# Development Permit & Development Variance Permit DP21-0042 / DVP21-0043



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

#### 955 Manhattan Drive

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

Multiple Dwelling Housing (RM3 – Low Density Multiple Housing))

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

<u>Date of Council Decision</u> March 1<sup>st</sup>, 2022

Decision By: COUNCIL

Existing Zone: RM<sub>3</sub> – Low Density Multiple Housing

Future Land Use Designation: C-NHD – Core Neighbourhood

### 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: MCMI Developments Ltd., Inc.No. BC1239530

Applicant: Jim Meiklejohn; Meiklejohn Architects

Planner: Graham Allison

\_\_\_\_

Terry Barton
Development Planning Department Manager
Planning & Development Services

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) That variances to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 13.9.6(c): RM3 – Low Density Multiple Housing, Development Regulations:

To vary the required maximum height from 10 m/3 storeys permitted to 16.0m/4 storeys proposed.

Section 13.9.6(e): RM3 – Low Density Multiple Housing, Development Regulations:

To vary the east side yard setback from 4.0m required to 3.7m proposed and the west side yard setback from

4.om required to 2.3m proposed.

- d) Landscaping to be provided on the land be in accordance with Schedule "C".
- e) 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.

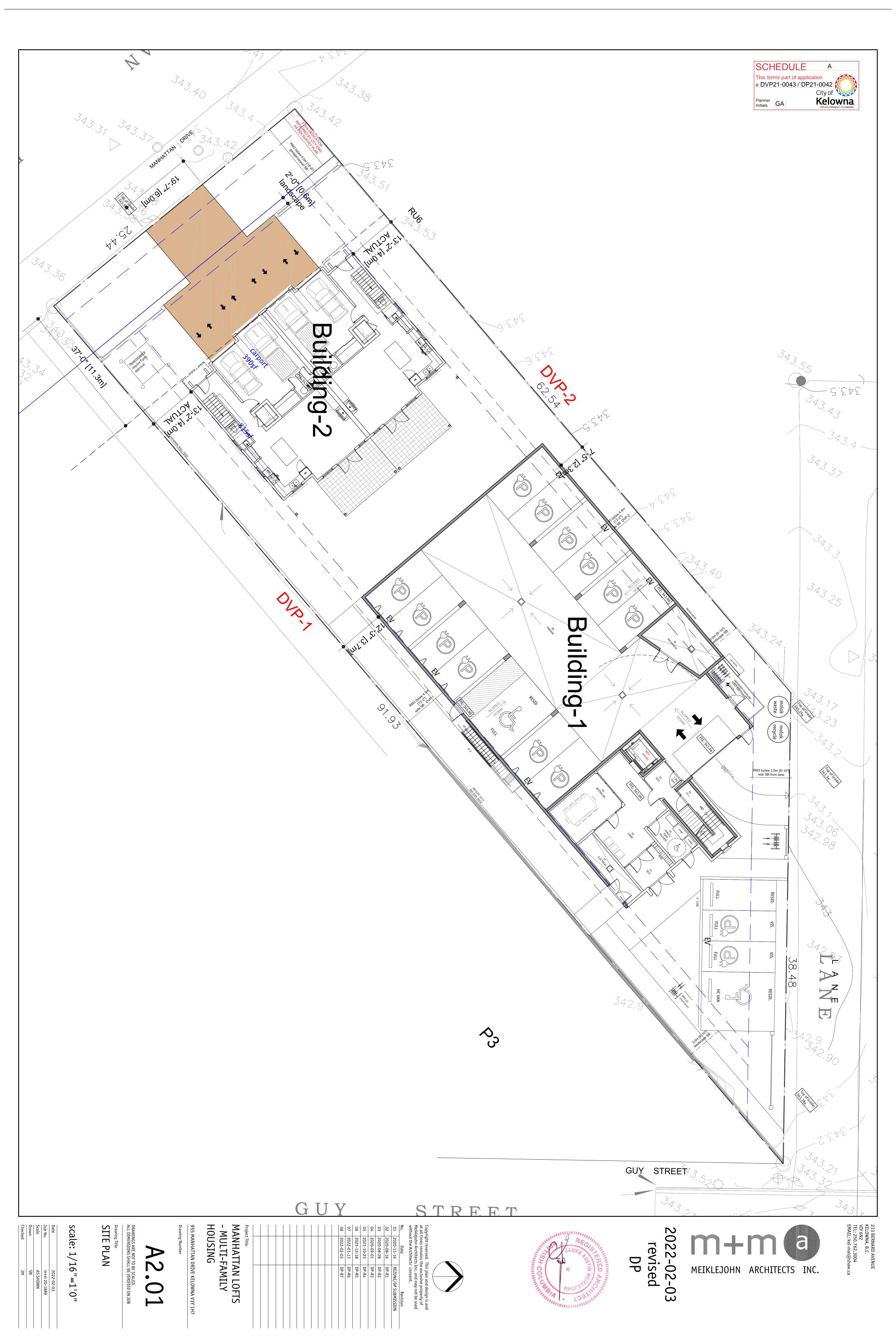
#### 3. INDEMNIFICATION

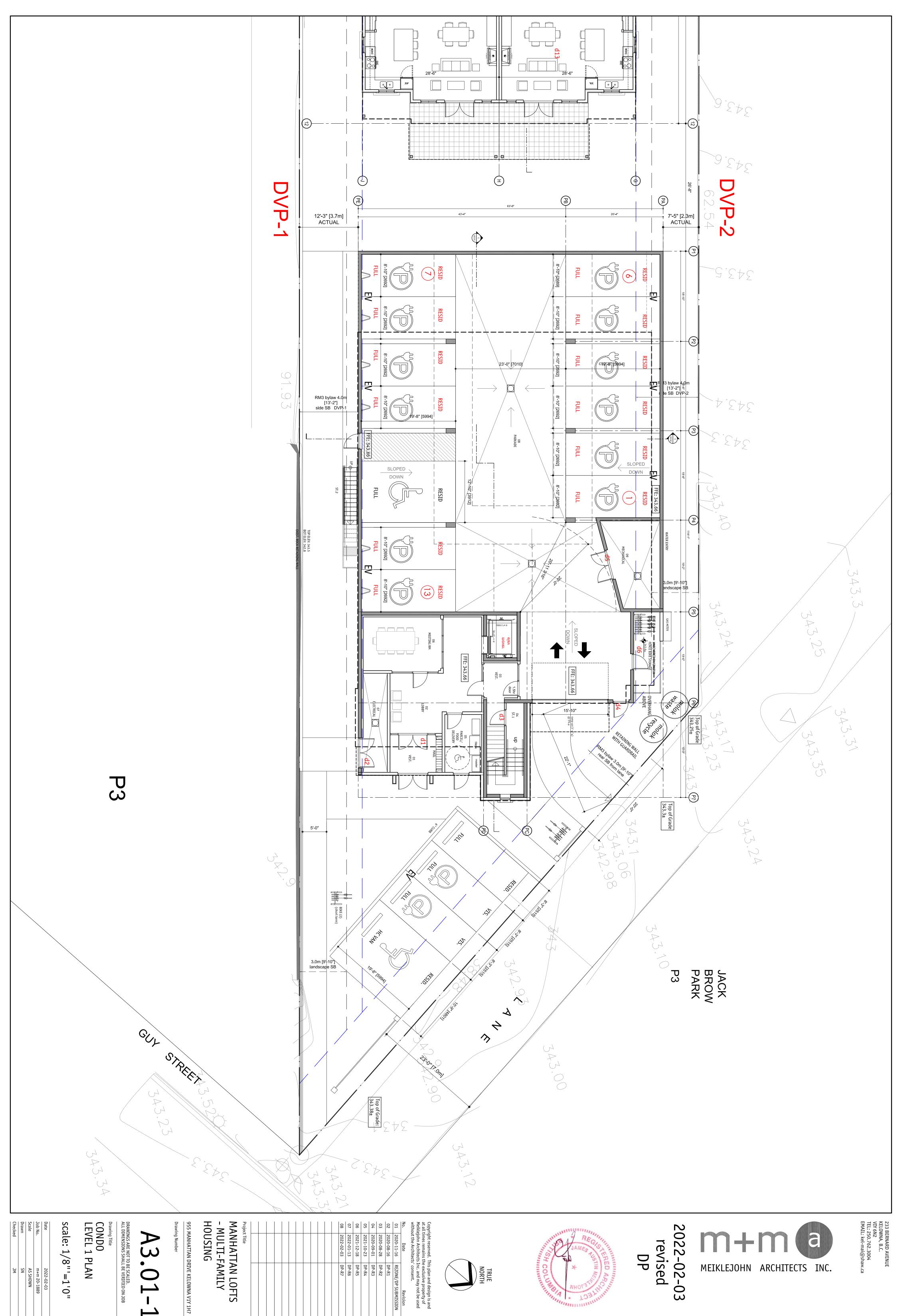
Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

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.

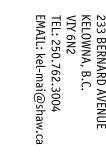


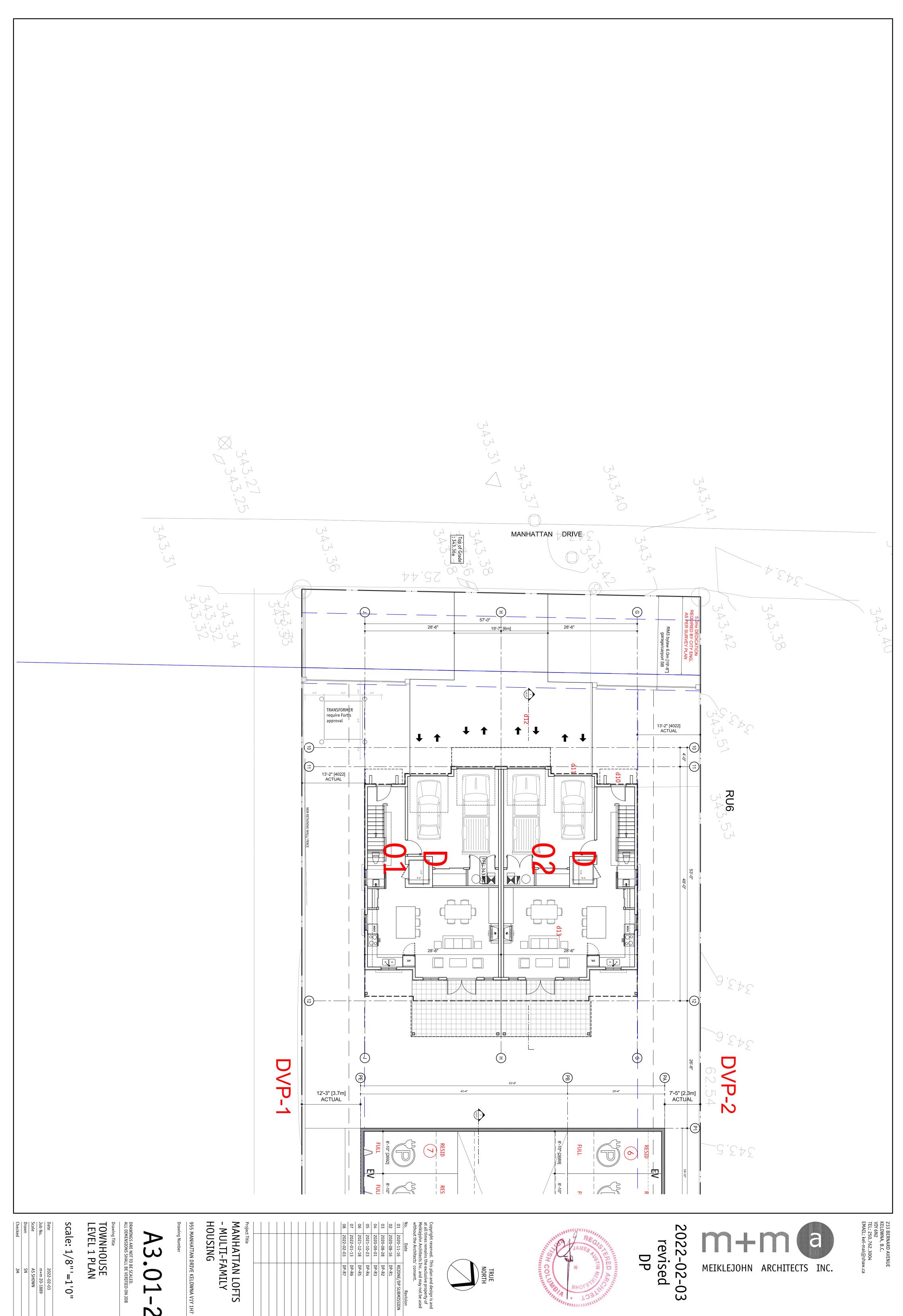






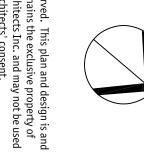




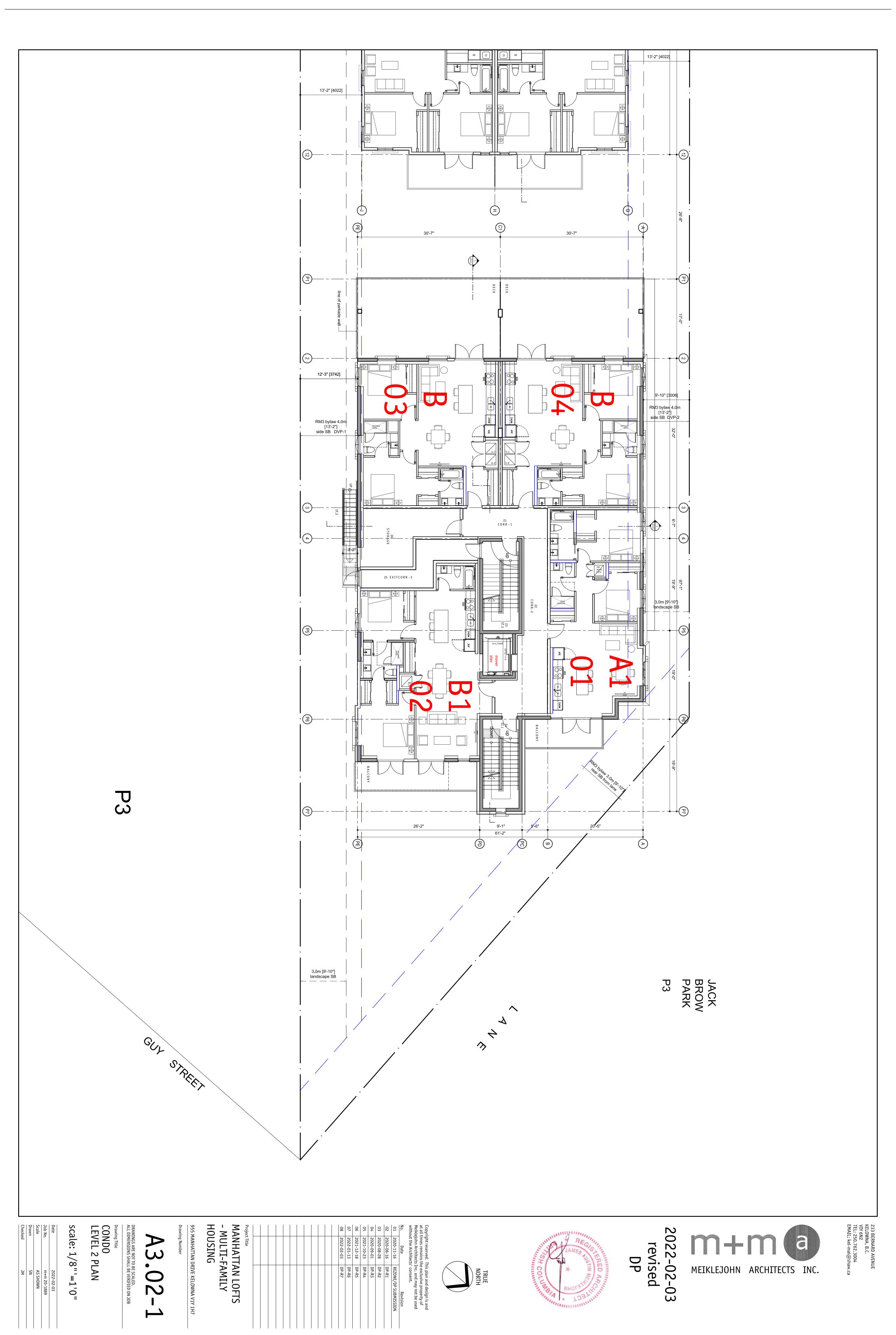


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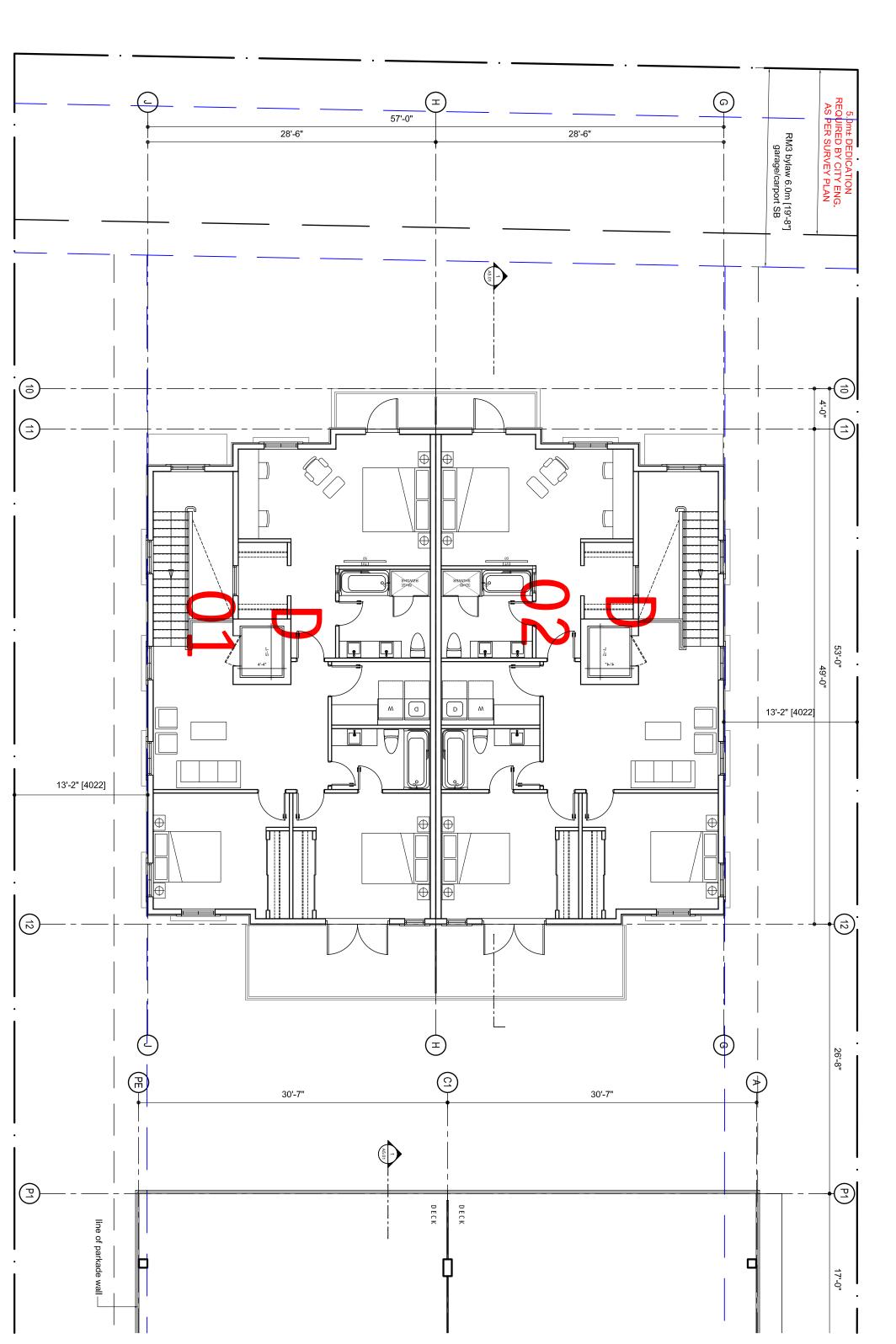
MANHATTAN LOFTS - MULTI-FAMILY HOUSING 955 MANHATTAN DRIVE KELOWNA V1Y 1H7







MANHATTAN DRIVE



RU6

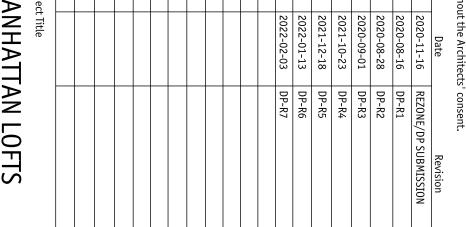
TOWNHOUSE
LEVEL 2 PLAN

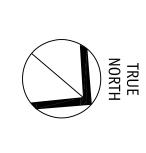
DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS SHALL BE VERIFIED ON JOB

scale: 1/8"'=1'0"

MANHATTAN LOFTS - MULTI-FAMILY HOUSING 955 MANHATTAN DRIVE KELOWNA V1Y 1H7

Drawing Number

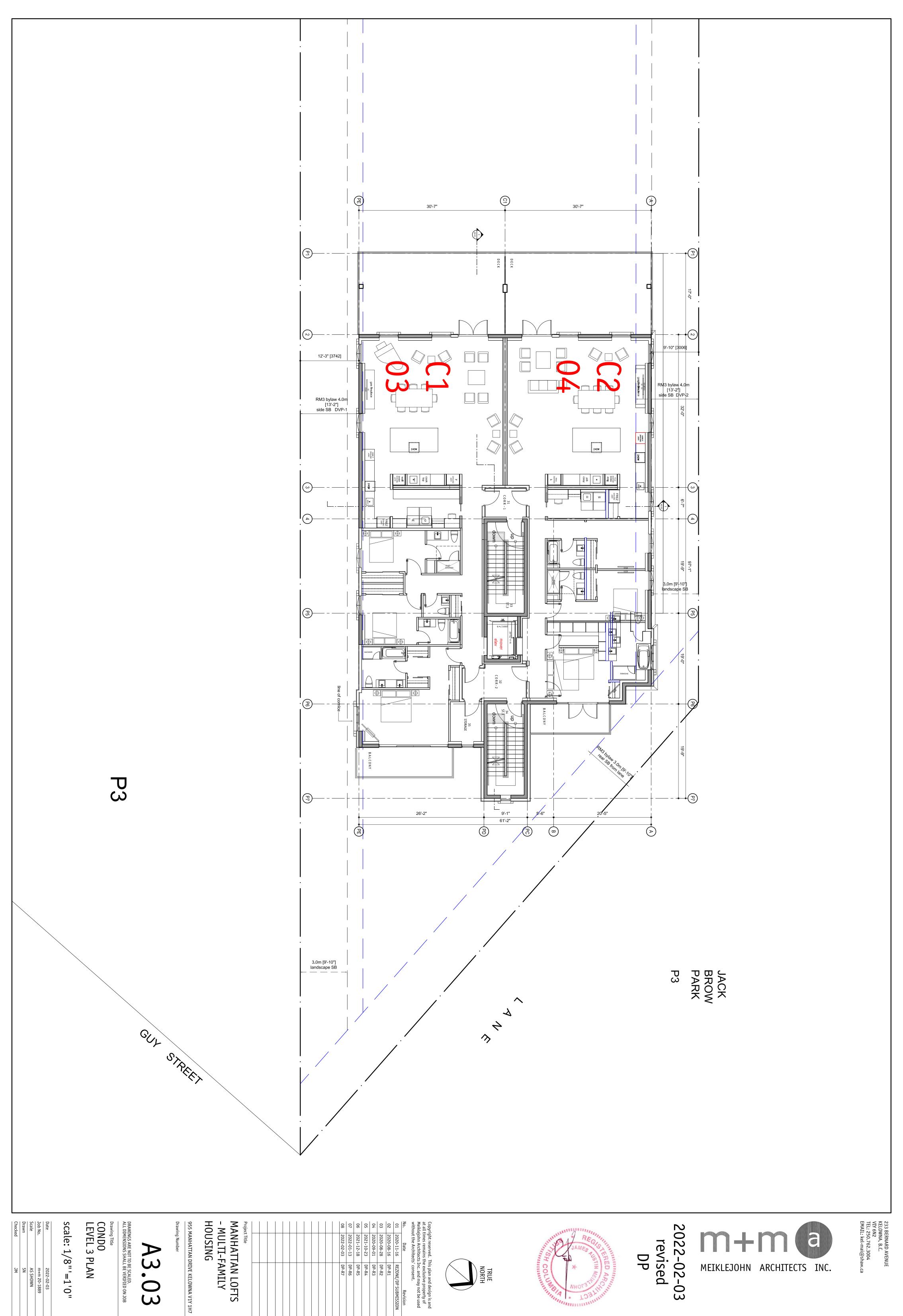






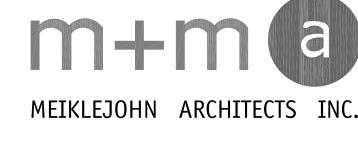


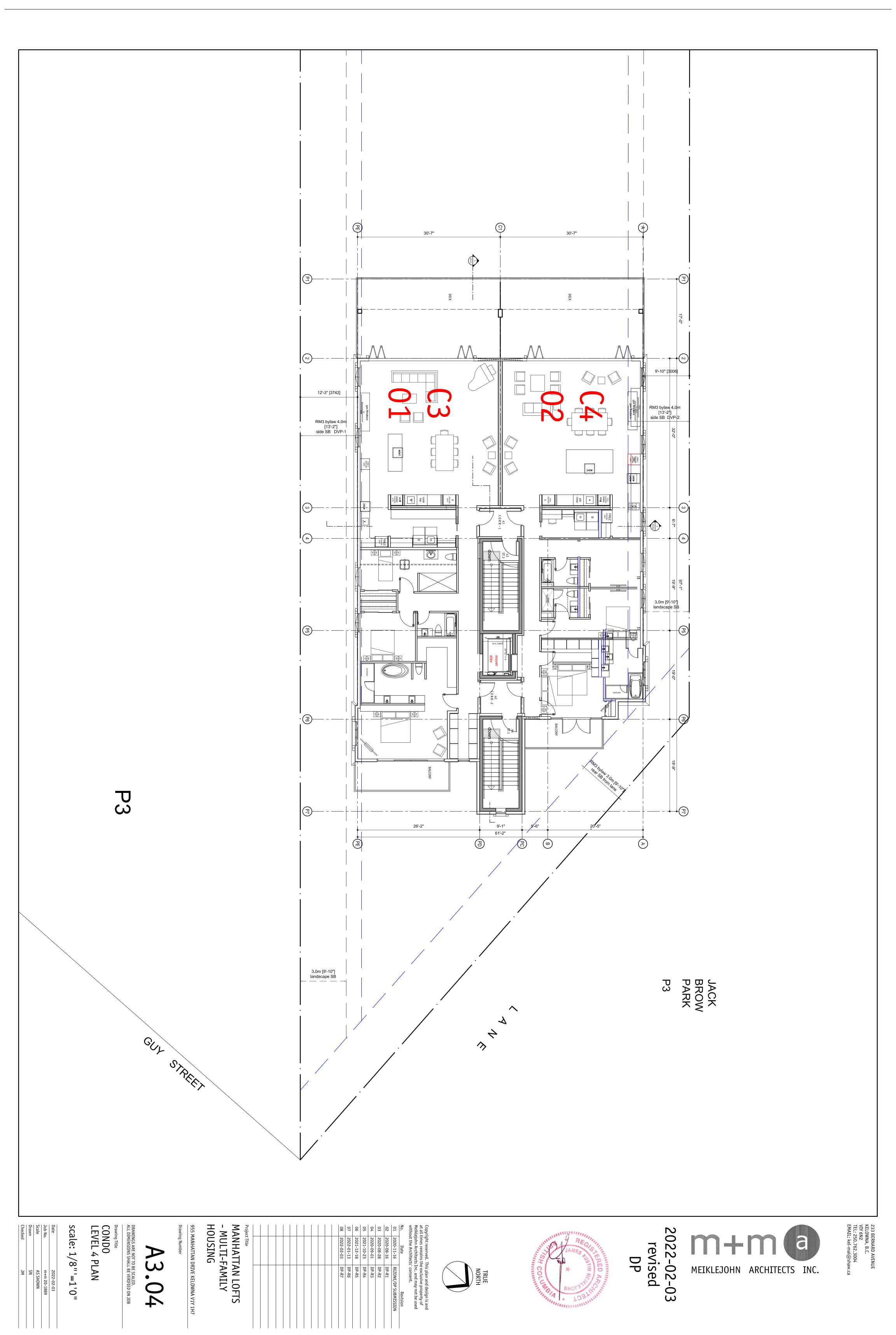


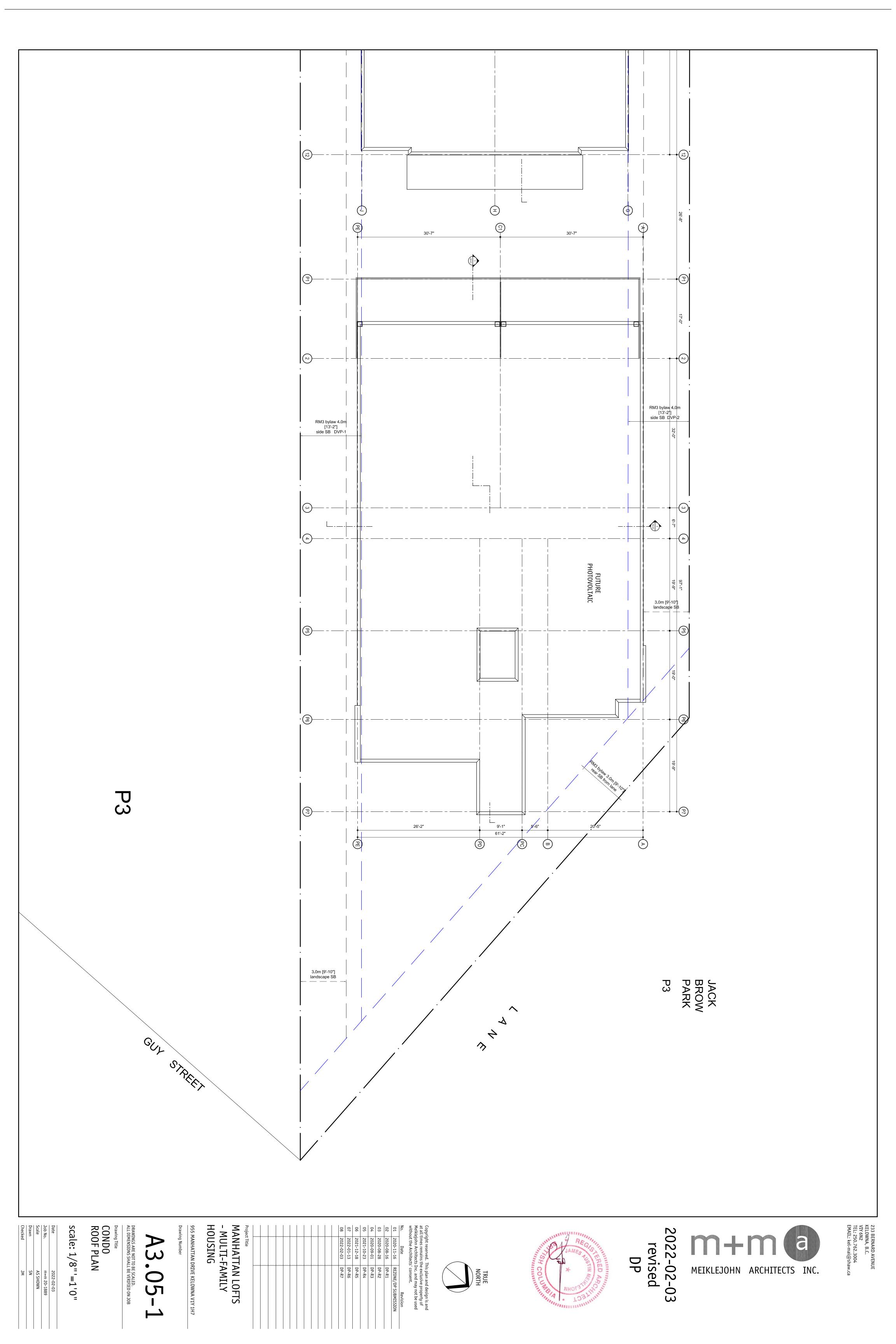


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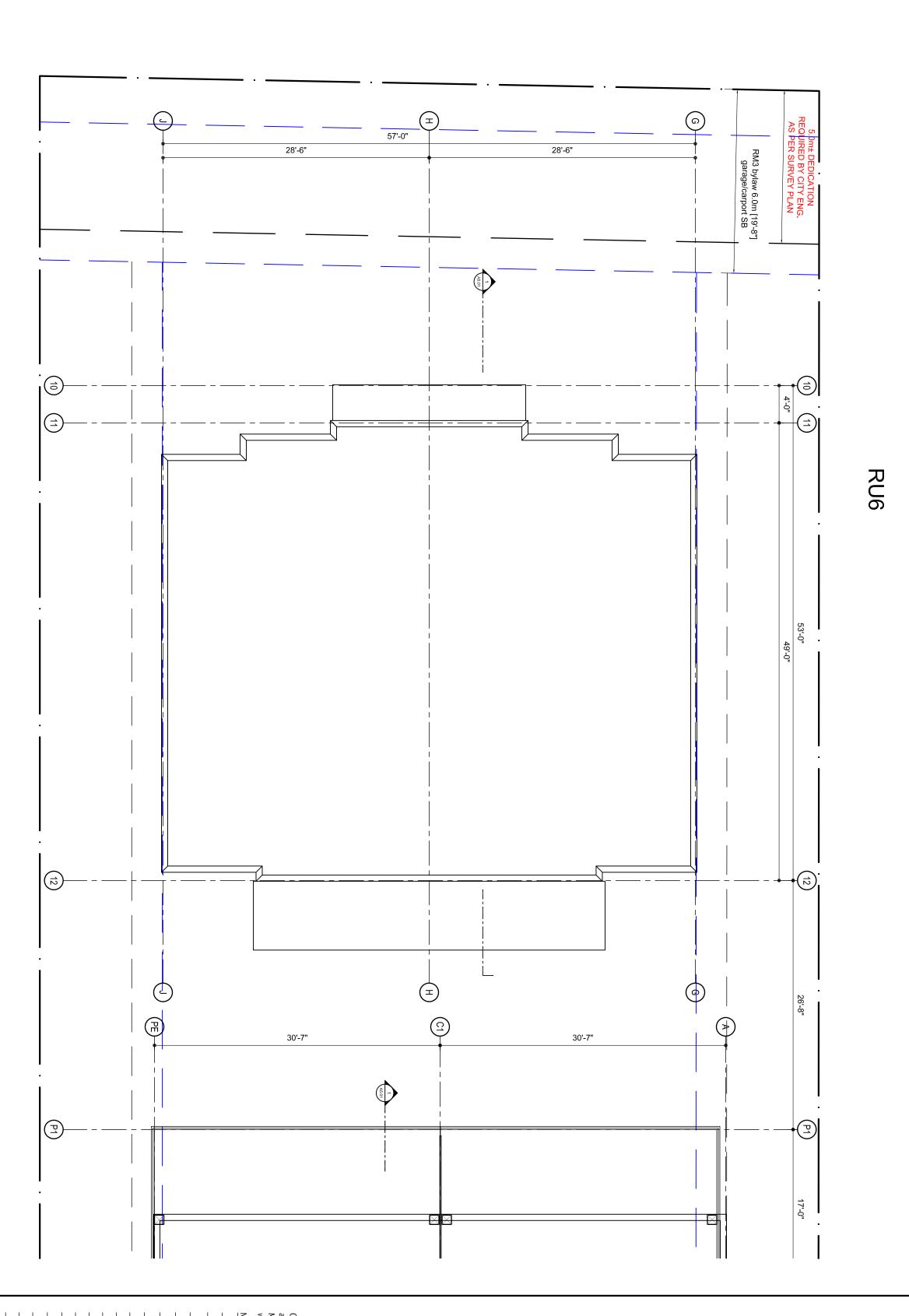








MANHATTAN DRIVE



Drawing Number

A3.05-2

TOWNHOUSE ROOF PLAN

DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS SHALL BE VERIFIED ON JOB

scale: 1/8"'=1'0"

MANHATTAN LOFTS
- MULTI-FAMILY
HOUSING

Date Revision

2020-11-16 REZONE/DP SUBMISSION

2020-08-16 DP-R1

2020-08-28 DP-R2

2021-10-23 DP-R3

2021-12-18 DP-R5

2022-01-13 DP-R6

2022-02-03 DP-R7

ANHATTAN LOFTS

Revision

Revision

Revision

Revision

Revision

Revision

Revision

Revision

Rezone/DP SUBMISSION

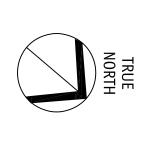
DP-R2

DP-R3

DP-R3

2021-12-18 DP-R5

ANHATTAN LOFTS





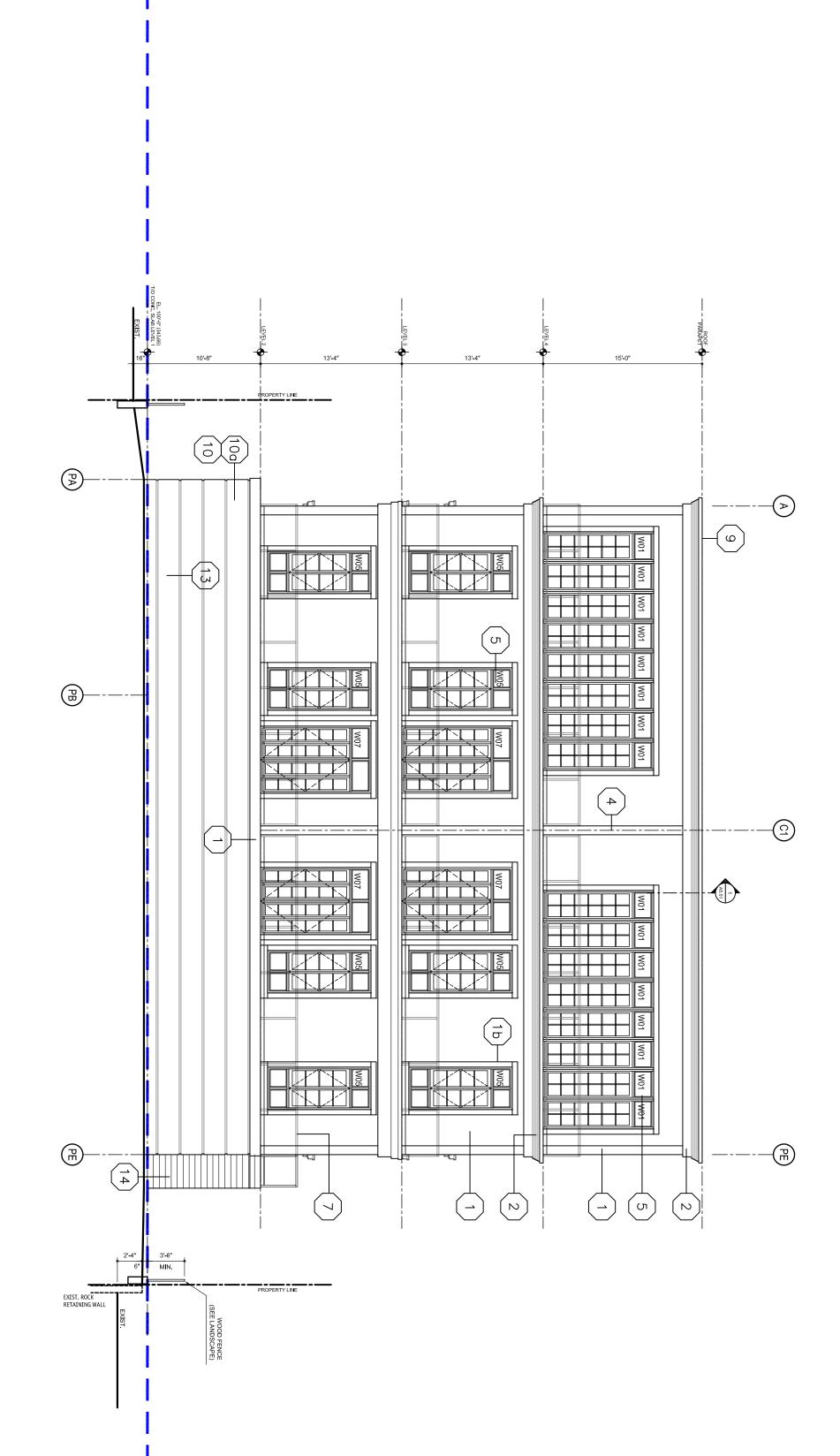
revised

DP









IJINB	BUILDING ELEVATION KEY NOTE:		
ALL C	ALL COLOURS TO BE CHOSEN BY ARCHITECT FROM APPROVED PRODUCT MANUF.'S STANDARD LINE OF COLOURS.	)M APF	PROVED PRODUCT MANUF.'S
1	STUCCO FINISH		PAINTED METAL DOOR
(1 <sub>0</sub> )	TYPICAL STUCCO REVEALS	(12)	WOOD PANEL O/H DOOR
(1b)	STUCCO/ EIFS WINDOW/ DOOR TRIM	13	FINISHED GRADE (SEE CIVIL)
(2)	PREMANUF. CEMENT CLAD CORNICE MOULDING	4	CONCRETE/STEEL STAIRCASE WITH STEEL/PICKETS RAILINGS
(2)	PREFINISHED METAL LOUVERED GRILLES (SEE MECH.)		
4	PRIVACY SCREEN		
(5)	VINYL WINDOW & DOOR COLOUR: BLACK		
6	ALUMINUM STOREFRONT WINDOW & DOOR COLOUR: BLACK		
7	ALUMINUM / GLASS RAILING		
(8)	PREFIN. METAL PICKET RAILING		
9	PREFINISHED SHEET STEEL FLASHING		
(10)	EXPOSED SACK RUBBED CONCRETE FINISH		
(To)	TYPICAL CONCRETE REVEALS		

MANHATTAN LOFTS - MULTI-FAMILY Copyright reserved. This plan and design is and at all times remains the exclusive property of Meiklejohn Architects Inc. and may not be used without the Architects' consent.





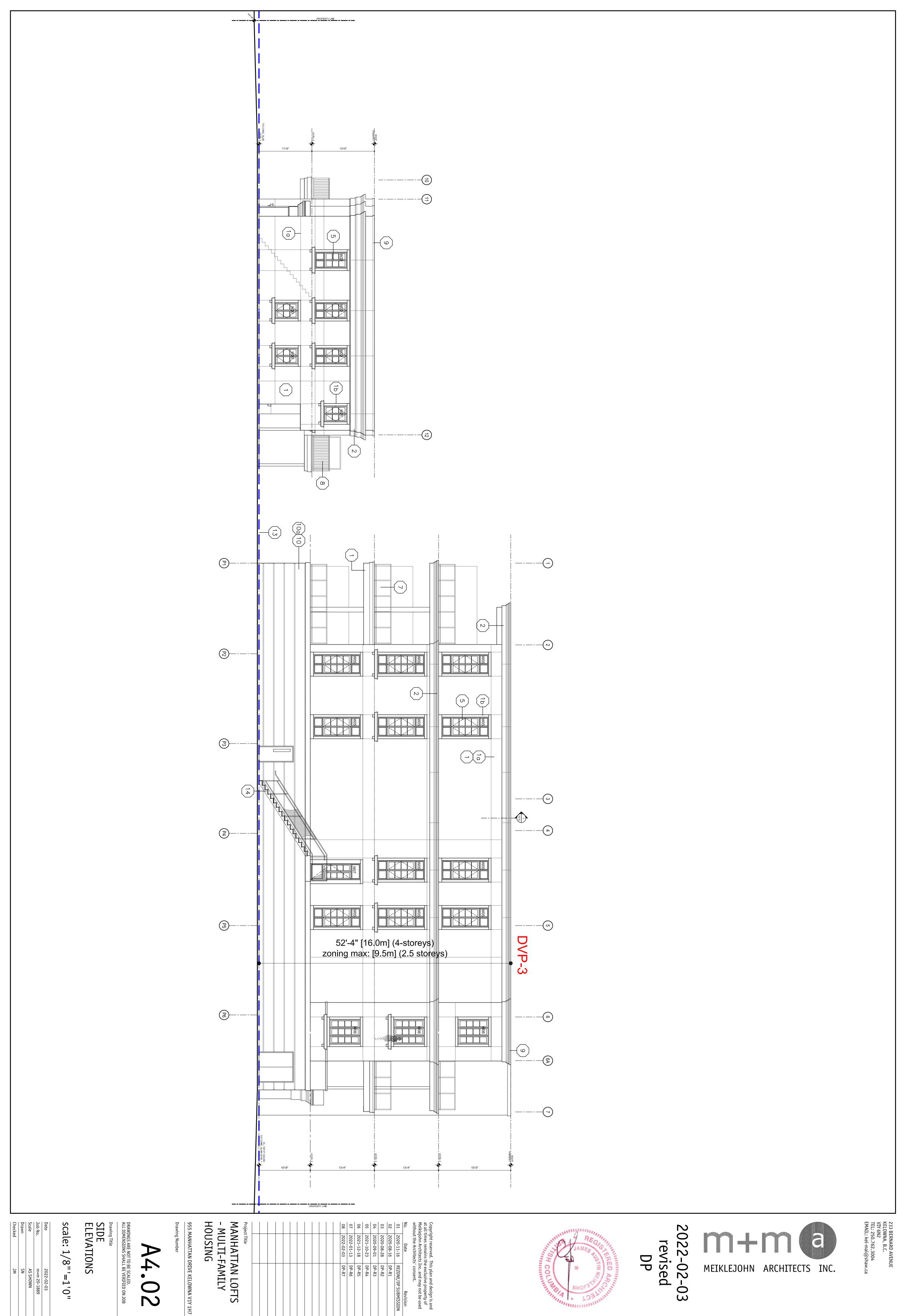
233 BERNARD AVENUE KELOWNA, B.C. VIY 6N2 TEL: 250.762.3004 EMAIL: kel-mai@shaw.ca

CONDO
REAR ELEVATION
facing townhouse
scale: 1/8"'=1'0" DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS SHALL BE VERIFIED ON JOB

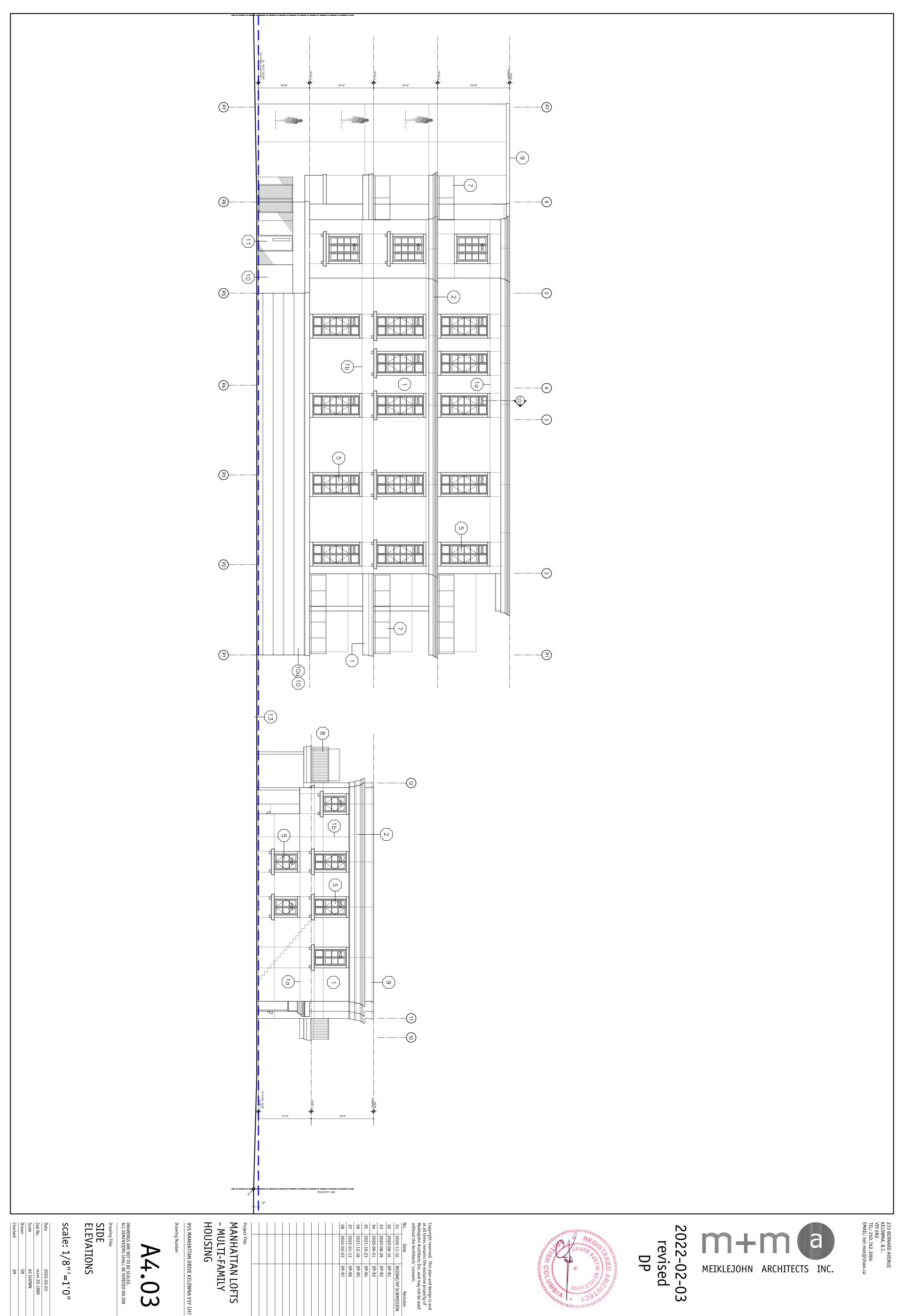
2022-02-03 m+m 20-1889 AS SHOWN SN JM

**HOUSING** 

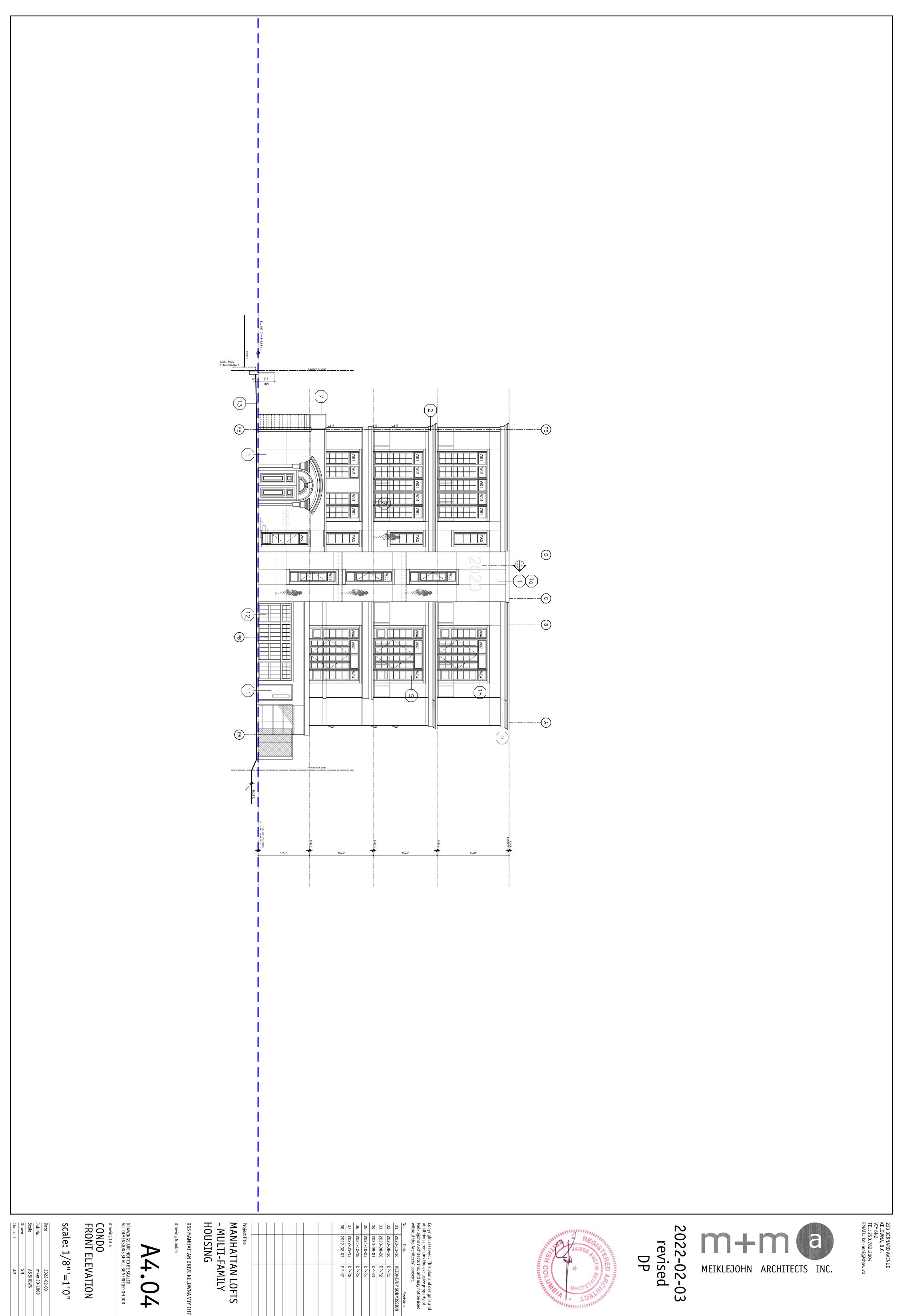
955 MANHATTAN DRIVE KELOWNA V1Y 1H7













2022-02-03 m+m 20-1889 AS SHOWN SN JM

13 N (<del>-</del>) **-**G -(o) TOWNHOUSE REAR ELEVATION FACING CONDO TOWNHOUSE FRONT ELEVATION FACING STREET **-**(5) (5)

> 233 BERNARD AVENUE KELOWNA, B.C. VIY 6N2 TEL: 250.762.3004 EMAIL: kel-mai@shaw.ca

2022-02-03

MEIKLEJOHN ARCHITECTS INC.

revised

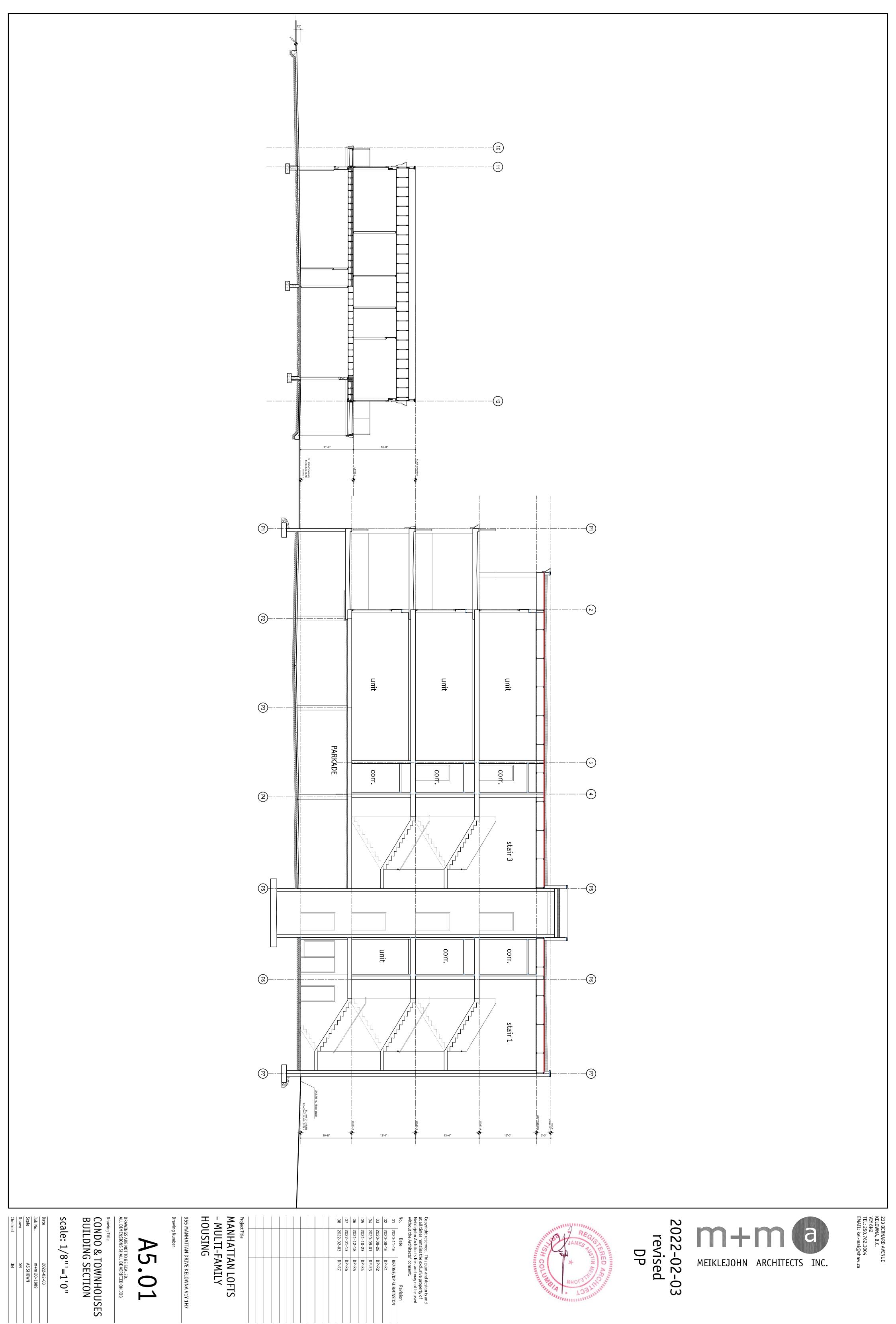
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MANHATTAN LOFTS - MULTI-FAMILY HOUSING

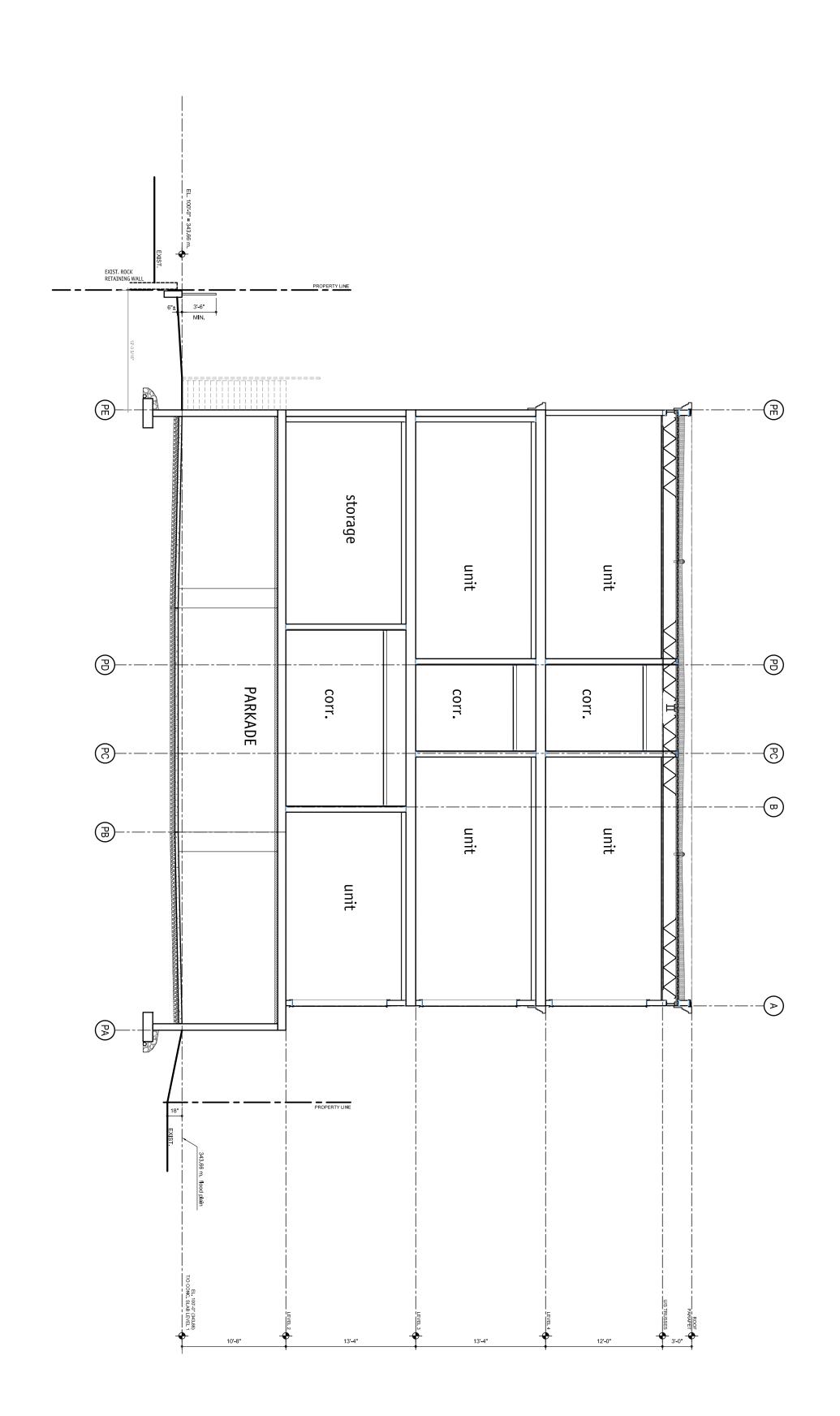
955 MANHATTAN DRIVE KELOWNA V1Y 1H7

TOWNHOUSE FRONT/ REAR ELEVATIONS scale: 1/8"'=1'0"

2022-02-03 m+m 20-1889 AS SHOWN SN JM DRAWINGS ARE NOT TO BE SCALED. ALL DIMENSIONS SHALL BE VERIFIED ON JOB



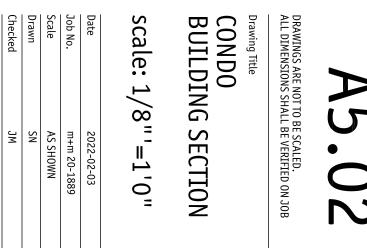






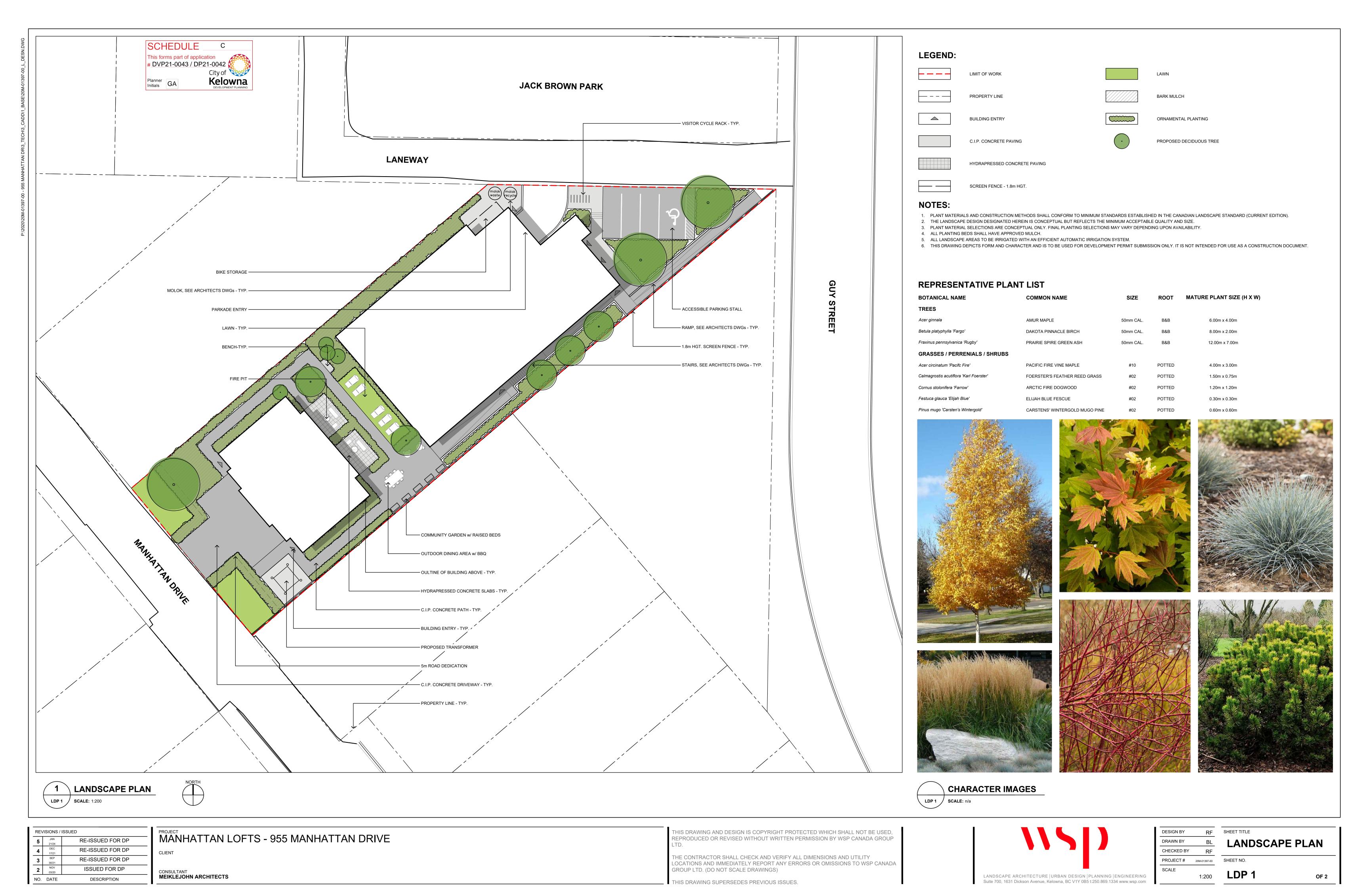


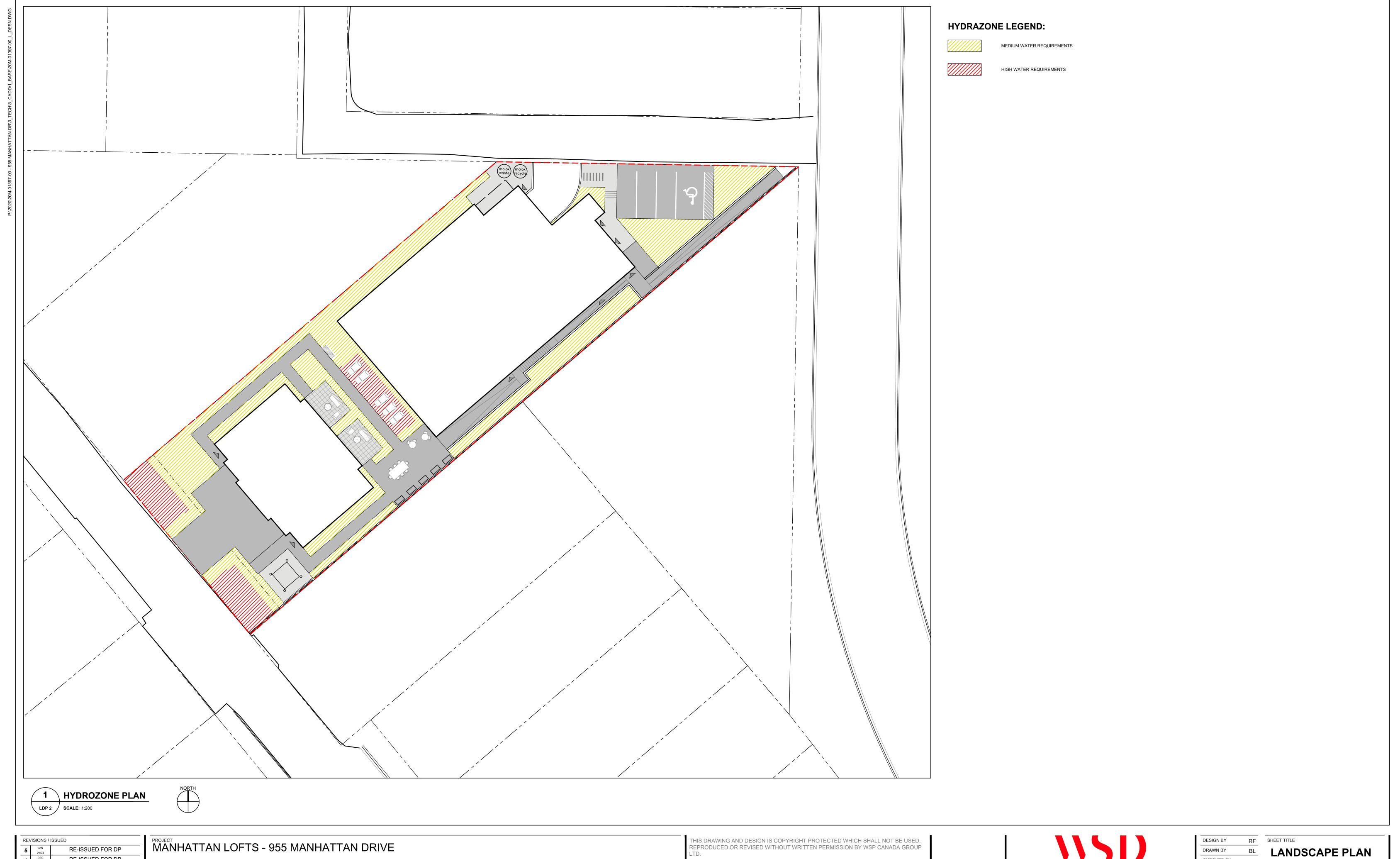
233 BERNARD AVENUE KELOWNA, B.C. VIY 6N2 TEL: 250.762.3004 EMAIL: kel-mai@shaw.ca



MANHATTAN LOFTS - MULTI-FAMILY HOUSING 955 MANHATTAN DRIVE KELOWNA V1Y 1H7

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RE-ISSUED FOR DP RE-ISSUED FOR DP ISSUED FOR DP DESCRIPTION

CONSULTANT
MEIKLEJOHN ARCHITECTS

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND UTILITY LOCATIONS AND IMMEDIATELY REPORT ANY ERRORS OR OMISSIONS TO WSP CANADA GROUP LTD. (DO NOT SCALE DRAWINGS)

THIS DRAWING SUPERSEDES PREVIOUS ISSUES.



DESIGN BY	RF
DRAWN BY	BL
CHECKED BY	RF
PROJECT#	20M-01397-00
SCALE	
	4 000

OF 2



#### MANHATTAN LOFTS - DEVELOPMENT PERMIT

Date: 16<sup>th</sup> DECEMBER 2021

Our File: 20M-01397-00

Address: 1435 Water Street

Kelowna, B.C. V1Y 1J4

Attention: Development Services

Dear Sir / Madam:

Re: Manhattan Lofts, 955 Manhattan Drive – Development Permit

As per our client's request, WSP Canada Inc. estimates a landscape development cost of **\$54,475.00**, excluding applicable taxes for the above noted property. This price includes landscape materials and installation (planted areas, sod, shrubs, trees, topsoil, mulches, and irrigation).

Per the City of Kelowna bond requirement of 125% the final total for landscape bonding is \$68,093.75.

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

Regards

**WSP Canada Group Limited** 

Rob Fershau, M.L.Arch, MBCSLA, CSLA

CC

Garry McEwan

Suite 700 - 1631 Dickson Avenue Landmark 6 Kelowna, BC VIY 0B5



## MEMORANDUM

**Date:** March 3, 2021

**File No.:** Z21-0018

To: Urban Planer (AT)

From: Development Engineering Manager (JK)

Subject: 955 Manhattan Dr RU1 to RM3

The Development Engineering Department has the following comments and requirements associated with this application to rezone the subject property from RU1 to RM2. The road and utility upgrading requirements outlined in this report will be a requirement of this development. The Development Engineering Technician for this project is Ryan O'Sullivan.

#### 1. General

a) The following requirements are valid for one (1) years from the reference date of this memo, or until the PLR and/or application has been closed, whichever occurs first. The City of Kelowna reserves the rights to update/change some or all items in this memo once these time limits have been reached.

#### 2. Domestic Water and Fire Protection

a) The subject property is currently serviced with a 19mm water service. One metered water service will be required for the development. The disconnection of the existing small diameter water services and the tie-in of a larger service is the developer's responsibility.

#### 3. Sanitary Sewer

a) This property is currently serviced with a 100-mm sanitary service. The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. An IC is required to be installed or confirmed by the engineer.

#### 4. Storm Drainage

a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the Subdivision, Development and Servicing Bylaw No. 7900. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems. Only one service will be permitted for this development. The applicant, at his cost, will arrange the installation of one overflow service if required.

#### 5. Electric Power and Telecommunication Services

a) All proposed service connections are to be installed underground. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

#### 6. Road Improvements

- a) Manhattan Dr. will be upgraded in the future to an urban standard along the full frontage of this proposed development. A cash in Lou for this works will be required for \$38,361.45. The Covenantor shall pay the City Engineering Administration and Inspection Fee (3.5% of Total Construction Cost plus GST) in the amount of \$1,409.75 (\$1,342.65 + \$67.13 GST) at the time of the execution of this Covenant.
- a) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW.

#### 7. Erosion Servicing Control Plan

- a) Provide a detailed ESC Plan for this development as per the Subdivision, Development and Servicing Bylaw #7900.
- b) The developer must engage a consulting civil engineer to provide an ESC plan for this site which meets the requirements of the City Subdivision Development and Servicing Bylaw 7900.
- c) Civil consultant is responsible for all inspection and maintenance.
- d) A Security Deposit for ESC Works equal to 3.0% of the Consulting Engineer's opinion of probable costs of civil earthworks and infrastructure will be added to the Servicing Agreement.

#### 8. Road Dedication and Subdivision Requirements

- b) Grant Statutory Rights of Way if required for utility services.
- c) If any road dedication or closure affects lands encumbered by a Utility right-of-way (such as Hydro, Telus, Gas, etc.) please obtain the approval of the utility. Any works required by the utility as a consequence of the road dedication or closure must be incorporated in the construction drawings submitted to the City's Development Manager.
- d) Dedicate ~5.00m width along the full frontage of Manhattan Dr. to achieve a 15.0m ROW

#### 9. 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.

#### 10. Servicing Agreement for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

#### 11. Geotechnical Report

Provide a 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. The Geotechnical reports must be submitted to the Development Services Department (Subdivision Approving officer) for distribution to the Development Engineering Branch and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- 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) Recommendations for items that should be included in a Restrictive Covenant.
- (vi) Recommendations for roof drains, perimeter drains and septic tank effluent on the site.
- (vii) Any items required in other sections of this document.

#### 12. **Charges and Fees**

- a) Development Cost Charges (DCC's) are payable.
- b) Fees per the "Development Application Fees Bylaw" include:
  - i) Survey Monument, Replacement Fee: \$1,200.00 (GST exempt) - only if disturbed.
  - ii) Levies

Manhattan Dr. frontage improvements \$38,361.45 City Engineering Administration and Inspection Fee \$1,409.75 Service upgrades To be determined

James Kay, P.Eng. Development Engineering Manager

RO