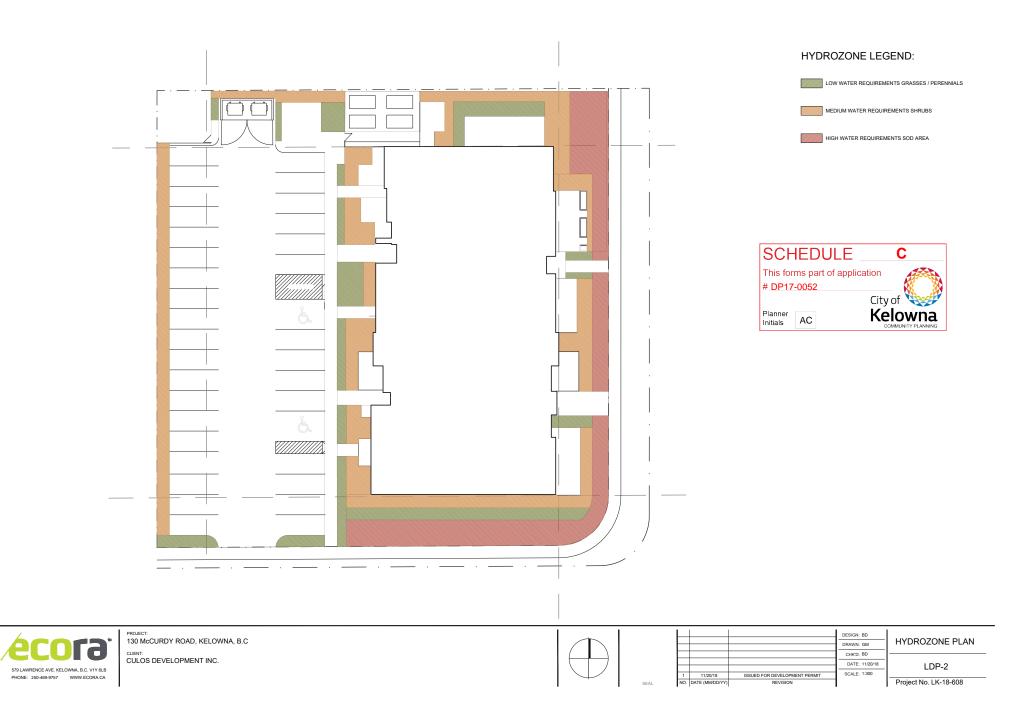


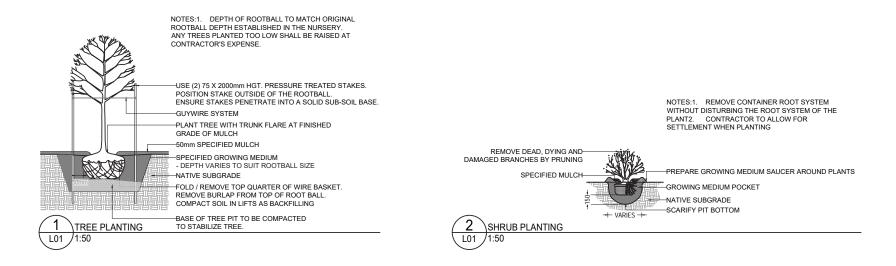


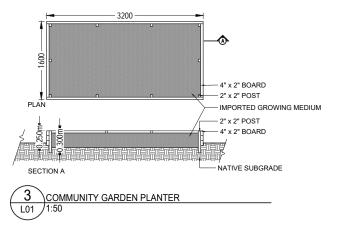








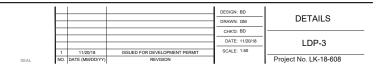






PROJECT: 130 McCURDY ROAD, KELOWNA, B.C CLIENT: CULOS DEVELOPMENT INC.







November 27, 2018

Ecora File No.: LK-18-608-CDI

City of Kelowna 1435 Water Street Kelowna, BC V1Y 1J4

Attention: Development Services

Dear Sir / Madam

Reference: 130 McCurdy Road – Development Permit

As per our client's request, Ecora Engineering and Resource Group Ltd., estimates a landscape development cost of **\$ 46,735,00**, excluding applicable taxes for the above noted property. This price includes landscape materials and installation (trees, planting, topsoil, mulch, gravel mulch, lawn, and irrigation).

Should you require any explanation of this letter, please contact the undersigned.

Sincerely

Ecora Engineering and Resource Group Ltd.

Daugas.

Byron Douglas, MBCSLA CSLA Manager – Landscape Architecture Direct Line: 250.469.9757 Ext. 1089 byron.douglas@ecora.ca

cc: Blake Culos (Culos Development Inc.)



