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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** March 30, 2006

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** DP06-0007/  
DVP06-0008

**OWNER:** 678026 BC Ltd.

**AT:** 1425 Glenmore Road

**APPLICANT:** Troika Developments Inc.

**PURPOSE:** TO CONSTRUCT A 2-3 STOREY 122 UNIT CONDOMINIUM  
DEVELOPMENT ON THE SUBJECT PROPERTY

TO VARY THE EASTERN SIDE YARD SETBACK FROM 4.5M  
REQUIRED TO 0.0M PROPOSED

TO VARY THE MAXIMUM HEIGHT FROM 2.5 STOREYS  
PERMITTED TO THREE STOREY PROPOSED FOR  
BUILDINGS 1, 2 AND 3

TO VARY THE MAXIMUM SITE COVERAGE FOR BUILDINGS  
FROM 40% PERMITTED TO 42% PROPOSED

TO VARY THE MAXIMUM SITE COVERAGE FOR BUILDINGS  
AND PARKING/PAVED AREAS FROM 50% PERMITTED TO  
54% PROPOSED

**EXISTING ZONE:** RM3 – LOW DENSITY MULTIPLE FAMILY

**REPORT PREPARED BY:** RYAN SMITH

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**1.0 RECOMMENDATION**

THAT Council not authorize the issuance of Development Permit No. DP06-0007 for Lot 1, Sections 9 and 16, Township 23, ODYD Plan KAP47448 Except Plan75589, located on Glenmore Road North, Kelowna, B.C. subject to the following:

AND THAT Council not authorize the issuance of Development Variance Permit No. DVP06-0008; Lot 1, Sections 9 and 16, Township 23, ODYD Plan KAP47448 Except Plan75589, located on Glenmore Road North, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be granted:

**Section 13.9.6 (c):**

The applicant is seeking to vary the building height from 2.5 storeys permitted to 3 storeys proposed for buildings #1, 2, and 3.

**Section 13.9.6 (b):**

The applicant is seeking to vary the site coverage for buildings from 40% permitted to 42% proposed.

**Section 13.9.6 (b):**

The applicant is seeking to vary the site coverage for buildings, parking and driveways from 50% permitted to 54% proposed.

**Section 13.9.6 (e):**

The applicant is seeking to vary the eastern side yard setback from 4.5m required to 0.0m proposed for buildings #1, 2 and 3.

**2.0 SUMMARY**

The applicant is seeking support for a development permit which would allow the construction of a 122 unit condominium project. Since the Advisory Planning Commission originally reviewed this development proposal on February 28<sup>th</sup>, the applicant has worked with staff in order to address several of the required variances and to improve the site design.

**3.0 ADVISORY PLANNING COMMISSION / AGRICULTURAL ADVISORY COMMITTEE**

**3.1 Advisory Planning Commission**

At the regular meeting of March 14, 2006 it was resolved:

THAT the Advisory Planning Commission supports Development Permit Application No. DP06-0007, for 1425 Glenmore Road N., Lot 1, Plan 47448, Sec. 29, Twp. 23, ODYD, by Trolka Dev. Inc. (Renee Wasylyk), to obtain a Development Permit to allow for a 2 to 3 storey, 122 unit condominium development, subject to the 1 acre to the east being added to the development via a lot line adjustment and then protected with a 'no build' covenant;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0008, for 1425 Glenmore Road N., Lot 1, Plan 47448, Sec. 29, Twp. 23, ODYD, by Trolka Dev. Inc. (Renee Wasylyk), to obtain a Development Variance Permit to vary the side yard setback from 4.5 m to 0.0 m; to vary the rear yard setback from 7.5 m to 4.5 m; to vary the maximum height from 2.5 storeys to 3 storeys for buildings 1, 2 & 3; vary the maximum site coverage for buildings and parking/paved areas from 50% to 60%; to vary the private open space from 2,120 m<sup>2</sup> to 1.526 m<sup>2</sup>.

*Note: The Advisory Planning Commission noted that should the acquisition of the 1 acre parcel to the east take place, only the height variance will be required.*

*Note: Discussion regarding roof lines. J.Digby pointed out that the parapet makes the building feel top heavy and that perhaps it should be lowered.*

### 3.2 Agricultural Advisory Committee

At the regular meeting of February 23, 2006 it was resolved:

THAT the AAC has no concerns with the proposed development, provided (a) a covenant is registered against the property(ies) providing notice that the land is in an agricultural area; and (b) adequate buffering is provided adjacent to agricultural lands, pursuant to the City of Kelowna Zoning Bylaw 8000.

FURTHER THAT the AAC has concerns regarding the impact of future road development on agriculture in the Glenmore Valley, and requests an opportunity to provide input at the earliest time, prior to any conceptual planning of road connection(s) being done by the City of Kelowna.

### 4.0 PROPOSAL

The applicant has proposed a 122 unit condominium development for the subject property. The subject property is located on the east side of Glenmore road, immediately south of Tutt Road. The development would consist of 2, two-storey buildings facing onto Glenmore Road on the south and central portions of the property. The applicant has chosen to remove the proposed amenity buildings on the northwest side of the property and has relocated this amenity space in the basement below building 4. On the east side of the property, the applicant has proposed three additional buildings which will be setback into the hillside. These buildings will measure three storeys in height. All of the proposed residential buildings will sit on parkades or amenity space. The applicant will be providing 161 parking stalls underground in order to meet the parking requirement. Additional stalls will be provided at grade for visitor parking.

The style of the proposed development could be labeled urban/contemporary. The proposed design displays a wide variety of architectural detail, the rooflines of the buildings are varied with projecting sub-roofs and the facades are broken with different finishing materials, balconies and architectural bays. The applicant has proposed to finish all buildings with complementary materials including horizontal/vertical vinyl siding/trim, painted hardiboard siding, brick veneer siding, cement board bands, and asphalt singles.

The applicant will provide a blend of housing opportunities on the site with bachelor, 1 bedroom and 2 bedroom units proposed. The site itself will have access from Tutt Road to the north of the property. Due to the width of this frontage, it is also considered the development's front yard in accordance with the Zoning Bylaw.

The proposed development requires several variances to the Zoning Bylaw. Variances to internal side yard setback, site coverage, building height are being requested.

In order to provide additional useable open space on the site and to help mitigate the variance to the internal side yard setback, the applicant has made tentative arrangements with property owner to the east for a lot line adjustment to allow the use of a portion of this land as landscaped recreational space for the proposed development. However, as this adjacent land is not zoned RM3, it cannot be used in the calculations for private open space or site coverage noted below.

The application meets the requirements of the RM3 – Low Density Multiple Family zone as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	11,539m <sup>2</sup>	900m <sup>2</sup>
Lot Width (m)	53.66m	30.0m
Lot Depth (m)	212.57m	30.0m
Storeys (#)	3 <sup>①</sup>	2.5 storeys
Site Coverage (%)	42% <sup>②</sup>	40%
Site Coverage – Buildings Parking (%)	54% <sup>③</sup>	50%
Floor Area Ratio	0.69	0.50 + 0.2 bonus (Parking Under the building)  Total: 0.7
Floor Area Proposed (m <sup>2</sup> ) - Net	8,054m <sup>2</sup>	N/A
<b>Setbacks</b>		
Front Yard (Tutt Road) (m)	4.5m	4.5m
Flanking Side Yard (m) (Glenmore Road)	4.5m	4.5m
Internal Side Yard - East (m)	0.0m <sup>④</sup>	4.5m
Rear Yard (south)	10.5m	7.5m (+ 3.0m ALR Buffer) <b>Total: 10.5m</b>
Parking Spaces	Covered Parking: 161  Surface Parking: 10	Bachelor Units: 18 (18x1=20stalls) 1 Bedroom Units: 56 (56x1.25=73 stalls) 2 Bedroom Units: 48 (48x1.5=66)  <b>Total 160 stalls</b>
Bicycle Parking	61	0.5 per unit: 61 Stalls
Private Open Space	2186m <sup>2</sup>	2,175m <sup>2</sup>

① The applicant is seeking to vary the building height from 2.5 storeys permitted to 3 storeys proposed for buildings #1, 2, and 3.

② The applicant is seeking to vary the site coverage for buildings from 40% permitted to 42% proposed.

③ The applicant is seeking to vary the site coverage for buildings, parking and driveways from 50% permitted to 54% proposed.

④ The applicant is seeking to vary the internal side yard setback from 4.5m required to 0.0m proposed for buildings #1, 2 and 3.

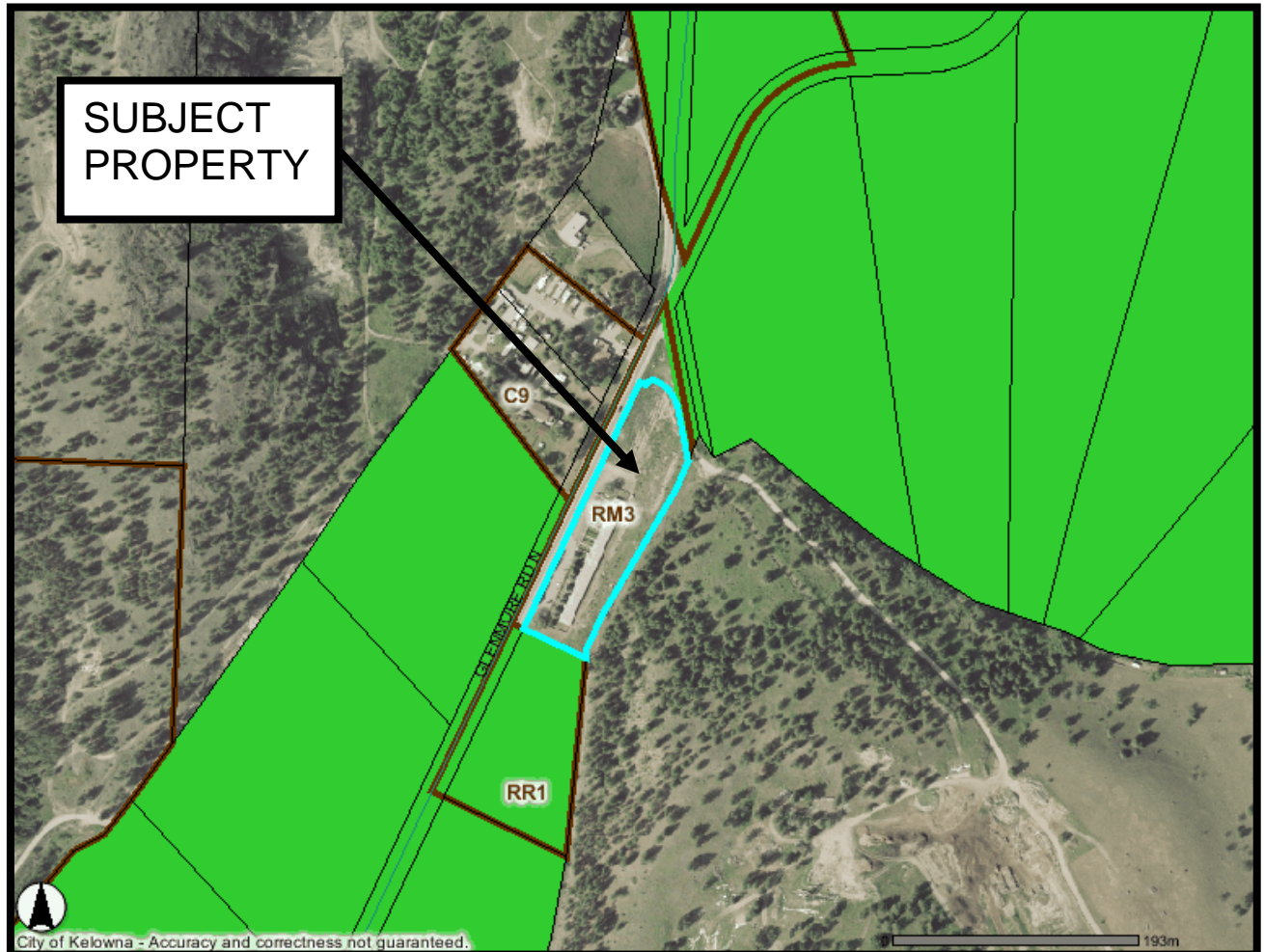
#### 4.1 Site Context

The subject property is located on the east side of Glenmore Road between Tutt Road and Galiano Road.

Adjacent zones and uses are:

North - A1 – Agriculture 1  
 East - A1 – Agriculture 1 – Vacant Parcel – Non ALR  
 South - RR1 – Rural Residential 1 (ALR)  
 West - C9 – Tourist Commercial

4.2 Site Location Map  
Subject Property: 1425 Glenmore Road N



#### 4.3 Current Development Policy

##### 4.3.1 Kelowna Official Community Plan

Kelowna's Official Community Plan designates the subject property as Rural/Agricultural. As such the proposed multiple family – low density re-development is inconsistent with Future Land Use Policy presented in Map.19.1 of the OCP.

The OCP also provides general development guidelines for multiple unit residential development:

##### **Landscaping**

Landscaping does the following:

- enhances public views
- provide noise buffering
- complement building's architectural features
- enhance the edges of buildings
- provide visual buffers of new buildings
- provide colours
- create shade
- create design interest
- retain required sight distances (from roadways)
- contribute to a sense of personal safety and security
- facilitate access, enjoyment and social activities for all authorized users
- incorporate native plants where practical

##### **Relationship to the Street**

- First storey bachelor units in buildings 1 and 2 provide individual ground-level access.
- The principle front entranceway to the development is located on Tutt Road. It does not have an entry feature. The entries of each of the five residential buildings are differentiated with the use of architectural features and building materials.
- Porches and balconies are provided.

##### **Building Massing**

- This development has multiple, separate buildings and is designed in such a manner that individual buildings contain different, but compatible shapes, masses, and/or exterior finishes.
- Development is not sensitive to and/or compatible with the massing and rhythm of the established streetscape. The subject property is located in an area which is primarily rural/agricultural and the proposed condo development is out of character in this context.
- Sub-roofs, dormers, balconies, and bay windows are incorporated into the design of the building's elevations.
- Variation between architectural bays within each façade is provided.

**Walls**

- End walls visible from a public street or residential lot are finished to provide an attractive appearance.

**Views**

- View corridors are, wherever possible, preserved.

**Environmental Considerations**

- Projects should be designed to minimize the impacts of climatic conditions such as excessive heat, cold and wind.
- Projects located along arterial roads should be designed to minimize residents' exposure to noise and exhaust emissions. As this development is located adjacent to Glenmore Road, staff recommends that the developer provide additional landscape works on this frontage to help mitigate the impacts of road.
- The applicant has indicated to staff that attempts will be made to have the project LEED Certified by the Canadian Green Building Council.

**Crime Prevention**

- Guidelines for Crime Prevention Through Environmental Design Guidelines (CPTED) should be followed.

**Ancillary Services/Utilities**

- Loading, garbage and other ancillary services are screened from view.
- Utility service connections are to be screened from view or be located so as to minimize visual intrusion.

**Amenities**

- The applicant has made arrangement with an abutting property owner to secure additional private open space via easement agreement. The applicant will also provide an amenity area in the basement below building 4.

**Access**

- Vehicle access and on-site circulation will not generally not impact pedestrian movements on-site.
- Vehicle access to the site itself is achieved via Tutt Road which is small road stub with access to Glenmore Road.

**Parking**

- Underground parking is provided to accommodate all required parking stalls.

## 5.0 TECHNICAL COMMENTS

The application was circulated to various city departments and technical agencies and the following comments were received:

### 5.1 Inspection Services

All the structures constructed at or near the property line required to meet the special separation of BCBC 1998. Architect to provide a detailed spatial separation calculation to verify the building code compliance. Geotechnical Engineer to assess the soil conditions and assure the sulphate content is dealt with accordingly. A detailed code analysis is to be provided at the building permit stage.

### 5.2 Glenmore Ellison Irrigation District

Requirements as per letter to City of Kelowna dated March 29, 2006.

### 5.3 Fire Department

- a) Turf stone paving is not accepted by this department.
- b) Fire department access, fire flows, and hydrants as per the BC Building.
- c) Code and City of Kelowna Subdivision Bylaw. Engineered fire flows may be needed to determine hydrant requirements.

### 5.4 Health Inspector/RCMP/SD#23/Terasen

No comments.

### 5.5 Shaw Cable

Developer/Owner to install conduit.

### 5.6 Telus

Developer to provide a 3 m x 4 m easement at no cost to Telus for a switching equipment cabinet to service this property, and which could serve surrounding properties. Will provide underground facilities; developer will be required to supply and install conduit.



## 5.7 Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application are as follows:

### 5.7.1 General

Provide easements and right of way as required.

### 5.7.2 Geotechnical Study

A comprehensive Geotechnical Study is required, which is to be prepared by a Professional Engineer competent in the field of geotechnical engineering, the study is to address the following:

- Overall site suitability for development.
- Presence of ground water and/or springs.
- Presence of fill areas.
- Presence of swelling clays.
- Presence of sulfates.
- Provide specific requirements for footings and foundation construction.
- Provide specific construction design sections for roads and utilities over and above the City's current construction standards.

### 5.7.3 Water

The property is located within the Glenmore Ellison Improvement District service area.

Provide an adequately sized domestic water connection and fire protection system. The water system must be capable of supplying domestic and fire flow demands of the project.

### 5.7.4 Sanitary Sewer

Provide an adequately sized sanitary sewer connection. Only one service is to be provided to the site. Existing Sanitary Sewer is not available at the site. Currently sanitary sewer is located on Glenmore Rd N. north of Scenic Road and will need to be extended from this point to the site. The estimated cost for this work, for bonding purposes, would be \$650,000.00, inclusive of a bonding contingency.

Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.

#### 5.7.5 Drainage

A comprehensive drainage site management plan and design to comply with the City's Drainage Design and Policy Manual, is a requirement of this application.

#### 5.7.6 Roads

Glenmore Road must be upgraded to a full urban standard including curb and gutter, separate sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The construction of the full urban upgrade will be deferred and completed at a later date with the exception of the separate sidewalk. The estimated costs of the upgrades is \$150,000.00 for bonding purposes.

A future road connection alignment from Glenmore Road to Highway 97 may affect the proposed access to the site. This development will need to consider the possible relocation of the proposed access once the future alignment is determined by the Transportation Department.

Re-locate existing poles and utilities, where necessary.

Driveway access is not permitted onto Glenmore Road N. 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 vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan.

#### 5.7.7 Power and Telecommunication Services and Street Lights

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.

#### 5.7.8 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.

#### 5.7.9 Bonding

Sanitary Sewer	\$650,000.00
Glenmore Rd Frontage Upgrades	\$150,000.00

NOTE: The bonding amounts shown above are comprised of estimated construction costs escalated 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 as a condition of subdivision approval or building permit issuance, 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 prior to issuance of a building permit.

#### 5.7.10 Servicing Agreements for Works and Services

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.

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.

#### 5.7.11 Latecomer Provisions

Under the provisions of the Local Government Act, Latecomer provisions are available for the following items:

#### 5.7.12 Sanitary sewer installation on Glenmore Rd N.

The consulting engineer is to prepare and submit the Latecomer information. The City will prepare the actual Latecomer Agreement(s) and forward to the owner(s) for signature. The Latecomer Agreements must be submitted for Council's adoption prior to the notice to proceed with the works and/or subdivision approval.

#### 5.7.12 Other Engineering Comments

Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

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.

#### 5.7.13 Charges and Fees

None of the Works & Services required are items included in the DCC calculations and therefore not eligible for DCC credits.

The additional cost for oversize works required by the City, which are not DCC creditable items, may be reimbursed to the owner subject to availability of funds. The oversize cost must be verified by actual construction tender or invoice and be based on:

For Pipes: The pipe material cost only for the increase in size.

Sewer Specified Area Administration Fee of \$250.00 to amend service boundary.

#### 5.8 Parks Department

a) We object to the planting of trees within the Glenmore Road Reserve because the City will incur substantial costs to remove the trees when the road is eventually widened. In addition, there will likely be resistance to removing the trees by the future residents in the condominiums. Instead, to create a buffer to the road, we recommend planting the trees on private property.

(Note: Developer has noted this comment and will amend the landscape plan accordingly)

b) The Strata will be responsible to weed, water and mow the boulevards adjacent to the property. The Strata will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

#### 6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The subject property is zoned RM3 – Low Density Multiple Housing which is a zoning anomaly given its rural/agricultural context. Regardless of the style of multi-family development that could occur on this site, the Planning and Corporate Services Department would have concerns due to the rural context of this site. While Planning and Corporate Services staff acknowledges the existing zoning affords the owner certain rights, any redevelopment of the site should consider the rural context of the surrounding area. Further complicating the situation is expansion of UBC Okanagan and associated transportation network issues. While staff and UBCO acknowledge that additional transportation links to the Glenmore Valley would be beneficial, no formal plans have been adopted by Council clarifying this issue.

With regard to the form and character of this particular development proposal staff had initially identified a wide variety of concerns dealing with both with the size of the project and the number/size of variances. While some of the variances were attributable to the odd configuration of the lot and staff's interpretation of front and side yard setbacks, staff and the APC had identified concerns with the variances to site coverage and private open space. The Advisory Planning Commission deferred consideration of the application after the initial meeting in order to give the applicant an opportunity to

address some of these concerns. After the initial APC meeting the applicant attempted to reduce and/or eliminate several of the variances originally identified and has been reasonably successful in this attempt. The variances required for private open space, rear yard setback (and ALR buffer), and for parking in a required front yard have been eliminated. The applicant has also managed to reduce the site coverage variances but has been unable to completely eliminate them. The proposed height variance and variance to the eastern side yard setback also remain unchanged.

While staff have always recognized that the form and character of the buildings is of good quality, and would be a welcome addition in an urban context, as noted above, staff struggle with supporting such a development given the rural context. Staff commends the applicant for attempting to mitigate the remaining variances through good design and for increasing the landscape buffer to the ALR on the south end of the property; however, given the context, staff are unable to support any variance to facilitate development on this site. Furthermore, staff note that although the applicant is attempting to achieve LEED accreditation for the project, staff would like to point out that the location of the subject property means that the location of the development is fundamentally unsustainable and contrary to growth management policies contain in Chapter 5 of the Official Community Plan. The policies include minimizing the impacts of development on agricultural land, developing a compact urban form and sustaining the environment.

Staff would also like to note that the developer has attempted to make arrangements to add more amenity space to the development by purchasing approximately 1 acre of A1 – Agriculture 1 zoned land to the east of the development. Staff has been clear with the applicant that the lot line adjustment which would facilitate the addition of this land will not be considered unless staff is given direction by Council to facilitate this arrangement. Staff has not considered this additional land in any of the development related calculations.

Should Council choose to support this development permit and related development variance permit application, an alternate recommendation is provided below.

#### 7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP06-0007 for Lot 1, Sections 9 and 16, Township 23, ODYD Plan KAP47448 Except Plan75589, located on Glenmore Road North, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. 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 professional landscaper;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0008; Lot 1, Sections 9 and 16, Township 23, ODYD Plan KAP47448 Except Plan75589 , located on Glenmore Road North, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 13.9.6 (c):**

The applicant is seeking to vary the building height from 2.5 storeys permitted to 3 storeys proposed for buildings #1, 2, and 3.

**Section 13.9.6 (b):**

The applicant is seeking to vary the site coverage for buildings from 40% permitted to 42% proposed.

**Section 13.9.6 (b):**

The applicant is seeking to vary the site coverage for buildings, parking and driveways from 50% permitted to 54% proposed.

**Section 13.9.6 (e):**

The applicant is seeking to vary the internal side yard setback from 4.5m required to 0.0m proposed for buildings #1, 2 and 3.

AND THAT the applicant be required to complete the proposed lot line adjustment by adding one acre of land to the eastern boundary of the subject property;

AND THAT the applicant be required to enter into a restrictive covenant in favor of the City of Kelowna, registerable under Section 219 of the Land Title Act. The covenant must be worded to the effect that vehicular access is not permitted from abutting lots. The subdivision plan must be endorsed to the effect that a covenant is to be registered. The covenant must be registered as a priority charge and is to be indicated on the Lot Grading Plan;

AND THAT the applicant be required to enter into a restrictive covenant in favor of the City of Kelowna, registerable under Section 219 of the Land Title Act noting that the subject property is located adjacent to land that is zoned for Agricultural Use and part of the Agricultural Land Reserve and it is reasonable to expect certain impacts as a result of this proximity;

AND THAT the applicant be required to enter into a restrictive covenant in favor of the City of Kelowna, registerable under Section 219 of the Land Title Act in order to designate the 1 acre of land added to the site as a “no-build” area;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued;

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Andrew Bruce  
Manager of Development Services



R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services

RM/AB/rs  
Attach.

### **ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plans
- Elevations
- Colour Samples
- Landscape Plan