

AND THAT issuance of the Development Permit and Development Variance Permit be subject to the requirements of the Development Engineering Branch being completed to their satisfaction.

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.

2.0 Purpose

This application seeks a form & character Development Permit for a proposed automobile dealership. A Development Variance Permit is requested to limit the building setback to the front property line, which requires variances to the required setback from a Provincial Highway as well as the minimum front yard in the I2 zone.

3.0 Land Use Management

The proposed development is welcomed in moving towards the continued redevelopment of the Highway 97 corridor. The building design is appropriate given the use being contemplated. Overall, the modern façade is an improvement on the existing land uses surrounding the site. In the interests of improving existing highway conditions, siting, orientation, signage and landscaping of redevelopment sites are significant factors, regardless of their vehicular dominance. Staff have worked with the applicant to refine the proposal, including enhancing visual interest along the northern elevation.

The proposed variance for building siting would not interrupt any prevalent streetscape for this portion of the Highway corridor. In addition, the orientation and dimensions of the lot present limited options for building placement. The Ministry of Transportation has no objections to the proposed siting.

Given the above considerations, the Land Use Management Department recommends that the Development Permit and Development Variance Permit application be considered favorably.

4.0 Proposal

4.1 Background

Prior to the site being purchased by the current land owners, the subject properties were most recently used as a recreational vehicle dealership (Enterprise RV), and previously for boat sales/storage (Rayburn's Marine).

4.2 Project Description

A new Lexus automobile dealership is being proposed for the site. The proposed 1.5 storey building would be placed on the northerly portion of the consolidated site, with the majority of the parking and car display areas located to the south of the building. The total floor area proposed is approximately 3050m², including a showroom, sales offices, service bays, parts storage, and additional staff areas in an upper floor mezzanine

The building is primarily orientated to "face" northbound highway traffic. On-site lighting is proposed to highlight vehicle product, as well as enhance site security. The lighting is to be

designed and orientated to limit light pollution on to neighbouring properties and roadways. Landscaping treatment is proposed to help screen the car display areas and to animate the highway frontage.

A mix of modern materials is proposed for the building elevations, including pre-cast concrete, aluminium panels and a significant amount of glazing. Gray and silver tones are to be highlighted with Lexus' corporate black and gold trim. In response to staff and APC comments, the north elevation has been enhanced with additional articulation (balcony area) and colour treatment.

The proposed building siting at 4.5m from the front property line triggers two variances to the Zoning Bylaw, including setback from a Provincial highway and the prevailing zone's front yard requirements. In Urban Centres, the required Highway setback is a minimum of 4.5m, however, as the site is outside of an Urban Centre, the bylaw requires a 15.0m building setback. In addition, the I2 - General Industrial zone requires a 7.5m front yard setback. The proposed variance is a response to the size and depth of the lot, as well as the Highway widening required through the proposal. The Ministry of Transportation has offered support for this variance.

Primary site access would be provided along Highway 97 (right-in, right-out), with a secondary access at the north end of Dease Road. Lot consolidation will be a requirement prior to Development Permit issuance.

The proposal conforms to Zoning Bylaw No. 8000 (with variance noted) as follows:

Criteria	Proposal	I2 Zone Requirements
Existing Lot/Subdivision Regulations		
Site Area (m ²)	7604m ²	4000m ²
Site Width (m)	79.36m	40.0m
Site Depth (m)	~113m	35.0m
Development Regulations		
F.A.R.	0.4	1.5
Height (m)	7.32m	14.0m
Site Coverage		50%
Required Setbacks		
<i>Setback from Highway 97</i> ①	4.5m	15.0m
<i>Front (Hwy 97)</i> ②	4.5m	7.5m
Side (north)	0.0m	0.0m
Side (south)	26.0m	0.0m
Rear (laneway)	10.0m	0.0m
Other Regulations		
Parking Spaces (#)	88 spaces	61 spaces
Bicycle Stalls (#)	Class I: 4 spaces Class II: 18 spaces Total: 22 spaces required	Class I: 4 spaces Class II: 18 spaces Total: 22 spaces required
Loading Spaces (#)	2 spaces	2 spaces
① Indicates a requested variance to the minimum building setback from a Provincial highway (outside of an Urban Centre) from 15.0m required to 4.5m proposed. ② Indicates a requested variance to the minimum front yard setback in the I2 zone from 7.5m required to 4.5m proposed.		

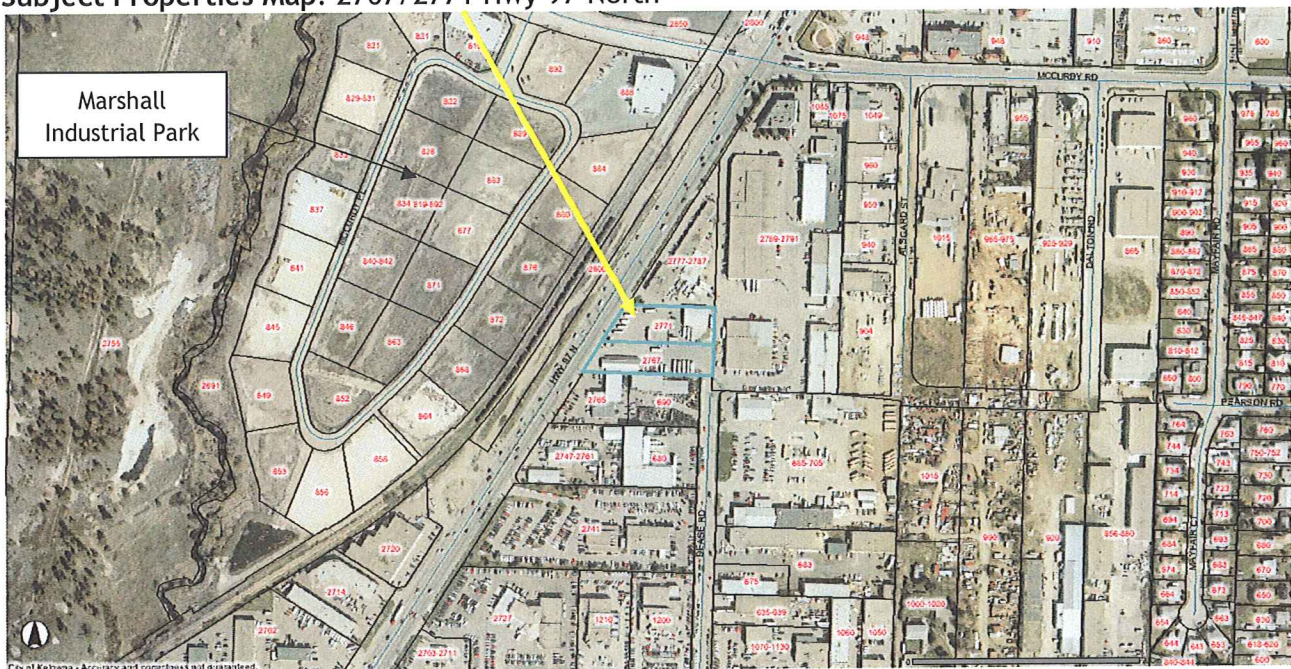
4.3 Site Context

The subject properties are located along the Hwy 97 corridor between Leathead and McCurdy Roads. The surrounding area includes a mix of industrial and vehicle-orientated commercial uses, with the Marshall Industrial Park located directly across the highway.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10 - Service Commercial	Blue Heights Business Park
East	C10 - Service Commercial	Blue Heights Business Park
South	I2 - General Industrial	Fountain Tire
West	I1 - Business Industrial/ I2 - General Industrial	Marshall Industrial Park

Subject Properties Map: 2767/2771 Hwy 97 North



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objectives for Industrial Development.¹

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP.
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility).
- All development should promote safety and security of persons and property within the urban environment (CPTED).

¹ City of Kelowna Official Community Plan, Policy No. 10.2, Industrial Chapter

- All development should minimize impacts resulting from on-site activities and processes that could negative affect adjacent land uses.

6.0 Technical Comments

6.1 Building & Permitting Department

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction. Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

The proposed variance to reduce the front yard setback does not compromise any municipal services. See attached comments for development servicing requirements.

6.3 Fire Department

Fire department access, fire flows of 150ltr/sec, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. Additional comments will be required at the building permit application.

6.4 Irrigation District (Black Mountain)

Capital Expenditure Charges are applicable at time of Building Permit.

6.5 Ministry of Transportation & Highways

The Ministry of Transportation has supported the proposed siting variance through pre-application review.

6.5 Subdivision Approving Officer

Road dedication will require an application for Technical Subdivision.

7.0 Application Chronology

Date of Application Received:	January 18, 2011
Advisory Planning Commission	February 15, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on February 15, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Permit Application No. DP11-0009, for 2767/2771 Highway 97 North, to obtain a Development Permit for the form and character of a proposed car dealership.

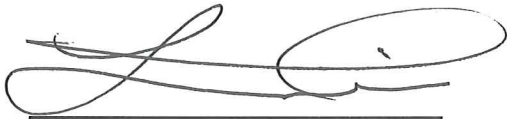
THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP11-0010, for 2767/2771 Highway 97 North, to vary the minimum setback from Highway 97 from 15.0 m required to 4.5 m proposed.

APC Comment: The Advisory Planning Commission supported the Development Variance Permit Application however would like to ensure that the Ministry of Transportations requirements for future highway widening will not be compromised by the setback variance. The Advisory

Planning Commission encouraged staff and the Applicant to discuss aesthetic improvements on the north side of the building.

The Ministry of Transportation supports the proposed variance, seeing no impact on future highway widening requirements. The applicant has also completed enhancements to the north elevation, including additional articulation of the proposed balcony, and additional colouring to the façade.

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map

Schedule A - Site and Floor Plans

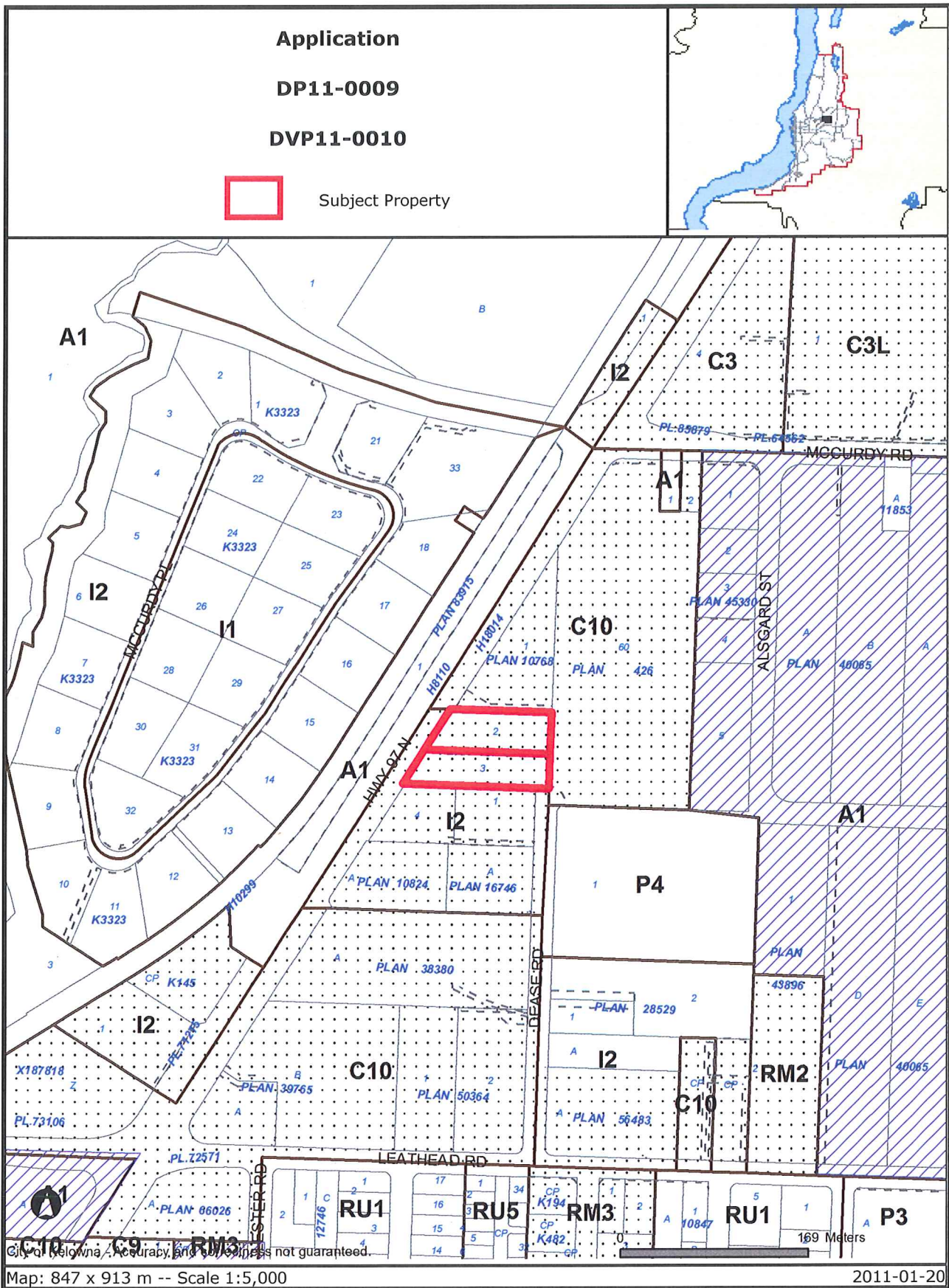
Schedule B - Elevations, Color/Materials Board

Schedule C - Landscape Plan

Development Engineering Comments

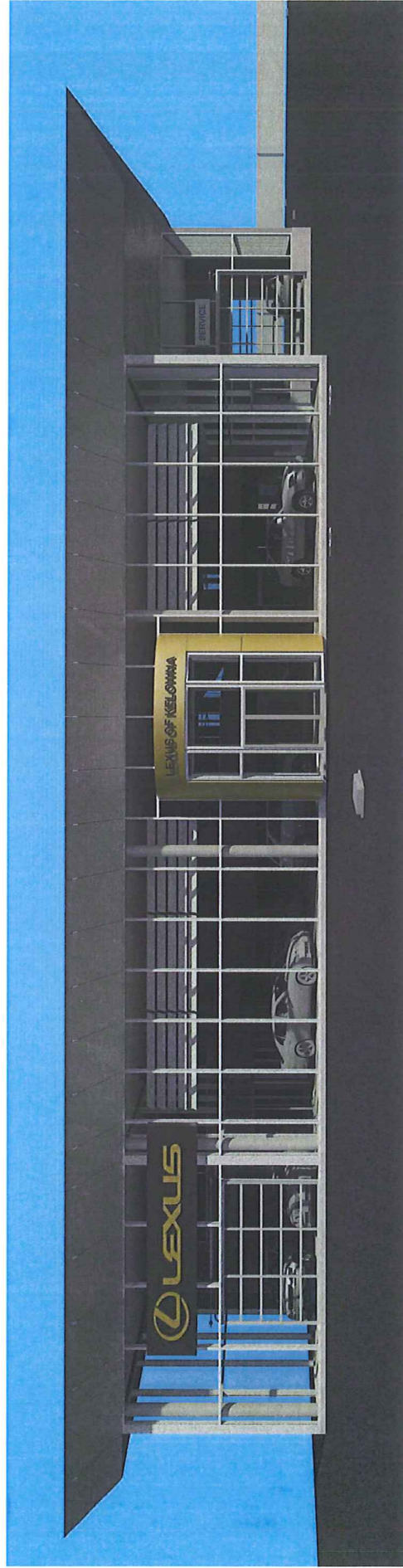
Draft Development Permit & Development Variance Permit (DP11-0009/DVP11-0010)





LEXUS OF KELOWNA

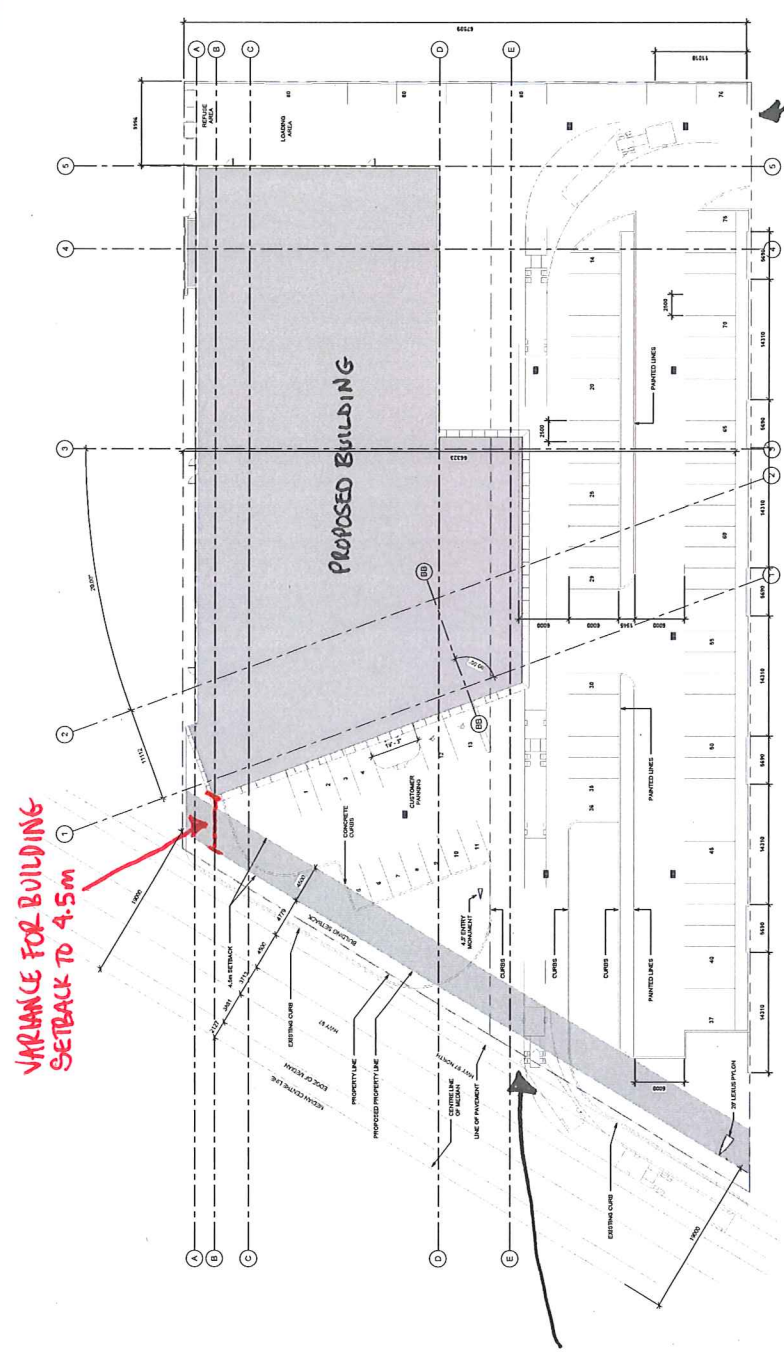
DEVELOPMENT VARIANCE PERMIT APPLICATION
JANUARY 14, 2011



Sheet List	
ARCHITECTURAL	
DP0.00	COVER SHEET
DP0.01	PROJECT STATISTICS
DP1.00	SITE PLAN
DP2.01	MAIN FLOOR PLAN
DP2.02	2ND FLOOR PLAN
DP4.00	PROJECT ELEVATIONS
DP4.01	COLOURED ELEVATIONS
DP5.00	BUILDING SECTIONS
DP11.00	FINISH COLOR BOARD

Sheet List	
CIVIL	
10105-20	SITE GRADING PLAN
ELECTRICAL	
E1	SITE PLAN, SYMBOL LEGEND
LANDSCAPE	
L1	PLANTING PLAN
L2	DETAIL PLAN & NOTES

SCHEDULE "A" (1 of 3)
 This forms part of development
 Permit # DP11-0009 / Dup11-0010

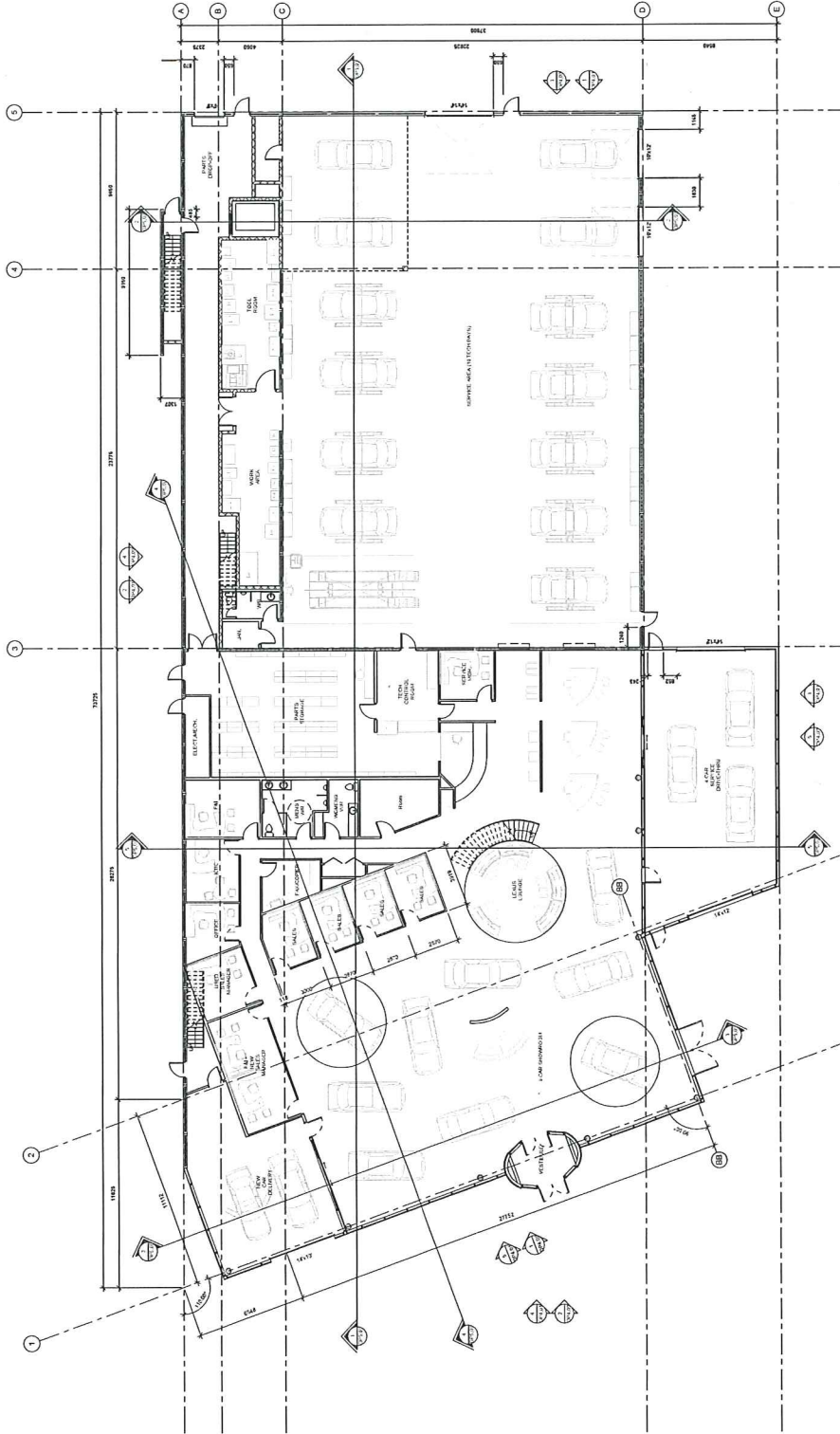


VARIANCE FOR BUILDING
 SETBACK TO 4.5m

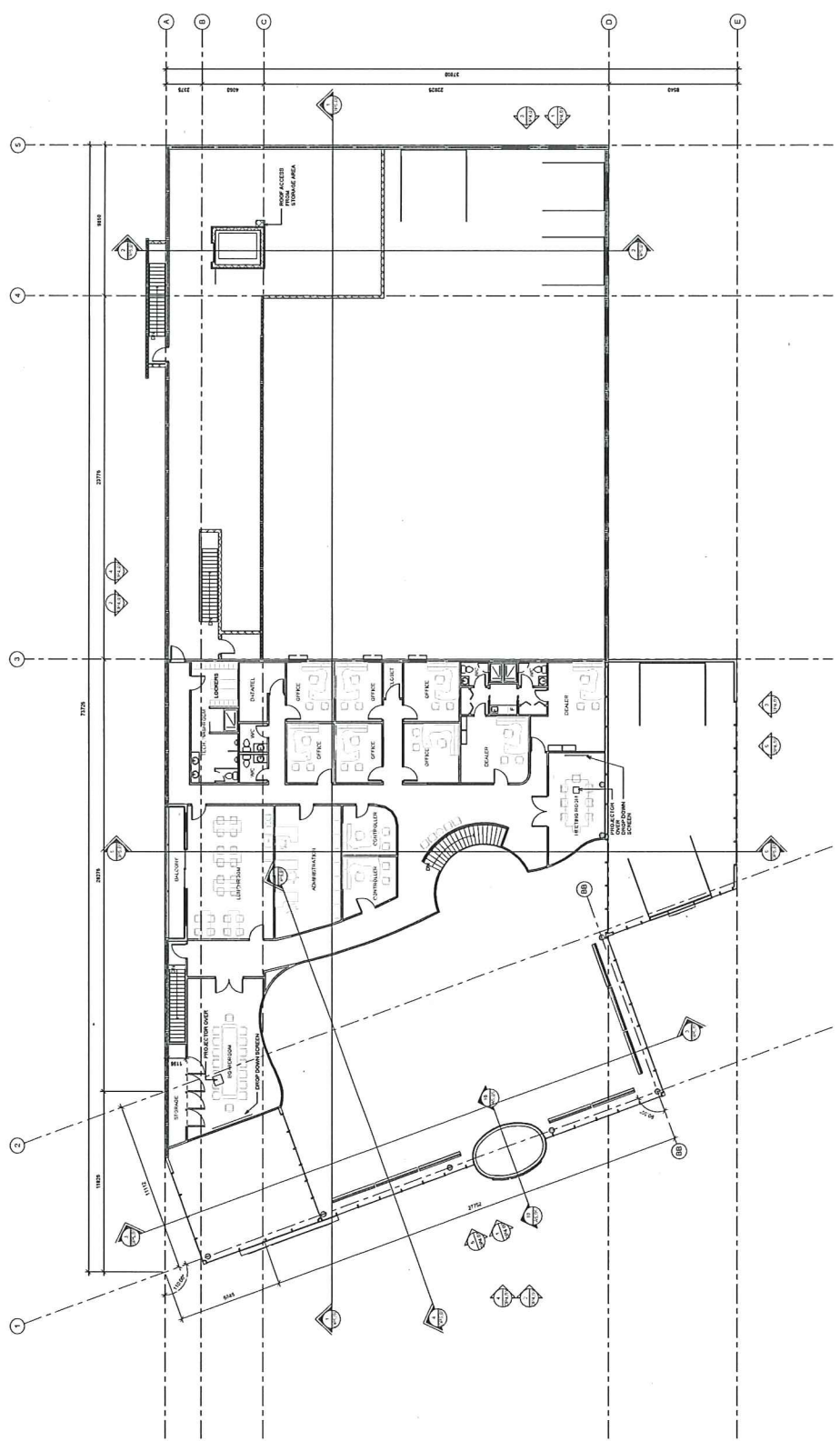
VEHICULAR
 ENTRY-1
 (HWY 97)

VEHICULAR
 ENTRY
 (DEASE RD)

1 SITE OVERALL ON PROJECT NORTH
 01/11/11



SCHEDULE "A" (2 of 3)
This forms part of development
Permit # DP11-0009 / DP11-0010



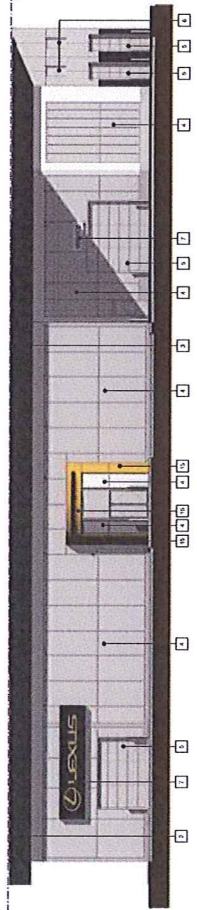
SCHEDULE "A" (3 of 3)
 This forms part of development
 Permit # DP11-0009 / DP11-0010

LEGEND	
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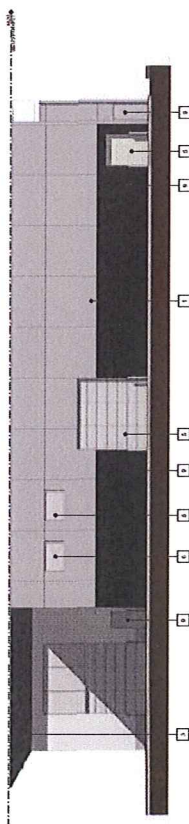
REVISED PLANS

MAR 09 2011

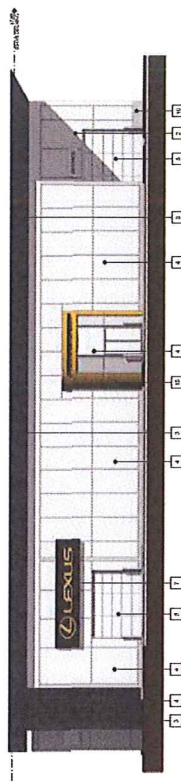
CITY OF KELOWNA
Land Use Management



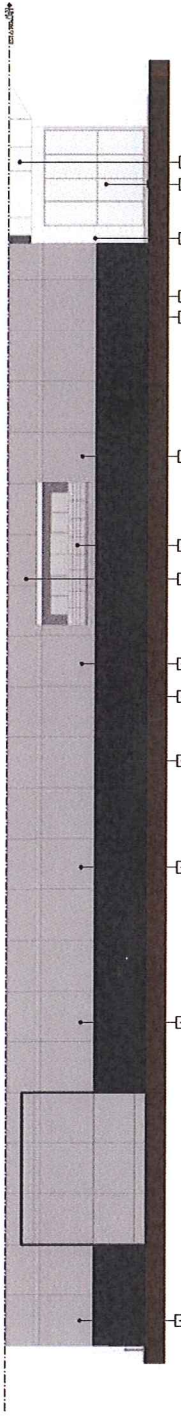
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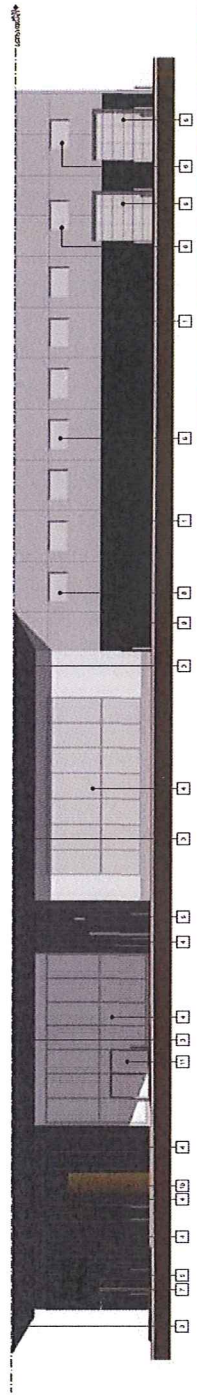
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PROJECT: 1100



4. WEST-OVERALL
PROJECT: 1100



2. NORTH-OVERALL
PROJECT: 1100



3. SOUTH-OVERALL
PROJECT: 1100

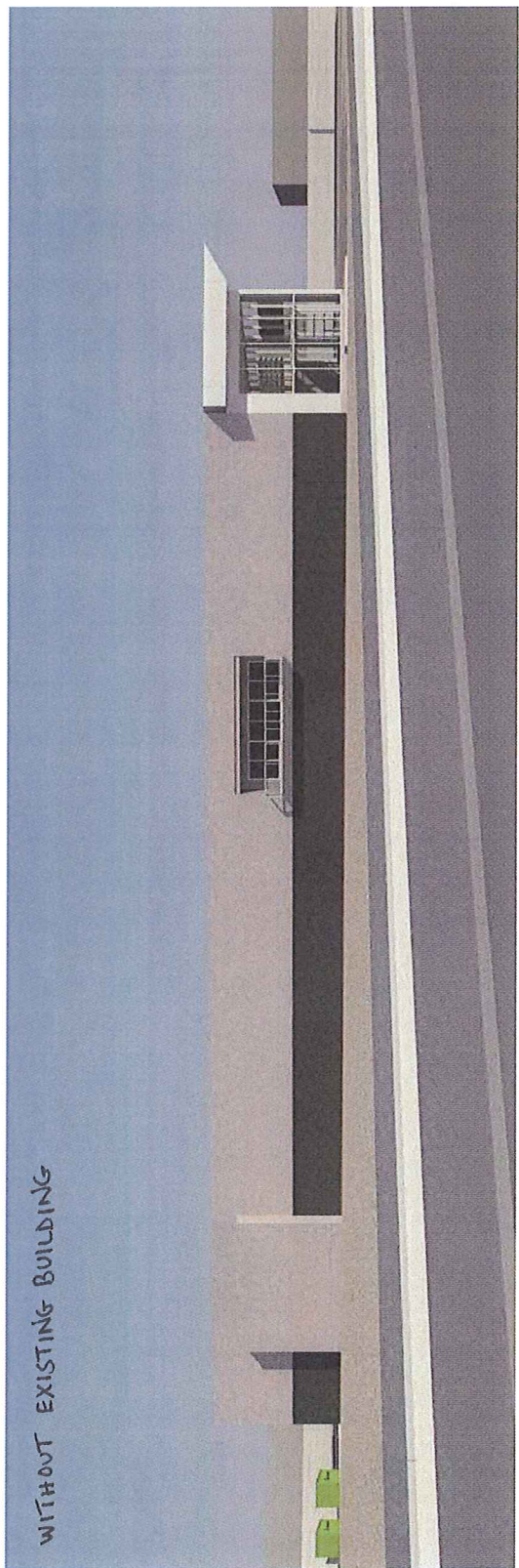
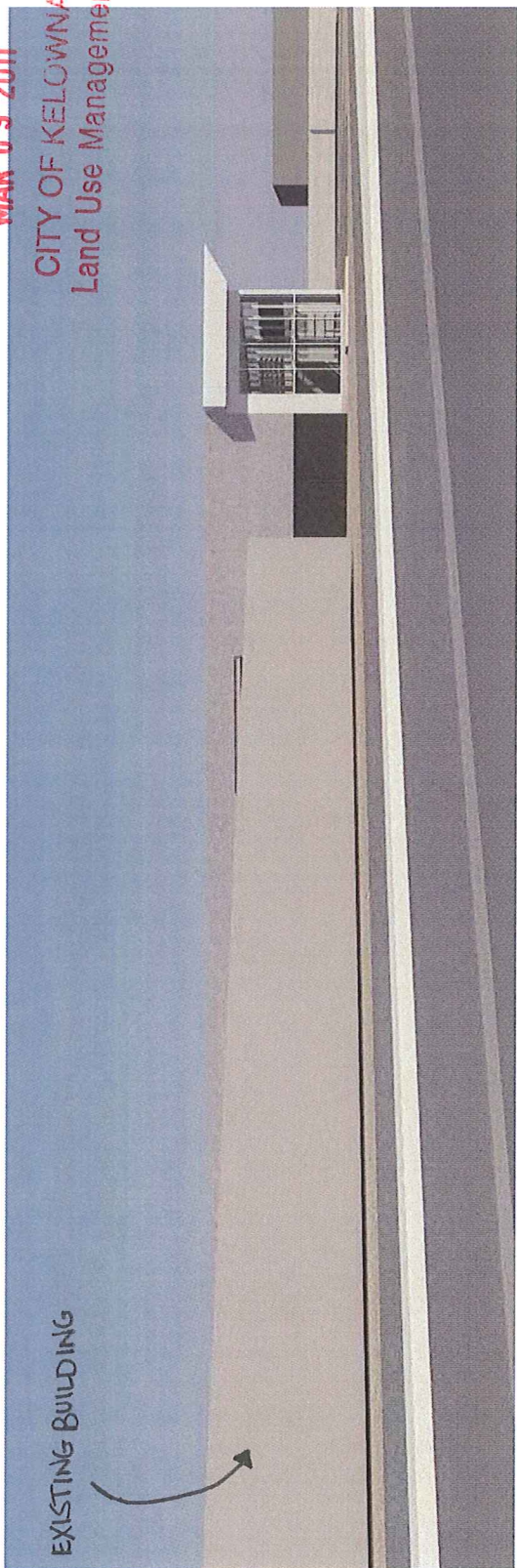
SCHEDULE B^M (1 of 4)
This forms part of development
Permit # DP11-0009 / DP11-0010

SCHEDULE "B" (2 of 4)
This forms part of development
Permit # DP11-0009 / DVP11-0010

REVISED PLANS

MAR 09 2011

CITY OF KELOWNA
Land Use Management



PROJECT: LEXUS OF KELOWNA

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SCALE:

PROJECT No: 2010-079

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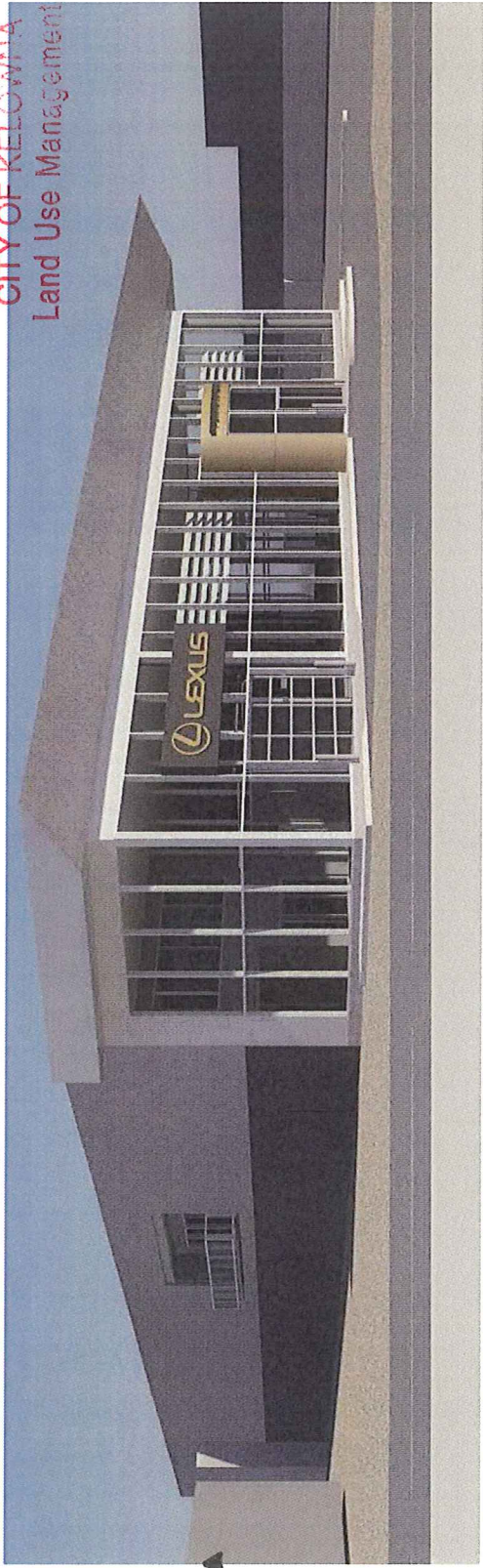


SCHEDULE "B" (3 of 4)
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Permit # DP11-0009 / DP11-0010

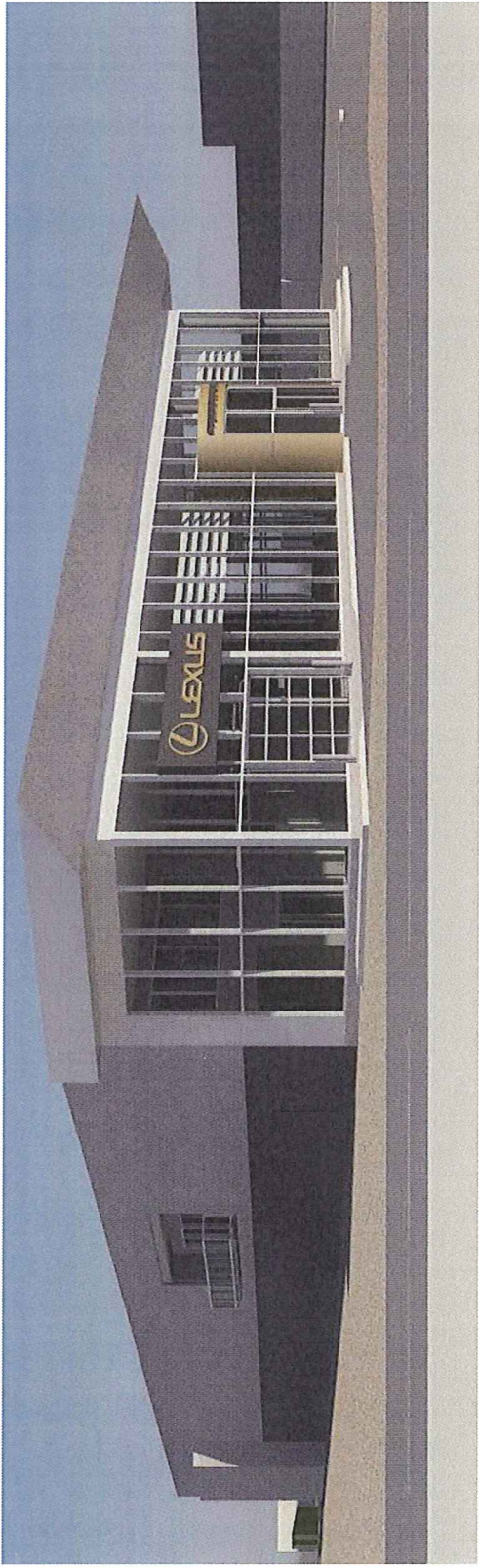
REVISED PLANS

MAR 09 2011

CITY OF KELOWNA
Land Use Management



EXISTING BUILDING



WITHOUT EXISTING BUILDING

PROJECT: LEXUS OF KELOWNA

DRAWING TITLE: SOUTHBOUND 0 M OUT - WITH OR WITHOUT BLUEHEIGHTS

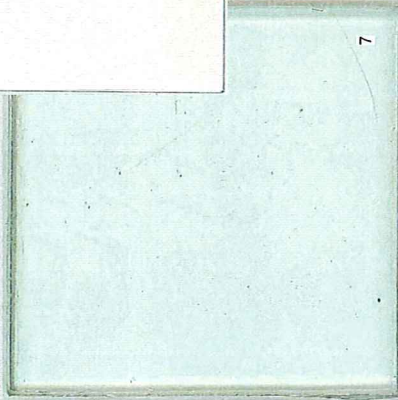
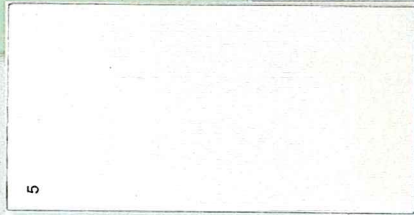
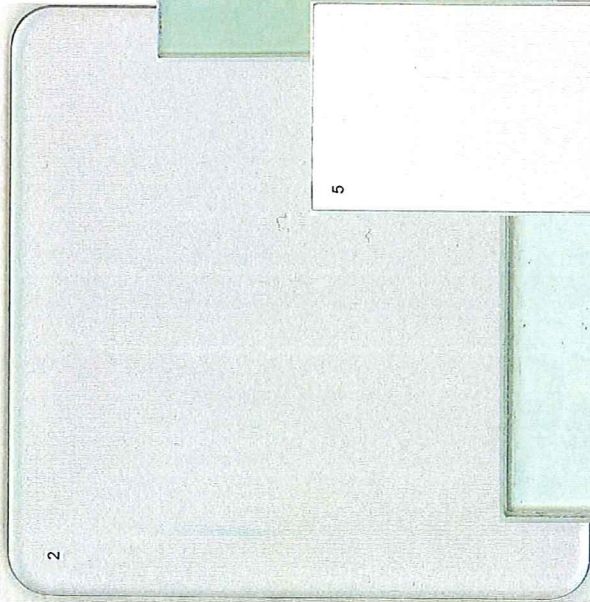
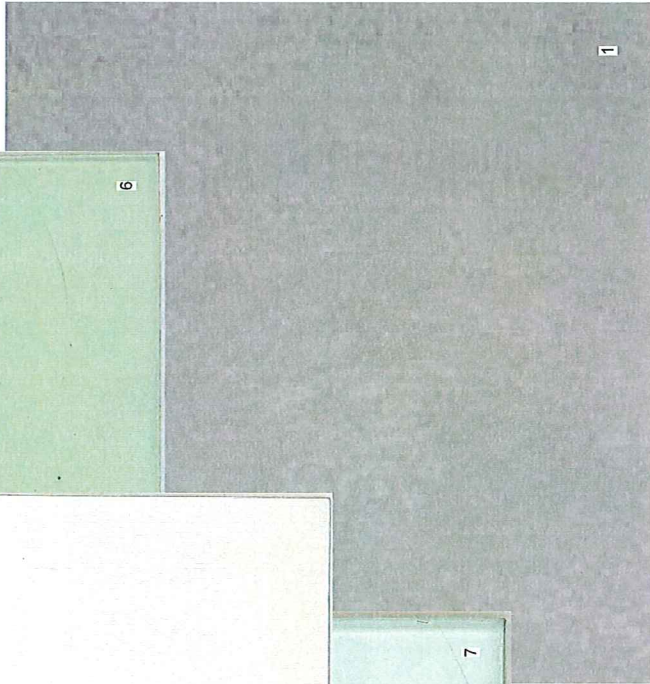
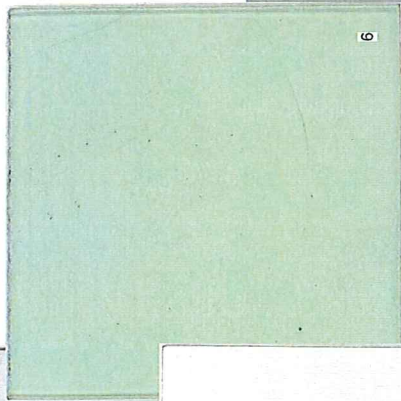
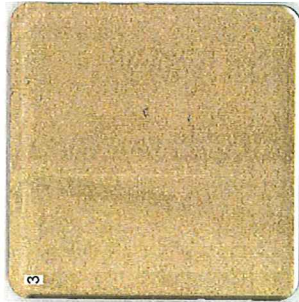
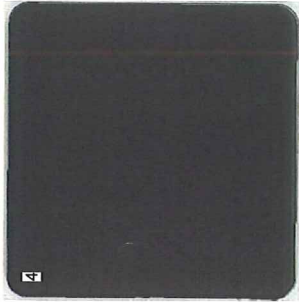
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SCHEDULE "B" (A of 4)
 This forms part of development
 Permit # **DP11-0009 / DP11-0010**

MATERIAL LEGEND
1. PRECAST SANDWICH PANEL-SANDFLOAT FINISH
2. ALUMINUM COMPOSITE PANEL - SILVER METALLIC
3. ALUMINUM COMPOSITE PANEL - GOLD
4. ALUMINUM COMPOSITE PANEL - BLACK
5. ALUMINUM FRAME - CLEAR ANNOXIDIZED
6. WINDOW GLAZING - 366 LOW E
7. RAILING GLAZING 6 mm LAMINATED

PROJECT: LEXUS OF KELOWNA

DRAWING TITLE: FINISH COLOR BOARD

SCALE: As indicated

PROJECT No: 2010-079

DATE: 14/01/2011 12:12:53 PM

DRAWING No: **DP11.00**

ARCHITECTURE
 PLANNING
 INTERIORS
cei
 VANCOUVER, VICTORIA
 SEASIDE, LOS ANGELES
 MELBOURNE, ADELAIDE
 SYDNEY, HONG KONG, SINGAPORE
 PERTH, COOMBERGEE, CANBERRA

REV#	DATE	DESCRIPTION
1	15/01/11	ISSUE FOR P
2	15/01/11	
3	15/01/11	
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5	15/01/11	

PROJECT TITLE:
LEXUS OF KELOWNA
210 Highway 97 N, Kelowna, B.C.

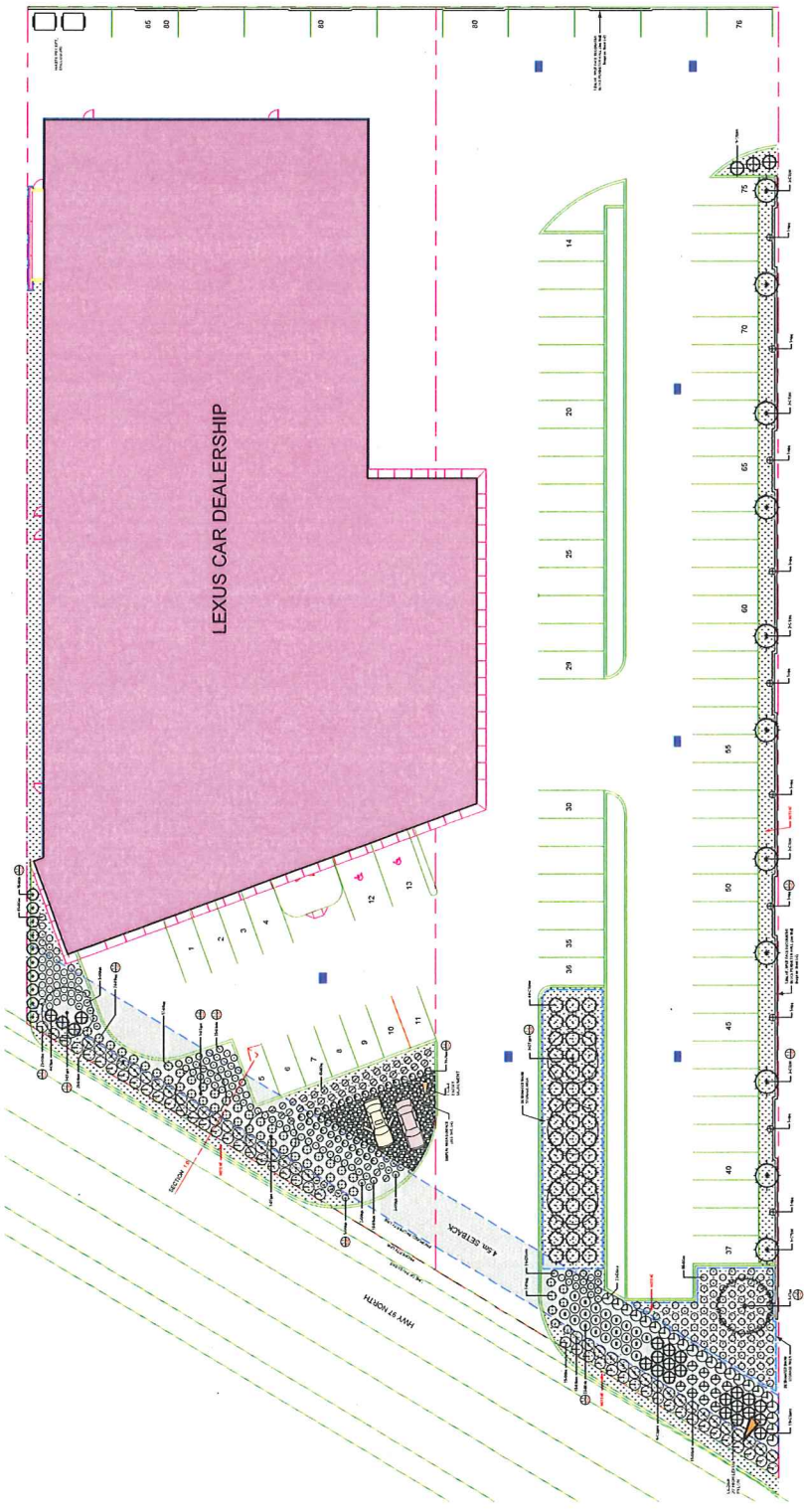


2500-2501L Street
VICTORIA BC V8M 4T7
www.cej.ca
DESIGN FIRM



PROJECT NO.	2062/DP
DATE	JAN/2011
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L-1.2



SCHEDULE C¹ (1 of 2)
This forms part of development
Permit # **DP11-0009/DP11-0010**

Key	Qty	Botanical Name	Common Name	Size	Mat/HL /Spr	Prop. Spacing	Comment
EB04	42	Buxus 'Green Gem' P.P.# 3729	Green Gem Boxwood	802 POT	0.8 / 0.6M	1.0M OC	FULL PLANTS
EB05	10	Texas 'Green Hedge' P.P.# 3729	Green Gem Boxwood	802 POT	1.0 / 1.1M	1.2M OC	FULL PLANTS
CS01	3	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Juniper	802 POT	20 / 2.4M	1.5M OC	FULL PLANTS
CS02	48	Juniperus horizontalis 'Prince of Wales'	Prince of Wales Juniper	802 POT	20 / 3.7M	1.5M OC	FULL PLANTS
CS03	23	Pinus nigra 'Columbus'	Queen's Park Pine	802 POT	1.2 / 2.8M	1.2M OC	FULL PLANTS
CT01	1	Pinus nigra	Austrian Pine	2.5M HT.	15 / 8.0M	AS SHOWN	IMMEDIATE STRONG LEADER, GOOD FORM
DB01	38	Berberis thunbergii 'Monrovia'	Cherry Bomb Japanese Barberry	802 POT	1.0 / 1.0M	1.2M OC	FULL PLANTS
DB02	48	Spiraea japonica 'Goldmound'	Goldmound Spirea	802 POT	48 / 7.7M	1.2M OC	FULL PLANTS
DB03	6	Wegelia florida 'Fry's Weigela'	Maingate Weigela (Fry's Weigela)	802 POT	48 / 6.1M	1.2M OC	FULL PLANTS
DB04	5	Coniochaete privet 'Sentry'	Privet Sentry Privet	802 POT	12 / 4.6M	50M OC	IMMEDIATE STRONG LEADER, GOOD FORM, 1.5M CLEAR STEM HT.
DB05	11	Calluna vulgaris 'Kalf Forster'	Kalf Forster Heather	802 POT	1.5 / 1.0M	1.2M OC	FULL PLANTS
OD01	18	Festuca glauca 'Boulder Blue'	Boulder Blue Fescue	802 POT	0.2 / 0.3M	0.7M OC	FULL PLANTS, GOOD COLOUR
OD02	44	Helleborus viridis	Blue Oxlip	802 POT	1.0 / 1.0M	0.7M OC	FULL PLANTS, GOOD COLOUR
OD03	10	Pieris japonica	Japanese Pieris	802 POT	1.0M	5.0M OC	FULL PLANTS, TRIM TO WALL

ISSUE REVISION	DATE	DESCRIPTION
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1.1		
1.2		
1.3		
1.4		
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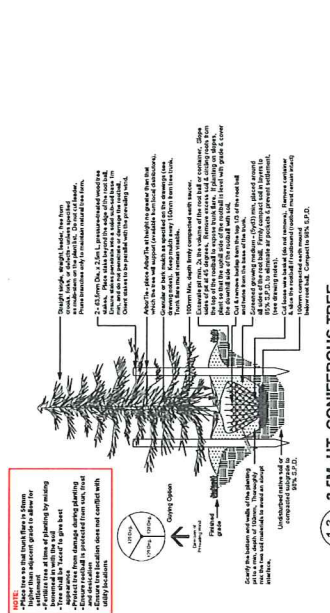
PROJECT TITLE
LEXUS OF KELOWNA
 210 Highway 71 N, Kelowna, B.C.



DETAIL PLAN & NOTES

PROJECT No.	09610P
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DRAWING No.	

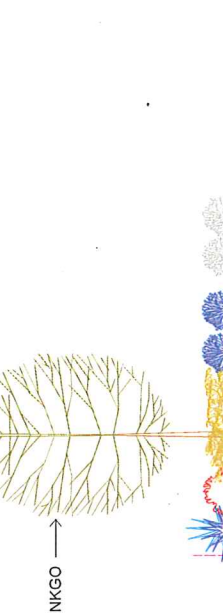
L-2.2



IRIGATION SYSTEM
 1.6 All landscaped areas shall be irrigated with an automatically timed spray and combination drip irrigation system (see irrigation plan). The contractor shall use the following specifications for the irrigation system:
 1.7 The contractor is responsible to coordinate the installation and operation of the irrigation system with planting times, to ensure start material does not dry out.
 1.8 All work and products of the contractor shall meet or exceed the Irrigation Association of British Columbia standards and specifications, and shall conform to the requirements of the British Columbia Building Code, including the British Columbia Landscaping Standard 7th Edition, Municipal Bylaw, W.C.B. Regulations, including all amendments.



CRADING & DRAINAGE
 1.1 The contractor is required to confirm on site with Sustainable Systems, finished grade & sub-grade elevations prior to construction. Sub-grade elevations shall be confirmed with the contractor's site plan and the finished grade shall be confirmed with the contractor's site plan.
 1.2 The contractor is required to ensure continuous and positive drainage of water away from the building, parking areas, and other paved areas.
 1.3 All work and products of the contractor shall meet or exceed the Irrigation Association of British Columbia standards and specifications, and shall conform to the requirements of the British Columbia Building Code, including the British Columbia Landscaping Standard 7th Edition, Municipal Bylaw, W.C.B. Regulations, including all amendments.

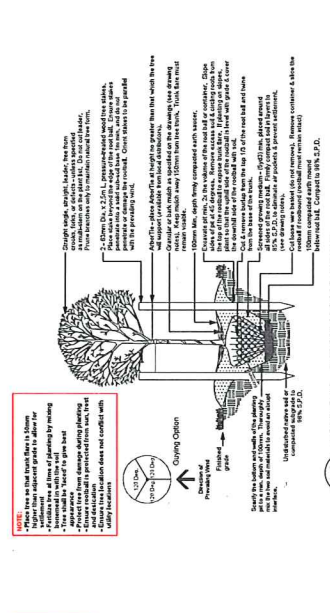


PLANT MATERIAL
 3.0 All plant material supplied and placed by the contractor must be certified to be the species and variety specified in the contract documents. The contractor shall provide a list of all plant material to be used, including the source, quantity, and location.
 3.1 The contractor shall confirm all plant species, quantities & sizes shown on the plant list with the client prior to construction.
 3.2 All plant material shall be delivered to the site in good condition and shall be installed in accordance with the contract documents.
 3.3 All plant material shall be protected during construction unless otherwise noted on the drawing (to be removed).
 3.4 The contractor is responsible to verify with Sustainable Systems on site, proposed tree locations with respect to underground and overhead utility locations.
 3.5 The contractor is responsible to verify with Sustainable Systems on site, the layout details of all landscape features prior to construction.

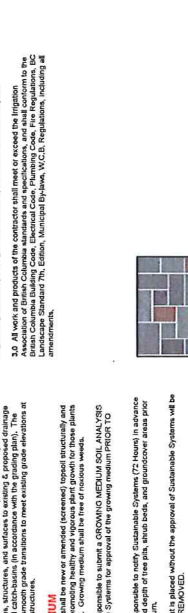
REPLACEMENT GUARANTEE
 4.0 The contractor shall provide a replacement guarantee to the owner of all plant material installed over a minimum of 1 year from the date of installation.
 4.1 The contractor shall provide a replacement guarantee to the owner of all plant material installed over a minimum of 1 year from the date of installation.
 4.2 The contractor shall provide a replacement guarantee to the owner of all plant material installed over a minimum of 1 year from the date of installation.



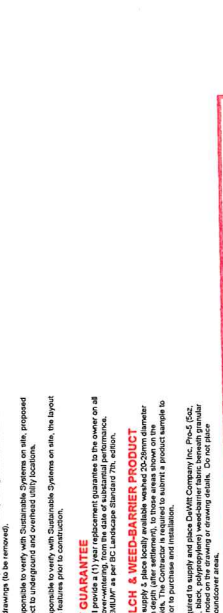
SECTION 1.0 - N.T.S.



CONTRACT DOCUMENTS
 1.0 The Contractor acknowledges and understands that the Contract Documents may represent amended data and may contain errors, omissions, conflicts, inconsistencies, and other discrepancies. The Contractor agrees to carefully study and compare the individual documents and to identify any such discrepancies. The Contractor shall be responsible for resolving any such discrepancies. The Contractor shall be responsible for resolving any such discrepancies.



UNAUTHORIZED CHANGES
 1.4 The Contractor shall not make any changes to the contract documents without the written consent of the Client. Any changes to the contract documents shall be made in writing and shall be signed by both the Contractor and the Client.

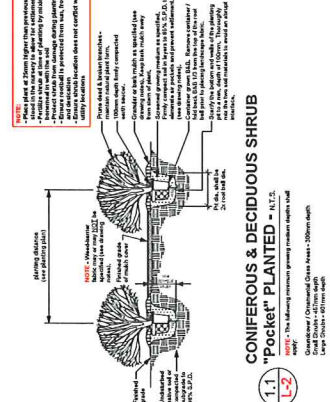


PERMITS
 1.5 The contractor is responsible to obtain all necessary permits from all agencies and to comply with all applicable laws and regulations.

COMPLIANCE
 1.6 All work and products of the contractor shall comply with the British Columbia Building Code, Electrical Code, Plumbing Code, Fire Regulation, B.C. Landscaping Standard 7th Edition, Municipal Bylaw, W.C.B. Regulations, including all amendments.



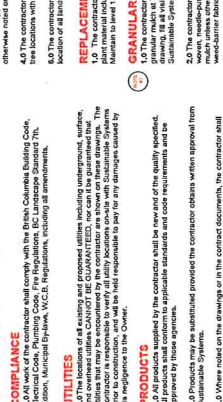
UTILITIES
 1.7 The contractor is responsible to verify with Sustainable Systems on site, proposed tree locations with respect to underground and overhead utility locations.



PRODUCTS
 1.8 All products used in the construction shall meet or exceed the quality specified in the contract documents. The contractor shall provide a list of all products to be used, including the source, quantity, and location.



SHOP DRAWINGS & PRODUCT SAMPLE REVIEW
 1.9 The contractor shall provide shop drawings and product samples to the client for review and approval prior to construction.



INSPECTIONS
 1.10 The contractor shall provide access to all areas of the site for inspection by the client and the contractor. Inspections are required for all work that will be covered, finished, under slab, in walls, and structures.

SCHEDULE C (2 of 2)
 This forms part of development
 Permit # **DP11-0009 / DP11-0010**



INSPECTIONS
 1.11 The contractor shall provide access to all areas of the site for inspection by the client and the contractor. Inspections are required for all work that will be covered, finished, under slab, in walls, and structures.

CITY OF KELOWNA
MEMORANDUM

File No.: DP11-0009
Date: March 2nd, 2011
To: Land Use Planner (LT)
From: Development Engineering Manager (SM)
Subject: 2767 Hwy 97 W. - Lot 2 & 3, Plan 10768, D.L. 124, ODYD

Development Engineering comments and requirements regarding this application are as follows:

These are Works and Utilities initial comments and they may be subject to the MOT comments and requirements.

1. General

- a) The proposed building will be straddling the two lots; both lots will have to be consolidated to accommodate the structure.
- b) Dedicate a widening along the highway frontage to match the two adjacent lots on either side of the subject properties.
- c) Provide easements as may be required.

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays. This study can be deferred to the building permit.

3. Domestic water and fire protection.

- a) The subject property is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.

.../2

4. Sanitary Sewer.

- a) Both properties are currently serviced by the Municipal wastewater collection system. Each have a 150 mm. service. The drawings submitted for the building permit indicate that only the southern service will be connected to the proposed structure. The northerly service located within the easement on the adjacent property must be decommissioned at the main and the inspection removed. The cost of the existing service decommission is estimated at **\$1,400.00** inclusive of a bonding escalation.
- b) The southerly lot is located within Sewer Specified Area (LAS) #22E and the charges have been cash commuted in 2004. The northerly is required to join LAS 22 by the consolidation. The LAS charges for the new property will have to be cash commuted less the Single Family Equivalent (SFE) paid for the southerly property. The charges is (1.88 Ac x 2.8 SFE) -2.63 SFE paid =2.63 SFE @ \$5,339.40= **\$14,042.62**

5. Drainage.

- a) A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual is a requirement of this application but can be deferred until the application for a building permit is made.
- b) A new storm overflow service must be constructed in order to accommodate the proposed development. The cost of installing the service along with the connection to the existing storm sewer manhole is estimated at **\$7,000.00** inclusive of a bonding escalation.

6. 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.

7. Road improvements.

Hwy 97

- a) The Highway 97 frontage is to be designed and constructed to full urban standard which includes road construction, storm sewer works, curb and gutter and separate sidewalk, landscaped boulevards complete with trees and irrigated grass, street lights and the relocation and/or removal of existing utilities as may required. We estimate these works to cost approximately **\$18,400.00** which includes a bonding escalation.
- b) The property was identified, in the Highway Access Management Plan, as a public transportation link to Dease Road; the necessity of that link appears to have been downgraded under recent traffic network options review and preference along the Hwy 97 corridor.

8. 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.

9. 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 or reports 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.

10. Bonding and Levies Summary.

a) Performance Bonding

Hwy frontage	\$18,400.00
New storm service	\$ 7,000.00
Decommission old sanitary sewer service	<u>\$ 1,400.00</u>
Total bonding	<u>\$26,800.00</u>

b) Levies

Sanitary sewer Specified Area #22E	<u>\$14,042.62</u>
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Note that the owner has already provided a letter of credit in the amount of **\$18,400.00** that will require an additional **\$ 8,400.00** and a new Servicing Agreement will have to be executed.

Steve Muenz, P. Eng.
Development Engineering Manager

BB

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

- Development Permit No.: DP11-0009
 Development Variance Permit No: DVP11-0010

EXISTING ZONING DESIGNATION: I2 - General Industrial
WITHIN DEVELOPMENT PERMIT AREA: Industrial

ISSUED TO: RJS Holdings Inc. (c/o CEI Architecture)
LOCATION OF SUBJECT SITE: 2767 & 2771 HWY 97 N

	LOTS	PLAN	DISTRICT LOT	DISTRICT
LEGAL DESCRIPTION:	2 & 3	10768 except Plan 48110	124	O.D.Y.D.

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.
- Applicants for Development and Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) THAT landscaping to be provided on the land be in general 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 professional landscaper;
- e) AND FURTHER THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 6.10.1 - Setback from Provincial Highways:

To vary building setback from Highway 97 from 15.0m required to 4.5m proposed;

Section 15.2.5 - 12 Development Regulations:

To vary minimum front yard from 7.5m required to 4.5m proposed;

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the approval.

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 Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee 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 Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ _____.
- (b) A Certified Cheque in the amount of \$ _____.
- (c) An Irrevocable Letter of Credit in the amount of \$ \$73,750 .

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.

4. 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 which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

5. APPLICANT'S AGREEMENT:

I hereby declare that all 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 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 Director of Community & Corporate Services.

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

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

AUTHORIZED BY MUNICIPAL COUNCIL OF THE CITY OF KELOWNA THE @ DAY OF @, 20@@.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT FOR THE CITY OF KELOWNA THE @ DAY OF @, 20@@.

Shelley Gambacort
Director, Land Use Management

