
CITY OF KELOWNA

MEMORANDUM

Date: April 14, 2004
File No.: DVP04-0024

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP04-0024

OWNER: WB-133 HOLDINGS LTD

AT: 2106-2112 Harvey Avenue

APPLICANT: Pattison Sign Group

PURPOSE: TO VARY THE MAXIMUM PERMITTED NUMBER OF FASCIA SIGNS
PER BUSINESS FRONTAGE (South facing facade) FROM TWO
PERMITTED TO THREE PROPOSED

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Council **not** authorize the issuance of Development Variance Permit No. DVP04-0024 for Lot A, District Lot 127, ODYD Plan 24849 Except Plan KAP73626, located on Harvey Avenue, Kelowna, B.C.;

AND THAT variances to the following sections of Sign Bylaw No. 8235 **not** be granted:
Section 6.1: Major Commercial: Fascia Signage: 2 Per Business Frontage:

Vary the number of fascia signs on the southern façade of the building from 2 permitted to 3 proposed.

2.0 SUMMARY

The applicant is seeking to vary the maximum number of fascia signs per business frontage on the south facing business frontage.

3.0 ADVISORY PLANNING COMMISSION

At the March 30th meeting it was resolved:

*THAT the Advisory Planning Commission **not** support Development Variance Application No. DVP04-0024, 2106/2112 Harvey Avenue/Lot A, Plan 24849, Sec. 21, Twp. 26, ODYD, by Pattison Sign Group (David Atkinson), to obtain a Development Variance Permit to vary the maximum permitted number of fascia signs per business frontage from the 2 permitted to the 3 proposed for the south facing façade.*

4.0 BACKGROUND

The applicants began their involvement with the City of Kelowna on Dec. 17/03 when a Sign Permit application for 5 fascia signs received. The following is chronological timeline of events since this application was received.

Dec.31/04

Permit was issued for 5 fascia signs: 1 on the North façade, two on the west facing façade and 2 on the south facing façade (no parapet sign approval). All approved signage was placed on building. In addition a sixth sign was erected extending above the parapet of the building. This sign did not conform to the sign bylaw.

Jan.17-18/04

City Inspector notices non-conforming signage.

Jan. 23/04

Inspection on fascia signs was done and it was determined that one sign that was mounted above the parapet did not meet the standards of the sign bylaw and this sign was not approved in the permit process.

Jan. 26/04

A registered letter was sent instructing the contractor to have the illegal signage removed from above the roofline.

Applicant picks up building permit (that was issued on Dec.31/03. Signage has already been erected on building. Until the permit was picked up the applicant did not know which signage had been approved and which hadn't but erected signage anyway.

Jan. 27/04

Pattison Sign Group submits an incomplete application for a development variance permit for the illegal sign. The application was missing the application fee, the required plan sets, and a state of title. The application was returned to the applicant with a letter explaining what materials the application lacked.

Feb 13/04

Pattison Sign Group couriers a complete development variance permit application package to the City of Kelowna.

Feb. 26/04

Meeting with management from Prospera Credit Union. Prospera agrees to remove the offending sign and place it below the parapet. A development variance permit remains a requirement to address the number of fascia signs on the southern elevation which exceeds the bylaw provisions.

4.1 The Proposal

The applicant has moved the sign which originally extended above the parapet to a position on the parapet which conforms to the bylaw; however, a development variance permit is still required to address the number of fascia signs on the southern façade of the building. The Sign Bylaw allows for a maximum of two fascia signs per frontage whereas there are currently three fascia signs on the south facing façade of Prospera Credit Union. Two of these signs are located on a sign band above the first storey and the third is the sign which was formerly located on the parapet but was relocated in order to conform to the bylaw. For the application of the Sign Bylaw to the fascia signs staff considered that one corner fascia sign belonged to the west facing façade and the other belonged to the south facing façade.

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

CRITERIA	PROPOSAL	C4 SIGN REQUIREMENTS
Fascia Signs per Business Frontage:		
South Elevation	3 ^①	2

Notes:

① Applicant is seeking to vary the maximum number of fascia signs per business frontage from two permitted to three proposed on the southern façade.

4.2 Site Context

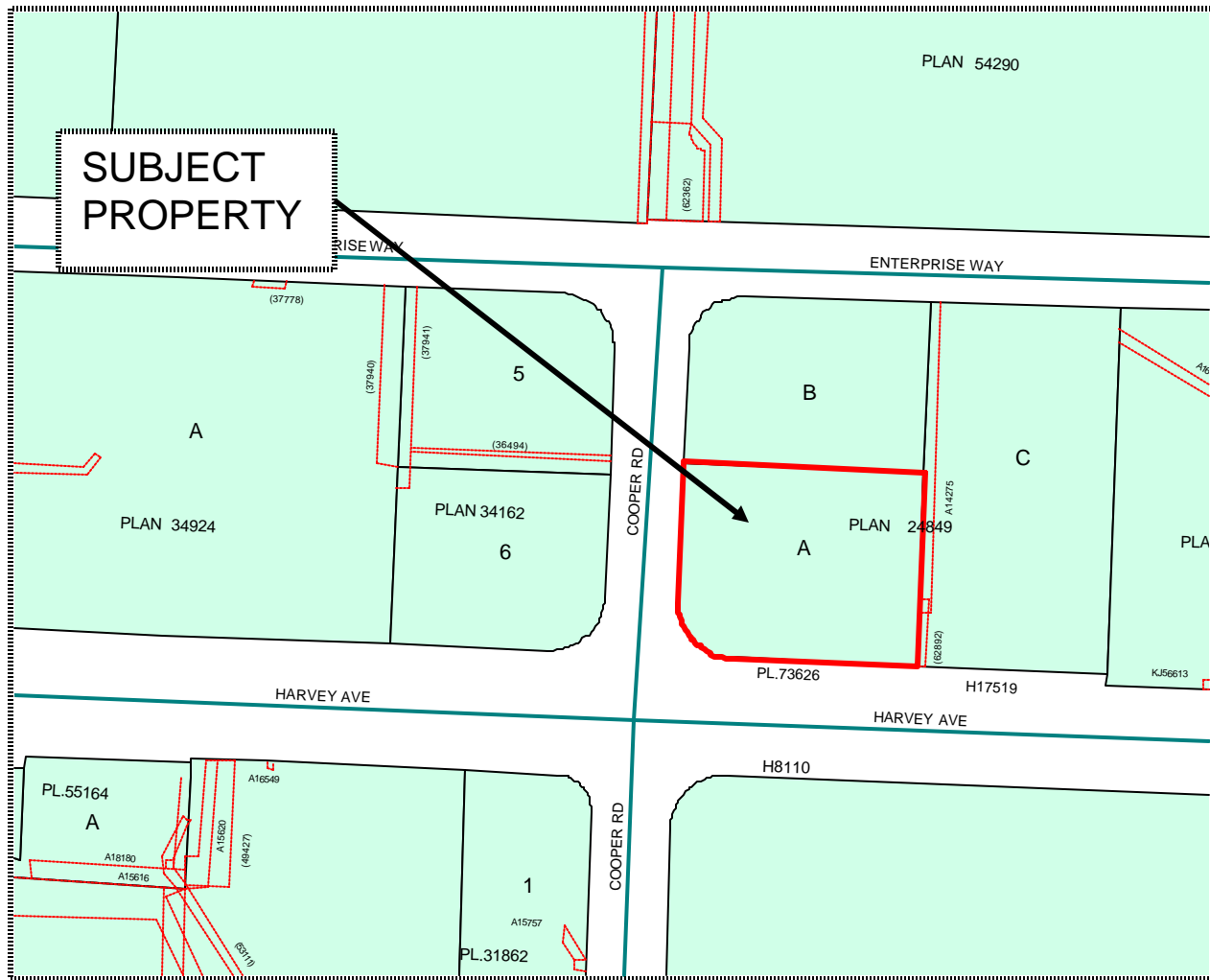
The subject property is located on the north east corner of the Harvey Avenue/Cooper Road intersection.

Adjacent zones and uses are:

North	- I3	- Heavy Industrial - PTPC Corrugated Company
East	- C4	- Town Centre Commercial – A&W Restaurant
South	- C6	- Regional Commercial – Orchard Park Mall
West	- C4	- Town Centre Commercial – Chinese Laundry Restaurant/Tim Hortons

4.3 Location Map

Subject Property: 2106-2112 Harvey Avenue



5.0 TECHNICAL COMMENTS

This application was circulated to various internal departments and external agencies and the following comments were received:

5.1 Works and Utilities

Does not compromise Works and Utilities servicing requirements.

5.2 Inspection Services

No comment.

5.3 Fire Department

No comment.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has concerns with the proposed variance. Staff is of the opinion that the provisions of the Sign Bylaw are adequate for commercial buildings of this nature and scale, furthermore, staff are apprehensive that continued applications to vary the provisions of the Sign Bylaw are setting a negative precedent. The actions of the applicant prior to, and without permits is also a concern to staff. Staff note that the applicant has changed the location of the sign which triggered the initial problem in order to reduce the number of variances required. The Planning and Corporate Services Department does not support the proposed variance to Sign Bylaw No.8235.

Should Council choose to support the proposed variance an alternate recommendation has been provided below.

7.0 ALTERNATE RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP04-0024 for Lot A, District Lot 127, ODYD Plan 24849 Except Plan KAP73626, located on Harvey Avenue, Kelowna, B.C.;

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

Section 6.1: Major Commercial: Fascia Signage: 2 Per Business Frontage:

Vary the number of fascia signs on the southern façade of the building from 2 permitted to 3 proposed.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach.

FACT SHEET

- | | |
|---|---|
| 1. APPLICATION NO.: | DVP04-0024 |
| 2. APPLICATION TYPE: | Development Variance Permit |
| 3. OWNER: | WB-133 HOLDINGS LTD |
| . ADDRESS | 2200 OMINECA PL |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1V1H7 |
| 4. APPLICANT/CONTACT PERSON: | David Atkinson (Pattison Sign Group) |
| . ADDRESS | 165 Waterloo Avenue |
| . CITY | Penticton, BC |
| . POSTAL CODE | V2A 7J3 |
| . TELEPHONE/FAX NO.: | 250-492-4522 loc.138 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | February 20, 2003 |
| Date Application Complete: | February 20, 2003 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | March 24, 2004 |
| 6. LEGAL DESCRIPTION: | Lot A, District Lot 127, ODYD Plan
24849 Except Plan KAP73626 |
| 7. SITE LOCATION: | The subject property is located on the north east corner of the Harvey Avenue/Cooper Road intersection. |
| 8. CIVIC ADDRESS: | 2106-2112 Harvey Avenue |
| 9. AREA OF SUBJECT PROPERTY: | N/A |
| 10. EXISTING ZONE CATEGORY: | C4 – Town Centre Commercial |
| 11. PURPOSE OF THE APPLICATION: | TO VARY THE MAXIMUM PERMITTED NUMBER OF FASCIA SIGNS PER BUSINESS FRONTAGE (South facing facade) FROM TWO PERMITTED TO THREE PROPOSED |
| 12. MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| 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
- Photos showing signage
- Sign Dimensions