## Development Permit \& Development Variance Permitamer DP21-0014 \& DVP21-0015

This permit relates to land in the City of Kelowna municipally known as
3838 Capozzi Rd.
and legally known as
Lot A Section 1 Township 25 ODYD Plan EPPg2691
and permits the land to be used for the following development: short-

## term rental accommodation and boat storage

With variances to the following sections of Zoning Bylaw No. 8000:

## Section 14.9.5(c): C9 - Tourist Commercial Development Regulations

To vary the required minimum front yard from 6.0 m permitted to o.om proposed.

## Section 14.9.5(d): C9 - Tourist Commercial Development Regulations

To vary the required minimum side yard from a flanking street from 4.5 m permitted to o.om proposed (Truswell Rd.).
Section 14.9.5(d): C9 - Tourist Commercial Development Regulations
To vary the required minimum side yard from 3.om permitted to o.om proposed (Cook Rd. Boat Launch).

Section 8.2.10: Parking \& Loading, Off-Street Parking Regulations, Numbers of Spaces
To vary the required minimum number of off-street parking spaces for Phase I of the project from 249 required to 233 proposed.

## Section 14.9.6(f): C9 - Tourist Commercial Other Regulations

To vary the maximum height for boat storage from 6 m and 1 tier of storage permitted to 20 m and 4 tiers of storage proposed.

## Section 14.9.5(b): C9 - Tourist Commercial Development Regulations

To vary the maximum height from 22.0 m or 6 storeys permitted to 42 m and 13 storeys; 46 m and 15 storeys; and 54 m and 17 storeys proposed.

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

Date of Council Decision
Decision By:
Development Permit Area:
Existing Zone:
Future Land Use Designation:

June 22, 2021
COUNCIL
COMPREHENSIVE DEVELOPMENT PERMIT AREA
C9-Tourist Commercial
MXT - Mixed Use Tourist Commercial

## 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: Aqua Resort LTD., Inc.No. BCo796165

Applicant: Michael Bacon; Aqua Resort Ltd.
Planner:
A.D. Thibeault

Terry Barton
Community Planning Department Manager
Planning \& Development Services


## 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.

This Development Permit is valid for two (2) years from the date of approval, 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 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 owner 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 OR certified cheque in the amount of $\$ 8,281,129.69$

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 CURRENT LAND OWNER.

Security shall ONLY be returned to the signatory of the Landscape Agreement or their designates.












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City of Kelowna



| HARDSCAPE MATERIALS LEGEND |  |
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| KEY | DESCRIPTION |
| $\boldsymbol{\omega 1 1}$ | CIP Concrete Stair <br> N// <br> Colurr: Natural/ Finish: Light Sandblast |


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SCHEDULE
This forms part of application
\# DP21-0014 DVP21-0015
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LAYOUT AND MATERIALS
PLAN L5

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## SCHEDULE C

This forms part of application
\＃DP21－0014 DVP21－0015
City of

Planner
Initials
AT
Kelowna




## Aqua Lakeside Resort Community

PWL PARTNERSHIP LANDSCAPE ARCHITECTS INC.
Estimate of Probable Costs: Class D
Unit Definitions:
$L M=$ PWL partnesship
Project Name: Aqua Lakeside Resort Community - Development Permit Costing
$\begin{array}{ll}L M=L \text { Linear Metre } \\ S M & \text { Squar }\end{array}$
Project Number: $\quad 20059$
Drawings Referenced: 20201221 Issued for $D P$
$\begin{array}{ll}\text { Date Rev: } & \text { 2021-04-1 } \\ \text { Prepared By: } & \text { KP }\end{array}$
$\begin{array}{ll}\text { Prepared By: } & \text { KP } \\ \text { Checked By: } & \text { JB }\end{array}$
$C M=$ Cubic Metre
ALLOW = Allowance

Level 1 Public Realm - Porte Cochère, Plazas, Patios, and Streetscape

notes
This cost estimate is not intended to be a guaranteed maximum figure but rather represents an opinion of probable cost. The estimate does not include G.S.T.
EXCLUSIONS
Structural Engineering works, Civil Engineering works, Electrical Engineering works, Mechnical Engineering works: Environmental works within the ESA



IBI GROUP
700-1285 West Pender Street Vancouver BC V6E 4B1 Canada tel 6046838797 fax 6046830492
ibigroup.com

December 21, 2020

Mr. Aaron Thibeault
Planner II
City of Kelowna
1435 Water Street
Kelowna BC V1Y 1J4

Dear Mr. Thibeault:

## 550 TRUSWELL RD - AQUA DEVELOPMENT DP

We are pleased to submit our application for a Development Permit for 550 Truswell Rd. This permit application addresses the development a three-tower condominium resort community, including a boat storage building and commercial rental units. The tower complex with have ample amenities, both private and public, including a membership clubhouse \& restaurant, watersports rental facility and infinity lakeside pool. The intent of this development project is to create a lakeside community built around the natural features of the area.

This proposed design is centered around the Aqua theme, but also recognizing and paying homage to the surrounding Okanagan region. The exterior palette of the building is a softer color mixture of white and grey, while using dark spandrel in areas to create depth and contrast for the exterior. Much of the features of these buildings will be curved, creating flow between each of the buildings and tying in the flow of the lake waves. The Okanagan Lake is a generous and beautiful body of water, enjoyed by many in the region. It was important for us to create a design that compliments the characteristics of the lake, but also celebrating it.

Aqua will house boats in the AMV Boathouse that people can rent and enjoy on the lake nearby. Much of the ground floor focuses on commercial units and public gathering spaces, with local coffee shops and boutique stores/local businesses to shop at. Our goal is to contribute to much of the area's growing tourism and resort culture.

Thank you for your time and review of this proposal. Please do not hesitate to contact us if you require and further information.

Regards,


[^0]Mary Lapointe, BComm, MBA<br>Community Relations \& Public Consultation 5078 Weiss Court, Kelowna, B.C. V1W 4L9 250-826-7670 email: mary.lapointe@telus.net

April 19, 2021

City of Kelowna
1435 Water Street
Kelowna, B.C. V1Y $1 \mathrm{J4}$
Attention: Mr. Aaron Thibeault


Dear Mr. Thibeault:

## Re: Neighbourhood Consultation Activities for Applications DP 21-0014/DVP 21-0015 - Aqua Village

This letter report summarizes the Mission Group's neighbourhood consultation activities in support of the Development Permit and Development Variance Permit Applications noted above.

## Background and Process Requirements

In January, 2018, following an extensive consultation process (2016-17), a Development Permit (including variances) was issued for the Aqua Village project. In January, 2021, the Mission Group submitted a new DP/DVP application (renewal) to the City of Kelowna. The application contained several design updates to the original plan and one revision to the requested variances.

Over the past month, Mission Group has undertaken to conduct neighbourhood consultation pursuant to Policy 367 in support of the renewed application. In lieu of the in-person consultation that is not possible under current circumstances, Mission Group published and distributed an information booklet to area neighbours with options for providing direct feedback to the Aqua Development Planning Team and to the City of Kelowna.

## Meeting the Neighbourhood Consultation Requirements

Specifically, to meet the City's neighbourhood consultation requirements, Mission Group has undertaken the following activities:

1. An 8-page project information 'booklet', a copy of which is attached to this report - containing details of the design updates and associated imagery, along with a summary of the proposed variances, a phasing plan, options for further information (project website) and options for providing feedback either to the applicant or to the City of Kelowna - was sent through Canada Post to all
properties in the neighbourhood within the zone indicated on the map below, a total of 556 deliveries:


| Houses | Apartments | Businesses | Total |
| :---: | :---: | :---: | :---: |
| 357 | 158 | 41 | $\mathbf{5 5 6}$ |

2. The 'booklet' was also emailed and/or hand-delivered to the Strata Council representatives/owners of properties situated in the immediate neighbourhood (all those on the west side of Lakeshore and north of Mission Creek, both within the 50-meter radius outlined below - the stipulated consultation zone - and beyond).

3. Mission Group developed an on-line virtual open house that included additional information and project imagery. The link to the online forum was included in the mailed-out brochure. A total of 57 people viewed the online forum with a total 477 page views.
4. Neighbours were asked to provide feedback within an eight-day period - from March $22^{\text {nd }}$ through March 29th 2021.

## Summary of Responses:

A total of 13 responses was received to the request for feedback. The verbatim comments received by email and by letter are included in the attached Appendix. The Aqua Development Planning Team has responded to the all of the feedback and the questions that have been raised.

In summary, the neighbourhood consultation program for the Development Permit/Development Variance Permit applications stretched the two-week period, March 15th to March 29th. More than 550 neighbours were notified and provided with updated project information. Thirteen (13) distinct responses were received covering a variety of concerns including traffic and circulation on Lakeshore and within adjacent neighbourhoods, building height and setback variance requests and the timing for installation of public connections and waterfront amenities.

We are confident that the objectives for neighbourhood consultation that are contained within the City of Kelowna Policy 367, as they relate to this application, have been achieved.

We trust that this provides you with the information you need.

Best regards,

Mary Lapointe
BComm, MBA
cc. Mr. Michael Bacon - Mission Group


# AQUA 

WATERFRONT VILLAGE



# Neighbourhood input opportunity 

## With Updated Project Information

INPUT PERIOD: MARCH 22-29, 2021

- Aqua Development Planning Team made up in Phases 2 and 3 of the project. from 251 stalls to 233 stalls. This shortage will be A variance to the required parking for Phase 1 unchanged since last approval).


 ibiviz.com/canwest/kelowna/aqua/. and more information can be found at improvements are included in this brochure


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 City's consideration of our application to renew the Development Permit/Development Variance
Permit that was originally issued for Aqua in January of 2018 .


Design Refinements \& Opportunity to Provide Feedback
In 2016-17, the Aqua Development Team engaged extensively with the community to create a com-
prehensive plan for the development of the 6.25 acre Aqua site in the Mission Creek neighbourhood.
During that consultation process, which many of you participated in, the community provided valuable
input into the development plan.
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prehensive plan for the development of the 6.25 cre Aqua site in the Mission Creek neighbourhood.
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input into the development plan.
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prehensive plan for the development of the 6.25 acre Aqua site in the Mission Creek neighbourhood.
During that consultation process, which many of you participated in, the community provided valuable
input into the development plan. In 2016-17, the


## Background

 also had the opportunity to update and refine certain elements of our design. We believe that the Over the past 3 years, as our team has continued to work on implementing the plan, we have renewal process provides an opportunity to secure approval for these changes.
With current restrictions on public meetings, a neighbourhood open-house is not possible and renewal process provides an opportunity to secure approval for these changes.
With current restrictions on public meetings, a neighbourhood open-house is not the neighbourhood and its connectivity to the community as a whole. The current Development Permit improvements (described in this brochure) further enhance Aqua's attractiveness, its relationship to Desig Prine or he plans, you are also invited to visit ibiviz.com/canwest/kelowna/aqua/

 that Aqua will bring signature architecture and vibrant public spaces to this world-class location, Mission Group is honoured to be a part of the development of this special neighbourhood. We believe renewal on or before March 29, 2021 and that all feedback will be provided to the City.





impact of the project on neighbouring properties. a sequence of active and passive green roofs, minimizes the visual

 as an extension of the boat loading areas and will include easier


LiveOnLakeTime.com
For marketing and sales information, please visit:
Aaron Thibeault and can be contacted directly at
AThibeault@kelowna.ca. The City of Kelowna File Manager for this application is to Council consideration. Development Permit/Development Variance Application prior of Kelowna Planning Department in conjunction with the
 V1Y OB5 1000-1631 Dickson Avenue
Kelowna, BC Mission Group - Aqua Feedback
10th Floor mail to Code), directly to us at MLapointe@missiongroup.ca, or by ibiviz.com/canwest/kelowna/aqua/ (or by scanning the OR Provide comments and questions on the design updates and
proposed variances via the online open house portal at Please provide feedback on or before March 29, 2021.

## Tell us what you think

 Code below


## information? <br> 





## Live on lake time

For purchaser information please register at LiveOnLakeTime.com



## ATTACHMENT E

This forms part of application
\# DP21-0014 DVP21-0015
City o
Planner
Initials AT






[^0]:    Lauren Macaulay, Architect AIBC
    Director, Kelowna Office Lead

