

City of Kelowna

Regular Council Meeting

AGENDA



Monday, June 29, 2015
1:30 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

This meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

4 - 9

Regular PM Meeting - June 22, 2015

3. Development Application Reports & Related Bylaws

3.1 2076 Enterprise Way, DP14-0249 - 3752 Investments Ltd.

10 - 28

To consider a Form & Character Development Permit Application for a 9,975 square meter warehouse sales building and associated 1,415 square meter garden centre at 2076 Enterprises Way.

3.2 2149, 2159, 2169, 2179 & 2189 Pandosy Street, BL10440 (OCP10-0008) - John & Alana Marrington and John Balla

29 - 29

Requires a majority of all members of Council (5).

To adopt Bylaw No. 10440 in order to change the future land use designation of the subject properties to the Health District designation.

3.3 2149, 2159, 2169, 2179 & 2189 Pandosy Street, BL10439 (Z10-0040) - John & Alana Marrington and John Balla

30 - 30

To adopt Bylaw No. 10439 in order to rezone the subject properites to the HD2 - Hospital & Health Support Services zone.

- 3.4 2149, 2159, 2169, 2179 & 2189 Pandosy Street, BL10624, Housing Agreement Authorization Bylaw - John & Alana Marrington and John Balla** 31 - 40
- To adopt Bylaw No. 10624 in order to authorize the City to enter into an Affordable Rental Housing Agreement with John & Alana Marrington and John Balla.
- 3.5 551 Glenwood Avenue, BL10772 (OCP12-0013) - Paul Hesketh** 41 - 41
- Requires a majority of all Members of Council (5).**
To adopt Bylaw No. 10772 in order to change the future land use designation of the subject property to the Health District designation.
- 3.6 551 Glenwood Avenue, BL10773 (Z12-0054) - Paul Hesketh** 42 - 42
- To adopt Bylaw No. 10773 in order to rezone the subject property to the HD2 - Hospital & Health Support Services zone.
- 3.7 2149, 2159, 2169, 2179 & 2189 Pandosy Street and 551 Glenwood Avenue, DP12-0123 - John & Alana Marrington** 43 - 80
- To consider a Development Permit application to allow for the development of an Extended Medical Treatment Facility.
- 4. Non-Development Reports & Related Bylaws**
- 4.1 Centrifuge Purchase - Brandts Creek Tradewaste Treatment Facility** 81 - 83
- To install a centrifuge system at the Brandts Creek Tradewaster Treatment Facility in order to reduce the volume of bio-solids leaving the facility and reduce the costs associated with hauling of the bio-solids.
- 4.2 Municipal Finance Authority Borrowing for Library Parkade Extension and Memorial Parkade** 84 - 85
- To obtain Council approval that the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 30 year term for the Memorial parkade at 1420 Ellis Street and the expansion of the current "Library" parkade at 1352 Ellis Street.
- 4.3 Municipal Finance Authority Borrowing for Kelowna Police Services Building** 86 - 87
- To obtain Council approval that the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 30 year term for the Kelowna Police Services Building at 650 Clement Avenue.
- 4.4 Active by Nature Campaign** 88 - 91
- To provide Council with an update on the programs being developed to promote and support the City's outdoor active transportation and recreational opportunities.

5. Mayor and Councillor Items
6. Termination



City of Kelowna Regular Council Meeting Minutes

Date: Monday, June 22, 2015
Location: Council Chamber
City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Tracy Gray, Charlie Hodge, Brad Sieben, Mohini Singh, Luke Stack*

Staff Present City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Cultural Services Manager, Sandra Kochan*; Utility Planning Manager, Andrew Reeder*; Community Planning Manager, Ryan Smith*; Urban Forest Health Technician, Andrew Hunsberger*; Planner Specialist, Pat McCormick*; Business Systems Analyst, Jessey Chudiak*; Financial Projects Manager, Garry Filafilo*; Council Recording Secretary, Arlene McClelland

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 1:31 p.m.

Mayor Basran advised that the meeting is open to the public and all representations to Council form part of the public record. A live audio feed is being broadcast and recorded by CastaNet and a delayed broadcast is shown on Shaw Cable.

2. Confirmation of Minutes

Moved By Councillor DeHart/Seconded By Councillor Gray

R486/15/06/22 THAT the Minutes of the Regular Meetings of June 15, 2015 be confirmed as circulated.

Carried

Councillor Stack joined the meeting at 1:32 p.m.

3. Public in Attendance

3.1 Kelowna Museums

Cultural Services Manager, Sandra Kochan

- Introduced the Executive Director, Kelowna Museums, Linda Digby

Linda Digby, Executive Director, Kelowna Museums

- Provided a PowerPoint presentation summarizing the 2014 activities and responded to questions from Council.

3.2 Solid Waste Management

Utility Planning Manager, Andrew Reeder

- Introduced the Manager of Environmental Services, Regional District of Central Okanagan, Peter Rotheisler

Peter Rotheisler, Manager of Environmental Services, Regional District of Central Okanagan

- Provided a PowerPoint Presentation outlining the RDCO solid waste management services and responded to questions from Council.

Staff:

- Provided a PowerPoint Presentation outlining the 2014 Statistics and Activities at the Kelowna Landfill and responded to questions from Council.

4. Development Application Reports & Related Bylaws

4.1 902 Clifton Road, Z15-0008 - Dan & Mary Cresswell

Staff:

- Provided a PowerPoint Presentation summarizing the application and responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Gray

R487/15/06/22 THAT Rezoning Application No. Z15-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 20 Section 30 Township 26 ODYD Plan 11261 located on 902 Clifton Road, Kelowna, BC from the RU1 - Large Lot housing zone to the RU1c - Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of the Development Permit and Development Variance permit for the subject property.

Carried

4.2 902 Clifton Road, BL11107 (Z15-0008) - Dan & Mary Cresswell

Moved By Councillor Gray/Seconded By Councillor Given

R488/15/06/22 THAT Bylaw No. 11107 be given first reading.

Carried

4.3 1936-1940 Kane Road & 437 Glenmore Road, Z15-0009 - Glen Park Village Inc. et al

Staff:

- Provided a PowerPoint Presentation summarizing the application.

Moved By Councillor Given/Seconded By Councillor Singh

R489/15/06/22 THAT Rezoning Application No. Z15-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Sections 32 & 33, Township 26, O.D.Y.D., Plan KAP49467, Except Plan KAP57155, located on 1936 - 1940 Kane Road, Kelowna, BC from the C3 - Community Commercial zone to the C3lp/rls - Community Commercial (liquor primary/retail liquor sales) zone be, considered by Council;

THAT Rezoning Application No. Z15-0009 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sections 32, Township 26, O.D.Y.D., Plan KAP54790, located on 437 Glenmore Road, Kelowna, BC from the C3lp/rls - Community Commercial (liquor primary/retail liquor sales) zone to the C3 - Community Commercial zone be, considered by Council;

AND THAT the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration.

Carried

4.4 1936-1940 Kane Road & 437 Glenmore Road, BL11108 (Z15-0009) - Glen Park Village Inc. et al

Moved By Councillor Given/Seconded By Councillor Hodge

R490/15/06/22 THAT Bylaw No. 11108 be read a first time.

Carried

5. Non-Development Reports & Related Bylaws

5.1 Community Wildfire Protection Program Update

Staff:

- Provided an overview of the FireSmart Education and Communication programs and responded to questions from Council.

Fire Chief;

- Reminder to residents to reinforce yard mitigation as a safe practice measure. Transition zones limit the effects of wildfire.
- Advised that open burning in the City of Kelowna is prohibited.

Moved By Councillor Hodge/Seconded By Councillor Stack

R491/15/06/22 THAT Council receives for information the June 22, 2015 report of the Urban Forest Health Technician regarding the status of the Community Wildfire Protection Program.

Carried

5.2 Policy and Regulation relating to the Retail Sale of Liquor in Kelowna

Councillor Gray declared a conflict of interest as she owns a liquor based business and departed the meeting at 2:44 p.m.

Staff:

- Provided a PowerPoint presentation outlining policy and regulations relating to the Retail Sales of Liquor in B.C. and Kelowna and responded to questions from Council.

Moved By Councillor Given/Seconded By Councillor Hodge

R492/15/06/22 THAT Council directs staff to report back in a timely manner to a Regular A.M. meeting for a workshop on the Policy and Regulations relating to the Retail Sale of Liquor in B.C. and Kelowna.

Carried

Moved By Councillor Hodge/Seconded By Councillor Singh

R493/15/06/22 THAT Council receives, for information, the Report Community Planning Department Manager dated June 22, 2015 with respect to the Policy and Regulation relating to the Retail Sale of Liquor in Kelowna.;

Carried

Councillor Gray returned to the meeting at 3:01 p.m.

5.3 Public Art Program, Annual Report, 2014

Staff:

- Provided a PowerPoint presentation outlining the Public Art Program activities for 2014, the 2015 work plan and responded to questions from Council.

Business Systems Analyst, Jessey Chudiak

- Demonstrated a new Public Art mobile APP

Cultural Services Manager, Sandra Kochan

- Advised that there is a project review underway with respect to the community public art program.

Moved By Councillor Singh/Seconded By Councillor Gray

R494/15/06/22 THAT Council receives for information the report from the Planner Specialist dated June 16, 2015 with respect to the Public Art Program;

AND THAT Council endorses the proposed work plan for 2015, as set out in the report of the Planner Specialist, dated June 16, 2015.

Carried

5.4 Program for Temporary Art in Public Places

Staff:

- Provided a PowerPoint presentation outlining the concept for the installation of temporary public art.
- Displayed photos of temporary art pieces as examples of what could be placed at various locations in the city.
- Advised the program would be executed by the Art Gallery.
- Responded to questions from Council.

Liz Wylie, Curator, Kelowna Art Gallery

- Described the concept of public engagement with the various art pieces.
- Confirmed that all work would conform to community standards.
- The timeline for the 2015 Temporary Art Piece would be through the summer and fall.
- Suggested ways the Art Gallery would incorporate awareness, including walking tours with children.

Moved By Councillor Hodge/Seconded By Councillor Donn

R495/15/06/22 THAT Council receives the June 16, 2015 report from the Planner Specialist, Urban Design;

AND THAT Council approve the proposed terms for a program for Temporary Art in Public Places as set out in the June 16, 2015 report from the Planner Specialist, Urban Design;

AND THAT Council direct staff to incorporate the Program for Temporary Art in Public Places as set out in the June 16, 2015 report from the Planner Specialist, Urban Design into the 2015 Public Art Work Plan for 2015;

AND FURTHER THAT Council direct staff to initiate an inaugural project under the program for Temporary Art in Public Places as set out in the June 16, 2015 report of the Planner Specialist, Urban Design.

Carried

Councillors Gray and Sieben - Opposed

5.5 2014 Annual Report

Staff:

- Provided an overview of the 2014 Annual Report.

Moved By Councillor Hodge/Seconded By Councillor Stack

R496/15/06/22 THAT Council receives, for information, the 2014 Annual Report for the year ended December 31, 2014 attached to the Report of the Financial Projects Manager dated June 22, 2015;

AND THAT Council receives, for information, the 2014 Council Remuneration and Expense report, Employee Remuneration and Expense report and Schedule of Payment for the Provision of Goods and Services attached to the Report of the Financial Projects Manager dated June 22, 2015.

Carried

6. Bylaws for Adoption (Non-Development Related)

6.1 BL11103 - Amendment No. 1 to Discharge of Firearms Bylaw No. 9779

Moved By Councillor Gray/Seconded By Councillor Given

R497/15/06/22 THAT Bylaw No. 11103 be adopted.

Carried

7. Mayor and Councillor Items

Councillor Stack:

- Spoke to his attendance, along with Councillors Gray and Given at the National Aboriginal Day celebrations.
- Spoke to the Cathedral Church of St. Michael and All Angels event and his participation in the tolling of the bell for missing and unaccounted First Nations women in Canada.

Councillor DeHart:

- Spoke to her attendance on behalf of Council at the 46th Anniversary of Meals on Wheels.

Councillor Gray:

- Spoke to her attendance at the Earth Wind Fire 2015 Event on Saturday, June 20th.

Councillor Given

- Supportive of the road closure on Leon Avenue for the National Aboriginal Day and would support the location for future events.

Mayor Basran:

- Reminder to the community that fire season has begun and to be fire smart.

8. Termination

This meeting was declared terminated at 4:29 p.m.

Mayor



Deputy City Clerk

/acm

REPORT TO COUNCIL



Date: June 29, 2015

RIM No. 0940-00

To: City Manager

From: Urban Planning, Community Planning & Real Estate

Application: DP14-0249

Owner: 3752 Investments Ltd.

Address: 2076 Enterprise Way

Applicant: KWA Site Development
Consulting Ltd.

Subject: Development Permit Application

Existing OCP Designation: IND - Industrial

Existing Zone: I2 - General Industrial

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit DP14-0249 for Lot 2, District Lot 127, 140 and 531, ODYD, Plan 16591 located on 2076 Enterprise Way, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land by 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 all requirements of Development Engineering be completed to the satisfaction of the Development Engineering Manager;

AND THAT all requirements of the Ministry of Transportation and Infrastructure be completed to the satisfaction of the Ministry of Transportation and Infrastructure;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

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

2.0 Purpose

To consider a Form & Character Development Permit Application for a 9,975 square meter warehouse sales building and associated 1,415 square meter garden centre at 2076 Enterprises Way.

3.0 Urban Planning

Urban Planning staff support this application. Within the context of the building use and neighbouring land uses, the proposed form and character of the proposed development adequately address development permit considerations.

4.0 Proposal

4.1 Background

The site is currently occupied by a warehouse and light industrial rental space, once housing Western Star Trucking. The application would see the building razed and a new facility constructed in its place. After the project is completed, the property owner intends to subdivide the property and develop the vacant land south of the new building.

4.2 Project Description

The applicants have proposed a 9,975 m² (107,000 sq. ft) warehouse sales building and an associated 1,415 m² (15,000 sq. ft) garden centre on a developed property on Enterprise Way. The development would include 351 parking spaces and 85 Class 1 and 2 bicycle parking spaces.

Warehouse Sales is a permitted use in the I2 - General Industrial zone.

4.3 Site Context

The proposed development would be on an industrially developed site that currently houses a vacant warehouse. The northerly portion of the site, 3.7 ha (9.2 ac) would be developed with the Warehouse Sales structure and associated parking, while the remaining 1.9 ha (4.6 ac) would be held for future development.

Properties to the East and West are used for light industrial warehousing and shipping, and are unlikely to be negatively impacted. Properties to the south access onto Harvey Ave, a major commercial thoroughfare.

The abandoned Kelowna Pacific Railway line sits to the north of the site. As the City is considering redevelopment of this corridor, visual appeal to the North is an important consideration for building form and character and site landscaping.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	I2 - General Industrial	Railway / Future Multi-Modal Corridor
East	I2 - General Industrial	Light Industrial
South	C4 - Urban Centre Commercial	Shopping Centre
West	I2 - General Industrial	Warehouse / Shipping

4.4 Traffic Study

Because of the size of the structure, the applicants will be required to receive approval from the Ministry of Transportation as part of the approvals process. The applicants have worked closely

with the Ministry and City Engineering staff to develop acceptable terms of reference for a traffic study.

The traffic study concluded that no additional highway works will be required, but that light timing may need to be adjusted going forward. Final approval of the traffic study and any required traffic related improvements will be made by the Ministry of Transportation and become requirements of this application.

Subject Property Map:



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	10,000 m ² (1.0 ha)	56,400 m ² (5.6 ha)
Lot Width	40.0 m	180 m
Lot Depth	35.0 m	280 m
Development Regulations		
Floor Area Ratio	1.5	0.177
Height	14.0 m (46 feet)	7.9 m (26 feet)
Front Yard	7.5 m	242.4 m
Side Yard (east)	0.0 m	24.0 m
Side Yard (west)	0.0 m	19.1 m
Rear Yard	0.0 m	12.4 m
Other Regulations		
Minimum Parking Requirements	285	351
Bicycle Parking (Class 1)	15	15
Bicycle Parking (Class 2)	68	70

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Permit Guidelines

The OCP establishes objectives for the form and character of commercial development under the Comprehensive Development Permit Area. In the context of this project, key objectives include the need for a design which respects regional expression and the promotion of a high standard of urban design.

In considering the permit application, all development permit guidelines have been given consideration.

The designers have attempted to design a building which both adheres to corporate standards and speaks to regional Okanagan architectural language. The building is largely clad in natural earthtones, with beige and brown stucco. Timber posts are used to break up the frontage into multiple elements, which are further broken up with pre-cast vertical and horizontal bands. The same materials are used on all sides of the building.

The building is hung with wooden trellises, both to provide sun breaks and evoke traditional cherry orchard elements. The wooden pillars along the length of the building are common local architectural accents. The site layout integrates indoor and outdoor uses with outdoor seasonal displays, a roofed entry area and an outdoor garden centre.

The neighbourhood is primarily light or transitional industrial, characterized by large buildings with large volumes of surface parking. The building design or site plan is not out of place in the neighbourhood. The transition between the proposed project and the multi-modal corridor to the North has been managed through the use of naturalized landscaping.

The nature of the tenant and the use dictates that the building for is a simple warehouse with minimal articulation. The design does break the flat roofline with the tenant signage at the front of the building.

The nature of the development is that it is not scaled for pedestrian interest. There is not expected to be significant east/west pedestrian traffic across the front of the building. The

proponent has included some architectural features along the front of the building, including multiple building materials and some articulation in the form of wooden pillars.

The most important public / private interface will be along the north property line, between the back of the store and the future multi-modal corridor. Loading areas have been screened from public view and a landscaped area will be established between the corridor and the store.

The proponent has provided a cycle lane between the Multi-Modal Corridor to the north and Enterprise Way to the south. North / South pedestrian access is provided along the spine of the parking lot. This will tie into a temporary gravel trail through the undeveloped portion of the property to provide access to Enterprise. The bulky and heavy nature of the products sold at the store is such that there is not expected to be significant pedestrian traffic.

The building is not a green building, and does not achieve any environmental building standard. However, the proponent has designed bio-swales to manage stormwater and parking lot run-off.



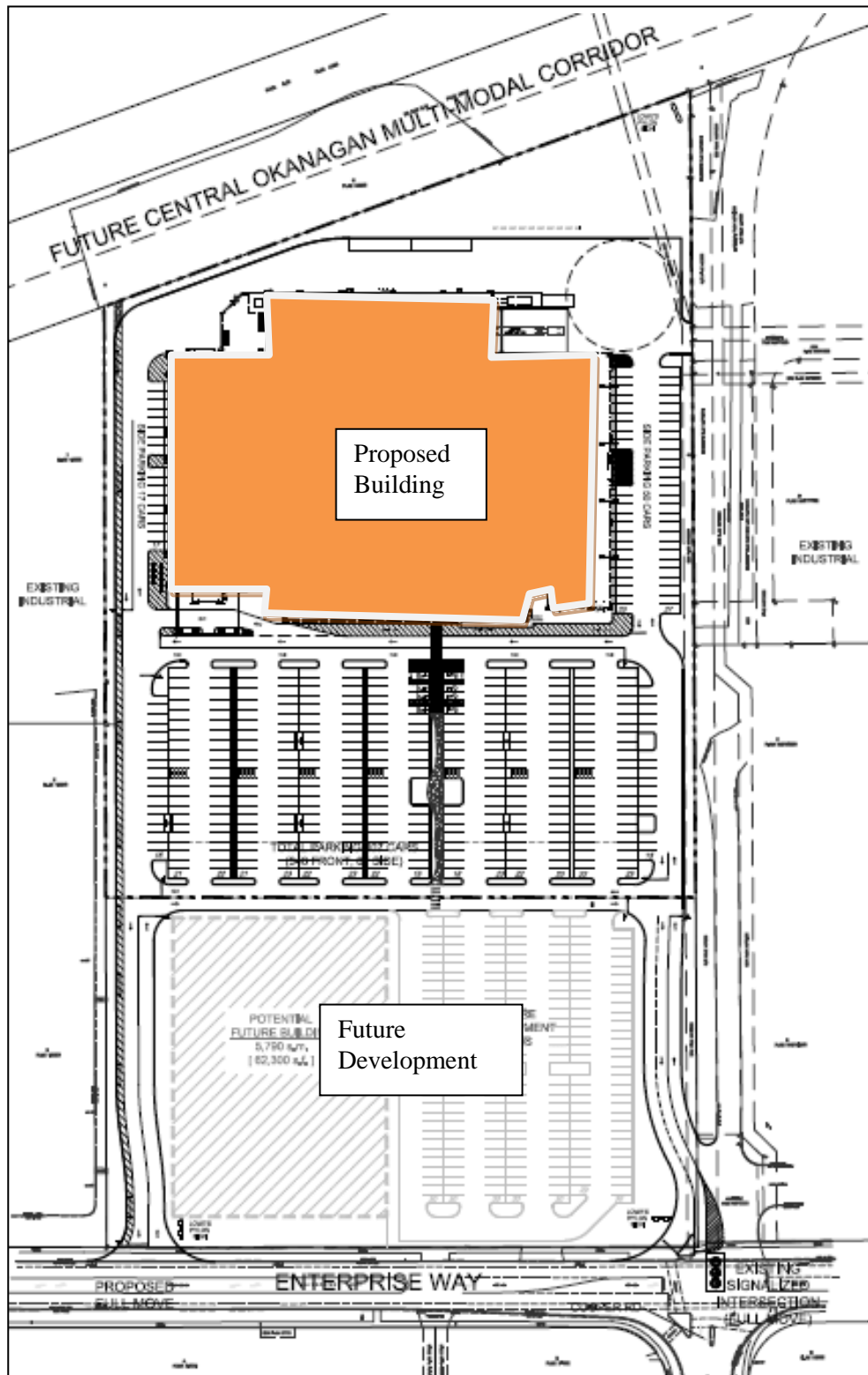
The landscape plan emphasizes trees around the parking lot and surrounding the development. The applicant has used bio-swales as parking delineators to improve site drainage. There is a small area of respite with benches and shade trees in the centre of the parking lot. The majority of the landscaping trees are used to buffer the site from neighbouring properties. The site meets the 1 tree to 4 parking spot requirement.

On-site signage complies with the City of Kelowna Signage bylaw. Two pylon signs will be installed along the Enterprise Road frontage.

When the remainder of the property redevelops, signs for the new tenant will need to be integrated with the pylon signs. This will be dealt with during the Development Permit for the redevelopment of the south portion of the site.

5.2 Zoning Bylaw 8000

The proposed development appears to comply with all relevant sections of the City of Kelowna Zoning Bylaw 8000.



5.3 Mill Creek Flood Plain Bylaw 10248

The proposed development falls within the Mill Creek Flood Plain, and must comply with Bylaw 10248. The development exceeds the required 30 m setback from the creek.

Minimum building elevations will be confirmed during the Building Permit process, but the developer is aware of the requirements, and has designed accordingly.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1 Demolition permits are required for any existing structures
- 2 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s)
- 3 Placement permits are required for any sales or construction trailers that will be on site. The location(s) of these are to be shown at time of development permit application.
- 4 A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
- 5 Any security system that limits access to exiting needs to be addressed in the code analysis by the architect.
- 6 Access to the roof is required per NFPA and guard rails may be required and should be reflected in the plans if required.
- 7 Size and location of all signage to be clearly defined as part of the development permit.
- 8 A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application. This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This minimum Geodetic elevation is required for all habitable spaces including parking garages. This building may be designed to low, which may affect the form and character of the building.

6.2 Development Engineering Department

See attached

6.3 Bylaw Services

No comment.

6.4 Fire Department

- 1 Construction fire safety plan is required to be submitted and reviewed prior to construction and updated as required. Section 5.9 of the Fire and Life Safety Bylaw 10760 pertaining to Construction Sites shall be included.

- 2 Engineered Fire Flow calculations are required to determine Fire Hydrant requirements as per the City of Kelowna Subdivision Bylaw #7900.
- 3 A visible address must be posted on Enterprise Way as per City of Kelowna Bylaw
- 4 Sprinkler drawings are to be submitted to the Fire Dept. for review when available.
- 5 A fire safety plan as per section 2.8 BCFC is required prior to occupancy. The fire safety plan and floor plans are to be submitted for approval in AutoCAD Drawing format on a CD or DVD to facilitate Fire Department pre-planning for this structure. The fire safety plan should clearly detail the unique requirements for this structure. A copy of the sprinkler system owner's certificate is to be included in the fire safety plan.
- 6 Fire Department access is to be met as per BCBC 3.2.5.6, from Enterprise Way to the building
- 7 Fire Department steel lock box is required by the fire dept. entrance. Kurt's Lock & Safe at 100A - 1021 Ellis Street, Kelowna, is the approved supplier for flush mount lock boxes.
- 8 All requirements of the City of Kelowna Fire and Life Safety Bylaw 10760 shall be met
- 9 Fire alarm system is to be monitored by an agency meeting the CAN/ULC S562 Standard and a copy of the agencies certification shall be attached to the Fire Safety Plan
- 10 Contact Fire Prevention Branch for fire extinguisher requirements and placement.
- 11 Fire department connection is to be within 45M of a fire hydrant - please ensure this is possible and that the FD connection is clearly marked and visible from the street.

6.5 Irrigation District

No comment.

6.6 School District No. 23

The School District's interests are unaffected by this application

7.0 Application Chronology

Date of Application Received:	November 25, 2014
Date of Revised Application:	December 24, 2014
Traffic Study received:	May 15, 2015

Report prepared by:

Ryan Roycroft, Planner 2

Reviewed by:



Ryan Smith, Urban Planning Manager

Approved for Inclusion:



Doug Gilchrist, Divisional Director, Community Planning & Real Estate

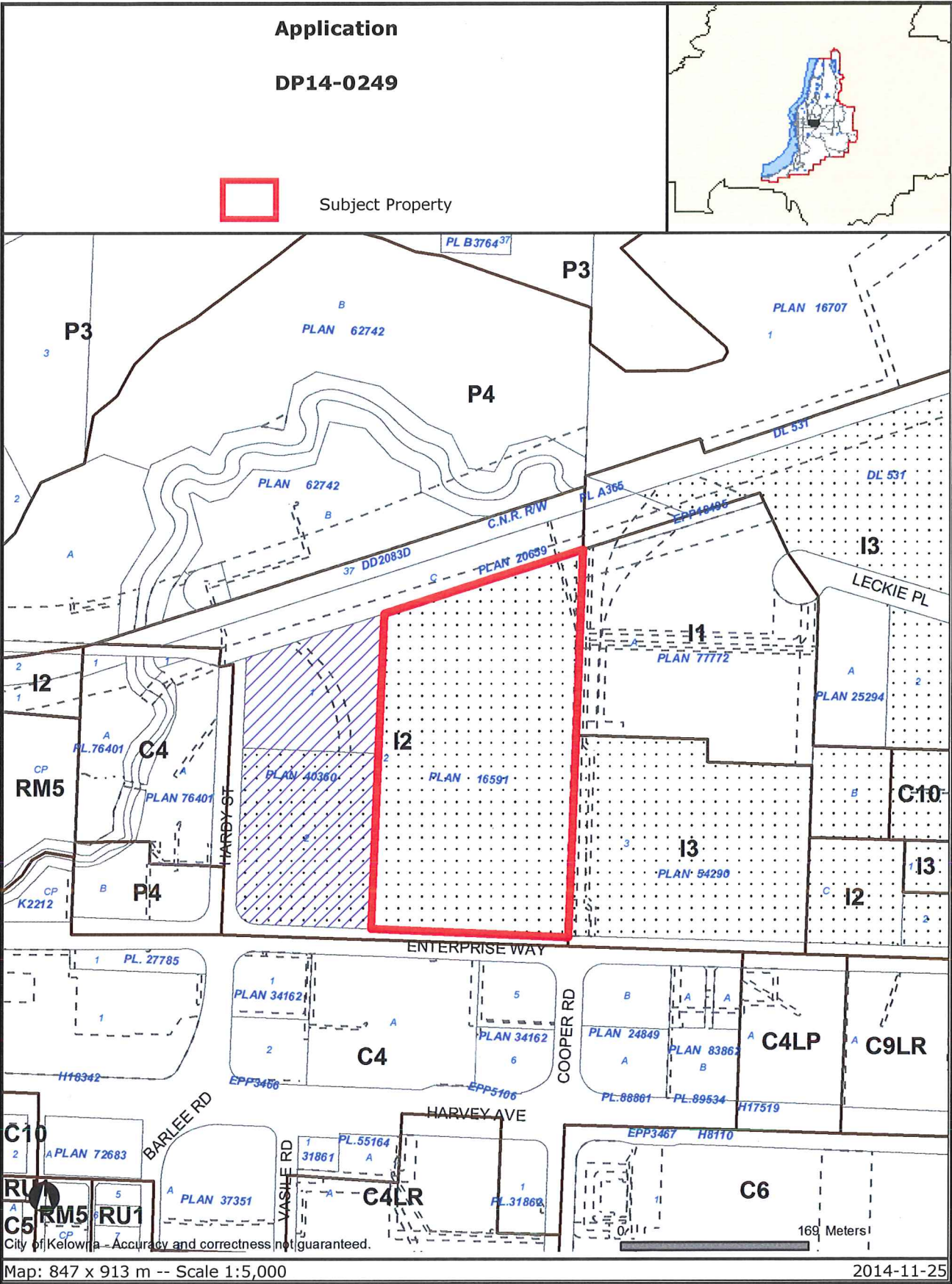
Attachments:

Site Plan

Conceptual Elevations

Landscape Plan

Development Engineering Comments



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

Date: December 11, 2014
File No.: DP14-0249

To: Urban Planning (RR)

From: Development Engineering Manager

Subject: 2076 Enterprise Way Lowe's Commercial Development

1. General

- ## 2. Domestic Water and Fire Protection

- ### 3. Sanitary Sewer

- 20

4. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- b) On site storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.
- c) There is a possibility of a high water table or surcharging of storm drains during major storm events. This should be considered in the design of the onsite system.

5. Road Improvements

- a) Enterprise Way fronting this development site is urbanized but 2 of the 3 existing driveway accesses will be removed therefore new curb & gutter, sidewalk and boulevard landscaping including trees will be required as well as the re-location or adjustment of existing utility appurtenances if required to accommodate the upgrading construction. The current bus stop location is not standard and may need to be relocated closer to the Cooper Rd intersection.

6. Road Dedication and Subdivision Requirements

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

7. Electric Power and Telecommunication Services

- a) All proposed distribution and service connections are to be installed underground.
- b) Streetlights must be installed on all roads.
- c) 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.
- d) Re-locate existing utilities, where necessary.

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 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. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- a) Area ground water characteristics, including water sources on the site.
- b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- e) Additional geotechnical survey may be necessary for building foundations, etc.

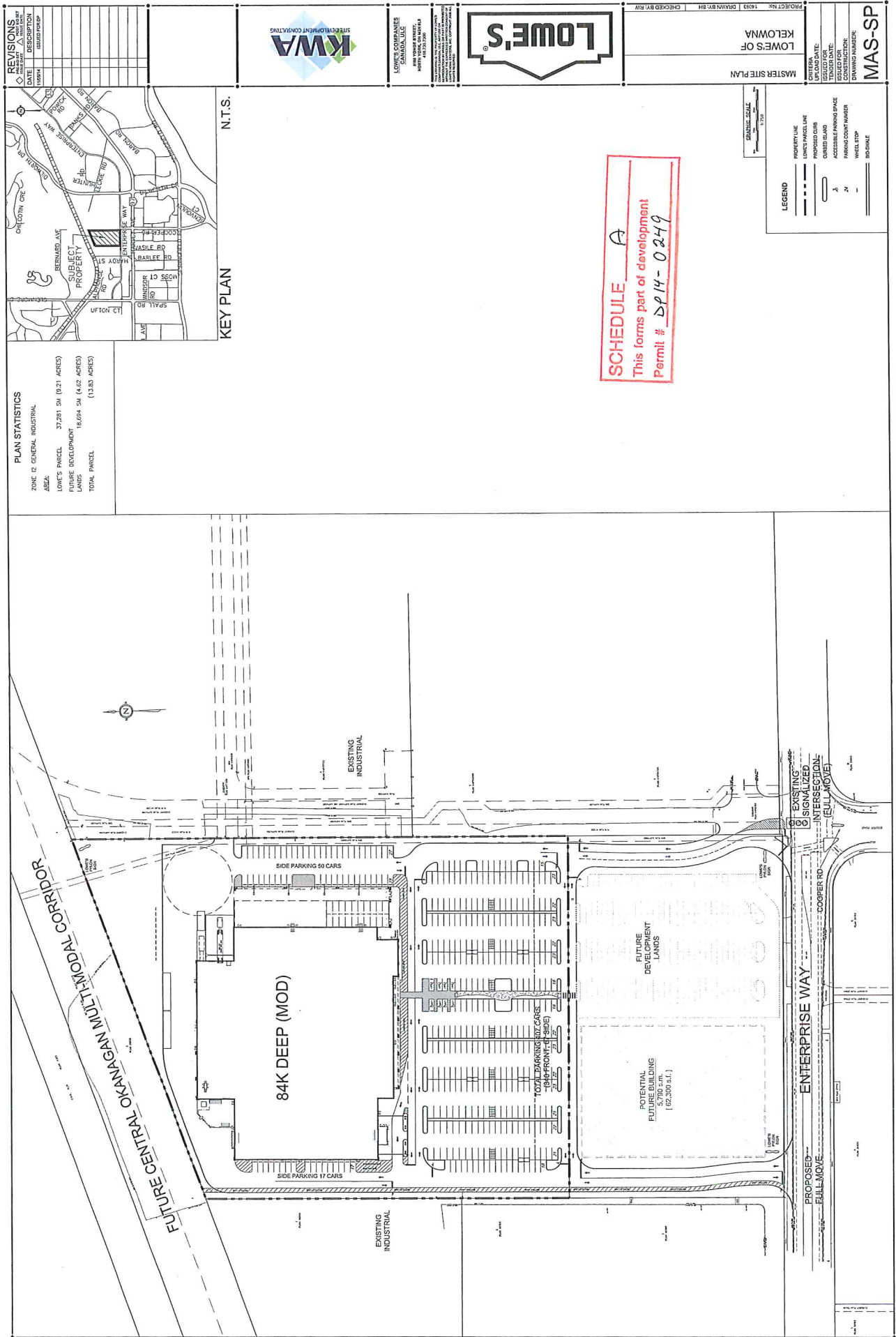
11. Development Site Related Issues

Access and Manoeuvrability

- (i) The site plan showing the locations of loading bays as well as the garbage and recycle bins appears acceptable.

Steve Muenz, P. Eng.
Development Engineering Manager

SS



SA-002

DATE: 11/11/2019
PROJECT: 11/11/2019
DRAWING NUMBER: SA-002

LOWE'S OF
KELOWNA
BRITISH COLUMBIA
ELEVATIONS
SCALE: AS NOTED



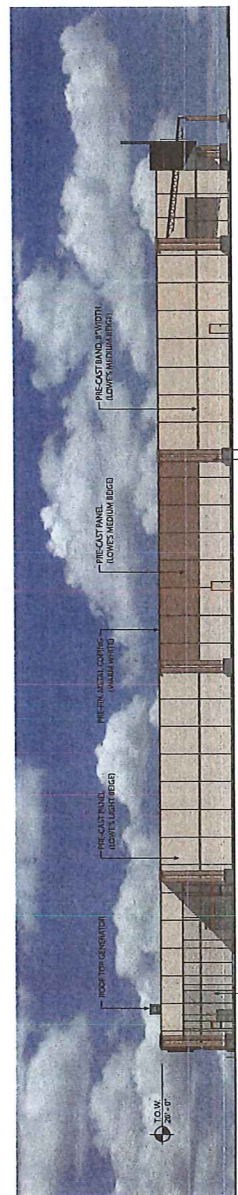
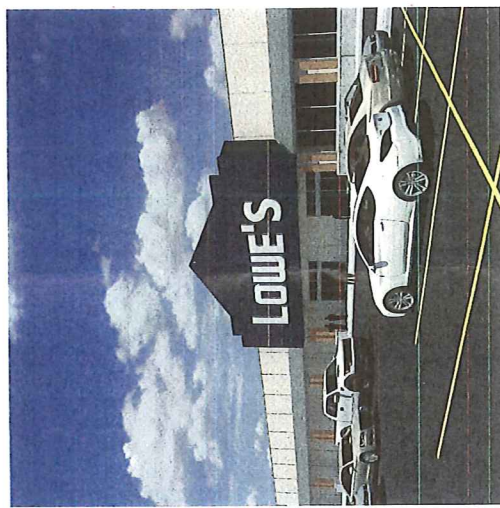
ARCHITECTS: KESSELMAN + KOSCHKE INC.
82 PETER STREET
TORONTO, ONTARIO M5V 3S5
TEL: 416.777.3000 FAX: 416.777.3011



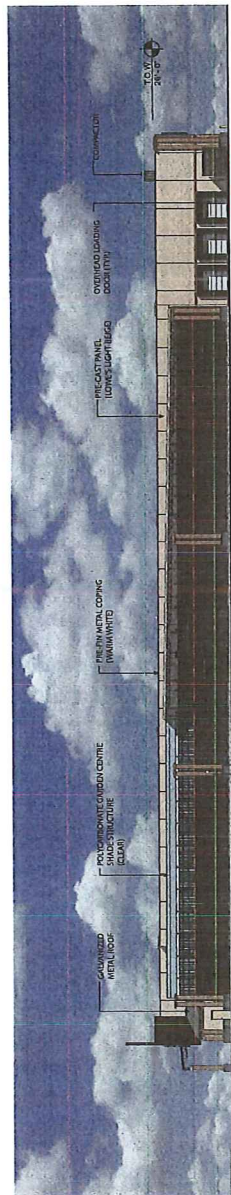
REVISIONS	DATE	DESCRIPTION
1	11/11/2019	INITIAL DESIGN

NOTE:
DOOR AND WINDOW LOCATIONS, DIMENSIONS,
FINISHES, AND MATERIALS ARE SHOWN FOR INFORMATION PURPOSES
ONLY.

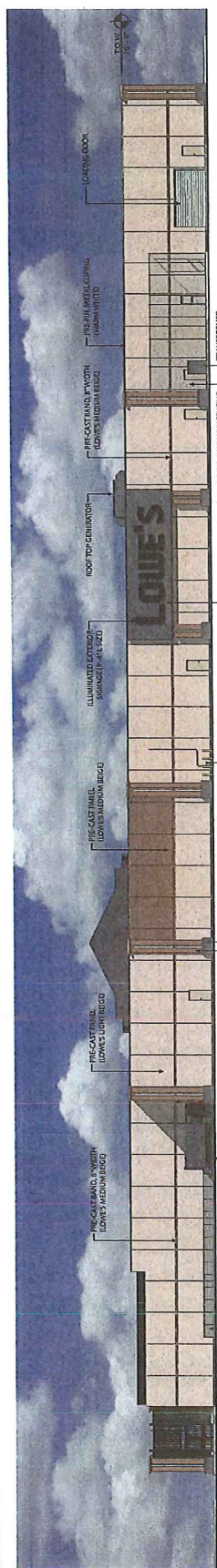
SCHEDULE B PERSPECTIVE
This forms part of development
Permit # DPH-0249



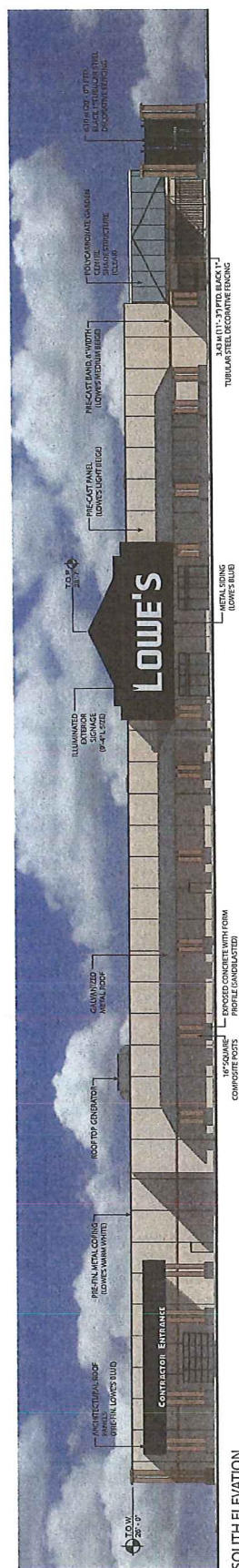
WEST ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/16" = 1'-0"



SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.: DP14-0249

EXISTING ZONING DESIGNATION:	I2 - General Industrial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area

ISSUED TO:	KWA Site Development Consulting Inc
LOCATION OF SUBJECT SITE:	2076 Enterprise Way

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	2				ODYD	KAP16591

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:

- The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- Landscaping to be provided on the land be in general accordance with Schedule "C";
- Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
- 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;

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 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; OR
- (b) A Certified Cheque; OR
- (c) An Irrevocable Letter of Credit in the amount of \$ 148,000

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 transferable 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 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 & Real Estate 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:

ISSUED BY THE URBAN PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE URBAN PLANNING MANAGER.

Ryan Smith
Urban Planning Manager

CITY OF KELOWNA

BYLAW NO. 10440

Official Community Plan Amendment No. OCP10-0008 - John and Alana Marrington and John Balla 2149, 2159, 2169, 2179, 2189 Pandosy Street

WHEREAS Council wishes to adopt certain text amendments to Bylaw No. 10500 *Kelowna 2030* - Official Community Plan;

AND WHEREAS Council may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of Council;

AND WHEREAS after first reading of the bylaw and before third reading of the bylaw, Council held a public hearing on the proposed amendments to the official community plan in accordance with Sections 890 through 894 of the *Local Government Act*;

NOW THEREFORE the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of Schedule "A" of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lots 1, 2 and 3, District Lot 14, ODYD, Plan 3216 and Lots 1 and 2, District Lot 14, ODYD, Plan 5973 located on 2149, 2159, 2169, 2179 and 2189 Pandosy Street, Kelowna, B.C., from the Multiple Unit Residential - Low Density and the Single Two Unit Residential designations to the Health District designation;
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of October, 2011.

Considered at a Public Hearing on the 10th day of January, 2012.

Read a second and third time by the Municipal Council this 10th day of January, 2012.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10439

Z10-0040 - John and Alana Marrington and John Balla 2149, 2159, 2169, 2179, 2189 Pandosy Street

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lots 1, 2 and 3, District Lot 14, ODYD, Plan 3216 and Lots 1 and 2, District Lot 14, ODYD, Plan 5973 located on 2149, 2159, 2169, 2179 and 2189 Pandosy Street, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the HD2 - Hospital and Health Services zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 24th day of October, 2011.

Considered at a Public Hearing on the 10th day of January, 2012.

Read a second and third time by the Municipal Council this 10th day of January, 2012.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA

BYLAW NO. 10624

Housing Agreement Authorization Bylaw John and Alana Marrington and John Balla - 2149, 2159, 2169, 2179 and 2189 Pandosy Street

Whereas pursuant to Section 905 of the *Local Government Act*, a local government may, by bylaw, enter into a housing agreement.

Therefore, the Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. The Municipal Council hereby authorizes the City of Kelowna to enter into a Housing Agreement with John and Alana Marrington and John Balla for the lands known as Lot 2, DL 14, ODYD, Plan 5973; Lot 1, DL 14, ODYD, Plan 5973; Lot 3, DL 14, ODYD, Plan 3216; Lot 2, DL 14, ODYD, 3216; Lot 1, DL 14, ODYD, 3216 located on 2149, 2159, 2169, 2179 and 2189 Pandosy Avenue, Kelowna, B.C., a true copy of which is attached to and forms part of this bylaw as Schedule "A".
2. The Mayor and City Clerk are hereby authorized to execute the attached agreement as well as any conveyances, deeds, receipts or other documents in connection with the attached agreement.
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first, second and third time by the Municipal Council this 24th day of October, 2011.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

AFFORDABLE RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference _____ OCTOBER 19____, 2011__ affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

2149 Pandosy Street Lot 1, DL 14, ODYD, Plan 3216; 2159 Pandosy Street Lot 2, DL 14, ODYD, Plan 3216; 2169 Pandosy Street Lot 3, DL 14, ODYD, Plan 3216; 2179 Pandosy Street Lot 1, DL 14, ODYD, Plan 5973; 2189 Pandosy Street Lot 2, DL 14, ODYD, Plan 5973

("Lands")

And is

BETWEEN:

John & Alana Marrington & John Balla
1524 Woodridge Road
Kelowna BC V1W 3B4

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include some short term affordable rental housing units, in accordance with the rates as determined by the BC Ministry of Health , on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for affordable rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 905 of the *Local Government Act*; and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

ARTICLE 1 INTERPRETATION

1.1 Definitions -

"Affordable Rental" is the equivalent daily rental rate established by the B.C. Cancer Lodge.

"Affordable Rental Unit" means a Dwelling Unit that is available for rent at an Affordable Rental rate equivalent to the rate as determined by the Canadian Cancer Society and BC Ministry of Health with the purpose to provide accommodation at a modest rate, for out of town patients and their families who need to be close to a KGH or the Southern Interior Cancer Centre for treatment or tests.

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel.

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 10500, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Special Needs Individual" means an individual with physical or mental disabilities or illness who has special needs respecting the design and construction of a Dwelling Unit occupied by that individual, and includes any individual who is confined to a wheelchair;

"Special Needs Dwelling Unit" means a dwelling designed to accommodate the needs of a Special Needs Individual, which unit may or may not also be an Affordable Rental Unit;

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*; and

1.2 Interpretation - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;

- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement must be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, specific to short and medium term rental accommodation for patients and their families/caregivers receiving treatment or testing from the Southern Interior Cancer Centre or Kelowna General Hospital within the City of Kelowna of which are determined to be in short supply;

- (b) performance of this Agreement by the Owner is a condition, as contemplated by s. 904 of the *Local Government Act*, of the Owner becoming entitled to certain density bonuses respecting development of the Land, which density bonuses the Owner acknowledges are a benefit to the Owner; and
- (c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

ARTICLE 2 HOUSING AGREEMENT AND LAND USE RESTRICTIONS

2.0 Land Use Restrictions - The Owner and the City hereby covenant and agree as follows:

- (a) The Land must be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain a maximum of 43 residential units at a density of 1.3 (floor area ratio) on the Land;
- (c) The Affordable Rental Units constructed by the Owner shall have a total net floor area of, 1,400sq ft total for 3 units consisting of 3 units appropriate for short term residential use for out of town patients and their families who need to be close to a Cancer Centre for treatment or tests.; and
- (e) The Owner acknowledges that the registration of this Affordable Housing Agreement will allow the City to grant a density bonus of Maximum 0.1.

ARTICLE 3 HOUSING AGREEMENT AND TRANSFER RESTRICTIONS

3.0 Purchaser Qualifications - The City and the Owner agree as follows:

- (a) the Owner must not sell or transfer, or agree to sell or transfer, any interest in any building containing an Affordable Rental Unit other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the identified affordable rental dwelling unit(s) are available in accordance with this Agreement.

ARTICLE 4 AFFORDABLE RENTAL UNITS

4.0 Use and Occupancy For Affordable Rental Unit - The Owner agrees with the City as follows:

- (a) eligibility of the affordable rental units will be for BC Cancer patients or Kelowna General Hospital patients and their families or caregivers who need accommodation in close proximity to the Southern Interior Cancer Centre and Kelowna General Hospital for the purposes of treatment and tests. The affordable rental units will only be available and used by those patients and families, and must not be occupied or rented for general rental purposes to medical/health services Staff or other rental users.

- (b) the rent payable for an Affordable Rental Unit must be calculated as set out in Schedule "A" to this Agreement;
- (c) the Owner agrees that since the determination of Affordable Rental includes consideration, fees or charges for use of limited common property, utilities and other utility services, no further consideration, charges, or fees may be levied or collected by or on behalf of the Owner as part of the rent for a Affordable Rental Unit under this section for use of limited common property, sanitary sewer, storm sewer, or water utilities for or in respect of the Dwelling Unit or any fees or charges for gas or electrical utilities provided to the Dwelling Unit;

4.1 Prospective Tenants – The Owner will be solely responsible for screening prospective renters/tenants to determine whether or not they qualify for Affordable Rental units. Determination to provide accommodation at a modest rate will be exclusively based on eligibility for out of town patients and their families who need to be close to the Southern Interior Cancer Centre for treatment or tests.

4.3 Damages and Rent Charge - The Owner agrees with the City as follows:

- (a) **Rental Rate** - the daily or monthly charge for all individuals who occupy the Affordable Rental Unit must not exceed the amount set out in Schedule "A" to this Agreement;
- (b) **Damages for Breach** - for each day an Affordable Rental Unit is occupied in breach of this Agreement, the Owner must pay the City \$100.00 for each day on which the breach has occurred, as liquidated damages and not as a penalty, due and payable at the offices of the City on the last day of the calendar month in which the breach occurred, but the City agrees that this section applies only if the City has given 30 days' written notice to the Owner of the building in breach of this Agreement and the Owner has not cured that breach before expiry of that 30 days;
- (c) **Statutory Declaration** – When making an application for a business license or a renewal of a business license pursuant to the City's Business License Bylaw No. 7878, or its successor, the Owner must deliver to the City a statutory declaration, sworn by the Owner, or a knowledgeable director, officer or employee of any corporate Owner, under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration. Additionally, the City may request the Owner deliver to the City such a statutory declaration no more than four times in any year. The Owner must submit such a statutory declaration a minimum of once a year.

ARTICLE 5 GENERAL

5.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 905 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land; and
- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.

5.2 No Effect On Laws or Powers - This Agreement does not

- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

5.3 Management – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Affordable Rental Units and Special Needs Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Affordable Rental Units and Special Needs Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, in its absolute discretion, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Affordable Rental Units and Special Needs Dwelling Units.

5.4 Notice - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

5.5 Agreement Runs With the Land - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

5.6 Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

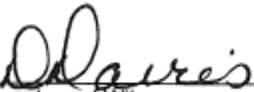
5.7 Release – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.

- 5.8 **Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 5.9 **Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 5.10 **Further Acts** - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 5.11 **Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 5.12 **Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 5.13 **No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 5.14 **Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 5.15 **Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.

5.16 Deed and Contract - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in
the presence of:



Signature of Witness

D. Davies

Print Name

1435 WATER ST

Address KELOWNA BC

PLANNING TECH 1

Occupation

*As to all signatures

SIGNED, SEALED & DELIVERED in
the presence of:

Signature of Witness

Print Name

Address

Occupation

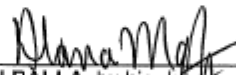
*As to both signatures



JOHN MARRINGTON



ALANA MARRINGTON

 (POA)

JOHN BALLA, by his duly appointed
Attorney, ALANA MARRINGTON

DENISE I. DAVIES
A COMMISSIONER FOR TAKING
AFFIDAVITS FOR BRITISH COLUMBIA
1435 Water Street, Kelowna, BC

CITY OF KELOWNA
by its authorized signatories:

Mayor

City Clerk

SCHEDULE 'A'
[AFFORDABLE RENTAL CALCULATIONS]

The "Affordable Rental" rate is based on the equivalent daily or monthly rate charges determined by the BC Ministry of Health Services and charged by the Canadian Cancer Society for BC Cancer Lodge rates which includes accommodation and all meals.

CITY OF KELOWNA

BYLAW NO. 10772

Official Community Plan Amendment No. OCP12-0013 - Paul Hesketh 551 Glenwood Avenue

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of Lot 2, District Lot 14, ODYD, Plan 1251, located on Glenwood Avenue, Kelowna, B.C., from the Single/Two Unit Residential designation to the Health District designation;
2. AND THAT pursuant to Section 882 of the *Local Government Act*, each reading of this bylaw receive an affirmative vote of a majority of all members of the Council;
3. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15th day of October, 2012.

Considered at a Public Hearing on the 13th day of November, 2012.

Read a second and third time by the Municipal Council this 13th day of November, 2012.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

CITY OF KELOWNA
BYLAW NO. 10773
Z12-0054 - Paul Hesketh
551 Glenwood Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 2, District Lot 14, ODYD, Plan 1251 located on Glenwood Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the HD2 - Hospital & Health Support Services zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 15th day of October, 2012.

Considered at a Public Hearing on the 13th day of November, 2012.

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Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: June 29, 2015

RIM No. 0940-00

To: City Manager

From: Community Planning, Community Planning & Real Estate (LG)

Application: DP12-0123 **Owners:** John Ross Marrington
Alana Vera Marrington

Addresses: 2149 Pandosy Street
2159 Pandosy Street
2169 Pandosy Street **Applicant:** Alana Marrington
2179 Pandosy Street
2189 Pandosy Street
551 Glenwood Avenue

Subject: Bylaw Adoptions and Development Permit Application

Existing OCP Designations: MRL - Multiple Unit Residential (Low Density)
S2RES - Single/Two Unit Residential

Proposed OCP Designation: HLTH - Health District

Existing Zone: RU6 - Two Dwelling Housing

Proposed Zone: HD2 - Hospital and Health Support Services

1.0 Recommendation

THAT final adoption of Official Community Plan amending Bylaw No. 10440 (OCP10-0008) be considered by Council;

THAT AND final adoption of Rezoning Bylaw No. 10439 (Z10-0040) be considered by Council;

AND THAT final adoption of Housing Agreement Authorization Bylaw No. 10624 be considered by Council;

AND THAT final adoption of Official Community Plan amending Bylaw No. 10772 (OCP12-0013) be considered by Council;

AND THAT final adoption of Rezoning Bylaw No. 10773 (Z12-0054) be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0123 for the properties legally known as:

Lot 1, District Lot 14, ODYD, Plan 3216, located at 2149 Pandosy Street, Kelowna, BC.,
Lot 2, District Lot 14, ODYD, Plan 3216, located at 2159 Pandosy Street, Kelowna, BC.,
Lot 3, District Lot 14, ODYD, Plan 3216, located at 2169 Pandosy Street, Kelowna, BC.,
Lot 1, District Lot 14, ODYD, Plan 5973, located at 2179 Pandosy Street, Kelowna, BC.,
Lot 2, District Lot 14, ODYD, Plan 5973, located at 2189 Pandosy Street, Kelowna, BC.,
Lot 2, District Lot 14, ODYD, Plan 1251, located at 551 Glenwood Avenue, Kelowna, BC., and
THAT PART OF District Lot 14, ODYD SHOWN ON Plan EPP26999, a portion of rear lane
adjacent to the aforementioned properties,

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. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. 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 the applicant be required to complete the above-noted conditions of Council's approval of the Development Permit Application in order for the permits to be issued;

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

2.0 Purpose

To consider a Development Permit application to allow for the development of an Extended Medical Treatment Facility.

3.0 Urban Planning

Urban Planning Staff supports the proposed development of an Extended Medical Treatment Facility, known as "Collett Manor". The location of this type of facility will compliment the Kelowna General Hospital and provide additional services for patients outside of the hospital environment. The facility will include a residential portion and a medical portion. In the residential portion, 41 units (varying from studios to 2-bedrooms) will be provided for a mix of short and long term stays, and permanent residents. The medical portion will include doctor's offices, clinics, pharmacy, medical/health retail store, and café. This facility will offer an alternative to motels, hotels, and bed & breakfasts where medical services are not available.

The intended users of this facility will be a mix of:

- Permanent residents who benefit from the location of the building and the services provided;

- Patients and/or family members who have to travel into Kelowna to receive medical care or those who wish to stay in close proximity to the hospital; and
- Local patients who use the medical services or visit doctors who are located on site.

No variances are required for this proposed development, and all conditions of the associated Bylaws have been satisfied, including a Traffic Impact Study, Housing Agreement, purchase/sale agreement of the lane, and consolidation of the properties.

In 2014, Council heard concerns from a neighbour with regard to a number of issues, such as loading and mechanical noise. The applicant made changes to the plans to address these concerns, and also provided a letter to Staff indicating how each item was addressed. That letter is attached to this report.

4.0 Proposal

4.1 Background

In April, 2010, the proponents first applied to have the five properties located along Pandosy Street rezoned and redesignated to allow for the subject development. At the Public Hearing held in January, 2012 City Council advised that they would like to see the applicant “square off” the development by purchasing 551 Glenwood Avenue. This allowed the same density to spread across more land area, and for an expanded underground parking area. The applicants were able to purchase the parcel successfully.

In June, 2012 the proponents submitted applications to rezone and redesignate 551 Glenwood Avenue along with the current Development Permit application. Through these applications, the north / south portion of the rear lane will be reconfigured by moving to the east of 551 Glenwood Avenue. Public hearing was held in November, 2012.

Since then, the applicant has been working diligently to acquire the funds to proceed with this development, and finalizing the lot configuration. Extensions for Z10-0040 and OCP10-0008 were granted to July 10, 2015, and extensions for Z12-0054 and OCP12-0013 were granted to November 13, 2015.

4.2 Project Description

The proposed development is an extended medical treatment facility. The 6590m² facility will be 4 storeys high and will include permanent residential units, short and long term residential units, medical offices, clinics, pharmacy, medical / health retail store, and cafe.

The residential portion will consist of nine 1-bedroom units, 28 2-bedroom units, two 1-bedroom + den units, and 2 studio units. Each unit will be self-contained with full kitchens, washrooms, living and sleeping areas. All have private open space in the form of terrace or balcony, and the units are located on all four floors.

Approximately 2625m² of the building area will be allocated to the commercial uses which are located on the first and second floors. The first floor cafe opens up to a very large terrace on the south end of the building which is accessible from the street. Another large terrace is located on the east end of the building and is accessible from the entrance atrium. All parking is located in an underground parkade accessed from the rear lane.

The building has been designed to sustain the residential character of the surrounding area. Exterior materials include Hardy siding, brick veneer, sidewall shingles, and stucco. An extensive landscaping plan shows 27 trees planted around the site perimeter, 15 species of shrubs, as well

as flowers, grasses, decorative paving, shade structures, benches, movable seating, and way-finding signage.

Finally, the building will be designed and built to the WELL Building Standard (WELL). WELL is the world's first building standard focused exclusively on human health and wellness. Collett Manor would be the first WELL-certified development in Canada.

To better understand, the following statements are found on their website:

“WELL is grounded in a body of medical research that explores the connection between the buildings where we spend more than 90 percent of our time, and the health and wellness impacts on us as occupants.”

“The WELL Building Standard sets performance requirements in seven categories relevant to occupant health in the built environment - Air, Water, Nourishment, Light, Fitness, Comfort and Mind. WELL Certified™ spaces can help create a built environment that improves the nutrition, fitness, mood, sleep patterns, and performance of its occupants.”

“WELL is administered by the International WELL Building Institute (IWBI), a public benefit corporation whose mission is to improve human health and wellbeing through the built environment.”

“The WELL Building Standard is third-party certified by Green Business Certification Inc. (GBCI), which administers the LEED certification program and the LEED professional credentialing program.”

4.3 Site Context

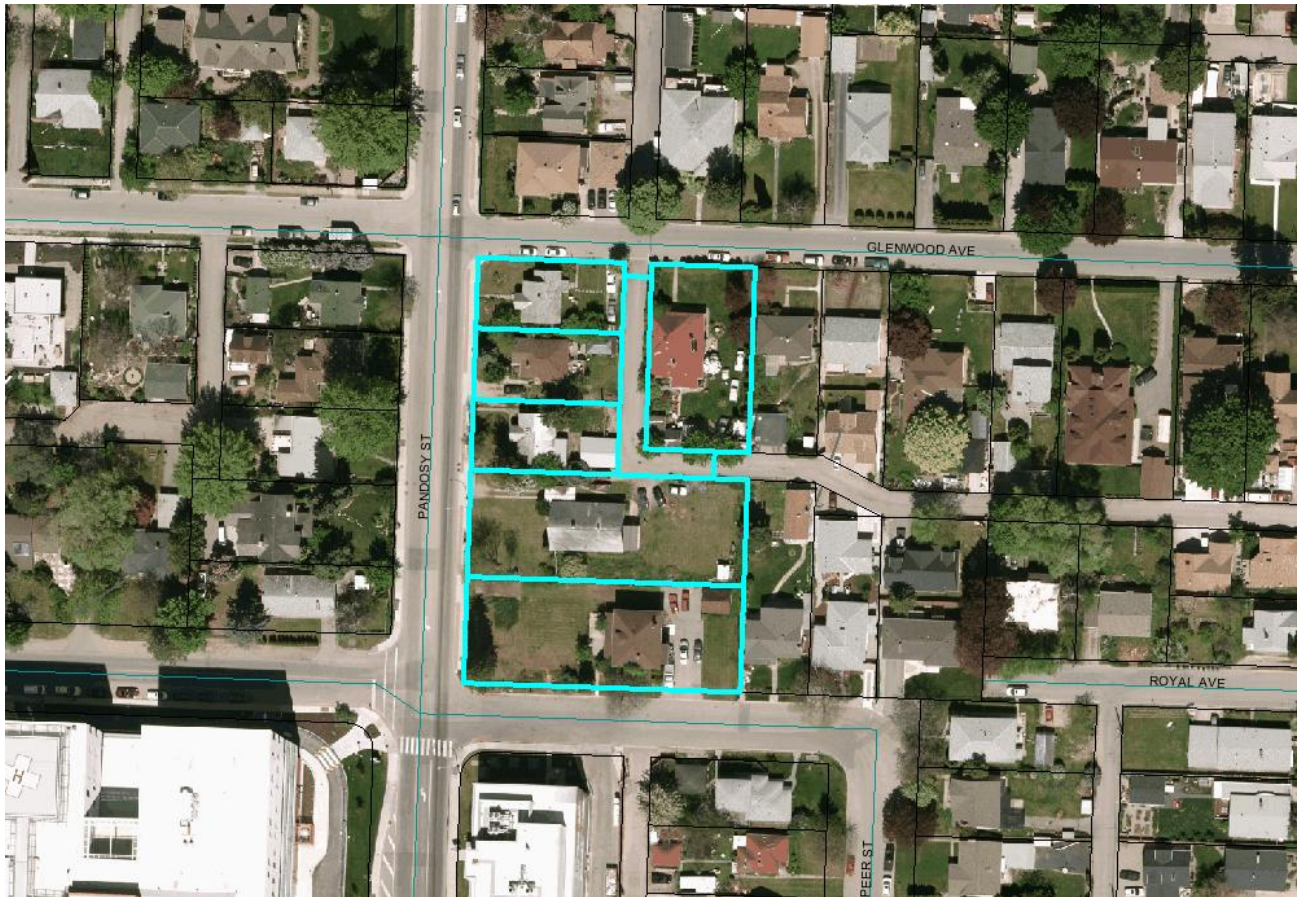
The subject site is located on the east side of Pandosy Street between Glenwood Avenue and Royal Avenue. The site is located within the Central City sector and is within the Comprehensive and Character Development Permit Areas.

The site is located across the street (to the northeast) from the Kelowna General Hospital.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Future Land Use
North	RU6 - Two Dwelling Housing	MRL - Multiple Unit Residential (Low Density) S2RES - Single / Two Unit Residential
East	RU6 - Two Dwelling Housing	S2RES - Single / Two Unit Residential
South	RU6 - Two Dwelling Housing HD1 - Kelowna General Hospital	HLTH - Health District EDINST - Education / Institutional
West	RU1 - Large Lot Housing	HLTH - Health District S2RES - Single / Two Unit Residential

Subject Properties Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	HD2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	900m ²	5051m ²
Lot Width	30m	95.26m
Lot Depth	30m	62.09m
Development Regulations		
Floor Area Ratio	1.4	1.31
Height	16.5m	16.34m
Front Yard	4.5m	4.57m
Side Yard (south)	4.5m (up to 12m), 6.0m (above 12m)	4.78m (<6.00m)
Side Yard (north)	4.5m (up to 12m), 6.0m (above 12m)	4.59m (<6.00m)
Rear Yard	6.0m (3.0m adjacent to lane)	6.12m (3.03m)
Other Regulations		

Minimum Parking Requirements	93 stalls	93 stalls
Bicycle Parking	Class 1 - 23 stalls Class 2 - 5 stalls	Class 1 - 28 stalls Class 2 - 16 stalls
Private Open Space	7.5m ² - 25m ² per unit	25m ² per unit
Loading Spaces	0	2

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Healthy Communities.² Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

Embracing Diversity.³ Increase understanding of various forms of housing needs and styles toward increasing acceptance of housing meeting the needs of diverse populations by encouraging applicants to undertake early and on-going consultation relating to their project, including provision of support material where appropriate.

Housing Mix.⁴ Support a greater mix of housing unit size, form and tenure in new multi-unit residential and mixed use developments.

Health Care Facilities.⁵ Support the extension of services and appropriate building expansions of the Kelowna General Hospital and other health care facilities, as provided for on the Generalized Future Land Use Map 4.1. The form and character of future expansions should be compatible with the surrounding neighbourhood context.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- 2) Size and location of all signage to be clearly defined as part of the development permit
- 3) Any awnings over city property require an indemnification agreement(s).
- 4) This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This building may be designed to low, which may affect the form and character of the building.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.22.8 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.22.11 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.32.10 (Development Process Chapter).

- 5) Are any of the residential units intended to have medical supervision, if so the requirements of B2 may need to be addressed? B2 designation as defined by BCBC'06 has specific requirements that may affect the building as shown in the Development Permit drawings. The allowance for 2nd floor interconnected floor space is to be defined in the code analysis. The Building classification should be determined by the Architect prior to release of the Development Permit.
- 6) Geotechnical and Structural pier review(s) may be required prior to issuance of any Building permits. Requirements to be established at time of Building Permit application.
- 7) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building. An additional exit(s) or exit stairs may be required from the building to meet minimum travel distances to exits. The exit paths are to be protected from the windows (unprotected openings) on the Terrace level. The man door exit beside the garage parkade overhead door access appears to open into traffic lane with no stairs or guard rails to lead to the street.
- 8) The door opening into the lobby (exit thru lobby) from the exit stairwell appears to be swinging in the wrong direction.. The 2nd floor exiting does not appear to meet minimum code requirements for travel distance and location/number of exits from the tenant spaces. The locations of the exits are required for the 2nd floor tenant spaces at time of base building permit application.
- 9) Full Plan check for Building Code related issues will be done at time of Building Permit applications
- 10) Demolition permits are required for any existing building(s).

6.2 Development Engineering Department

See attached Memorandum dated July 10, 2012.

6.3 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. This is a four story combustible construction and additional comments will be required at the building permit application.

6.4 Fortis (Electric)

No concerns.

6.5 Fortis (Gas)

No concerns.

6.6 Interior Health Authority

We have no comments on drinking water or wastewater disposal based on the referenced property having connection to the City of Kelowna municipal drinking water supply and sewer systems.

6.7 Infrastructure Planning

No comments.

6.8 Telus

TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.

7.0 Application Chronology

Z10-0040 / OCP10-0008 Applications Received:	April 6, 2010
Advisory Planning Commission:	August 17, 2010
Community Heritage Committee:	September 9, 2010
1 st Reading:	October 18, 2010
Public Hearing, 2 nd reading, 3 rd reading:	January 12, 2012
Z12-0054 / OCP12-0013 / DP12-0123 Applications Received:	June 13, 2012
1 st Reading:	October 15, 2012
Public Hearing, 2 nd reading, 3 rd reading:	November 13, 2012
Z10-0040 / OCP10-0008 Bylaws Expiration Date:	July 10, 2015
Z12-0054 / OCP12-0013 Bylaws Expiration Date:	November 13, 2015

Report prepared by:

Lindsey Ganczar
Planning Supervisor

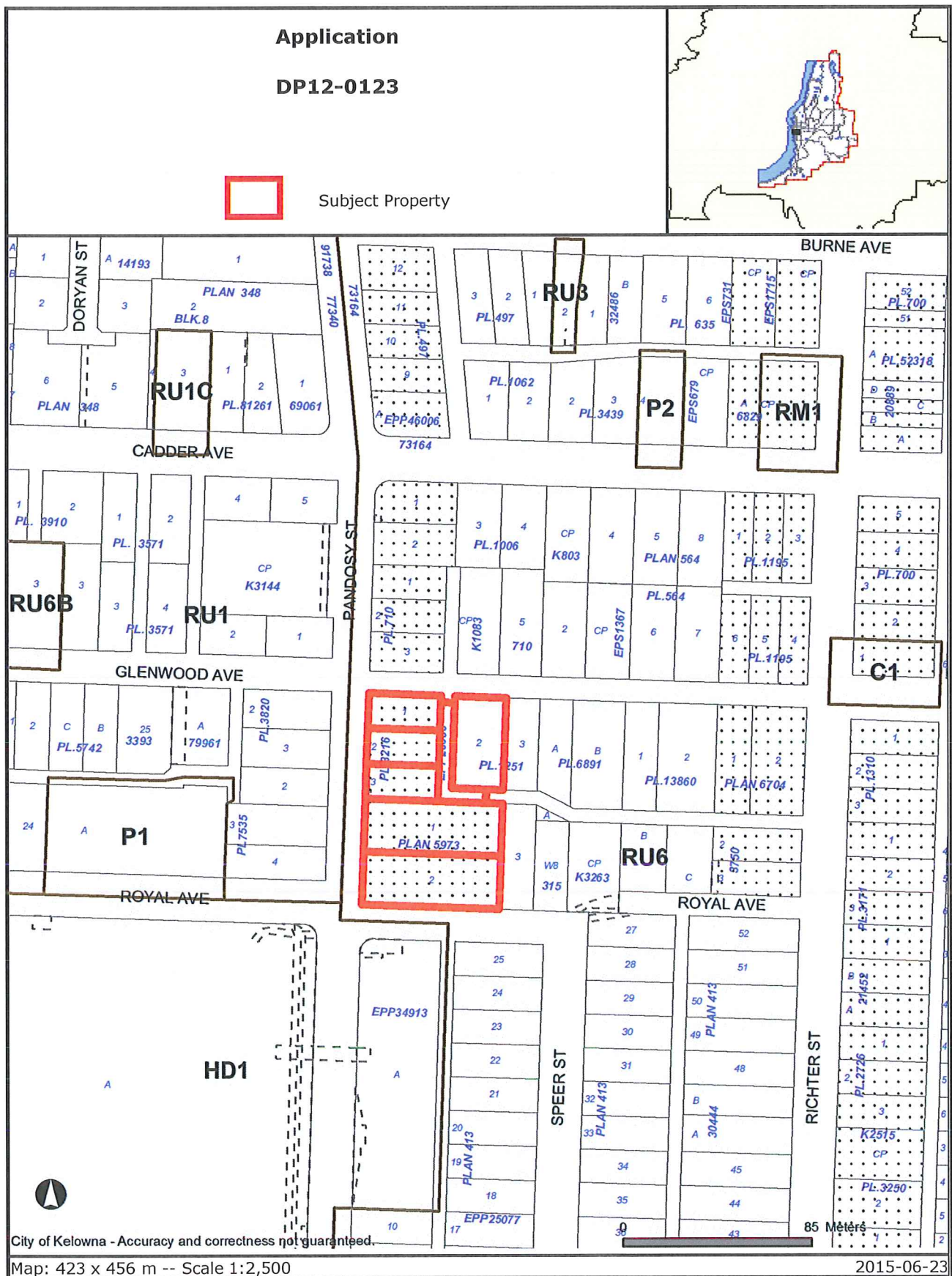
Reviewed by:



Ryan Smith, Community Planning Manager

Attachments:

Site Location Map
Conceptual Elevations
Landscape Plan
Memorandum - Development Engineering
Letter - Applicant response to neighbour concerns



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

JMS	2	QP REAPPLICATION
JMS	1	DIMENSION PKG SPACES
DATE	BY	REVISION

CONSULTANT

CEA.

- THIS DRAWING MUST NOT BE SCALED.
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29th

OTA Architecture Ltd.
243 1809 SPRINGFIELD ROAD
Kelowna, British Columbia,
V1Y 5V5
Fax: 250.879.4300
Telephone: 250.879.1668
email: gliaoffice@gliaarch.ca

COLLETT MANOR
WELLNESS FACILITY
105
PANDOSY STREET
DEVELOPMENTS

1

100

PROJECT NO. A10-06

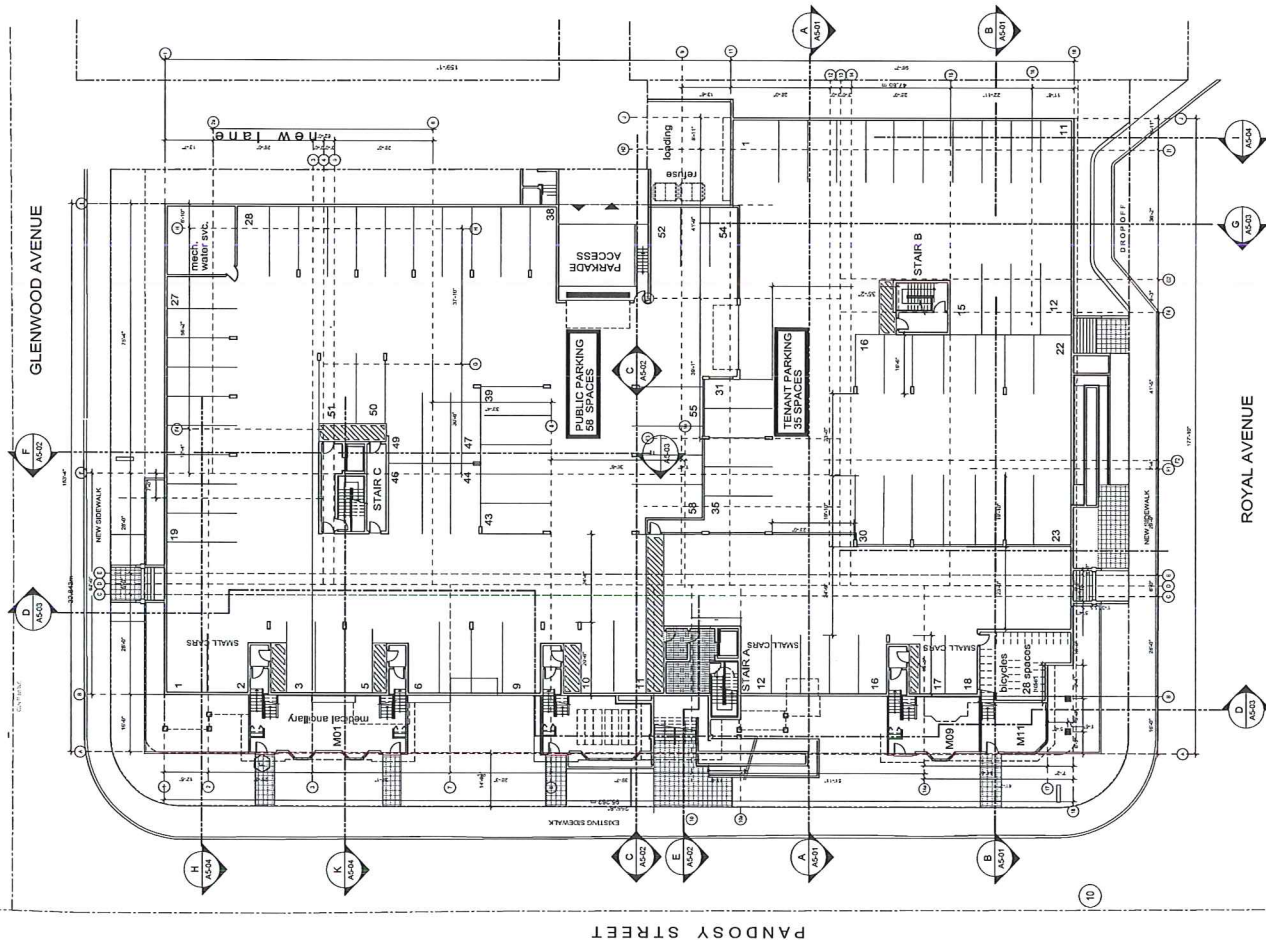
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J.M.S.

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A2.1

AS NOTED



PARKADE LOBBY

SCHEDULE A

This forms part of development

Permit # DP12-0123

PARKADE LEVEL
93 PARKING SPACES
SCALE: 1/16" = 1'-0"

DEVELOPMENT
PERMIT
JUNE 4 2015

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SHT. A2-05
SHT. A2-06

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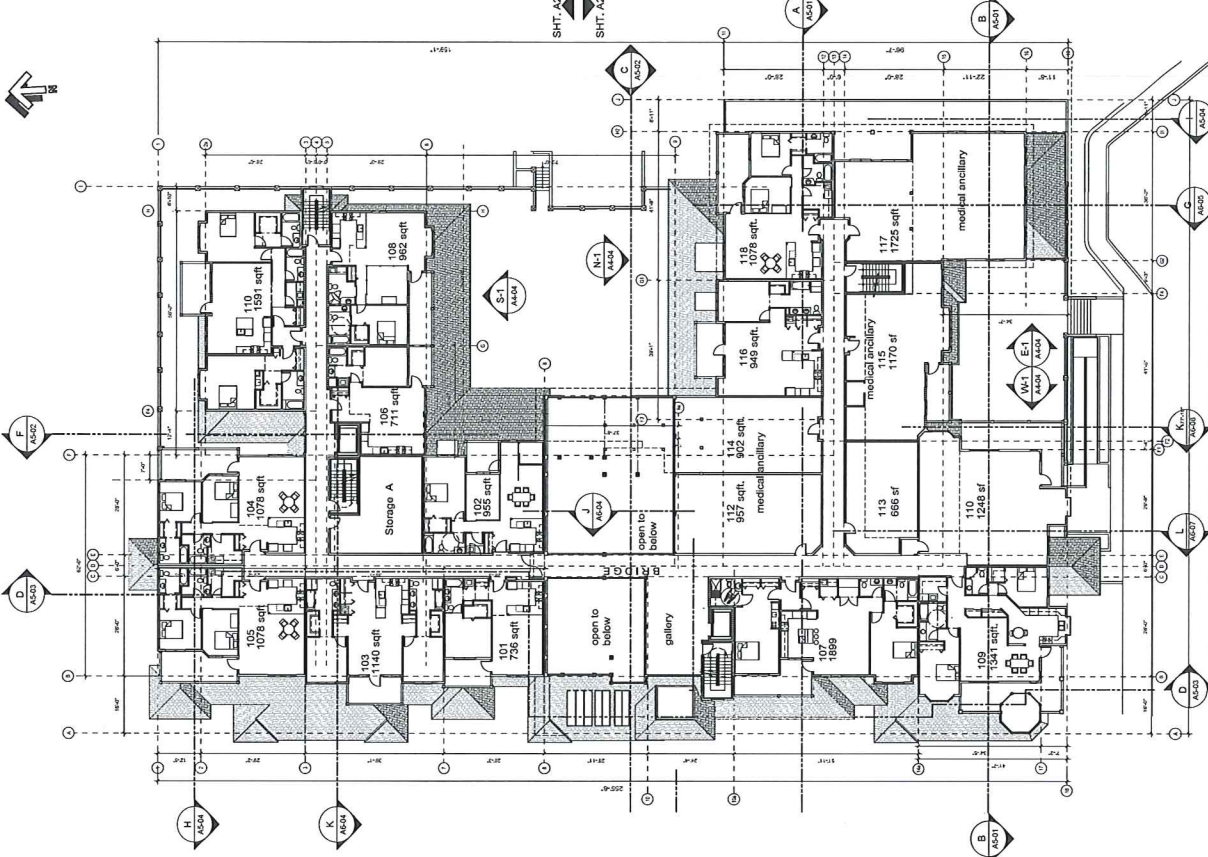
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GTA ARCHITECTURE LTD.
233 18th SPRINGFIELD ROAD
WYOMING, NEW YORK 14221
TEL: 203.979.4300
FAX: 203.979.4300
email: gta@gtarchitect.com

COLLETT MANOR
WELLNESS FACILITY
FANDOSY STREET
DEVELOPMENTS

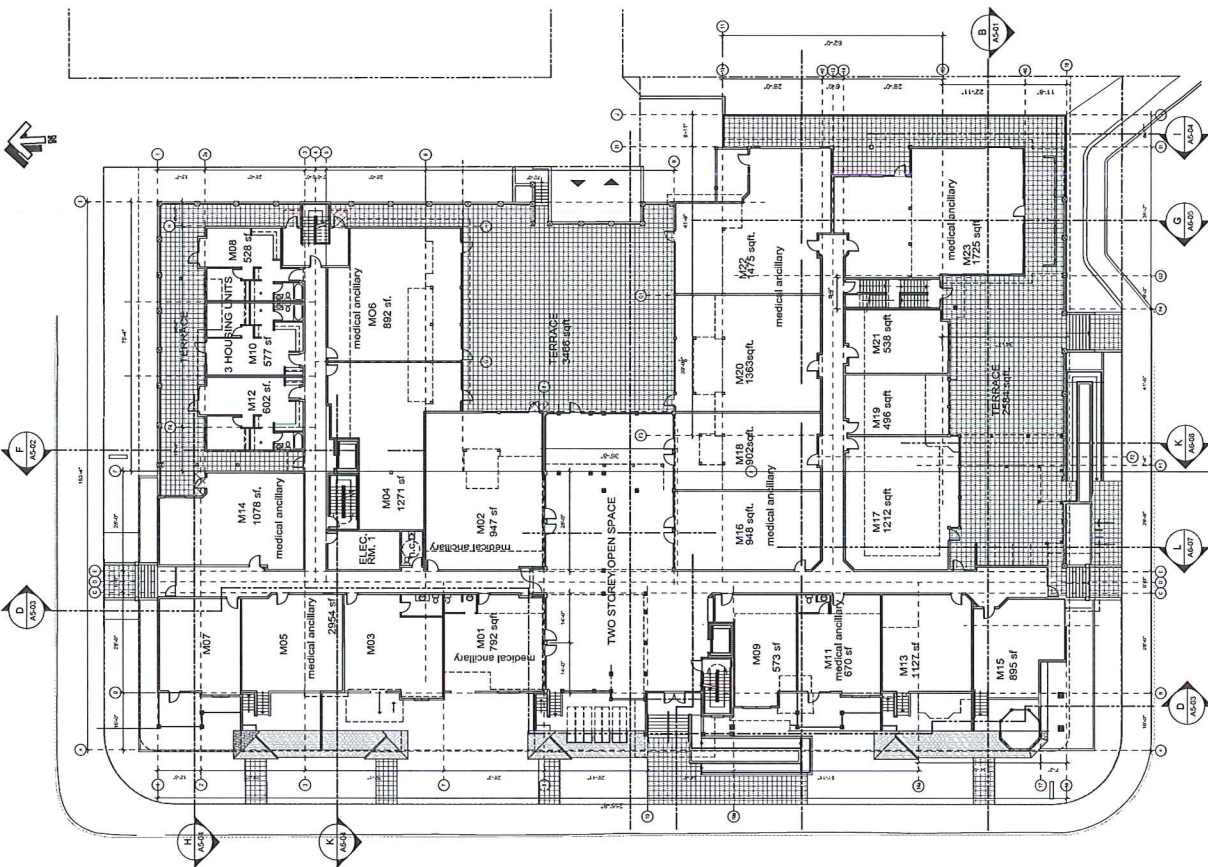
PROJECT	A10-06
OWNER	J.M.S.
DATE	06/04/14
AS NOTED	
DATE	06/04/14

A2.2



FIRST FLOOR KEY PLAN

SCALE: 1/16" = 1'-0"
GFA: 22529 sqft (2120.8 m2)
FAR AREA: 20146 sqft (1871.6 m2)

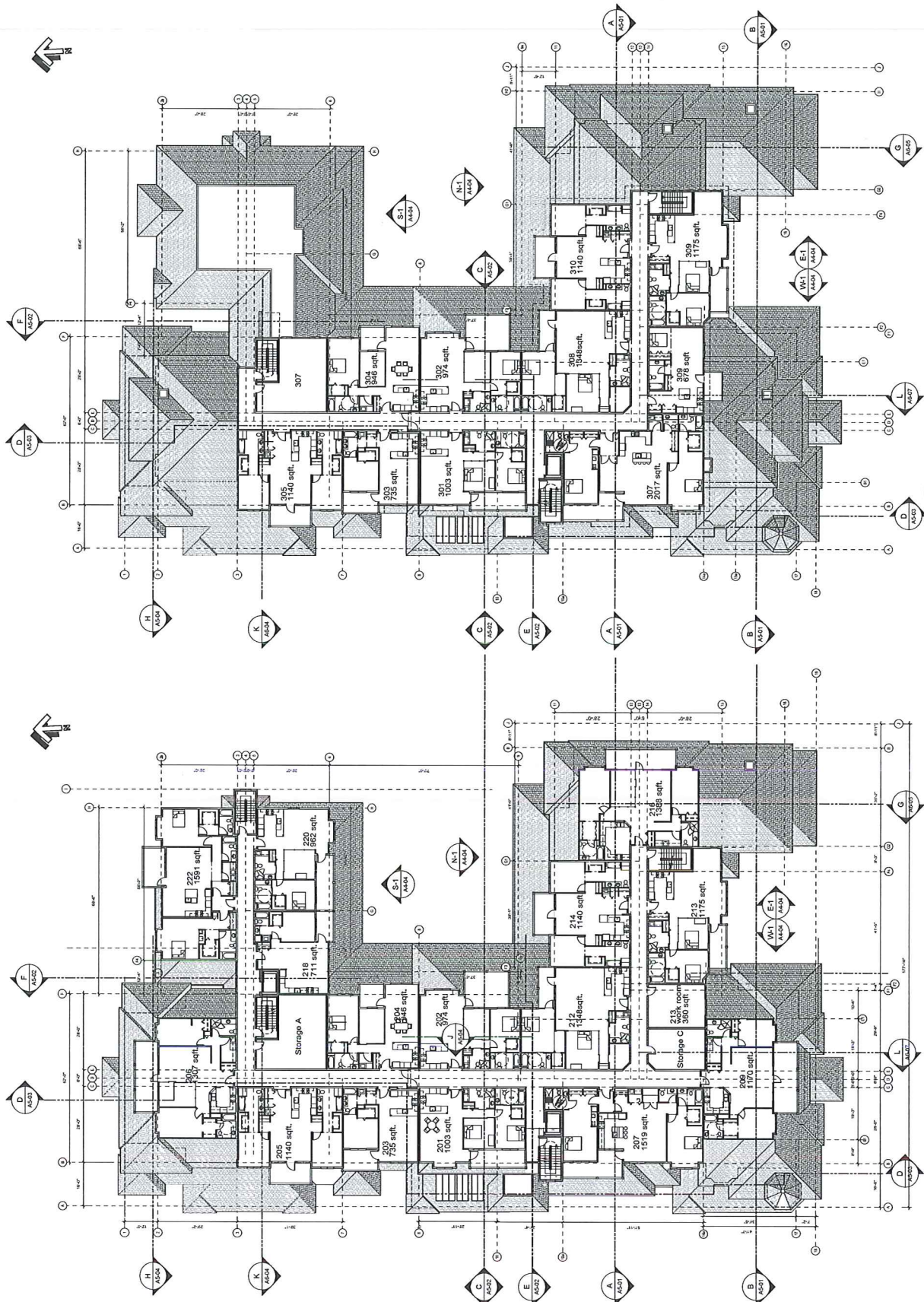


MAIN FLOOR KEY PLAN

SCALE: 1/16" = 1'-0"
GFA: 30584 sqft (2841 m2)
FAR AREA: 21601 sqft (2007.7 m2)

SCHEDULE A

This forms part of development
Permit # DP12-0123



THIRD FLOOR KEY PLAN

SCALE: 1/16" = 1'-0"
GFA: 13556 sqft, (1259.6 m2)
FAR AREA: 11762 sqft, (1092.7 m2)

SECOND FLOOR KEY PLAN

SCALE: 1/16" = 1'-0"
GFA: 21240 sqft, (1973.2 m2)
FAR AREA: 17420 sqft, (1618.3 m2)

PLAN
SCHEDULE A

This forms part of development
Permit # DP12-0123

[illegible]

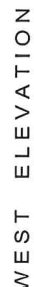
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COLLETT MANOR
WELLNESS FACILITY
FOR
PANDOSY STREET
DEVELOPMENTS

WEST ELEVATION

PROJECT NO.	A10-06	SHEET NO.	A4.1
OWNER	J.M.S.	DESIGNED	
CHECKED		SCALE	AS NOTED
DATE	08/02/10		



[illegible]

25

PROJECT COLLETT MANOR WELLNESS FACILITY <small>(N)</small> PANDOSY STREET DEVELOPMENTS <small>1/20/2016</small>	SHEET TITLE " NORTH & SOUTH ELEVATION "	PROJECT NO. A10-06	SHEET NO. A4.2
		DRAWN J.M.S. CHECKED DATE 3/20/2014	AS NOTED DATE 3/20/2014

PROJECT NO.	A10-06	SHEET NO.	A4.2
DRAWN	J.M.S.		
CHECKED			
SCALE	AS NOTED		
DATE	3/05/14		



This forms part of development Permit # DP12-0123

[illegible]

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COLLETT MANOR
WELLNESS FACILITY
PANDOSY STREET
DEVELOPMENTS

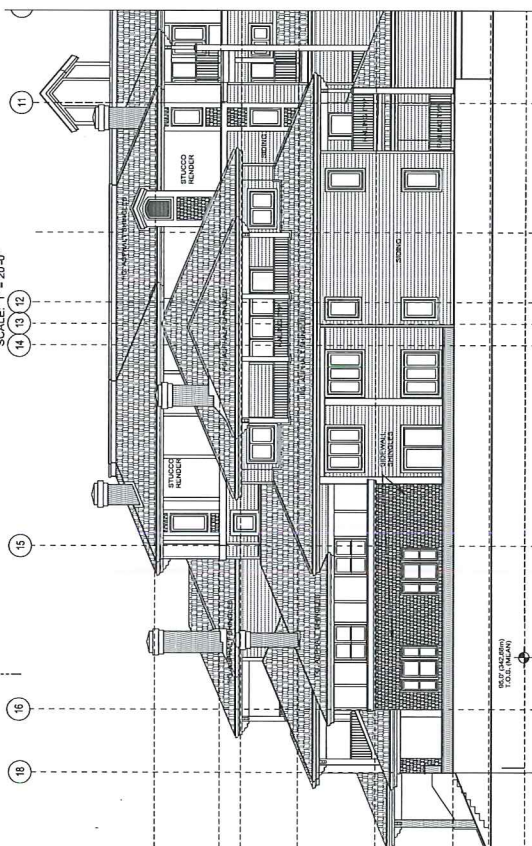
WEST ELEVATION

PROJECT NO. A10-06	SHEET NO.	
NAME J.M.S.	A4.3	
CHECKED		
DATE AS NOTED		
DATE 3/20/14		

SCHEDULE B
This forms part of development
Permit # DP12-0123

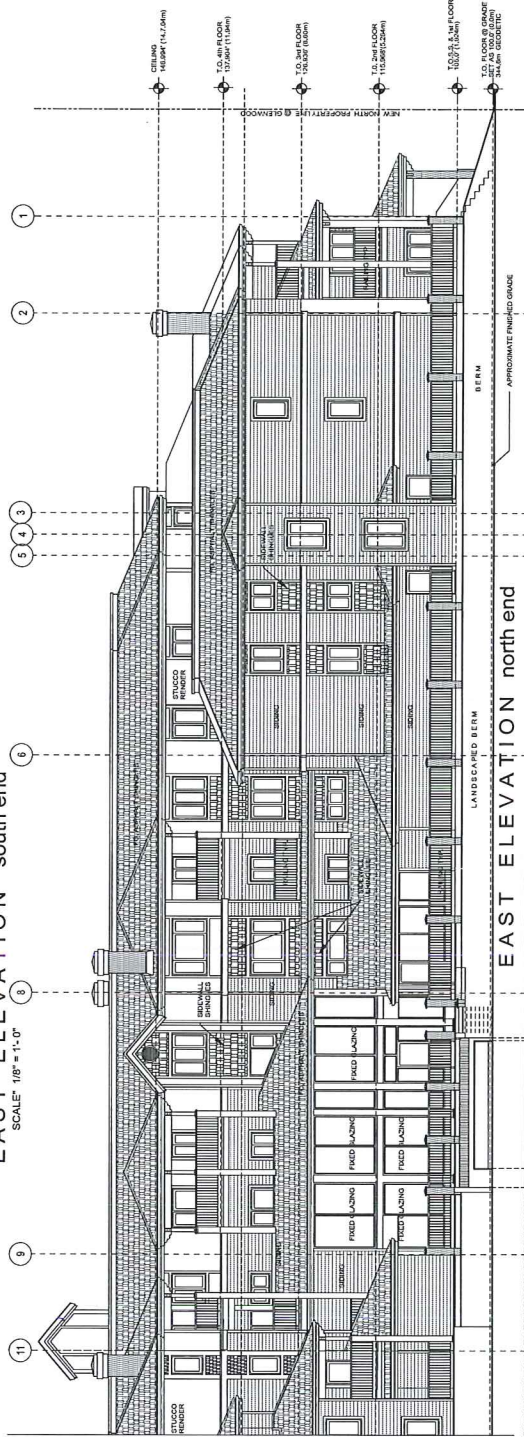


SCALE: 1" = 20' 0"



EAST ELEVATION south end

SCALE" 1/8" = 1'-0"



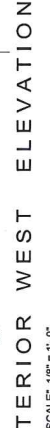
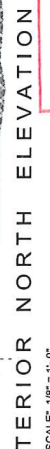
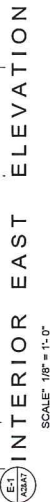
EAST ELEVATION north end

SCALE = 1/8" = 1'-0"

[illegible]

279

PROJECT	COLLETT MANOR WELNESS FACILITY ON PANDOSY STREET DEVELOPMENTS JUL-02	SHEET NO.	INTERIOR SOUTH ELEVATIONS INTERIOR NORTH ELEVATIONS	PROJECT NO.	A10-06	SHEET NO.	A4.4
OWNER	J.M.S.	DESIGNED	AS NOTED	SCALE	DATE	3005/14	

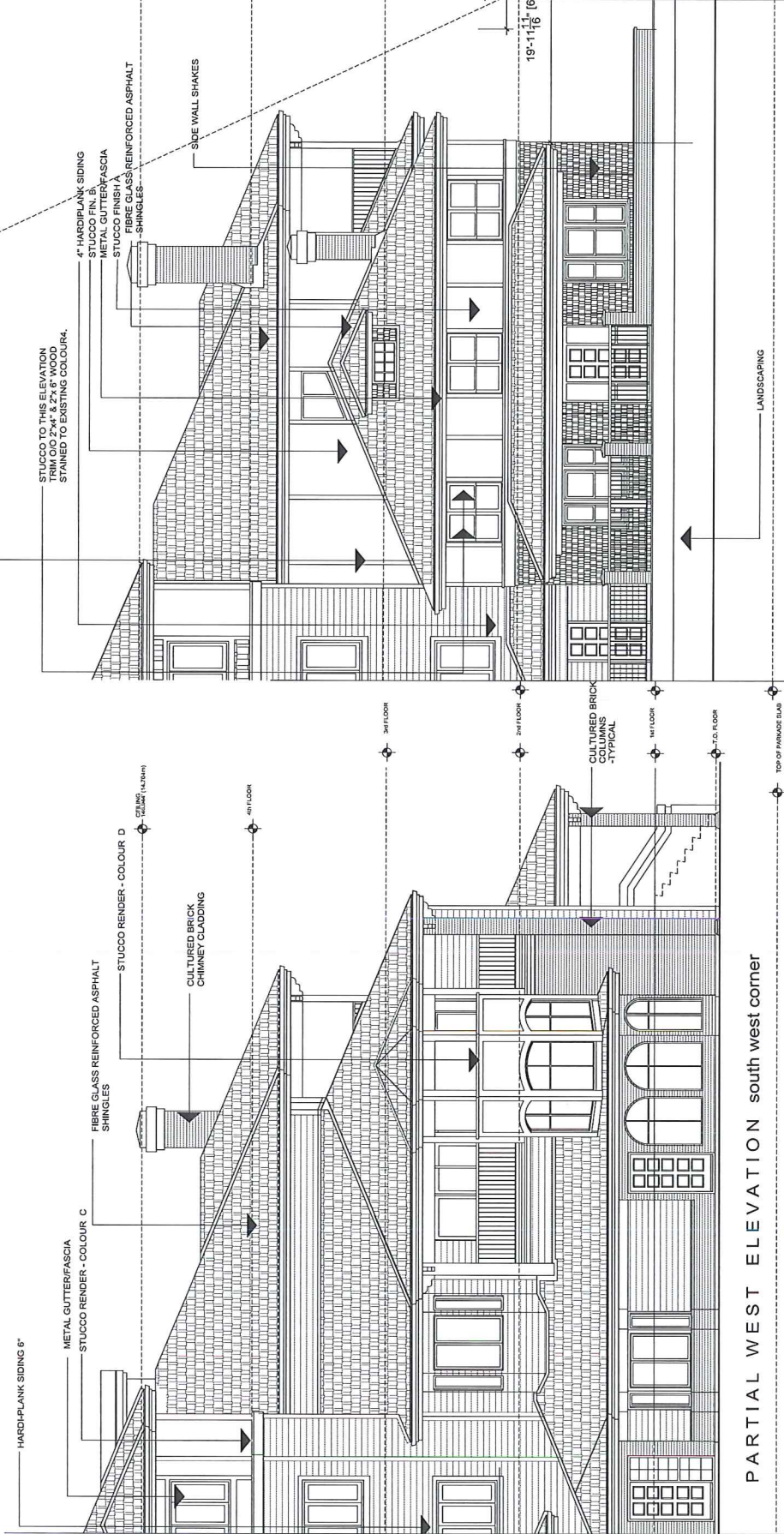


SCHEDULE B
This forms part of development
Permit # DP12-0123

COLOUR OF FINISHES

1. ROOFING: DOMTAR 'WEATHERED WOOD'
2. METAL FASCIA/GUTTER: REPLICATED FASCIA: BEHR 'DESERT PLAIN ECC-21-1' APARTMENT: BEHR 'SOUTHWEST SAND ECC-40-2'
3. BRICK: CULTURED BRICK - SUNSET-CB-4053
4. VINYL WINDOWS: DARK CREAM TO LIGHT CREAM
5. HARDI PLANK BEAM, COLUMN FACING, SIDING AND STUCCO TRIM: COLOURS SIMILAR TO BEHR 'PELICAN BAY ECC-38-1' BEHR 'SHADY WILLOW ECC-38-1' BEHR 'AMBER LEAF ECC-24-1' BEHR 'CEDAR GROVE ECC-28-1'
7. HARDI-PLANK 6" BEVEL SIDING: COLOURS SIMILAR TO BEHR 'SUMMER BLOOM ECC-28-1' BEHR 'SIERRA MADRE ECC-46-1' BEHR 'ARBOR HOLLOW ECC-37-1'

8. STUCCO RENDER: COLOURS SIMILAR TO: STUCCO A: IMASCO LITE SAGE-C420 STUCCO B: IMASCO LITE SANDS-GOLD-146 STUCCO C: SANTI FE-124 STUCCO D: DARK SILVERADO-1-132
9. WROUGHT IRON RAILING: BEHR 'CEDAR GROVE ECC-28-1'



PARTIAL WEST ELEVATION south west corner

SCALE THIS SHEET: 1/4" = 1'-0"

SCHEDULE B
This forms part of development
Permit # **DP12-0123**

DEVELOPMENT
PERMIT
JUNE 4 2015

DATE	BY	FOR	REVISION
04/05/14	JAN	1	DP REAPPLICATION
			CONTRACT

50%

THIS DRAWING MUST BE SCALED.
- BEFORE COMMENCEMENT OF WORK
- BEFORE ANY ALTERATIONS TO THE PROJECT
- ANY ALTERATIONS AND ADDITIONS MUST BE APPROVED BY THE ARCHITECT
- ANY ALTERATIONS MUST BE APPROVED BY THE ARCHITECT
- ANY ALTERATIONS MUST BE APPROVED BY THE ARCHITECT

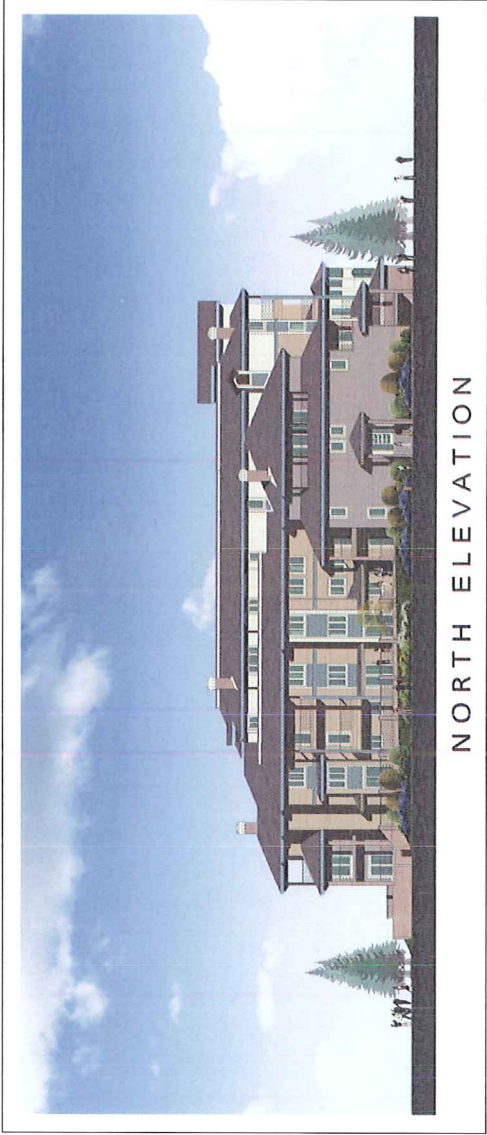
gta

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Email: gta@gtadirect.ca

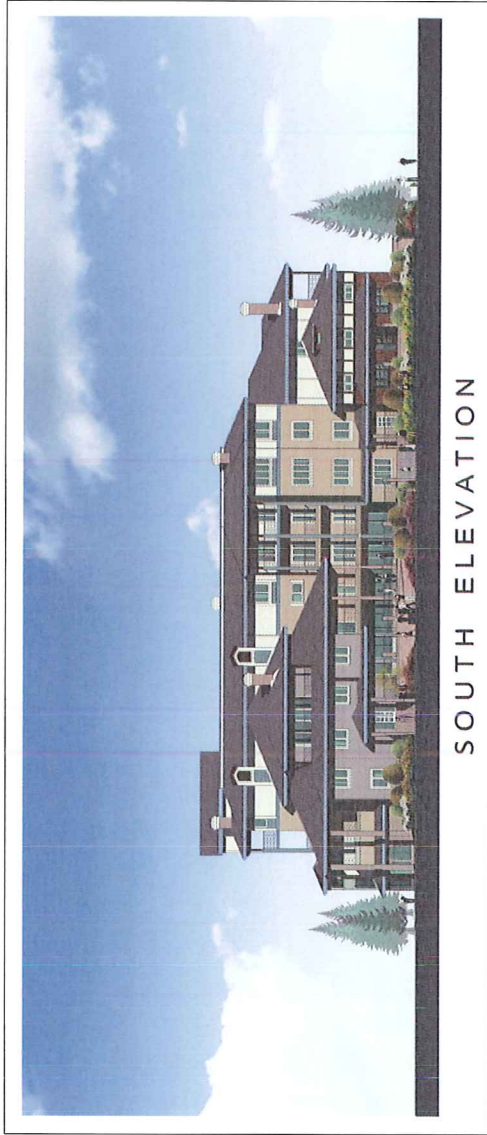
PROJECT
COLLETTMANOR
WELLNESS FACILITY
PANDOSY STREET
DEVELOPMENT'S

SHEET TITLE	FINISHES
PROJECT NO.	A10-06
DRAWN	J.M.S.
CHECKED	
DATE	30/05/14
SCALE	AS NOTED

A4.5



NORTH ELEVATION



SOUTH ELEVATION

gta

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Telephone: 250.979.1668
email: gtaoffice@gtaarch.ca

PROJECT
COLLETT MANOR
WELLNESS FACILITY
PANDOS STREET
DEVELOPMENTS
VICTORIA, BC

SHEET TITLE
COLORED ELEVATIONS
NORTH & SOUTH

PROJECT NO.	A10-05
SHEET NO.	
DRAWN BY	R.B.
CHECKED BY	
DATE	AS NOTED
DATE	15-09-09

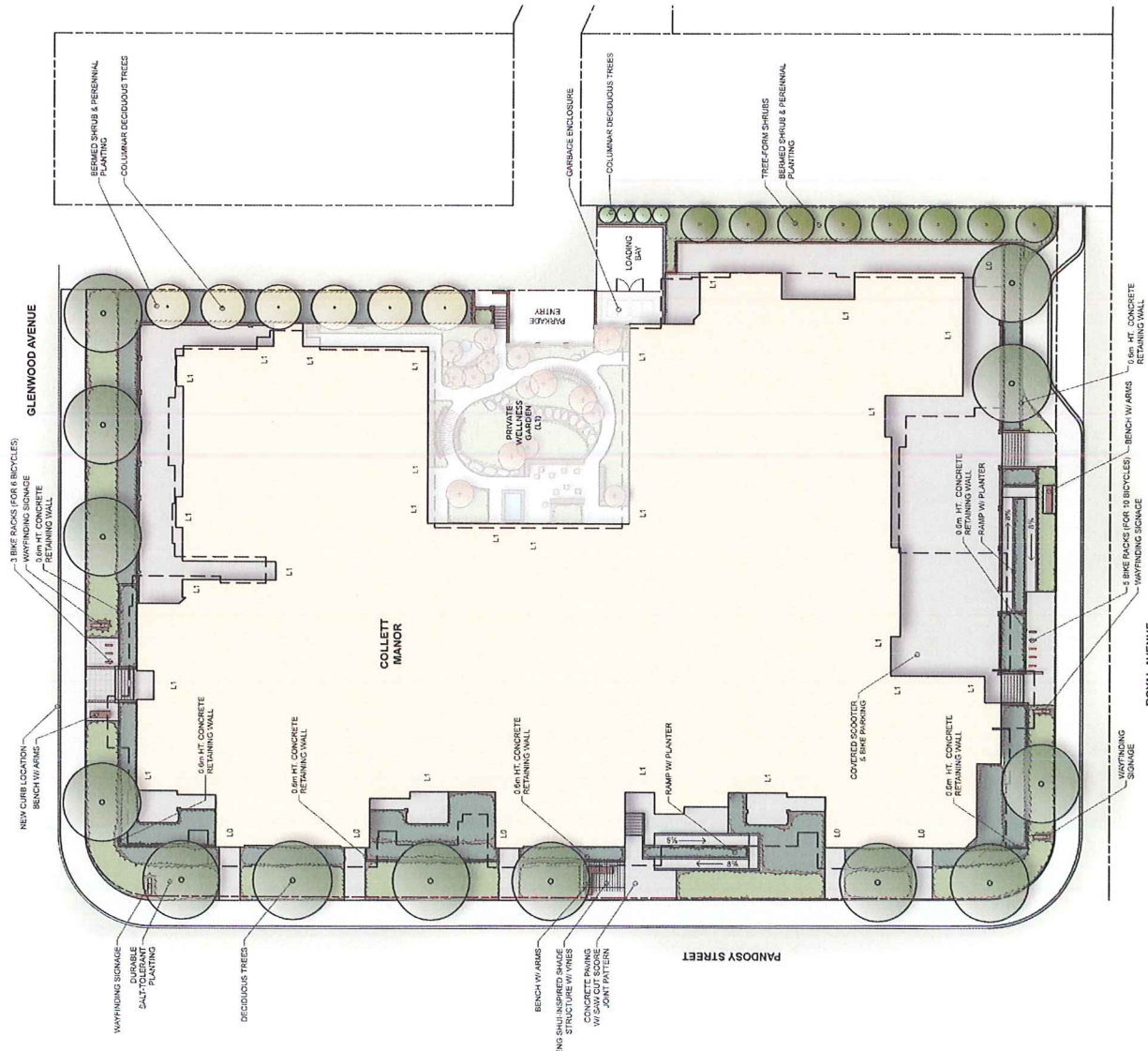
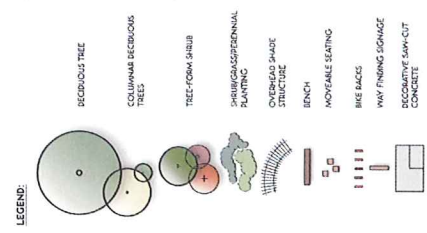
A0.3

SCHEDULE **B**

This forms part of development
Permit # **DP12-0123**



- PLANTING NOTES:**
1. PLANT MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO THE MINIMUM CITY OF GLENVIEW STANDARDS FOR LANDSCAPE DESIGN, REVISIONS, 2018, AND ILL. A.S.D. 2018.
 2. THE MINIMUM CITY OF GLENVIEW STANDARDS FOR LANDSCAPE DESIGN, REVISIONS, 2018, AND ILL. A.S.D. 2018, SHALL BE USED FOR ALL PLANTING MATERIALS AND CONSTRUCTION METHODS.
 3. PLANT MATERIAL SELECTIONS ARE CONCEPTUAL ONLY. FINAL PLANTING MATERIALS SHALL BE SELECTED BY THE ARCHITECT IN CONSULTATION WITH THE LANDSCAPE ARCHITECT.
 4. PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.
 5. PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.
 6. A-HIGH LEAFY PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.
 7. PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.
 8. PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.
 9. PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.
 10. PLANTING MATERIALS SHALL BE SELECTED TO MATCH THE EXISTING PLANTING MATERIALS.



NO.	DATE	DESCRIPTION
1	01/11/2024	ISSUED FOR PERMIT
2	01/11/2024	ISSUED FOR PERMIT



SARAY KONOPKOWSKI
ARCHITECT LTD.
WILLOWDALE, ONT.

PANDOSY STREET
DEVELOPMENTS
WILLOWDALE, ONT.

PROJECT:
COLLETT MANOR
WELLNESS FACILITY
WILLOWDALE, ONT.

CONCEPTUAL PLAN

DATE: 01/11/2024
DESIGNED BY: SARAY KONOPKOWSKI
PROJECT NO: 2024-0123
SCALE: 1:200

L-1

OF 2

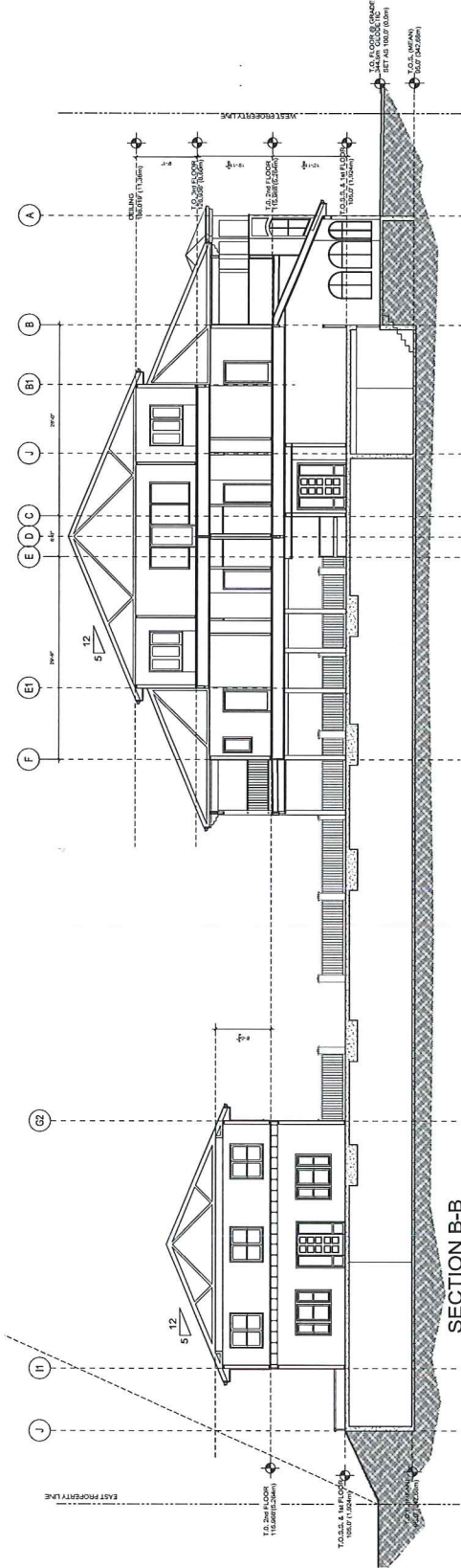
SCHEDULE C

This forms part of development
Permit # **DP12-0123**

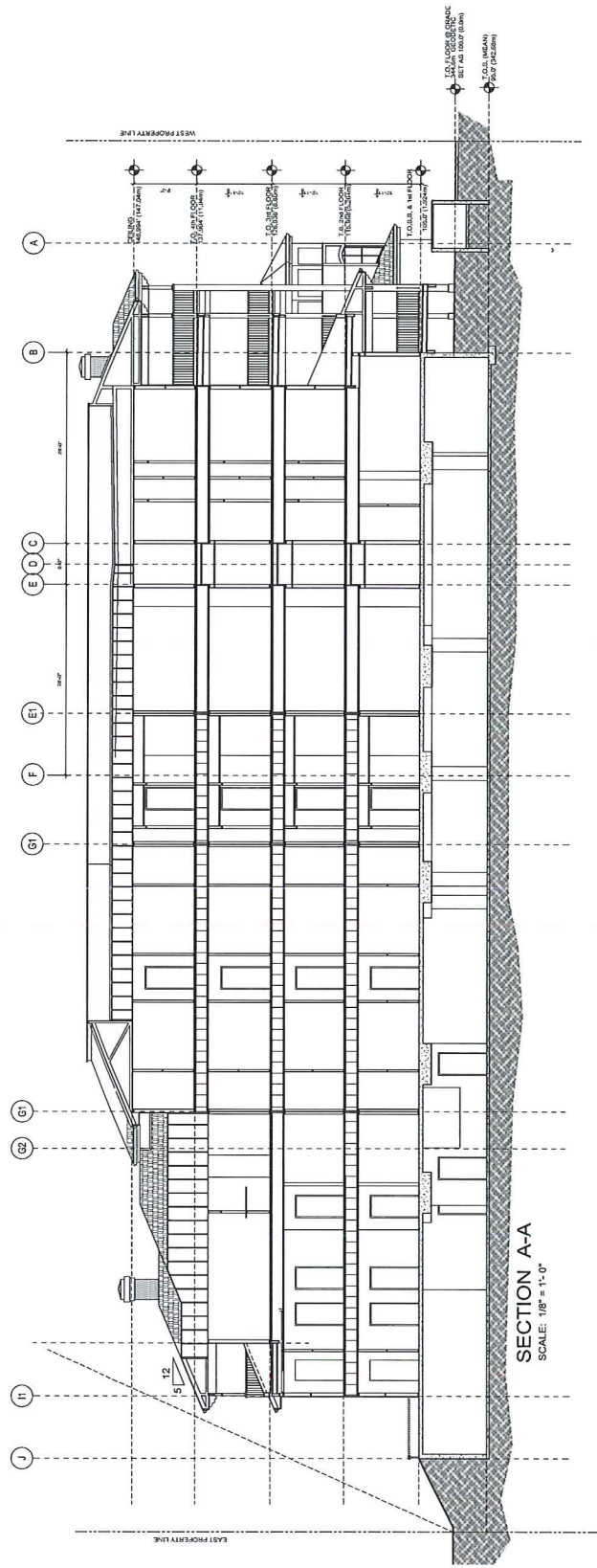
DEVELOPMENT
PERMIT
JUNE 4 2015

DATE	BY	NO.	REVISION
06/04/15	J.M.S.	1	DP REPLICATION
06/04/15	J.M.S.	2	REVISION
06/04/15	J.M.S.	3	REVISION
06/04/15	J.M.S.	4	REVISION
06/04/15	J.M.S.	5	REVISION
06/04/15	J.M.S.	6	REVISION
06/04/15	J.M.S.	7	REVISION
06/04/15	J.M.S.	8	REVISION
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06/04/15	J.M.S.	13	REVISION
06/04/15	J.M.S.	14	REVISION
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06/04/15	J.M.S.	17	REVISION
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06/04/15	J.M.S.	98	REVISION
06/04/15	J.M.S.	99	REVISION
06/04/15	J.M.S.	100	REVISION

SECTION B-B
SCALE: 1/8" = 1'-0"



SECTION A-A
SCALE: 1/8" = 1'-0"



gta

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VANCOUVER, British Columbia,
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email: gtaoffice@gtaarch.co

PROJECT: COLLETT MANOR
WELLNESS FACILITY
PANDOSY STREET
DEVELOPMENTS
Vancouver, BC

SHEET TITLE
CROSS SECTIONS

PROJECT NO.	A1006
SHEET NO.	A5.1
DESIGNED BY	J.M.S.
CHECKED BY	J.M.S.
DATE	AS NOTED
SCALE	3005514



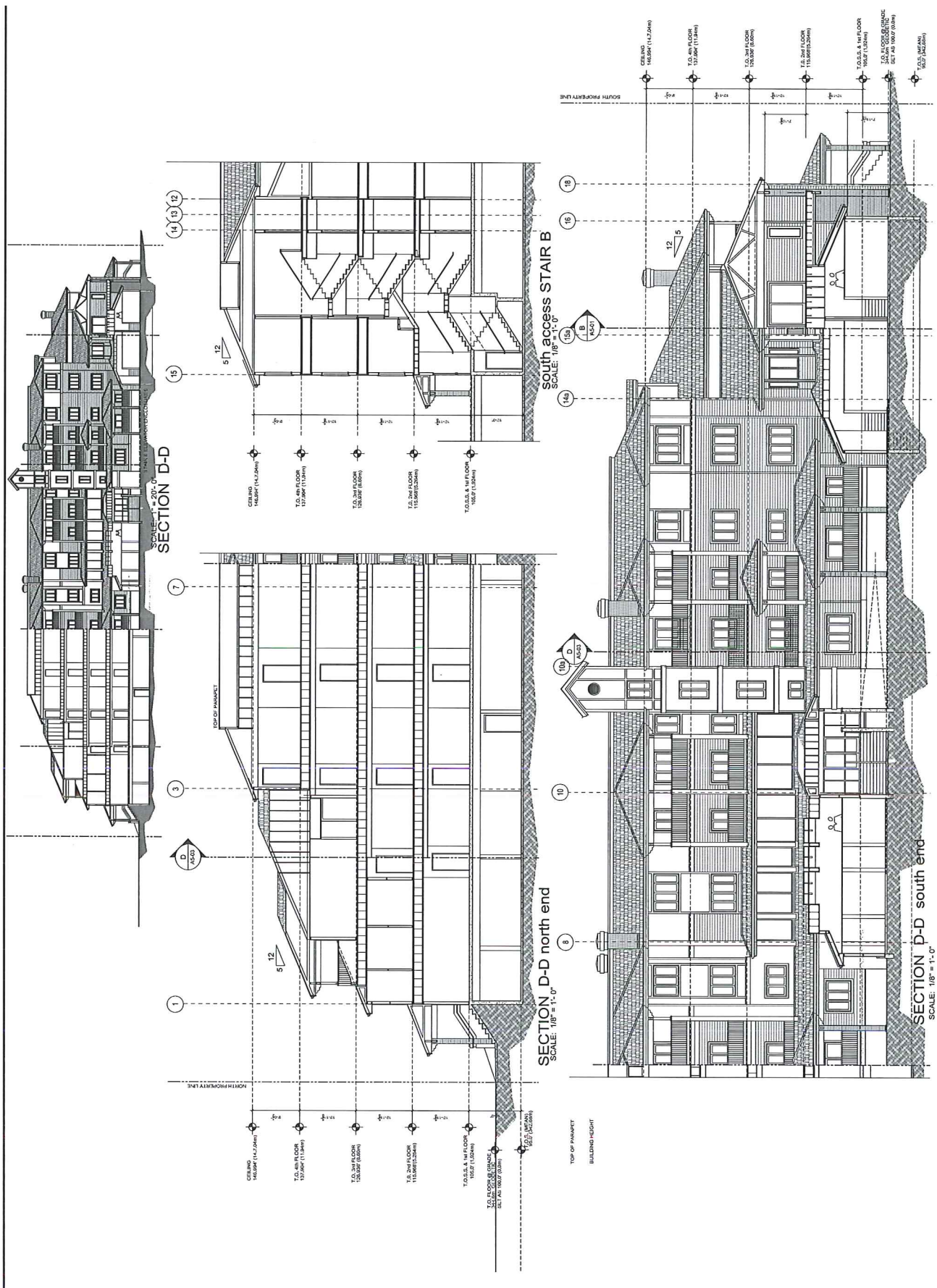
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PROJECT
COLLETT MANOR
WELLNESS FACILITY
175K
PANDOSY STREET
DEVELOPMENTS
Lakewood, NY

SHEET TITLE	CROSS SECTIONS	PROJECT NO. A10-06	SHEET NO.	A5.3	
			DRAWN		J.M.S.
			CHECKED		
			SCALE		AS NOTED
DATE			3/05/14		



DEVELOPMENT
PERMIT
JUNE 6 2015

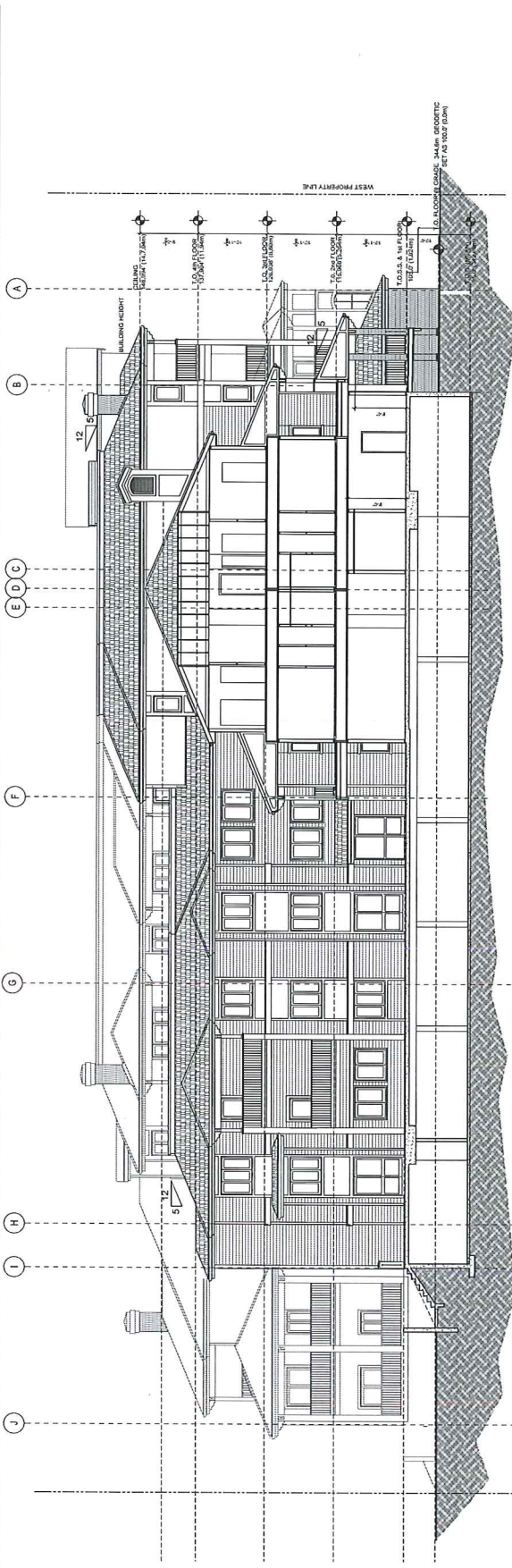
DATE	BY	NO.	REVISION
06/04/14	JMS	1	DP REAPPLICATION
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06/04/14	JMS	3	REVISION
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06/04/14	JMS	5	REVISION
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06/04/14	JMS	100	REVISION

CONSULTANT
DATE
BY
NO.
REVISION

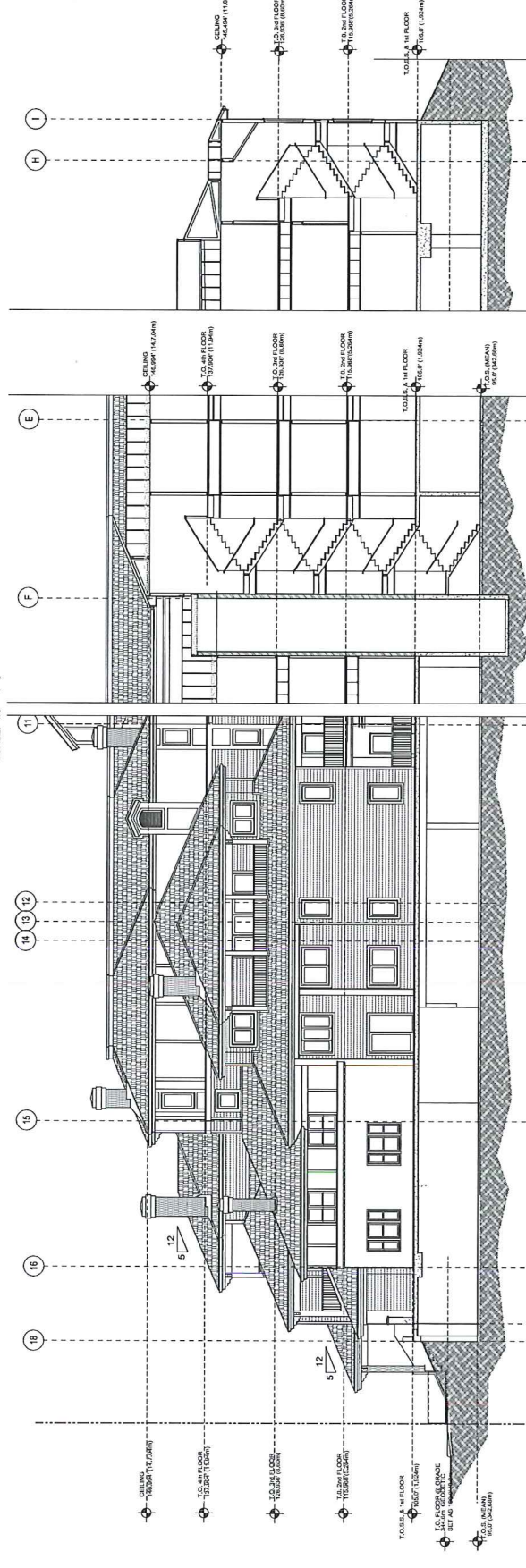
THIS DRAWING MUST NOT BE SCALED.
- ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
- MARKINGS AND NOTIFICATIONS ARE NOT TO BE CONSIDERED PART OF THE DRAWING.
- ANY REVISIONS MUST BE MADE TO THE DRAWING BY THE ARCHITECT.
- ANY REVISIONS MUST BE MADE TO THE DRAWING BY THE ARCHITECT.

gta
GTA Architects Ltd
243 1889 SPRINGFIELD ROAD
Kilburn, Bristol, Gloucestershire
Tel: 01275 3794368
Fax: 01275 3794368
Email: info@gtarchitects.co.uk

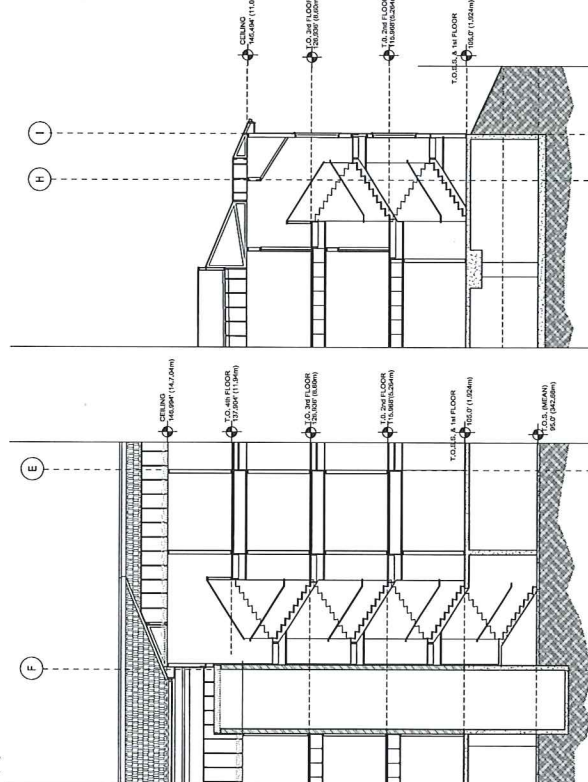
COLLETT MANOR
WELLS FACILITY
PANDOSY STREET
DEVELOPMENT'S
CROSS SECTIONS
SHEET NO. A10-06
DATE: JUN 15
DRAWN: JMS
CHECKED: JMS
SCALE: AS NOTED
SHEET NO. A5.4
DATE: 30/05/14



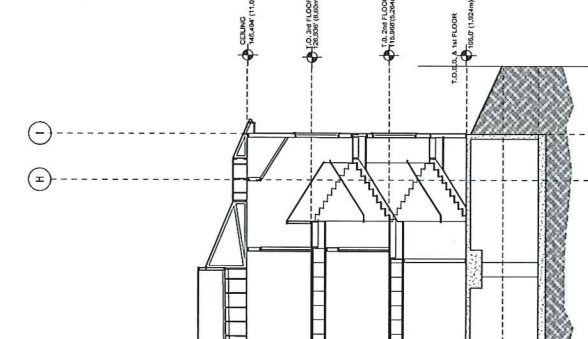
SECTION H-H
SCALE: 1/8" = 1'-0"



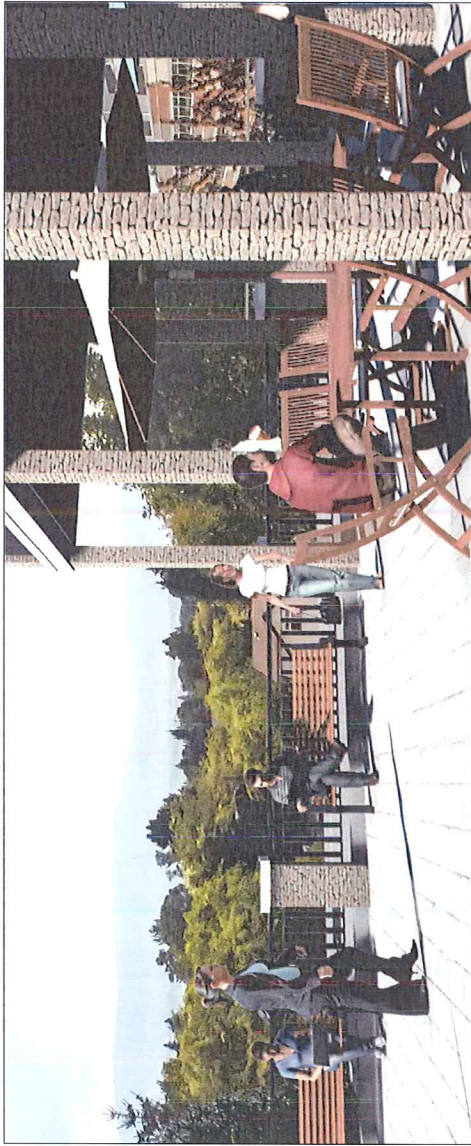
SECTION I-I
SCALE: 1/8" = 1'-0"



STAIR C
SCALE: 1/8" = 1'-0"



STAIR D
SCALE: 1/8" = 1'-0"



SOUTH COURTYARD



LAKE VIEW



WEST VIEW



WEST VIEW



ENTRY ATRIUM

NOTES:
- THIS DRAWING MUST NOT BE SCALED.
- THIS DRAWING IS FOR INFORMATION ONLY.
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THE ARCHITECT MUST BE CONSULTED
TO THE ARCHITECT.
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TO BE MADE WITHOUT THE WRITTEN
CONSENT OF THE ARCHITECT.
- ANY REPRODUCTION MUST BEAR THE
NAME OF THE ARCHITECT.

gta

GTA ARCHITECTURE LTD.
243 1885 SPRINGFIELD ROAD
VICTORIA, BRITISH COLUMBIA
V8N 2L5
Phone: 250.979.4388
Fax: 250.979.4388
email: gtaoffice@gtaarch.ca

PROJECT: COLLETT MANOR
WELLNESS FACILITY
PANDOS STREET
DEVELOPMENTS
VICTORIA, BC

SHEET TITLE:
PERSPECTIVE RENDERINGS

PROJECT NO.: A10-06
SHEET NO.: A0.4
SCALE: AS NOTED
DATE: 15-06-09

CITY OF KELOWNA

MEMORANDUM

Date: July 10, 2012
File No.: DP12-0123

To: Land Use Management Department (AW)

From: Development Engineering Manager (SM)

Subject: Pandosy St, Royal Ave, Glenwood Ave Plan 5973 Lots 1,2 Plan 3216 Lots 1,2,3
Proposed Multi Use Development **MARRINGTON**

Development Engineering has the following comments and requirements associated with this application.

The Development Engineering Technologist for this project is John Filipenko. ASCT

1. General

Development Engineering servicing and frontage improvement requirements were addressed under File Z10-0040. The requirements must be satisfied prior to issuance of the Development Permit.

2. Domestic Water and Fire Protection

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.
- (b) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (c) Only one service will be permitted for this development. The applicant, at his cost, will arrange for the installation of fire hydrants, disconnection of existing services and a new metered water service.
- (d) A water meter is mandatory for this development and must be installed inside a building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department, and prepare the meter setter at his cost.
- (e) An approved backflow protection device must also be installed on site as required by the City Plumbing Regulation and Water Regulation bylaws.

- (f) Landscaped boulevards, complete with underground irrigation systems, must be integrated with the on-site irrigation system.
- (g) Servicing for this phase of development will be reviewed and approved by Engineering when a Site Servicing Design is submitted.

3. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. The applicant, at his cost, will arrange for the installation of one new larger service that will service all phases of this development.
- (b) Servicing for this phase of development will be reviewed and approved by Engineering when a Site Servicing Plan is submitted.

4. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of a lot grading plan, identify minimum basement elevation (MBE), overland drainage routes, floodplain elevations and setbacks, and provision of storm drainage overflow services for the lot and recommendations for onsite drainage containment, treatment and disposal systems.
- (b) It must be understood that the storm drainage systems in this vicinity are relatively shallow as the level of Okanagan Lake influences drainage. The drainage systems are inundated in water at times of high lake levels.
- (c) Storm drainage systems and an overflow service for the site will be reviewed and approved by Engineering when a Site Servicing Plan is submitted.

5. Road Improvements

- (a) All road frontage improvements including line markings and the pedestrian signal will be a requirement for this development phase.
- (b) Vehicle access will not be permitted from Pandosy Street

6. Geotechnical Report

- 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 development.**

The Geotechnical reports must be submitted to the Planning and Development Services Department (Planning & Development Officer) for distribution to the Works & Utilities Department and Inspection Services Division prior to submission of Engineering drawings or application for subdivision approval.

- (i) Area ground water characteristics, including any springs and overland surface drainage courses traversing the property. Identify any monitoring required.
- (ii) Site suitability for development. Site soil characteristics (i.e. fill areas, sulphate content, unsuitable soils such as organic material, etc.).
- (iii) Any special requirements for construction of roads, utilities and building structures.
- (iv) Suitability of on-site disposal of storm water and sanitary waste, including effects upon adjoining lands in accordance with the Subdivision, Development and Servicing Bylaw, Schedule 4 Sanitary Item 2.18.
- viii) Top of bank assessment and location including recommendations for property line locations, septic field locations, building setbacks, and ground water disposal locations.
- ix) Recommendations for items that should be included in a Restrictive Covenant.
- x) Any items required in other sections of this document.
- xi) Recommendations for erosion and sedimentation controls for water and wind.
- xii) Recommendations for roof drains and perimeter drains.

Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

June 1 2015

City of Kelowna
Planning Department
1435 Water Street
Kelowna BC

Collett Manor Application

Thank you Ryan Smith and Alec Warrender for providing us with a letter dated October 28 2014 from Ms Pearson residing at 607 Glenwood Ave, and feedback from council.

The project is well under the maximum FAR , under the maximum height, more green /social space spaces than the bare minimum as noted in the HD2 Zone.

Ms Pearson indicates there is surface parking; we have never included any surface parking in any of our conceptual drawings, nor formal sets delivered and accepted into planning. We do have underground parking, and have exceeded the minimum required stalls.

It was at 3rd reading the former council indicated it would like to see a “rectangle” lot. We do have a rectangle lot, and a commercial grade lane way. That translates to almost 2x the width of the current laneway. With large/wide mandatory setbacks, and future road widening there is optimal space for vehicles and transition.

1). The location of the loading zone

As per the HD2 zone requirement the loading bay **AND** parkade entrance must be situated on the lane. *We are in full compliance with the zone.*

Numerous delivery vehicles are usually not required to service offices, doctor’s clinics, Registered Massage Therapy (RMT) offices or optical businesses, to name a few examples.

Move in and out of residents; With a <1% vacancy rate in our City and tighter in our direct neighbourhood, one would anticipate few transitions. Many people have expressed interest in purchasing a residence, which further limits the large heavy traffic and reduces the move in and out exposure.

Further, visitors to the healthcare campus such as caregivers, patients, etc. that are there needing a home for a short time they may stay 3 weeks to 9 weeks for example in a furnished unit so the move in and out exposure is minimal with personal effects only.

Collett Manor design was inspired from the 1913 Collett home, named with permission from Basil Collett. The building is graduated to mass in the middle of the block, and wide open “U shape” East facing allows for a transition into the neighbourhood with a large landscaped terrace looking down the alley towards Richter Street.

In our award winning architect's opinion, GTA Architect's, it is not referencing any component of an "industrial " feel or look.

2) Separation between the project and the neighborhood

Again we do not have a surface parking lot. It is counter productive socially and psychologically, to have a wall separating "us from them". Bench Design, Landscape Architects provided direction on the outside spaces. In collaboration with our Feng Shui Master, they sensitively placed the foliage into the project with consideration of the neighbourhood. This included the type of coverage around the parking and bermed up spaces around the perimeter of the entire building. Creating a softer more environmental exposure.

Ms Pearson raises the concern of " 24/7 "usage of the businesses and services. I direct that comment to bylaws that govern hours of operations. Between the hours of 10pm – 7am there is a very very minimal amount of people coming and going from the health campus that would be sourcing businesses and services late at night anywhere in the city. Further , there is very few people on the streets anywhere in Kelowna as we are not a "24/7" City.

3. Mechanical Noise:

Almost all Hvac equipment today is designed to be quieter than 60 DBA in order to keep any noise to a minimum. Products that exceed this are minimal. The rates are for 60DBA (at 30')

We have provided an attachment from a Mr. **Bill Davis EMCO CORPORATION** Business Development manager, HVAC, for his professional and technical explanation to the 8 ft wall. A wall abutting an underground parkade is counter productive to both the neighbors, building residents and the life cycle maintenance of the HVAC systems. (see attached)

Collett Manor will be compliant to the noise bylaws.

Collett Manor is compliant with the parkade entrance and loading bay as per the HD2 Zone.

Please feel free to ask any questions with regards to the concerns raised herein.

Thank you

The image shows two handwritten signatures in black ink. The first signature is on the left, appearing to be 'Ross', and the second is on the right, appearing to be 'Alana Marrington'. Both are written in a cursive, flowing style.

Ross and Alana Marrington

From: Bill Davis <BDavis@emcoltd.com>
Subject: Proposed 8' wall surrounding Collett Manor
Date: 10 June, 2015 6:37:04 PM PDT
To: "alana@collettmanor.com" <alana@collettmanor.com>, "alana@pandosy.com" <alana@pandosy.com>

Alana Marrington, as per our discussion yesterday in regards to a proposed 8' wall being put up at your complex, Collett Manor and how it would affect the mechanical equipment's operation, and noise levels.
This proposed wall would be a detriment to any mechanical equipment in that general area of the wall for a number of reasons listed and explained below;

- 1) With Mechanical equipment operating in the area of this proposed wall it will act as a speaker and increase the noise value of that mechanical equipment, and has a potential to be a nuisance to the surrounding neighbors. The elevated noise levels created by sound waves coming off the proposed wall, in some cases it has elevated the noise value of mechanical equipment close to 2 times their regular sound levels.
It also affects the operation of the mechanical equipment, by increasing the operating static pressure on fans or other mechanical systems, this could in turn cause possible early failures in the equipment.
- 2) In our experience, by putting garden beds with shrub like trees or Small cedar trees in the area, you will not have the potential of affecting the mechanical equipment in the surrounding area, these types of plants or garden beds help muffle noise made from any mechanical equipment in the area. They can also help with the absorption of any materials that may be exhausted from the parkade and keep the area looking clean. Lastly they would have no harmful effect on the mechanical operation of any mechanical equipment helping with the longevity of the equipment and the quietness of the equipment.

Bill Davis
EMCO CORPORATION
Business Development manager HVAC
TECHNICAL FIELD SERVICE REPRESENTATIVE – OKANAGAN / NORTHERN BC
Ph:250-469-0511
bdavis@emcoltd.com

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.:

DP12-0123

EXISTING ZONING DESIGNATION: HD2 - Hospital and Health Support Services

WITHIN DEVELOPMENT PERMIT AREAS: Intensive Residential - Character Neighbourhood
General Multiple Unit
General Commercial

ISSUED TO: Alana Marrington

LOCATION OF SUBJECT SITE: 2175 Pandosy Street

	LOT	SECTION	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	A		14		ODYD	EPP27000

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 a Development Permit and/or 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:

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. Prior to issuance of the Building Permit, the requirements of the Development Engineering Branch must be satisfied;
5. 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 this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2. 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 two years 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.

3. PERFORMANCE SECURITY:

None required.

4. 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 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.

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.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 29th DAY OF JUNE, 2015.

ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015 BY THE COMMUNITY PLANNING DEPARTMENT MANAGER.

Ryan Smith, Department Manager
Community Planning

Report to Council



Date: June 22, 2015

File: 1880-50

To: City Manager

From: Kevin Van Vliet, Utility Services Manager

Subject: Centrifuge Purchase - Brandts Creek Tradewaste Treatment Facility

Report Prepared by: Mike Gosselin, Supervisor Wastewater Treatment

Recommendation:

THAT Council approves the purchase of the Centrifuge as outlined in the Report of the Utility Services Manager dated June 22, 2015;

AND THAT the 2015 Financial Plan be amended to include \$450,000 for this project funded from the Wastewater utility, with the understanding that all costs incurred will be recovered from the benefiting Industries.

Purpose:

To install a centrifuge system at the Brandts Creek Tradewaster Treatment Facility in order to reduce the volume of bio-solids leaving the facility and reduce the costs associated with hauling of the bio-solids.

Background:

The Brandt's Creek Trade Waste Treatment Facility is located at Ethel Street and Weddell Pl. and provides wastewater treatment for the fruit and wine waste effluent from SunRype and Andrew Peller Ltd. ("the Industries").

The facility is owned and operated by the City of Kelowna on behalf of the Industries. The Industries are responsible for all capital and operating costs of the facility and have exclusive rights of use as outlined in an operations agreement between the City and the Industries. City ownership and operation provides the industry partners long term stability for their wastewater treatment.

The removal of bio-solids from the facility is managed and paid for directly by the Industries.

To reduce the volume of bio-solids leaving the facility and reduce the costs associated with the hauling of the bio-solids, the industries have decided that purchasing a centrifuge system was necessary. The centrifuge has arrived on site and will be commissioned the week of June 15th 2015.

Following the commissioning of the unit a permanent location on site will be determined which will require some additional capital expense to appropriately house the equipment. This work is expected to occur this fall.

The Industries have budgeted \$450,000.00 for this project. The centrifuge has been paid for by SunRype at a cost of approximately \$274,000.00, the remaining \$176,000.00 is estimated to pay for the permanent installation of the centrifuge and additional auxiliary equipment.

As it was purchased by SunRype, the centrifuge is currently the only significant component of the facility not owned by the City of Kelowna and as such the recovery of its costs is not managed under the partnership financial arrangements. The Industries have asked that this project be considered under the capital purchases part of the agreement.

Ownership of the centrifuge would be transferred to the City of Kelowna, which is consistent with the rest of the facility buildings and equipment. The City would recover the cost of the centrifuge and all related projects costs by invoicing the Industries fifty per cent (\$450,000 x 50%) due on July 15, 2015 and the balance invoiced upon completion of the project in the fall of 2015 due on July 15, 2016.

Financial/Budgetary Considerations:

The Industries' decision to purchase a centrifuge system occurred this spring and therefore is not part of the City's current financial plan. The 2015 Capital Financial Plan will require an addition of \$450,000 funded from the Wastewater Utility with full recovery of all costs from the Industry partners by December 31, 2015. There will be zero net cost to the Kelowna Wastewater Utility.

Internal Circulation:

Director Civic Operations
Financial Planning Manager
Utility Services Manager

Considerations not applicable to this report:

Legal/Statutory Authority:
Legal/Statutory Procedural Requirements:
Existing Policy:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:

Submitted by:

K Van Vliet, Utility Services Manager

Approved for inclusion:



Joe Creron, Divisional Director, Civic Operations

cc:

G. King, Financial Planning Manager

Report to Council



Date: June 29, 2015

File: 0600-10

To: City Manager

From: Garry Filafilo, Financial Projects Manager

Subject: MFA Borrowing for Library Parkade Extension and Memorial Parkade

Report Prepared by: Karen Kennedy, Financial Analyst

Recommendation:

THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2015 fall issue, \$15,000,000 as authorized through Loan Authorization Bylaw No. 10742 which authorized the construction of a new parkade for public use at 1420 Ellis Street, between Doyle and Queensway Avenues and to expand the current "Library" parkade to utilize 1352 Ellis Street.

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 30 year term.

Purpose:

To obtain Council approval that the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 30 year term for the Memorial parkade at 1420 Ellis Street and the expansion of the current "Library" parkade at 1352 Ellis Street.

Background:

Construction of a new parkade at 1420 Ellis Street and extension of the current "Library" parkade will improve the availability of public parking downtown in the City of Kelowna.

On August 20th, 2012, Bylaw No. 10742 was read a first, second, and third time by Municipal Council. The approval of the Inspector of Municipalities was received on August 31st, 2012, and the approval of the Electors by an Alternate Approval process under the Community Charter was completed on October 26th, 2012. Bylaw No. 10742 was adopted by the Municipal Council of the City of Kelowna on October 29th, 2012.

The tender for the expansion of the "Library" parkade was awarded to Greyback Construction and construction commenced spring 2015.

The Memorial parkade drawings are prepared and will be tendered with an expected June 2015 posting.

Legal/Statutory Procedural Requirements:

Under the Community Charter, Section 182, *Municipal financing through regional district*, the authority for the Regional District to proceed with borrowing through the Municipal Finance Authority of British Columbia requires a Council resolution and the adoption of a municipal loan authorization bylaw by the Regional District.

Internal Circulation:

Genelle Davidson, Financial Services Director
George King, Financial Planning Manager

Submitted by:

G. Filafilo, Financial Projects Manager

Approved for inclusion: ☐ GD

Considerations not applicable to this report:

Legal/Statutory Authority:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Report to Council



Date: June 29, 2015

File: 0600-10

To: City Manager

From: Garry Filafilo, Financial Projects Manager

Subject: MFA Borrowing for Kelowna Police Services Building

Report Prepared by: Karen Kennedy, Financial Analyst

Recommendation:

THAT Council approves borrowing from the Municipal Finance Authority of British Columbia, as part of their 2015 fall issue, \$42,384,000 as authorized through Loan Authorization Bylaw No. 10900 which authorized the construction of a new Police Services Building.

AND THAT the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 30 year term.

Purpose:

To obtain Council approval that the Regional District of Central Okanagan be requested to prepare a security issuing bylaw with a 30 year term for the Kelowna Police Services Building at 650 Clement Avenue.

Background:

On January 13th, 2014, Bylaw No. 10900 was read a first, second, and third time by Municipal Council. The approval of the Inspector of Municipalities was received on February 6th, 2014, and the approval of the Electors by an Alternate Approval process under the Community Charter was completed on March 28th, 2014. Bylaw No. 10900 was adopted by the Municipal Council of the City of Kelowna on March 31st, 2014.

The Design Build Contractor tender has been awarded to Bird Construction. Development permits were submitted June 2015 and construction is scheduled to commence summer 2015.

Legal/Statutory Procedural Requirements:

Under the Community Charter, Section 182, *Municipal financing through regional district*, the authority for the Regional District to proceed with borrowing through the Municipal Finance Authority of British Columbia requires a Council resolution and the adoption of a municipal loan authorization bylaw by the Regional District.

Internal Circulation:

Genelle Davidson, Financial Services Director
George King, Financial Planning Manager

Submitted by:

G. Filafilo, Financial Projects Manager

Approved for inclusion:



GD

Considerations not applicable to this report:

Legal/Statutory Authority:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

Report to Council



Date: June 15, 2015
File: 0410-01
To: City Manager
From: Janine Taylor, Communications Consultant
Mariko Siggers, Event Development Supervisor
Subject: Active by Nature Campaign

Recommendation:

THAT Council receives, for information, the report from the Communications Consultant and the Event Development Supervisor dated June 15, 2015 with respect to the Active by Nature program.

Purpose:

To provide Council with an update on the programs being developed to promote and support the City's outdoor active transportation and recreational opportunities.

Background:

The City of Kelowna has made significant investments in its active transportation corridors and other infrastructure removing barriers to cycling, walking, hiking and recreational opportunities throughout Kelowna. The City has also developed policies related to that infrastructure to influence how people move in our city. Staff is now working on a program to inform residents and visitors about the vast network the City has developed for both active transportation and recreation, capitalizing on an opportunity to program our beautiful outdoor playground. The development of the program began in 2014 through a \$100,000 BikeBC grant the City received to construct wayfinding signage, and was further given a boost when Council approved ongoing annual funding of \$20,000 in the 2015 budget.

Wayfinding program

A proven and effective way to inform residents about our network and further encourage its use is through the implementation of a wayfinding signage program. The wayfinding strategy is designed around the needs of end-users - residents, tourists and others who visit Kelowna. The signs are user-focused, accessible, coordinated, and straightforward. Properly executed, wayfinding should facilitate a seamless journey and enhance the experience of walking,

running or cycling. The signs also become an asset in marketing and communicating what the city has to offer.

Signs will be installed throughout Phases 1 and 2 of the Rails with Trails corridor, and along key active transportation linkages to the corridor that run throughout the city as part of our larger active transportation network. Prototype signs are being developed, and installation will occur throughout June and July of this year.

City staff worked with Applied Wayfinding, a world leader in strategic wayfinding projects, and Alta Planning + Design to develop a strategy and guidelines for implementation of signs throughout Rails with Trails and other pathways throughout the network.

Three types of sign structures intended for multi-use pathway users include pathway and route markers, directional signage at key network intersections or decision points, and larger map kiosks. The map kiosk gives users an overview map of the network, as well as a more detailed map of the viewer's current location, which allows journey planning and promotion of other available routes and nearby destinations. As new pathways are added to the overall network it will be important to include wayfinding signage to ensure a seamless experience. Also, as budgets permit, in-fill signage will become important to, in time, achieve consistency throughout the city.

Active by Nature

Active by Nature is a campaign designed to profile our outdoor infrastructure and position Kelowna as a premiere destination for sport and outdoor activity for all ages and abilities. The campaign fits in naturally with the wayfinding signage program to encourage active living through outdoor recreational activity in our unique, natural four-season playground.

Active by Nature will also develop strategies and initiatives to highlight Kelowna's natural landscape and attributes. It will showcase City features (e.g. expansive trail network, parks, pathways, roadways and public beaches) as a playground for residents to get active and stay active, visitors to experience our active lifestyle, athletes to train, and venues for events.

The foundation of the Active by Nature program and focus to date is an online map that highlights some of the best walking, running, cycling, hiking, paddling and swimming routes Kelowna has to offer. This map is mobile-device friendly and offers a starting point for anyone to get out and get active in our beautiful surroundings. A marketing campaign during the summer of 2015 will promote and support the use of the online map. Information about the program and maps can be found at kelowna.ca/activebynature which is scheduled to go live on June 29.

Once established, the Active by Nature web presence and infrastructure will provide many opportunities for public engagement. In addition to identifying and promoting routes, there will be a focus on opportunities for interactive programming and community ownership as outlined below.

Interactivity - using the defined routes and mapping software, personal and community-wide achievements can be tracked and celebrated. Staff are researching an efficient way to collect data from Active by Nature users including speed, distance and frequency.

Route promotion - staff will continue to seek out and highlight the best routes in Kelowna. The goal of promoting routes is to encourage people to explore Kelowna and also to increase its profile as a premier destination for training in all disciplines.

Innovation - highlight assets that are often overlooked or undiscovered, even by locals. The creation of a "Water Trail" to identify a paddling route and land based attractions along the way is one example.

Brand expansion - there is a great opportunity to include a number of Active Living and Culture initiatives under the Active by Nature brand. The Strong Neighbourhoods program, for example, will have strong ties to Active by Nature as each neighbourhood can identify and promote their best routes and community gathering spaces.

Tourism - routes based on interest, rather than scenery and convenience will be developed. For example, a heritage building walking route or a winery bike tour will add new elements and motivation for people to be active.

Benefits

The combined use of the wayfinding signage and Active by Nature programs offers many community benefits, including:

- Establishing a platform or starting point for residents to get active in their community
- Enhancing user experience and customer service on pathways via clear and consistent signage
- Increasing use of active transportation and recreational networks
- Posting safety and usage information to reduce conflicts, clarify regulations and improve safety
- Setting the standard for implementation of signage on future projects
- Eliminating sign duplication and inconsistency
- Establishing a sense of pride in City infrastructure
- Developing an active, connected community, enriching the quality of life of residents
- Attracting national/international visitors and events that inject vibrancy and dollars into our economy

Financial/Budgetary Considerations:

The wayfinding signage was funded through a \$100,000 BikeBC - Provincial Cycling Investment Program grant and the Rails with Trails - Phase 2 project.

Internal Circulation: Active Living and Culture, Regional Services

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:
Personnel Implications:
External Agency/Public Comments:
Communications Comments:
Alternate Recommendation:
Considerations not applicable to this report:

Submitted by:

J. Taylor, Communications Consultant
M. Siggers, Event Development Supervisor

Approved for inclusion:

CW

cc: Carla Weaden, Jim Gabriel, Mike Kittmer