DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT



APPROVED ISSUANCE OF DEVELOPMENT PERMIT / DEVELOPMENT VARIANCE PERMIT NO. DP16-0014/DVP16-0144

Issued To: RA Quality Homes Ltd., INC. No.BCo647947 &

1052192 B.C. LTD., INC. No. BC1052192

Site Address: 140 Mugford Road & 415 Rutland Road

Legal Description: Lot 2 Section 26 Township 26 ODYD Plan EPP62746 & Lot 1 Section 26 Township

26 ODYD Plan EPP62746

Zoning Classification: RM₃ – Low Density Multiple Housing

Development Permit Area: Revitalization

SCOPE OF APPROVAL

This 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 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 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.

1. TERMS AND CONDITIONS

THAT Development Permit No. DP16-0292 for Lot 1 Section 4 Township 23 ODYD Plan EPP30767, located at 170 Drysdale Boulevard, Kelowna, BC to allow the construction of a multiple dwelling housing be approved subject to the following:

- 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

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;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

Section 13.8.6(e): RM2 — Low Density Row Housing Development Regulations

To vary the required minimum side yard from 4.0 m permitted to 0.83 m proposed.

AND FURTHER THAT this Development Permit & Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. 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 Permit Holder and be paid to the Permit Holder if the security is returned. The condition of the posting of the security is that should the Permit Holder 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 the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permit Holder, or should the Permit Holder carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Permit Holder. There is filed accordingly:

- a) Cash in the amount of \$_62,081.25 OR
- b) A Certified Cheque in the amount of \$ __62,081.25 OR
- c) An Irrevocable Letter of Credit in the amount of \$_62,081.25 .

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.

3. DEVELOPMENT

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit IS NOT a Building Permit.

4. APPLICANT'S AGREEMENT

I hereby declare that all of the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree 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 granting to me the said Permit.
- b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of 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.

I further covenant and agree that should I be granted a Development Permit and/or Development Variance Permit, the Municipality may withhold the granting of any Occupancy Permit for the occupancy and / or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Divisional Director of Community Planning & Real Estate.

Should there be any change in ownership or legal description of the property, I undertake to notify the Community Planning Department immediately to avoid any unnecessary delay in processing the application.

5. APPROVALS		
Issued and approved by Council on the day of	, 2017.	
Ryan Smith, Community Planning Department Manager Community Planning & Real Estate	Date	

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall be returned to the PERMIT HOLDER.

CITY OF KELOWNA

MEMORANDUM

Date:

May 25, 2015 (2105 Specified Area charges)

File No.:

Z15-0010

To:

Urban Planning (LK)

From:

Development Engineering Manager (SM)

Subject:

140 Mugford Road - Lot A, Plan KAP4378, Sec. 26, Twp. 26, ODYD 405 Rutland Road - Lot 3, Plan KAP3513, Sec. 26, Twp. 26, ODYD 425 Rutland Road - Lot 4, Plan KAP3513, Sec. 26, Twp. 26. ODYD

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RU-1 to RM2 and RM3 are as follows:

1. General.

- a) Dedicate 1.5 m. along the lane to provide a total 7.5m. wide lane.
- b) Dedicate approx. 2.0 m. along the Mugford road frontage on Lot A, Plan KAP4378, for a total 20.0 m. road Right of Way.
- c) Consolidate lot 3 and 4 plan KAP3513
- d) Provide 3.0m. inside corner rounding at the lane change of direction.
- e) Provide easements as may be required.
- f) Consolidate lot 3 and lot 4 plan KAP3513.

2. Geotechnical Study.

- a) Provide a comprehensive geotechnical report (3 copies), prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed subdivision.
 - (i) Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
 - (ii) Suitability of on-site disposal of storm water, including effects upon adjoining lands.
 - Any items required in other sections of this document.
 - iii) Recommendations for roof drains and perimeter drains.

3. <u>Domestic water and fire protection.</u>

- a) This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD.
- b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw fro the requested zone. The applicant must provide water computations for this development to confirm the available water supply.
- c) Remove all redundant water services.

4. Sanitary Sewer.

- a) 405 and 425 Rutland Road are located within the Local Area Service (LAS) # 20 and are currently serviced by the municipal wastewater collection system. The applicant will be required to cash commute the LAS at the current rate, since both lots are on the annual levy, The charge is currently \$2,996.44 (valid until April 30, 2016) per Single Family Equivalent (SFE), therefore the pay-out charge is \$5,992.88 for both lots. There will be additional charges at the time of the development permit application for the proposed additional units.
- b) 140 Mugford is located within the Local Area Service (LAS) #1 and it is therefore no longer subject to LAS charges, even for the proposed additional proposed units of development within the boundary of lot A KAP4378.
- c) Remove one redundant service on either 405 or 425 Rutland Road. The estimated cost for one sanitary sewer service decommission is estimated at \$2,800.00 and is inclusive of a bonding contingency.

Drainage.

A comprehensive on-site drainage management plan and design to comply with the City's drainage section of Bylaw 7900 will be required at the time of a Building permit application.

6. Road improvements and access.

- a) The owner is responsible to construct a 7.5m. lane from Rutland Road to the south end of the lane at Mugford Road. The owner is to construct the lane complete with storm drainage including the removal and or relocation of utilities as may be required. The estimated cost of this work, for bonding purpose, would be \$77,600.00 inclusive of a bonding escalation.
- b) There is an existing garage located within the lane that requires removal prior to the construction of the lane or the development on the subject properties. A restrictive covenant in favour of the City of Kelowna, registrable under **Section 219 of the Land Title Act**, must be granted to the effect that the garage must be removed and the lane free of encumbrances prior to the issuance of a Development Permit on the subject properties. The covenant must be registered as a priority charge.

- c) Remove both existing access from Rutland Road and replace with barrier curb and gutter with new sidewalk panels. The estimated cost for both driveway removal is estimated at \$8,400.00 inclusive of a bonding contingency.
- d) The applicant is responsible to upgrade the Mugford Road frontage of A, Plan KAP4378 and through the lane to a full urban collector standard (SS-R5) complete with curb, gutter, sidewalk, asphalt fillet paving, storm drainage, street lighting landscaped boulevard complete with underground irrigation, removal and/or relocation of utilities as may be required. The estimated cost of this work, for bonding purpose, would be \$15,700.00 inclusive of a bonding contingency.

7. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

8. Street lights.

Street lights must be installed on all fronting roads as determined by the Manager of Electrical Utilities.

9. Engineering.

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.

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. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgradings are not identified in the current DCC schedules.

13. Bonding and Levies Summary.

a) Performance Bonding

Lane construction \$77,600.00

Removal of existing driveways on Rutland Road \$ 8,400.00

Mugford frontage urban upgrades \$15,700.00

Total performance bonding \$101,700.00

b)Levies

Local Area #20 Service Charges

\$5,992.88

(valid until April 30, 2016)

Steve Muenz, 'P\ Eng\ Development Engineering Manager

 B^2

CITY OF KELOWNA

Planner Initials





MEMORANDUM

Date:

April 18, 2016

File No.:

DP16-0014

To:

Urban Planning Management (LK)

From:

Development Engineering Manager (SM)

Subject:

140 Mugford Road

Lot A Plan 4378

The Development Engineering Branch comments and requirements regarding this application to evaluate the form and character of four townhouse buildings on the subject property are as follows.

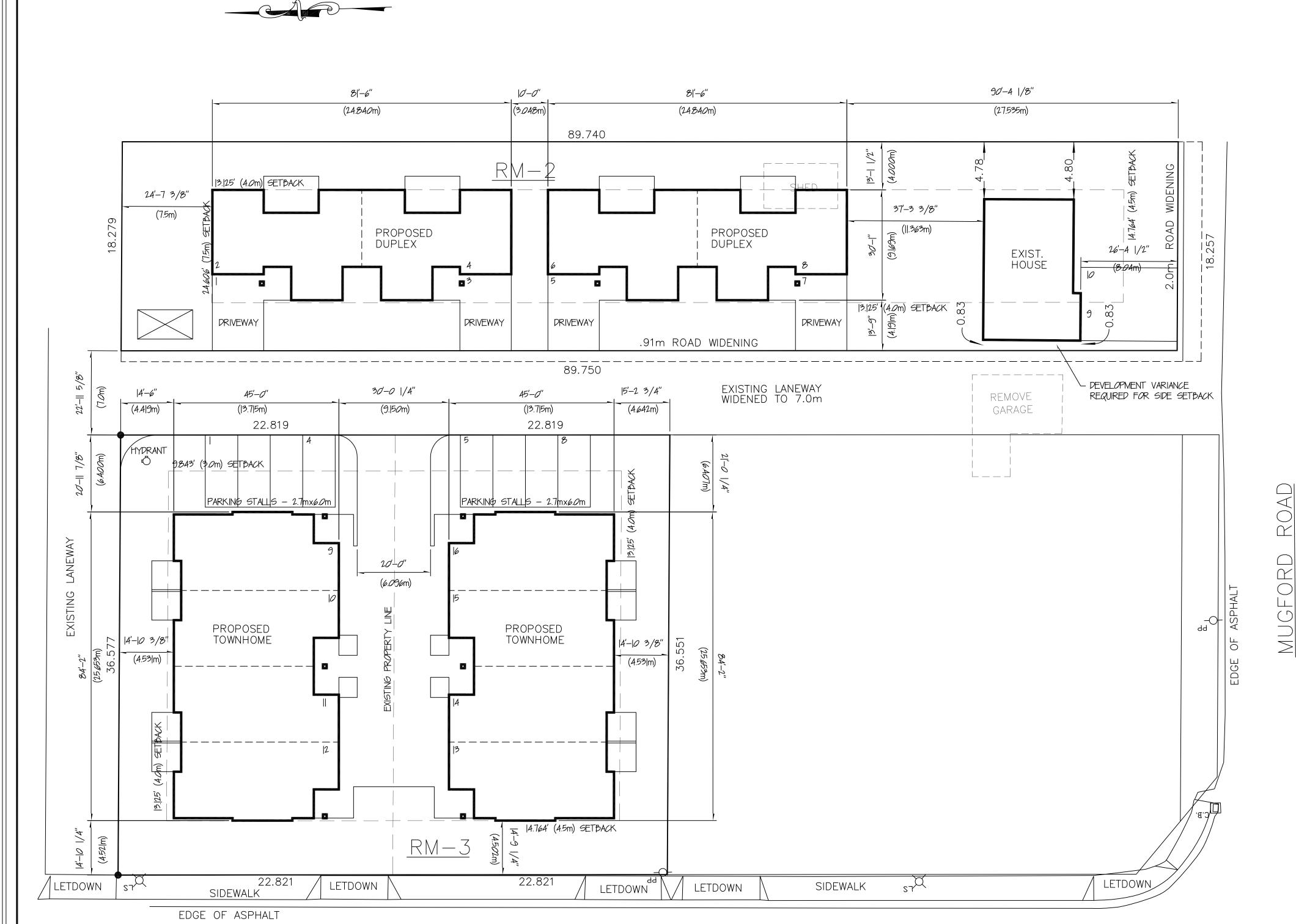
1. General.

- a) Provide easements as may be required.
- b) Requirements associated with the development of the subject property are addressed in the rezoning report under file Z15-0010. All the requirements of the rezoning application must be satisfied.

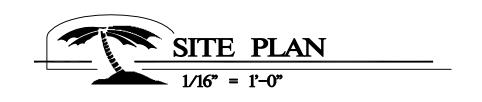
Steve Muenz, P. Engl

Development Engineering Manager

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RUTLAND ROAD



DEVELOPMENT REGULATIONS:

RM-2 - LOW DENSITY HOUSING PRINCIPLE USE - 2 - TWO DWELLING HOUSING

SITE AREA - 16,401 SF. (1,523.6 m2)

<u>REGULATION</u> <u>PROPOSED</u> - 5,170 SF. (480.3 m2) BUILDINGS AREA - 1,693 SF. (157.3 m2) - 8,541 SF. (793.4 m2) DRIVEWAYS AREA TOTAL BUILDING AREA (FAR) <u>F.A.R.</u> - 0.65 - 0.52 SITE COVERAGE BUILDINGS - 5*0*% - 31*.5*% BUILDINGS AND DRIVEWAYS - 55% - 41.8% - 2 ST*O*REYS - 20.594' (6.277m) - 2.5 STOREYS <u>HEIGHT</u> - 9.5m

<u>SETBACKS</u>

FRANT (SAUTH) SIDE (EAST) SIDE (WEST) - 26.375 (8.04m) - |3.125' (4.00m) - |3.750' (4.19m) - 4.5m - 4.0m - 4.0m REAR (NORTH) - 24.606' (7.5m) - 7.5m

<u>PARKING</u> - 10 STALLS - 10 STALLS

RM-3 - LOW DENSITY MULTIPLE HOUSING

PRINCIPLE USE - 2 - MULTIPLE DWELLING HAUSING

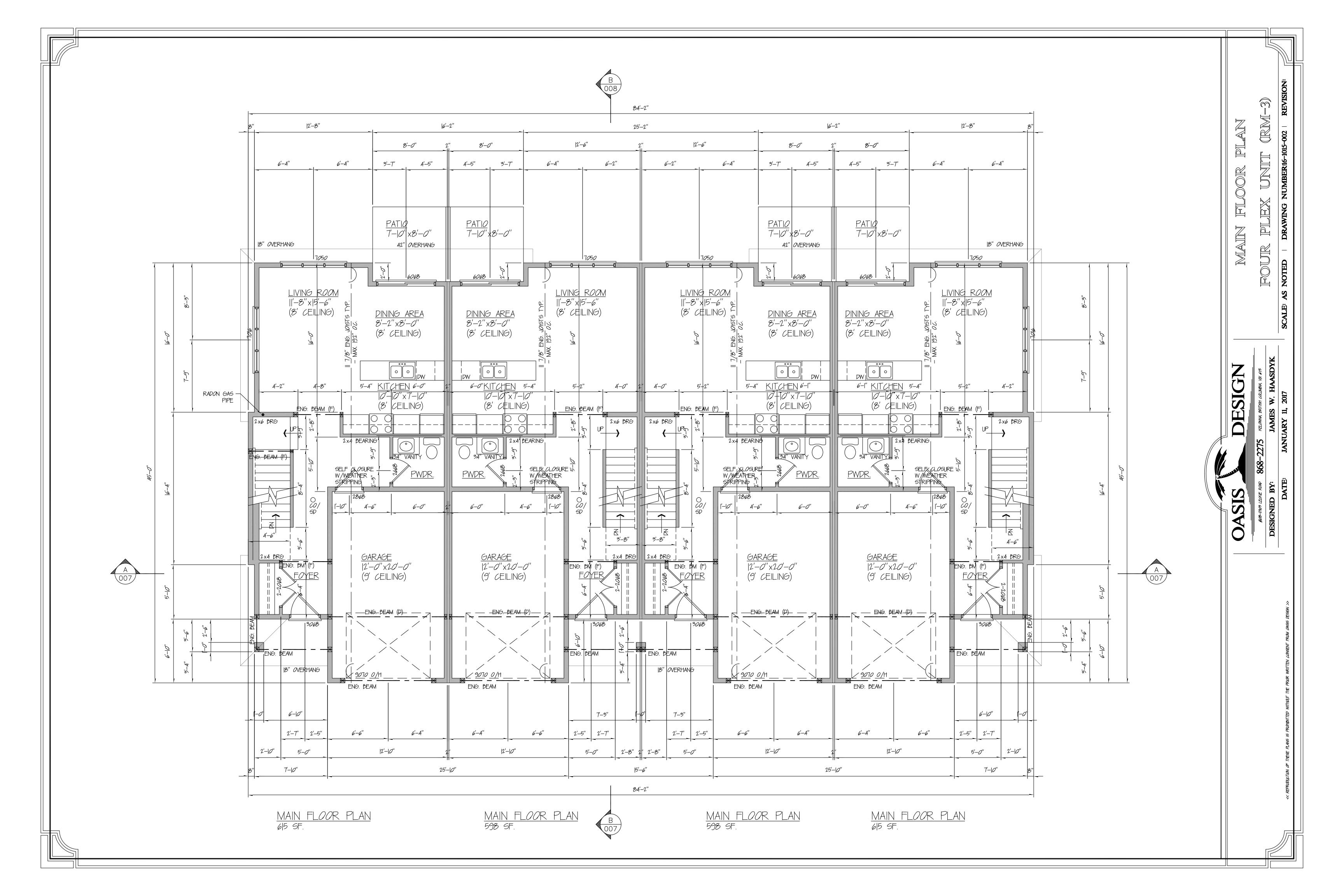
SITE AREA — 17,964 SF. (1,668,7 m2)

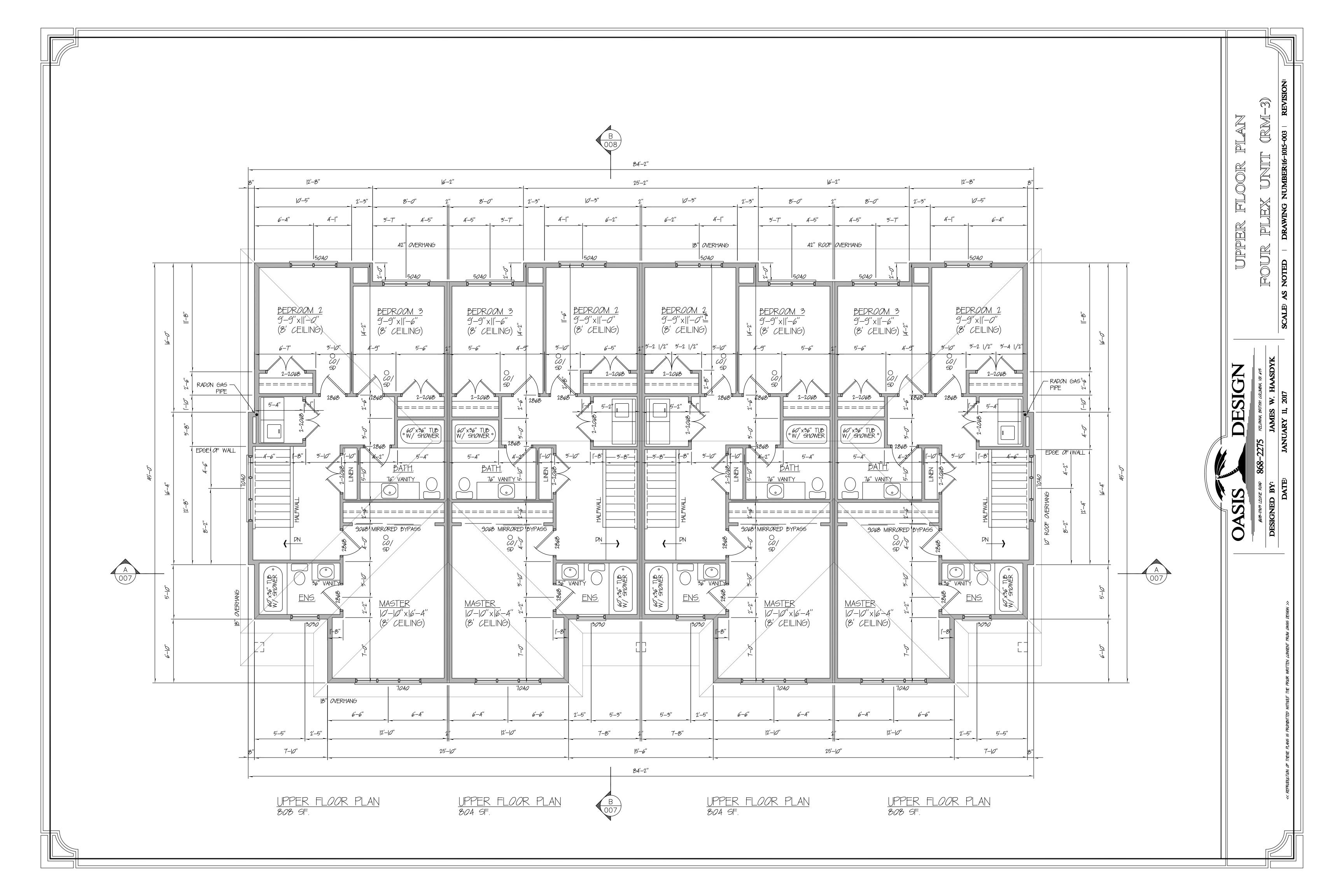
PROPOSED <u>REGULATION</u> - 6,944 SF. (645.1 m2) - 3,817 SF. (354.6 m2) BUILDINGS AREA DRIVEWAYS AREA -12020 SF. (1,116.6 m2) T*O*TAL BUILDING AREA (FAR) <u>F.A.R.</u> - *0.*75 - 0.67 <u>SITE COVERAGE</u> BUILDINGS - 40% - 38.7% - 59.9% BUILDINGS AND DRIVEWAYS - 60% - 2 STOREYS - 3 STOREYS <u>HEIGHT</u> - 21.865' (6.664m) SETBACKS - 4.5m

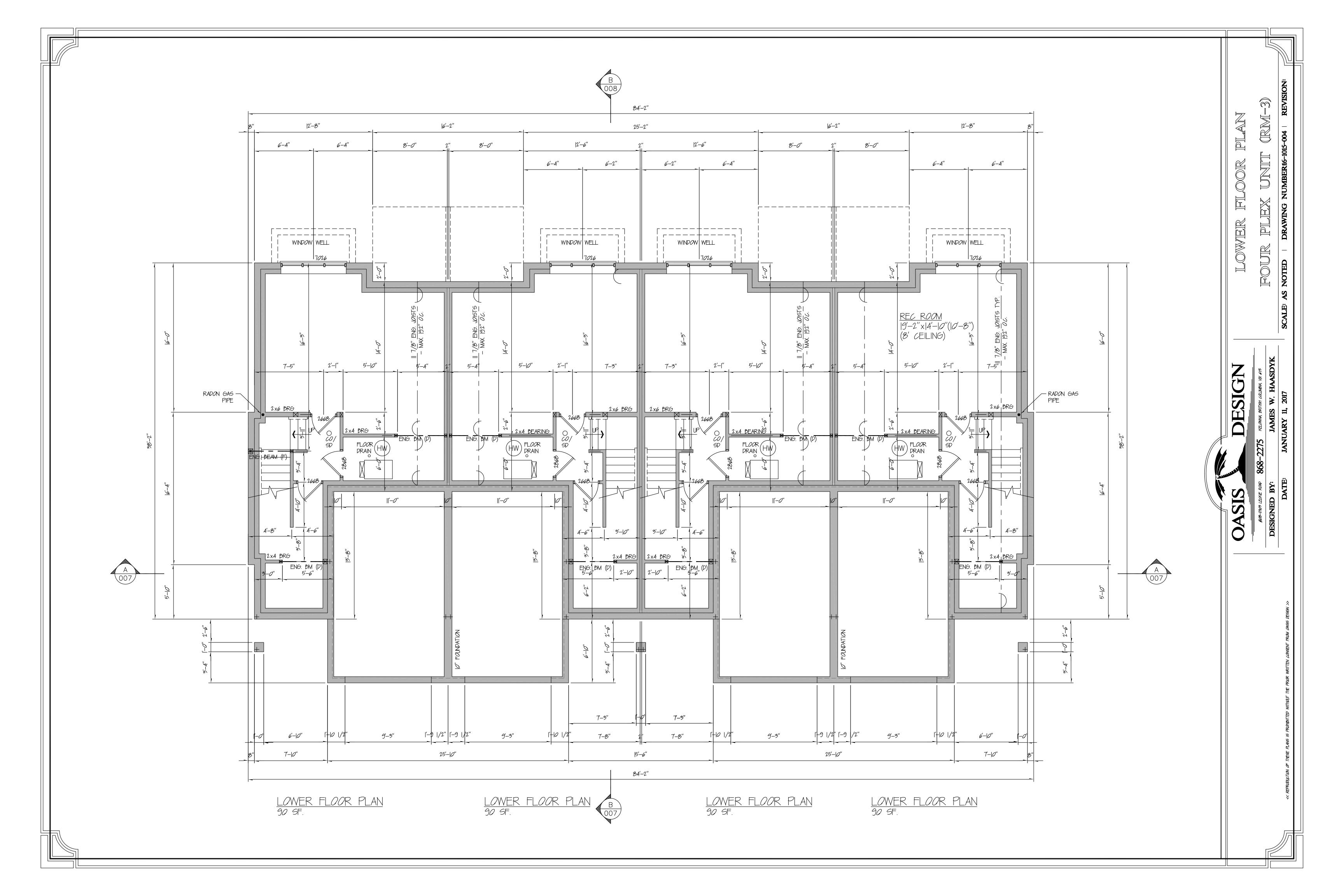
FRONT (WEST) SIDE (NÖRTH) - *4.0*m SIDE (SOUTH) REAR (EAST) - 4.0m - 3.0m

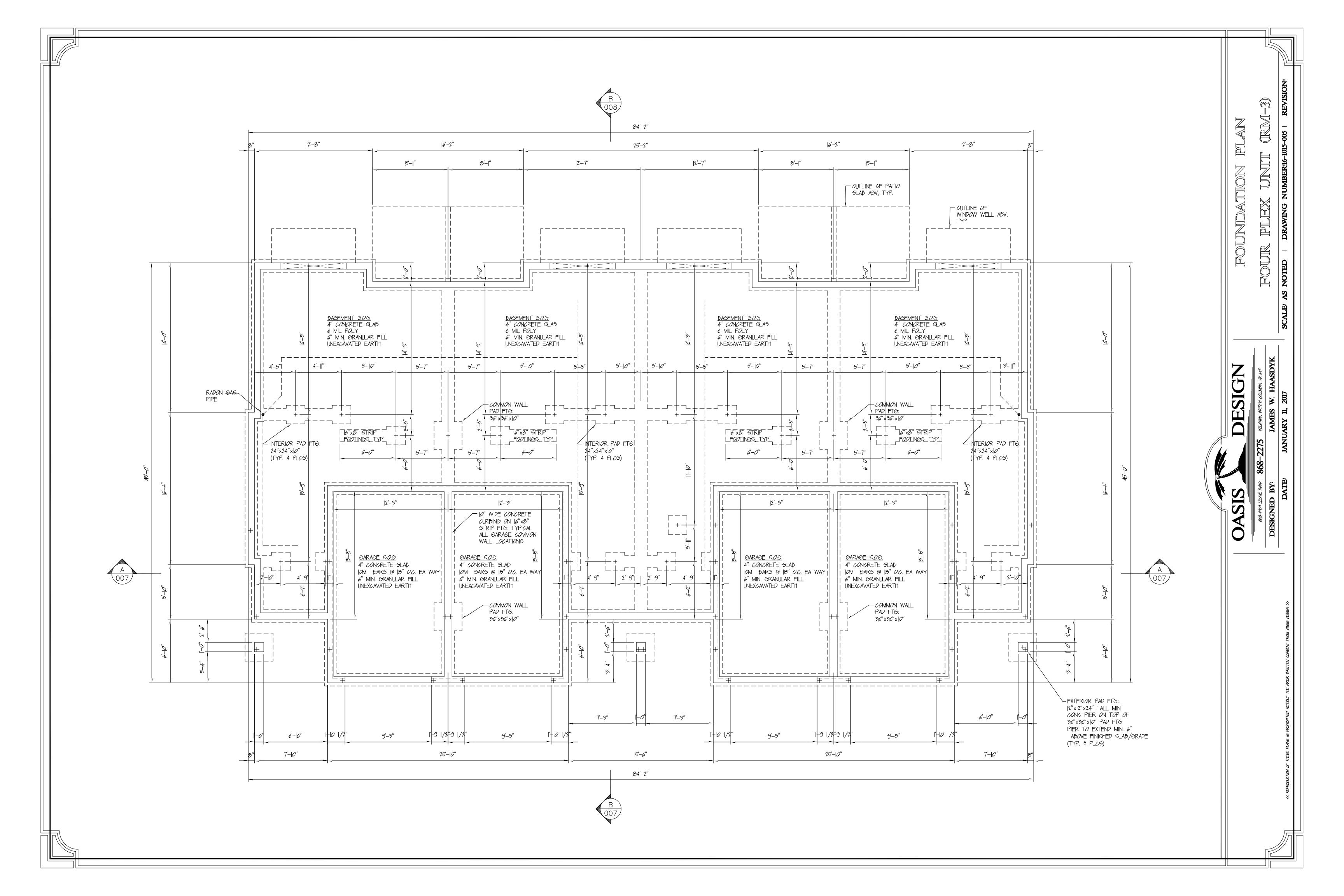
- |4.77|' (4.5*0*m) - |4.865' (4.53m) - |4.865' (4.53m) - 21.021' (6.4|m)

<u>PARKING</u> - 2 STALLS PER UNIT - 2x8=16 - 16 STALLS SIC

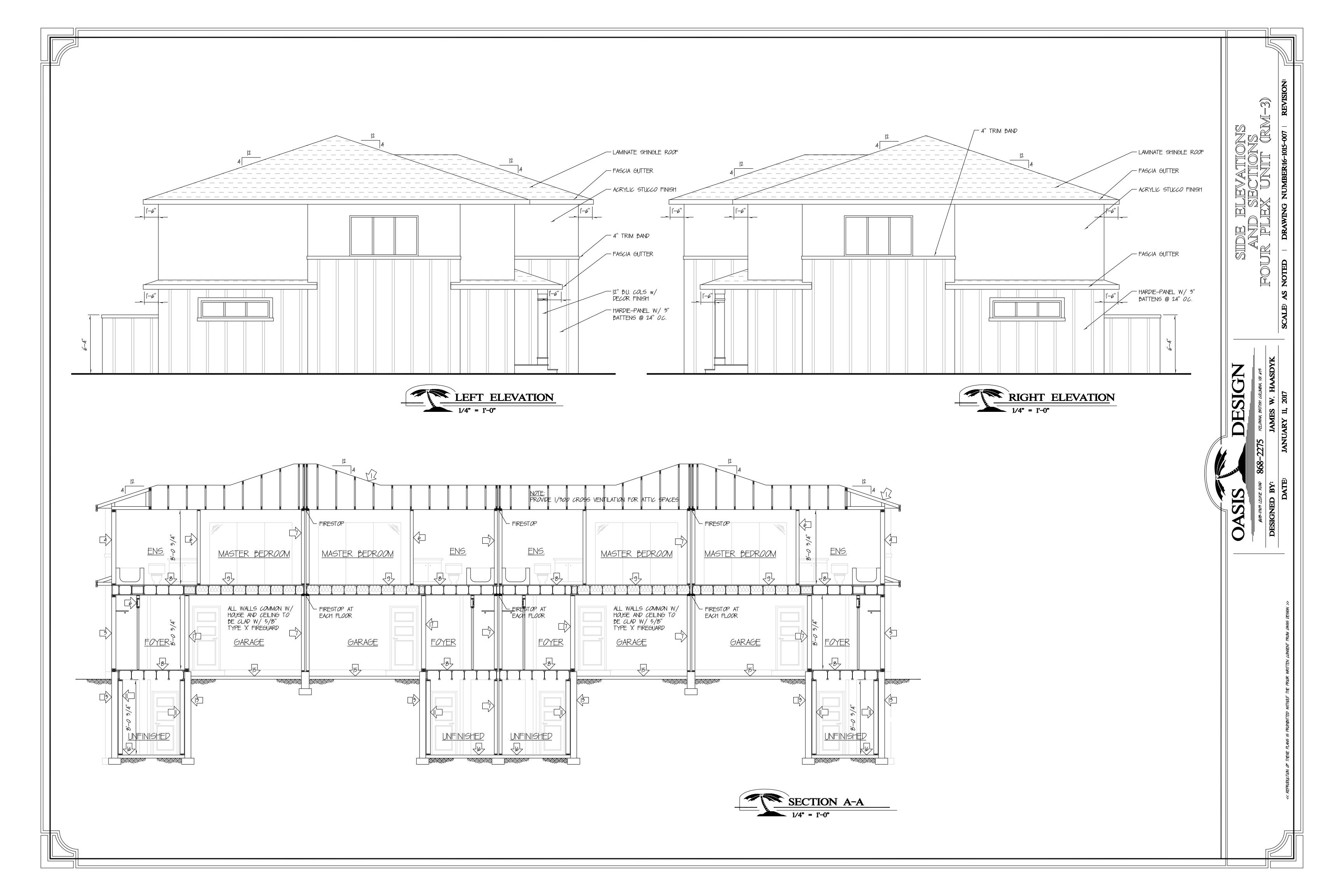


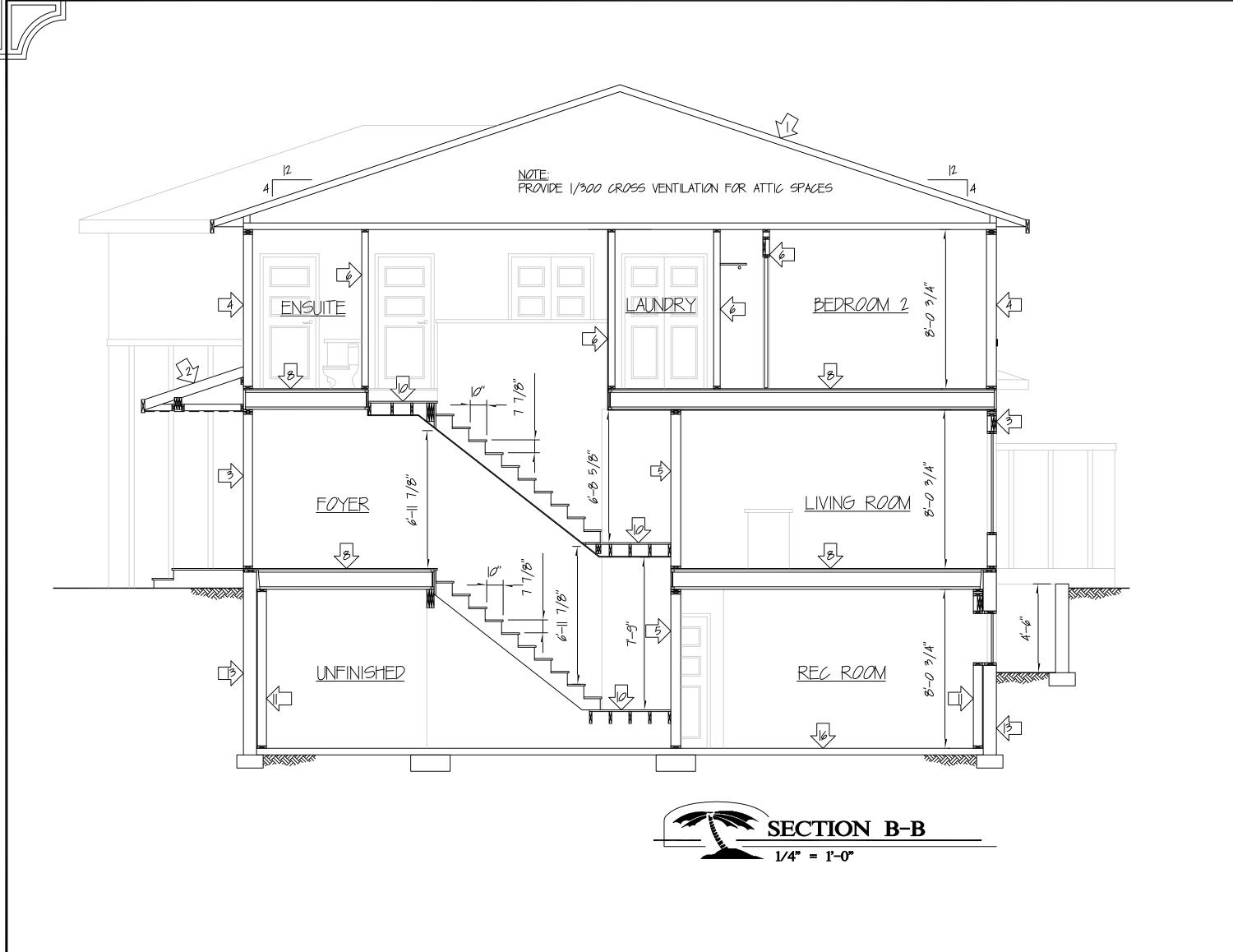


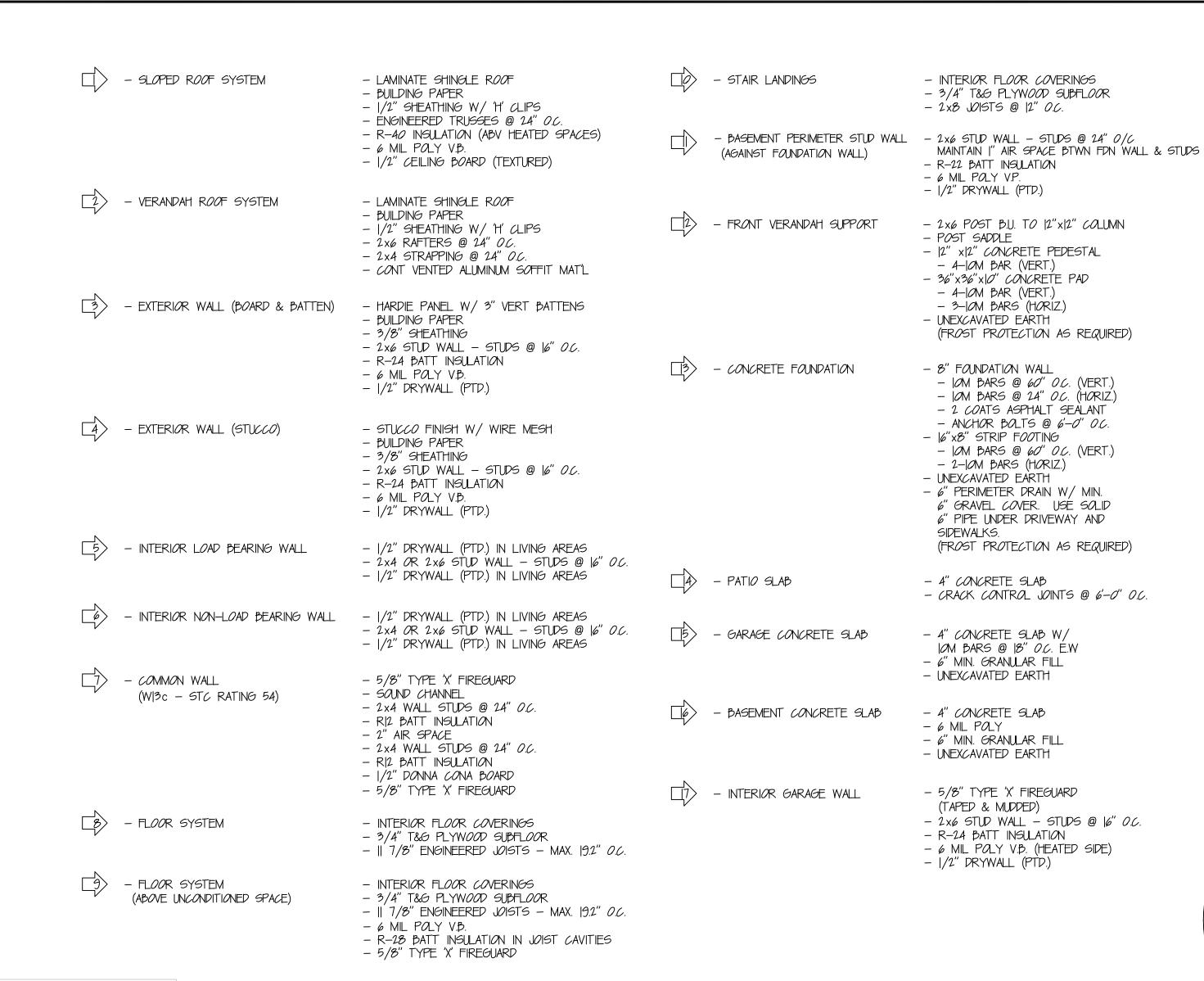


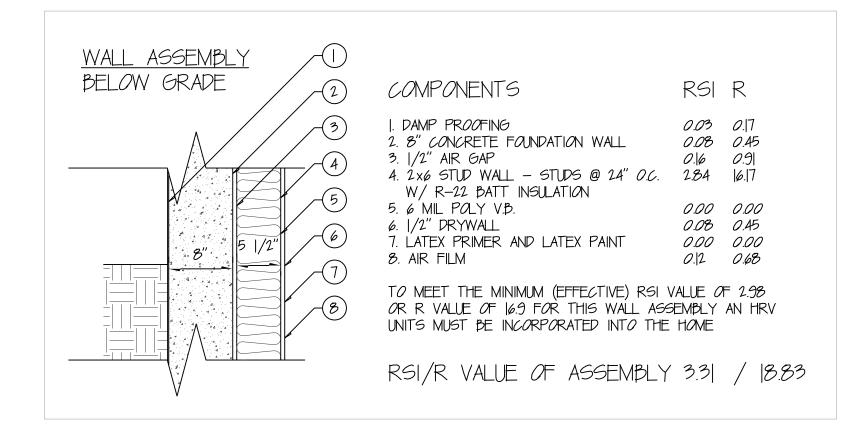


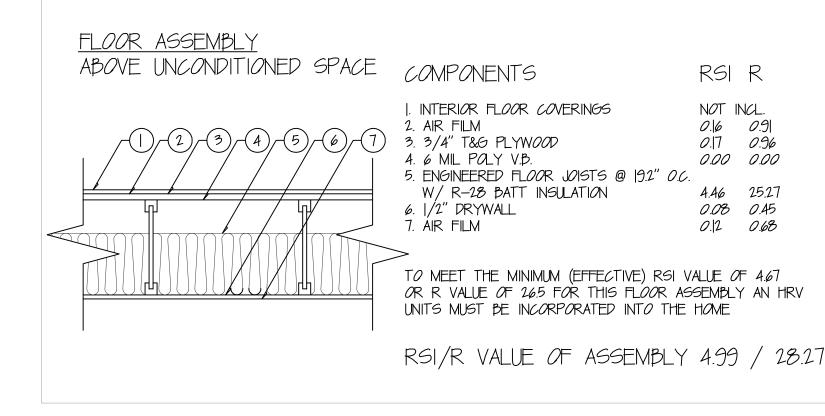


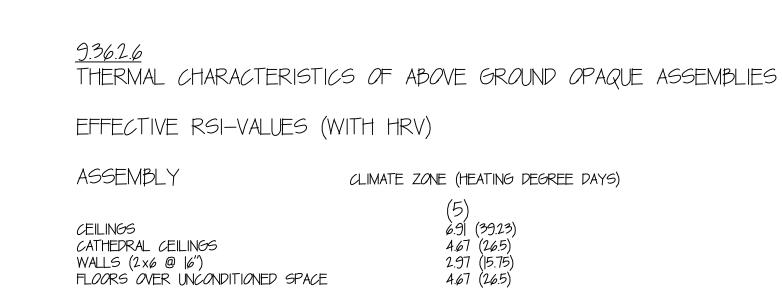


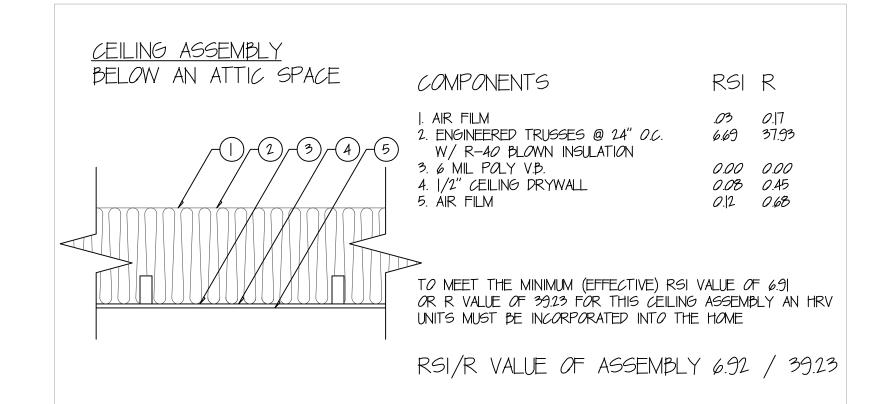


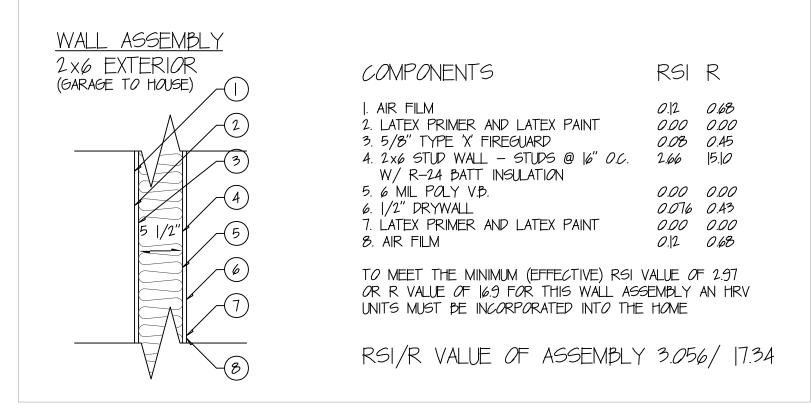


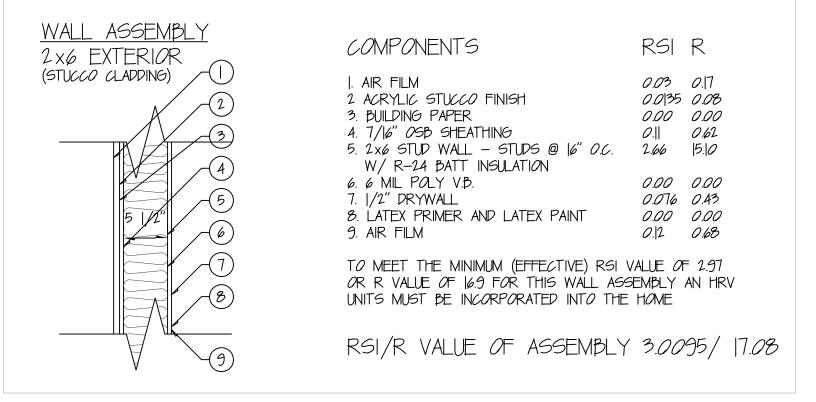








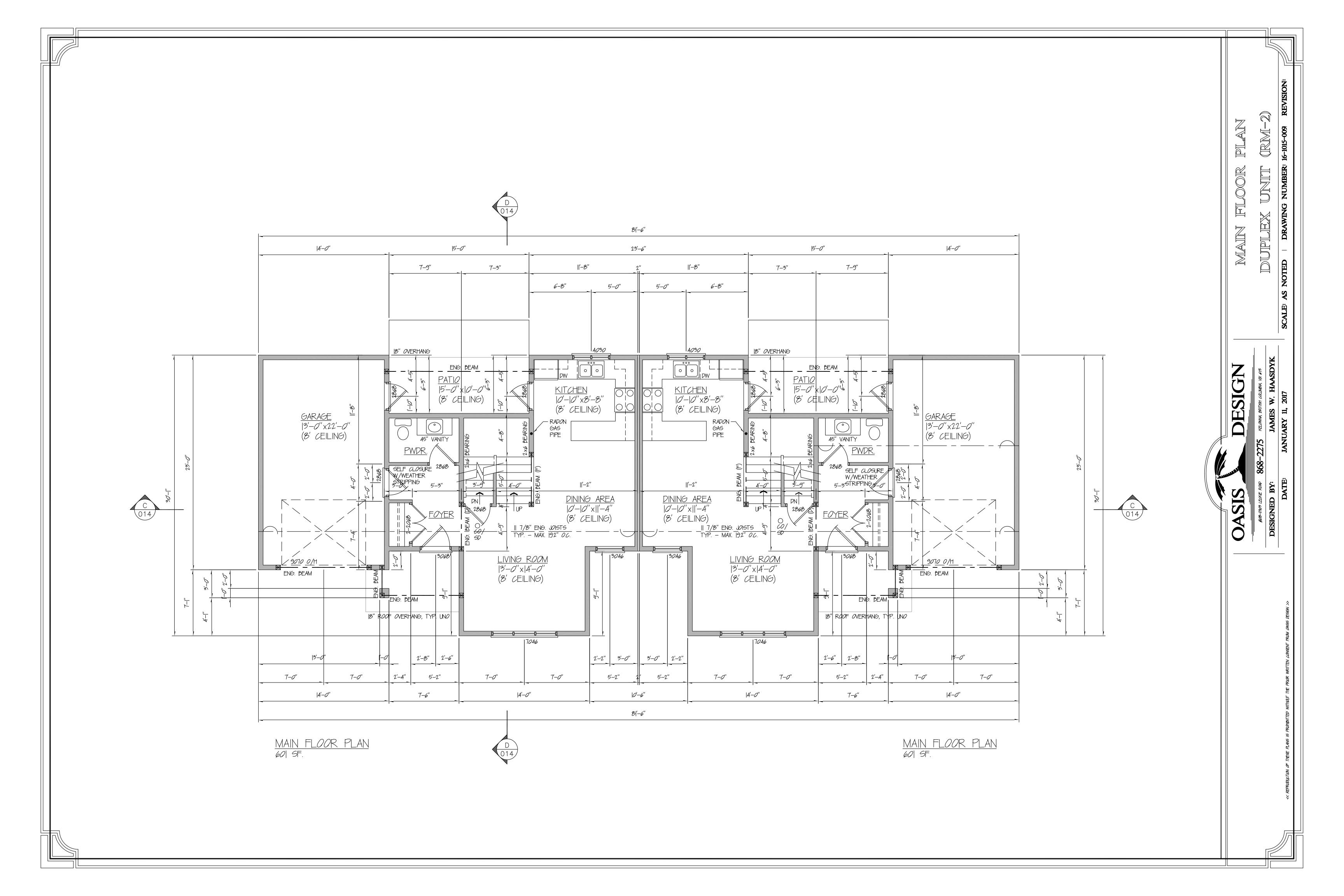


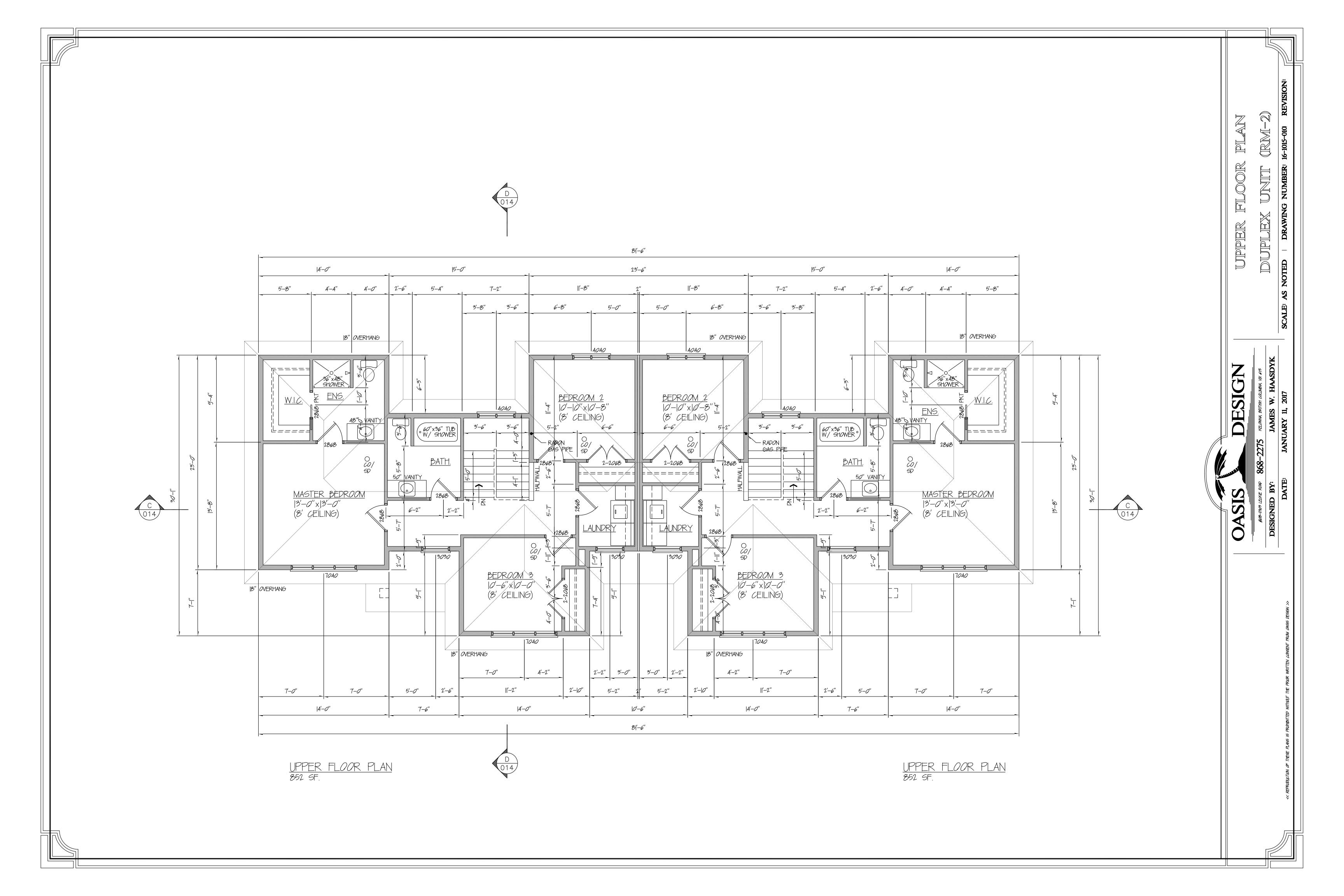


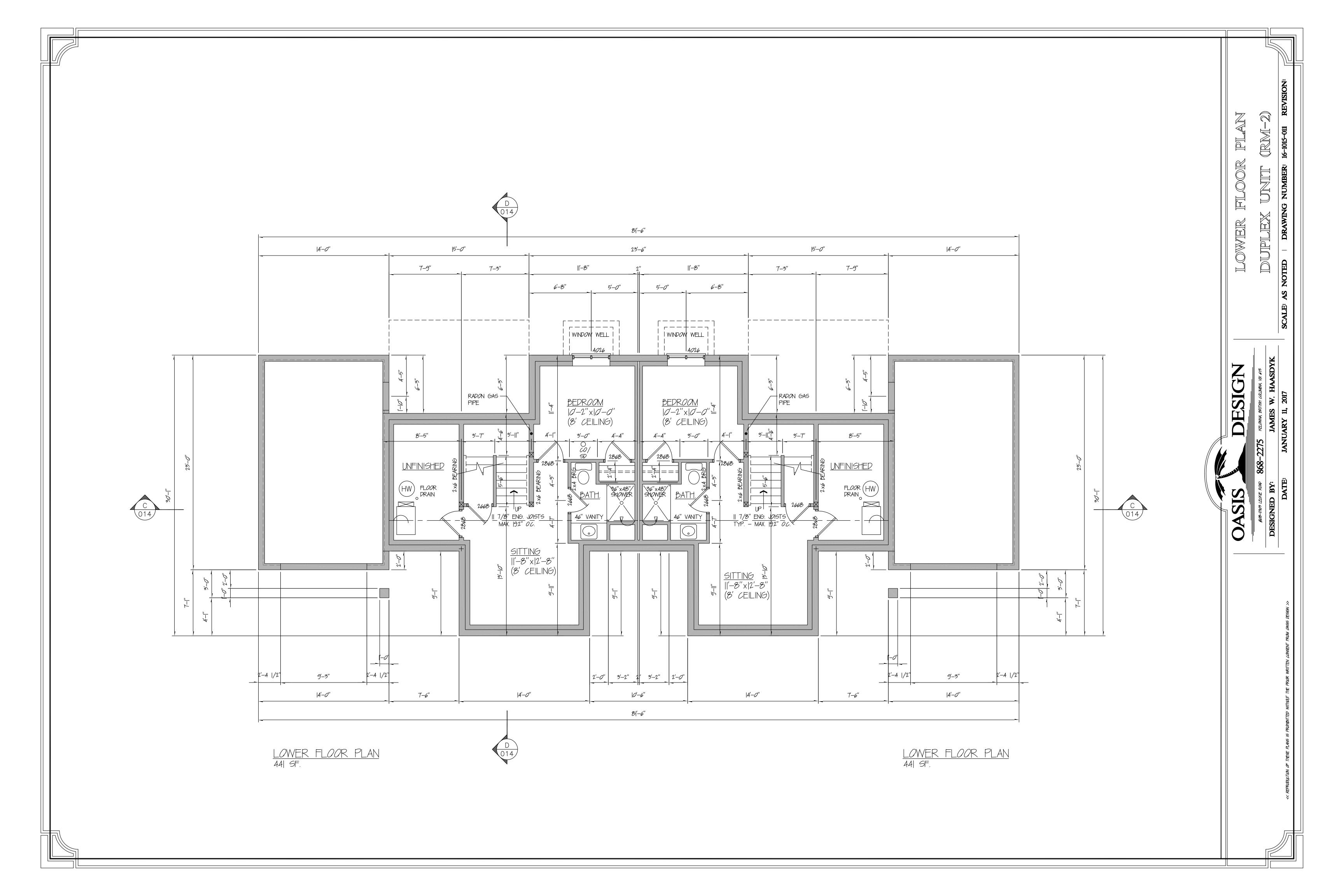
SECTION
FIFICIENCY

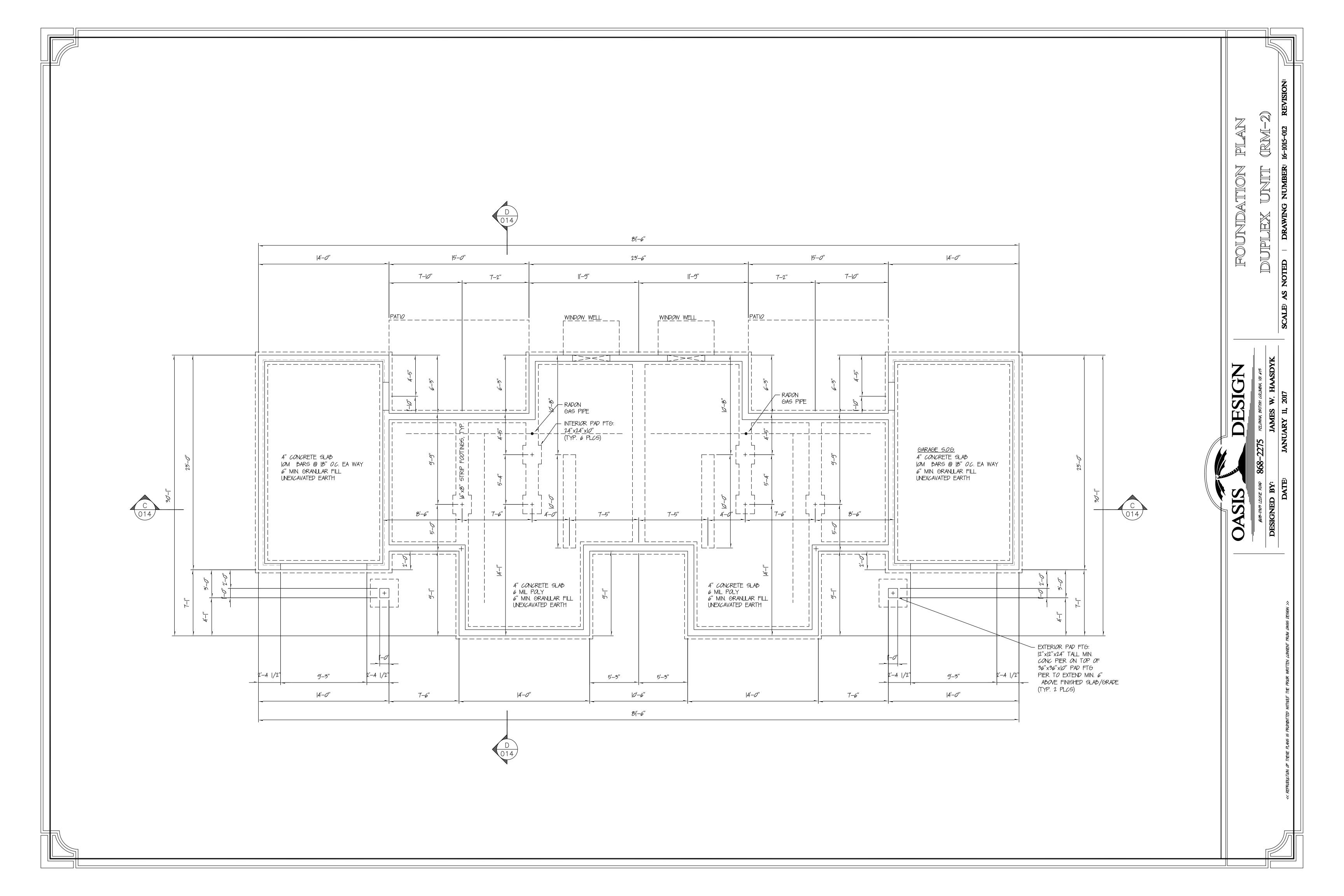
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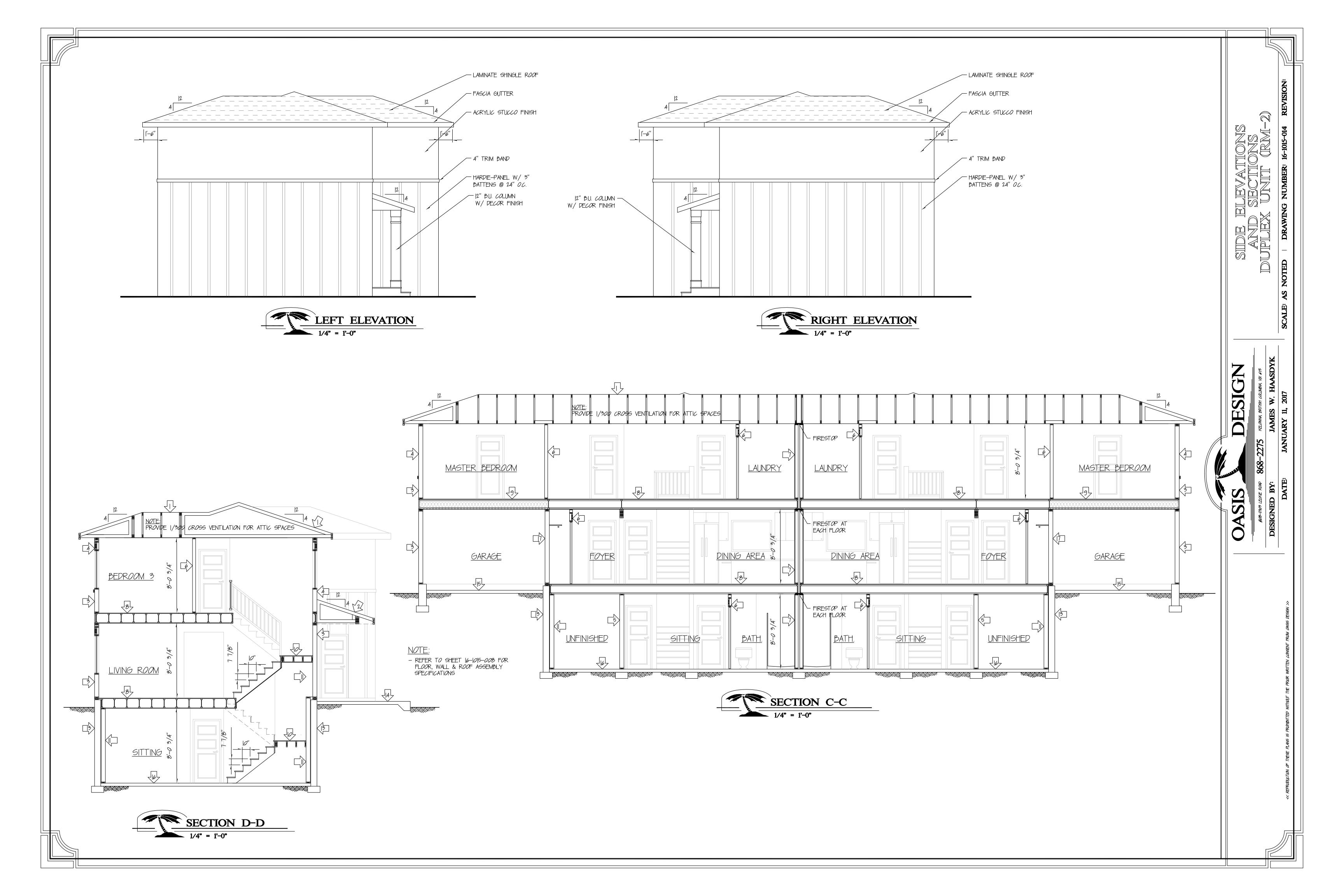














1'-6"

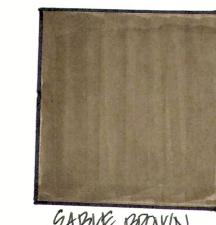
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/ 4" TRIM BAND

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CHARCOAL



- LAMINATE SHINGLE ROOF

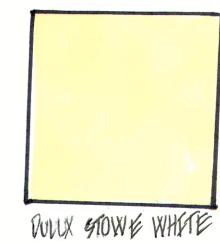
- ACRYLIC STUCCO FINISH

- FASCIA GUTTER

/ 4" TRIM BAND

FASCIA GUTTER

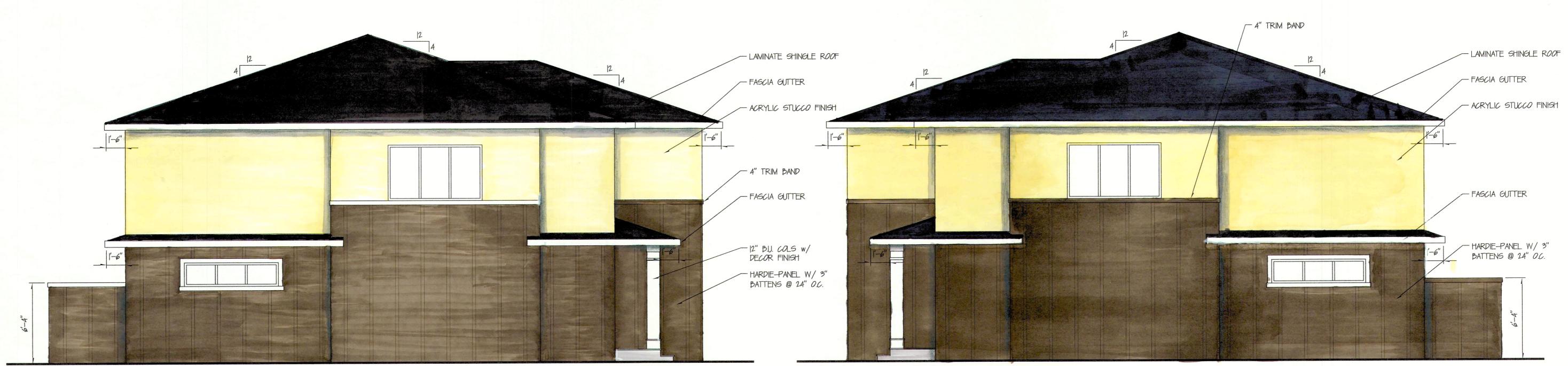
HARDIE-PANEL W/ 3" BATTENS @ 24" O.C.

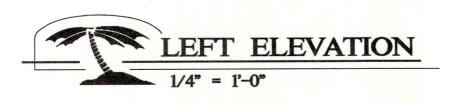


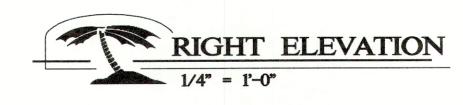
FRONT ELEVATION

1/4" = 1'-0"

OASIS

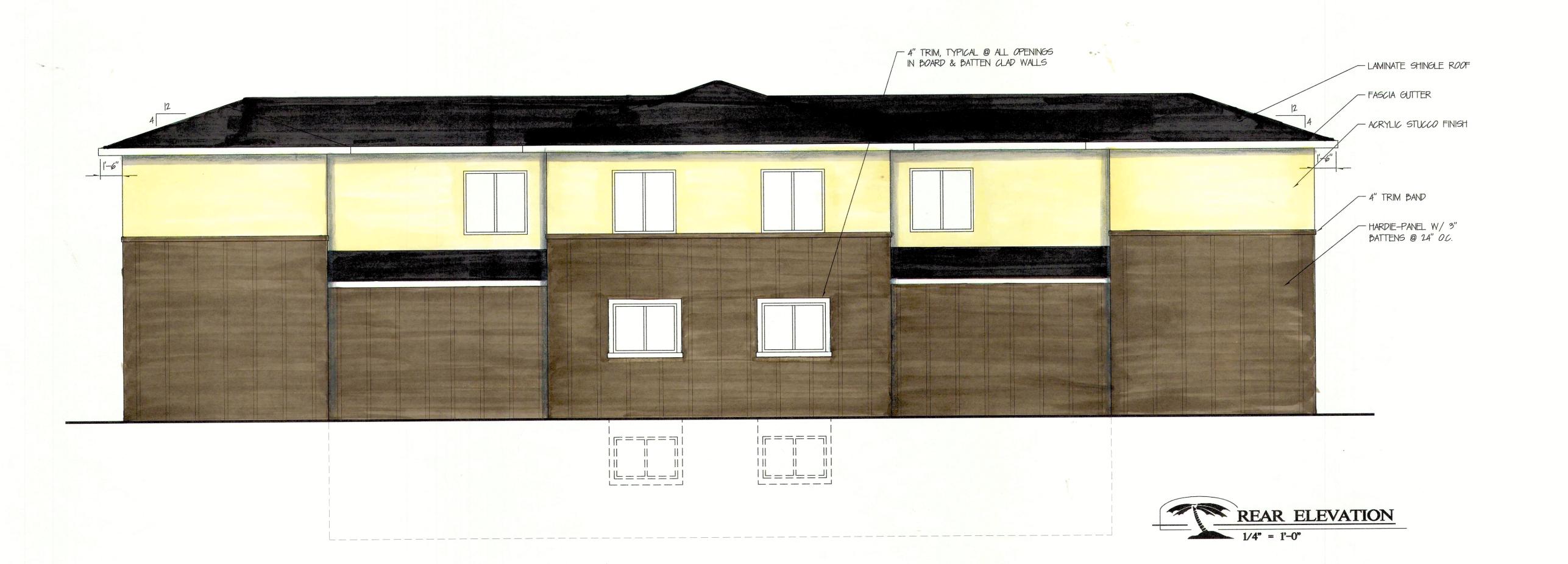


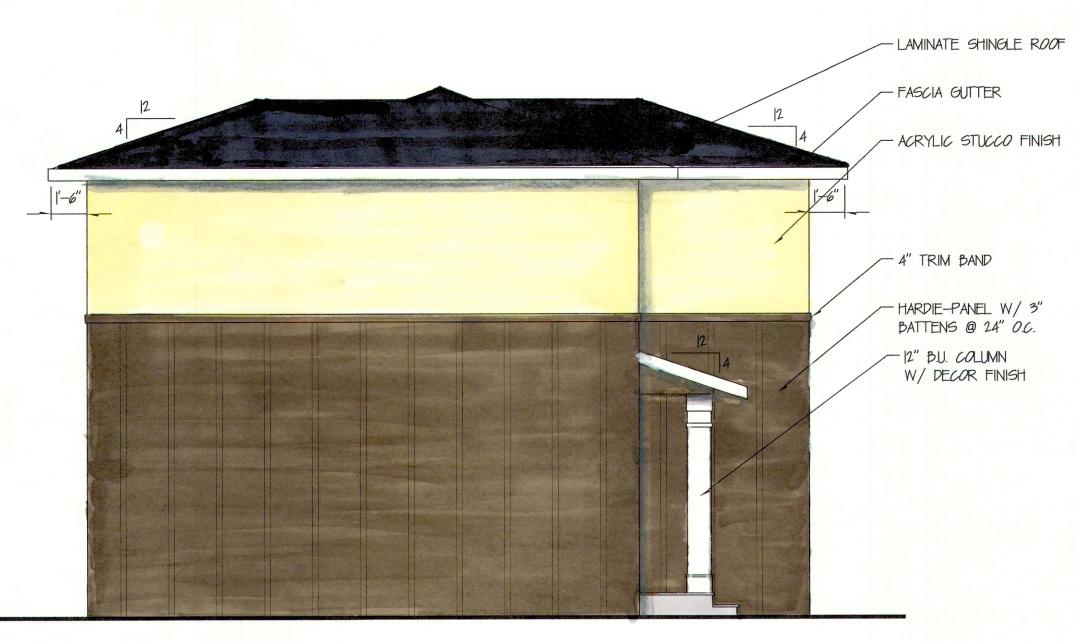


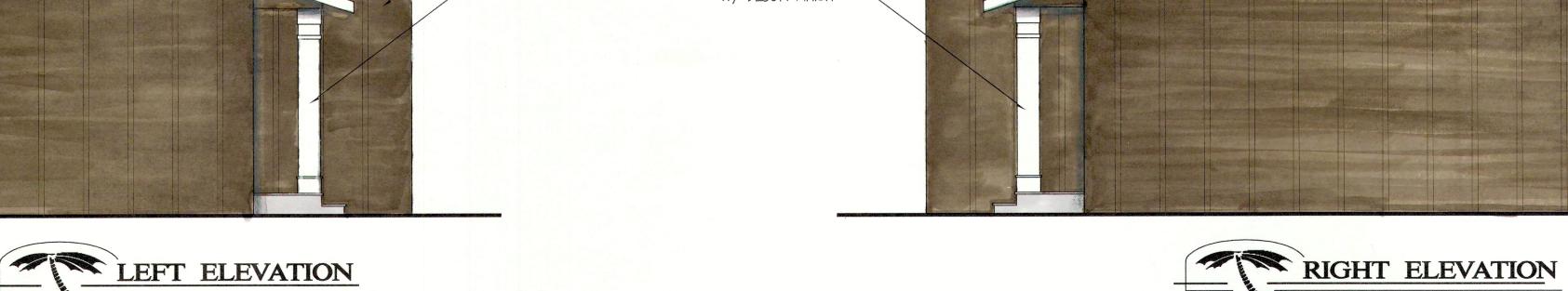


DESIGN









LAMINATE SHINGLE ROOF

FASCIA GUTTER

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LAMINATE SHINGLE ROOF

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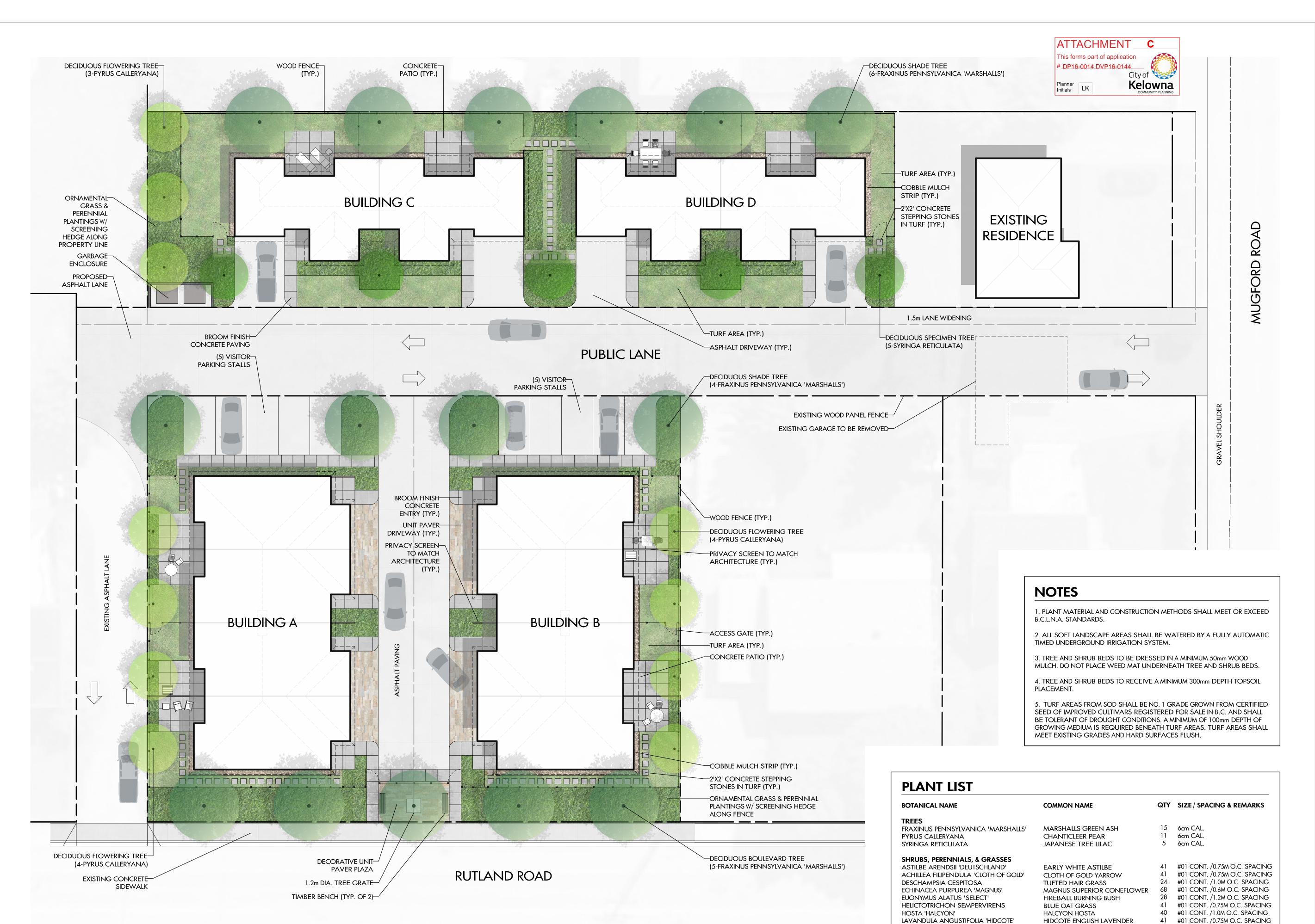
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SIS AND EXERON 868-2275 KERMA PRITISH CALMPIA, VIX 675

DESIGNED BY: S68-2275 KEDMIN JAMI



MISCANTHUS SINENSIS 'YAKU JIMA'

RUDBECKIA FULGIDA 'GOLDSTURM'

PHYSOCARPUS OPULIFOLIUS 'DART'S GOLD' DART'S GOLD NINEBARK

PENNISETUM ALOPECUROIDES

ROSA 'MORDEN SUNRISE'

TAXUS X MEDIA 'HICKSII'

DWARF MAIDEN GRASS

MORDEN SUNRISE ROSE

GOLDSTURM CONEFLOWER

FOUNTAIN GRASS

HICK'S YEW

40 #01 CONT. /1.0M O.C. SPACING

40 #01 CONT. /1.0M O.C. SPACING

10 #01 CONT. /2.0M O.C. SPACING

40 #01 CONT. /1.0M O.C. SPACING

41 #01 CONT. /0.75M O.C. SPACING

65 #01 CONT. /0.75M O.C. SPACING



206 - 1889 Spall Road Kelowna, BC V1Y 4R2 T (250) 868-9270 www.outlanddesign.ca



PROJECT TITLE

MUGFORD MULTIFAMILY

Kelowna, BC

DRAWING TITLE

CONCEPTUAL LANDSCAPE PLAN

1	10.09.10	Development Permit
2	16.01.05	Re-issued for Development Permit
3		
1		
5		

PROJECT NO	10-034
DESIGN BY	FB
DRAWN BY	KG
CHECKED BY	FB
DATE	JAN. 5, 2016
SCALE	1:150

SEAL



Drawing number

L1/1

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