

Town Centre Commercial zone. The applicant's proposal to add to both the height and area of the existing signage further increases the non-conformity of the sign. The proposed renovation increases the sign's overall height from the existing 10.3 m to 11.5 m and the area from the existing 28 m² to 35 m².

3.0 ADVISORY PLANNING COMMISSION

At the January 28, 2003 meeting of the Advisory Planning Commission the following recommendation was defeated:

That the Advisory Planning Commission not support Development Variance Permit Application No. DVP03-0001, 1835 Gordon Drive, Lot A, District Lot 137, ODYD, Plan KAP64836, by Kildare Sign Services & Installation Ltd. (David Chapman), to vary the maximum permitted height for a free standing sign in a C4- Town Centre Commercial Zone from 8m to 11.5 m and the vary the maximum permitted area for a freestanding sign from 28 m² to 35 m² proposed.

4.0 BACKGROUND

4.1 The Proposal

The height and area of the existing sign, which exceed the provisions of City of Kelowna Sign Bylaw No. 8235, are considered existing legal non-conformities. The C4 – Town Centre Commercial zone rules include a maximum height of 8.0 m and a maximum sign area of 12.0 m² for free-standing signs. The proposed addition to the existing sign increases its height from 10.3 m to 11.5 m and its sign area from 28 m² to 35 m².

The sign will remain in its current location on the east side of the site between the DeDutch/CIBC/Sutton Group building and the Bank of Montreal. The applicant is proposing to add 2.4 m to the top of the existing sign, refurbish the middle portion with new metal panel, and re-paint the entire sign to match the existing mall. The structure of the sign will remain largely unchanged with the exception of the top panel (reading Capri Centre Mall) which will be removed and replaced.

The new top panel, reading "Capri Centre", will be a double-sided sheet metal cabinet mounted to the existing structure. The new signage will be lit with single tube gold neon tubing behind "yellow radiance" vinyl letter with a black outline. New metal panels are proposed for the cabinet holding the middle portion of the sign (Winners and Letter board panels). Both the new and existing signage will be painted to match the colour of the mall's façade.

The applicant is seeking variances from the provisions of the sign bylaw in order to achieve maximum visibility of the sign from Harvey Avenue.

The application compares to the requirements the City of Kelowna Sign Bylaw No. 8235 for C4 – Town Centre Commercial zones is as follows:

CRITERIA	PROPOSAL	C4 SIGN REQUIREMENTS
Free-standing sign:		
Height	11.53 m ^①	8.0m max.
Size (m ²)	35m ² ^②	12.0m ² max.

Notes:

- ① The applicant is seeking a variance of 3.53 m from the maximum permitted height for a free-standing sign with this Development Variance Permit application. The existing sign height is 10.3 m.
- ② The applicant is requesting a variance of 13 m² from the maximum permitted area for a free-standing sign with this Development Variance Permit application. The existing sign area is 28m².

5.0 Site Context

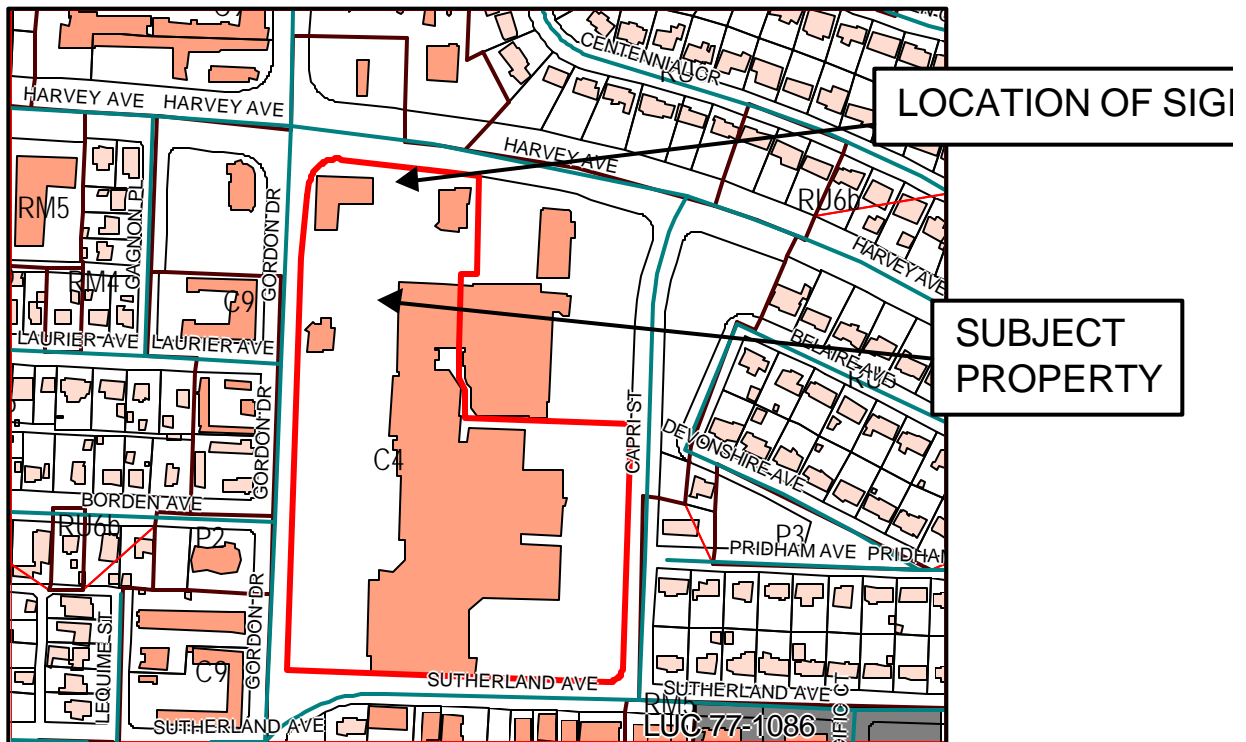
The site is located on Gordon Drive between Harvey Avenue and Sutherland Avenue. The sign is located on the southeast corner of the site adjacent to Harvey Avenue between the CIBC/DeDutch/Sutton Group building and the Bank of Montreal.

Adjacent zones and uses are:

- North - C9 – Tourist Commercial – Accent Inns
- East - C4 – Town Center Commercial – Coast Capri Hotel/Angies Pub
- South - C4 – Town Center Commercial – Mixed Retail (Winners/Extra Foods)
- West - C4 – Town Center Commercial – Dairy Queen

6.0 Location Map

Subject Property: 1835 Gordon Drive



7.0 TECHNICAL COMMENTS

7.1 Works & Utilities

The Works & Utilities Department does not support the variance. The proposed signage is already located within a Statutory Utility Right of Way and conflicts with City of Kelowna facilities. The variance therefore further compromise servicing requirements of the Works & Utilities Department.

7.2 Inspections

The proposal should meet the rules of the Zoning Bylaw.

8.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has concerns with the proposed variances. The applicant's proposal to add to both the height and area of the existing signage will further increase the non-conformity of the sign. At an existing height 10.3 m and area of 28.0 m², the signage is already significantly oversized. The proposed renovation will increase the sign's height to 3.56m over that permitted. At a size of 35.00 m², the proposed sign area is almost three times the size that permitted. In addition, the sign is currently located within a Statutory Utility Right of Way and is in conflict with City of Kelowna facilities. Approval of the variances will serve to further compromise Works & Utilities' servicing requirements.

In addition, the proposed sign, by virtue of its height and surface area is principally oriented to motorists and lacks the scale that would be appropriate for pedestrians. The sign is therefore inconsistent with the OCP direction for the creation of pedestrian-oriented streets and public spaces within Village Centres. The Department feels that similar visibility can be achieved without further increasing the height and area of the sign. Therefore, as with past proposals for height/area variances for signage, the Department sees no reason to support an increase in height and area for a sign already exceeding the provisions of Sign Bylaw 8235.

ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0001, Kildare Sign Services & Installation Ltd. (David Chapman), Lot A, Plan 64836, Sec. 19, Twp. 26, ODYD, located on Harvey Avenue, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8235 be granted:

Section 5: Specific Zone Regulations: Town Centre Commercial (C4)

- Vary the maximum permitted height for a freestanding sign from 8.0 m to 11.5 m
- Vary the Maximum sign area for a freestanding sign from 12.0 m² to 35 m²

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KN
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP03-0001
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Prospero Canadian Land Investment
· **ADDRESS** 2088-1177 West Hastings
· **CITY** Vancouver, BC
· **POSTAL CODE** V6E 2K3
4. **APPLICANT/CONTACT PERSON:** Kildare Sign Service and Installation Ltd.
· **ADDRESS** 3544 Elliott Rd.
· **CITY** Westbank, BC
· **POSTAL CODE** V4T 1N9
· **TELEPHONE/FAX NO.:** (250)768-2445
5. **APPLICATION PROGRESS:**
 Date of Application: January 3, 2003
 Date Application Complete: January 3, 2003
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to APC: January 16, 2003
6. **LEGAL DESCRIPTION:** Lot A, DL 137, ODYD, Plan KAP64836
7. **SITE LOCATION:** The subject property on the southeast corner of the Capri Centre Mall site. The proposed sign, visible from Harvey Avenue, is located between the CIBC/DeDutch/Sutton Group building and the Bank of Montreal.
8. **CIVIC ADDRESS:** 1835 Gordon Drive
9. **AREA OF SUBJECT PROPERTY:** 48875 m²
10. **EXISTING ZONE CATEGORY:** C4 – Town Centre Commercial
11. **PURPOSE OF THE APPLICATION:** Development Variance Permit to allow for a freestanding sign to exceed the maximum permitted height and sign area.
12. **MIN. OF TRANS./HIGHWAYS FILES NO.:** 2-81-20132
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
13. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** n/a

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan (showing sign location)
- Elevation of proposed signage
- Photo showing existing signage