
CITY OF KELOWNA

MEMORANDUM

Date: February 11, 2004
File No.: (3090-20) **DVP03-0166**

To: City Manager

From: Planning & Corporate Services Department

Subject:

DEVELOPMENT VARIANCE PERMIT
APPLICATION NO. DVP03-0166

OWNER: IVANHOE CAMBRIDGE 1

AT: 2430 HIGHWAY 97 N.

APPLICANT: STANTECH CONSULTING
LTD

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO
AUTHORIZE A TOTAL OF 8 SIGNS FOR THE WALMART
BUSINESS FRONTAGE WHERE THE SIGN BYLAW LIMITS THE
MAXIMUM NUMBER TO 2 SIGNS PER BUSINESS FRONTAGE

EXISTING ZONE: C3 – COMMUNITY COMMERCIAL

REPORT PREPARED BY: PAUL McVEY

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Development Variance Permit No. DVP03-0166 as outlined in the report dated February 11, 2004 from the Planning & Corporate Services Department on lands described as Lot 8, DL 125, O.D.Y.D., Plan KAP69740, except KAP73161, located on Highway 97 N., Kelowna, B.C., not be approved by the Municipal Council;

2.0 SUMMARY

Application DP02-0093 was recently reviewed by Council, which authorized issuance of a Development Permit which approved construction of a new 12,283 m² Walmart store.

Since that Development Permit application, Walmart has had their consultant make application for a Development Variance Permit to vary the Sign Bylaw to permit a total of 8 signs on the building façade facing Banks Road, where the sign bylaw limits the number of signs to a total of 2 per business frontage.

2.1 Advisory Planning Commission

The above noted application (DVP03-0166) was reviewed by the Advisory Planning Commission at the meeting of January 19, 2004 and the following recommendation was passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP03-0166, Banks Road/Highway 97 N, Lot 8, Plan 69740, Sec 21, Twp. 26, ODYD, by Stantec Consulting Ltd. (Simon Schenn), to seek a Development Variance Permit to authorize a total of 8 signs for the Walmart business frontage where the sign bylaw limits the maximum number to 2 signs per business frontage.

3.0 BACKGROUND

3.1 The Proposal

Development Permit DP02-0093 was authorized for issuance on November 24, 2003, and authorized the construction of a 12,283 m² building to accommodate a new Walmart store.

Since that Development Permit application was authorized for issuance, Walmart has had their consultant make application for a Development Variance Permit to vary the Sign Bylaw to permit a total of 8 signs on the building façade facing Banks Road, where the sign bylaw limits the number of signs to a total of 2 per business frontage.

The signage proposed is typical for a freestanding Walmart building. However, even though the building frontage exceeds 116m.(380'), since the building is occupied by a single business entity, the City of Kelowna sign bylaw limits businesses in the C3 – Community Commercial Zone to a maximum of 2 signs per business frontage. The drawing provided by the consultant shows a total of 8 signs on the building frontage facing Banks Road. There is a ninth sign on this frontage of the building, but it is for a separate business (McDonald's).

The proposal as compared to the C3 zone Sign Bylaw requirements is as follows:

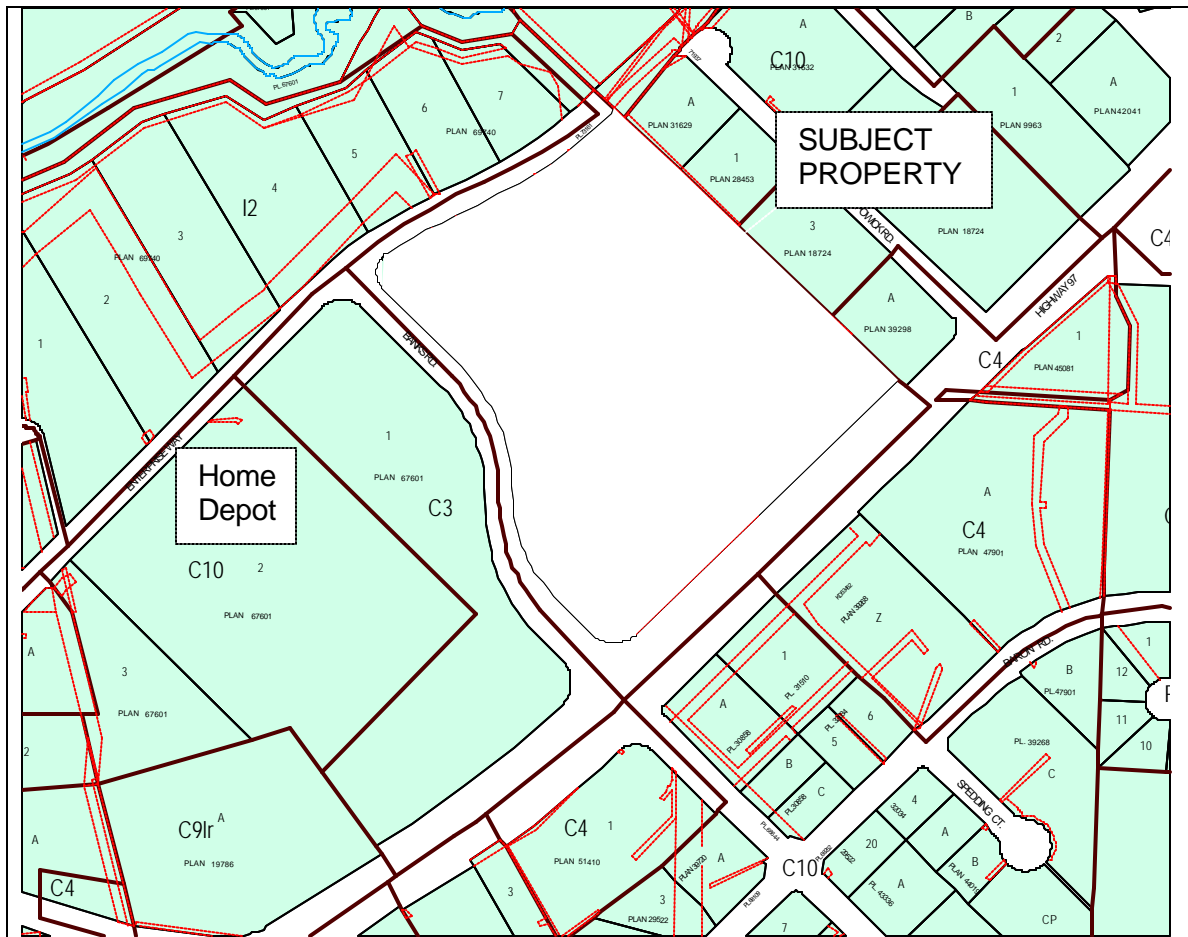
CRITERIA	PROPOSAL	C3 ZONE REQUIREMENTS
Number of signs	8 signs	2 per business frontage

3.2 Site Context

Adjacent zones and uses are, to the:

- Northwest - I2 – General Industrial/Enterprise Way, Auto Dealerships
- Northeast - C9 – Tourist Commercial
C10 – Service Commercial
- Southwest - C3 – Community Commercial
- Southeast - C4 – Town Centre Commercial/Highway 97,
C10 – Service Commercial

Subject Property Map



3.3 Current Development Policy

3.3.1 Kelowna Official Community Plan

OCP02-0013(BL8987)/Z02-1045(BL8988) Amended the OCP Future Land Use to Commercial, and rezoned the land to C3 – Community Commercial. The revised Kelowna Official Community Plan designates the future land use of the subject property as “Commercial”.

3.3.2 City of Kelowna Strategic Plan (1992)

"The City will, in its plans and policies concerning future urban development, place an emphasis on more efficiently using serviced land within existing urban areas through infill and will provide for an increased density of development within established urban areas through re-development of areas which are in transition. Urban areas which are targeted include the Central City area with emphasis on the waterfront and north end, Rutland, and South Pandosy particularly along major

traffic arteries and near the town centres, the Glenmore Valley and Highway 97 corridor."

3.3.3 Central Park Golf Course Area Structure Plan

The Central Park Golf Course Area Structure Plan has identified the land use designation of the subject property as "Service Commercial" for the portion of the site that fronts onto Banks Road, and "Business Industrial" for the remainder of the site.

This land use designation has been changed to "Commercial" through OCP Amendment Application OCP02-0013, which was adopted on November 24, 2003.

4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and the following relevant comments have been submitted:

4.1 Aquila Networks Canada

Will provide underground electrical service to this development.

4.2 Fire Department

Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law. Contact FPO for preferred locations of new hydrants.

4.3 Inspection Services Department

No Comment.

4.4 Shaw Cable

Owner/developer to supply and install an underground conduit system per Shaw Cable drawings and specifications.

4.5 Telus

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

4.6 Works and Utilities Department

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

The proposed Development Variance Application for additional signage elements does not compromise Works and Utilities servicing requirements.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The signage that “Walmart” is requesting for their new Kelowna location is consistent with their corporate sign package that they use for other building locations. However, even though the store frontage is 116m.(380’), the City of Kelowna Sign Bylaw limits the maximum number of fascia signs in a C3 zone to 2 signs per business frontage.

While in consideration of the size of the building frontage and that the proposed amount of signage is not overly excessive, the Planning and Corporate Services Department does not support variances to the sign bylaw. The additional signage does not enhance the aesthetic or architectural qualities of the building, nor does it seem to provide information to the public that would justify signage above and beyond the current sign bylaw provisions.

There was a sign variance recently approved for the “Michael’s” arts and crafts store located across Banks Road. In that case, the Planning and Corporate Services Department did support the variance as there was an architectural detailing issue that precluded the potential to revise the proposed signage to conform with the City of Kelowna Sign Bylaw.

In the case of the proposed “Walmart” signage, there is not the same architectural issues that existed in the “Michael’s” case. This proposed sign variance increases the number of signs to 4 times that which is permitted for this zone in the sign bylaw.

The Planning and Corporate Serviced Department does not support this variance to the sign bylaw as there is not the same architectural situation that existed with the nearby “Michael’s” sign variance.

6.0 ALTERNATE RECOMMENDATION

Should City Council support this application for a Development Variance Permit, the following recommendation is offered for consideration:

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0166; Lot 8, DL 125, O.D.Y.D., Plan KAP69740, located on Highway 97 N., Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 be granted:

SECTION 6.1 SPECIFIC ZONE REGULATION for Major Commercial (C3 zone):
Vary Number of signs from 2 per business frontage permitted to 8 signs per business frontage proposed facing Banks Road, for a total of 9 signs for all businesses

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

PMc/pmc
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP03-0166
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Ivanhoe Cambridge 1
• **ADDRESS** #300 – 95 Wellington St. W.
• **CITY/POSTAL CODE** Toronto, Ont. M5J 2R2
4. **APPLICANT/CONTACT PERSON:** Stantech Consulting Ltd/
Paul Gioacchini
• **ADDRESS** #300 – 7270 Woodbine Ave
• **CITY/POSTAL CODE** Markham Ont. L3R 4B9
• **TELEPHONE/FAX NO.:** (905)474-0455/(905)474-9889
5. **APPLICATION PROGRESS:**
Date of Application: November 24, 2003
Date Application Complete: November 24, 2003
Servicing Agreement Forwarded to Applicant: N/A
Servicing Agreement Concluded: N/A
Staff Report to Council: February 11, 2004
6. **LEGAL DESCRIPTION:** Lot 8, DL 125, O.D.Y.D., Plan KAP69740, except KAP73161
7. **SITE LOCATION:** North of Banks Road, between Enterprise Way and Highway 97
8. **CIVIC ADDRESS:** 2430 Highway 97 N
9. **AREA OF SUBJECT PROPERTY:** 69,100 m2
10. **TYPE OF DEVELOPMENT PERMIT AREA:** Highway Centre Urban Centre DPA
11. **EXISTING ZONE CATEGORY:** C3 – Community Commercial
12. **PURPOSE OF THE APPLICATION:** To Seek A Development Variance Permit To Authorize A Total Of 8 Signs For The Walmart Business Frontage Where The Sign Bylaw Limits The Maximum Number To 2 Signs Per Business Frontage
13. **DEVELOPMENT VARIANCE PERMIT VARIANCES:** Vary Sign Bylaw No. 8235, Section 6 – Specific Zone Regulations For Major Commercial (C3 Zone), From 2 Signs Per Business Frontage Permitted To 8 Signs Per Business Frontage Facing Banks Road Proposed
14. **DEVELOPMENT PERMIT MAP 6.2 IMPLICATIONS** N/A

Attachments

Subject Property Map

2 pages of site plan and building elevations