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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** March 22, 2005  
**File No.:** DVP05-0019  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP05-0019      **APPLICANT:** Kelowna BMW (Scott Amis)

**AT:** 2530 Enterprise Way      **OWNER:** 681623 B.C. Ltd.

**PURPOSE:** TO VARY SECTION 3.1.5 OF THE SIGN BYLAW, WHICH PROHIBITS ROOF-TOP SIGNAGE, IN ORDER THAT THE APPLICANT MAY ERECT A SIGNAGE TOWER ON TOP OF THE PROPOSED BUILDING

TO VARY THE SPECIFIC ZONE REGULATIONS FOR SIGNS, TO ALLOW FIVE (5) FREE STANDING SIGNS WHERE ONLY ONE (1) IS PERMITTED

TO VARY THE MAXIMUM HEIGHT OF FREE-STANDING SIGNS FROM 8.0 M REQUIRED TO 8.1 M PROPOSED FOR THE FOUR ADDITIONAL FREE STANDING SIGNS

**EXISTING ZONE:** I2 – GENERAL INDUSTRIAL

**REPORT PREPARED BY:** NELSON WIGHT

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## **1.0 RECOMMENDATION**

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP05-0019 for Lot 1, D.L. 125 ODYD Plan KAP69740, located on Enterprise Way, Kelowna, B.C.

AND THAT variances to the following sections of the City of Kelowna Sign Bylaw No. 8235 NOT be granted:

**Section 3.1.5 – Prohibits Signage on Roof or Parapet of Building**

Vary the prohibition on roof-top signage to allow a 9.4 m signage tower to be erected on top of the proposed building.

**Section 6.1 – Specific Zone Regulations (Number of Free-Standing Signs)**

Vary the maximum allowable number of free-standing signs, to permit a total of five (5) free-standing signs where no more than one (1) is permitted for this site.

**Section 6.1 – Specific Zone Regulations (Height of Free-Standing Signs)**

Vary the maximum allowable height for free-standing signs from 8.0 m required to 8.1 m proposed for the four (4) additional free-standing signs (flag poles).

## **2.0 SUMMARY**

This applicant has applied to vary the Sign Bylaw in order that a signage tower may be erected on top of the proposed building. An additional variance will be required in order to permit the four flag poles proposed for the site, since the Applicant has indicated that these are intended for signage and not for the display of international, national, provincial, or municipal flags.

## **3.0 BACKGROUND**

### **3.1 The Proposal**

The signage plan for the proposed BMW dealership incorporates several different elements: a pylon sign; entrance sign; flags; Mini Super sign box display; fascia signs; and a signage tower on top of the building. The current Sign Bylaw prohibits two of those elements: (a) rooftop signage, and (b) more than one “free-standing” (pylon) sign for this site. This application, therefore, seeks to grant variances to the Sign Bylaw in order to allow the signage tower on the roof, and the four flag poles (see attached Site Plan for location of these signage elements).

The proposed application for signage meets the requirements of the Sign Bylaw as follows:

CRITERIA	PROPOSAL	Sign Bylaw
Lot Area	11,376 m <sup>2</sup> (2.811 ac)	
Building Frontage	44.9 m	
Wall Area	338 m <sup>2</sup>	
Free Standing Signs		
BMW Pylon Sign 4 flag poles	flag poles are considered “free standing signs”, exceeding max. number permitted for this site <sup>A</sup>	1 per building frontage
BMW Pylon Sign	5.6 m	8.0 m max. height
	7.74 m <sup>2</sup>	max. area 18 m <sup>2</sup>
	meets requirements	8.0 m sight line triangle
	meets requirements	> 1.5 m to lot line
4 flag poles	8.1 m <sup>B</sup>	8.0 m max. height
	3.6 m x 1.5 m = 5.4 m <sup>2</sup>	max. area 18 m <sup>2</sup>
	meets requirements	8.0 m sight line triangle
	meets requirements	> 1.5 m to lot line
Fascia Signs		
“BMW Kelowna” BMW logo “MINI Kelowna” MINI logo	meets requirements	2 signs per business
“BMW Kelowna” BMW logo “MINI Kelowna” MINI logo	7.2 m <sup>2</sup> 0.9 m <sup>2</sup> 6.48 m <sup>2</sup> <u>1.08 m<sup>2</sup></u> <b>15.66 m<sup>2</sup></b>	1.0 m <sup>2</sup> per lineal metre of building frontage up to a maximum of 20% of the wall surface to which it is attached. 1.0 m <sup>2</sup> x 44.9 m = <b>44.9 m<sup>2</sup></b> 20% x 338 m <sup>2</sup> = 67.6 m <sup>2</sup>
On-Site Signs (Directional Signs)		
“Service”	0.85 m <sup>2</sup>	Max. 1.0 m <sup>2</sup> and a vertical dimension of the sign of less than 1.0 m, for the direction of traffic, pedestrians or parking
Entrance Sign	2 m high x 1 m wide = 2 m <sup>2</sup> <sup>C</sup>	
Other Signs		
Signage Tower on Building	does not meet requirements <sup>D</sup>	Section 3.1.5 – No person, owner or tenant shall erect a sign on the roof or parapet of a building.

<sup>A</sup> The Applicant is requesting a variance to this requirement of the Bylaw, allowing five (5) free standing signs, where one (1) is permitted.

<sup>B</sup> The Applicant is requesting a variance to this requirement of the Bylaw, allowing a height of 8.1 m for the four (4) additional free-standing signs (flag poles), exceeding the maximum height of 8.0 m.

<sup>C</sup> The Applicant has indicated that this sign will be reduced to comply with the maximum size requirements for “on-site signs”, and located within the site providing direction to various locations on the site.

<sup>D</sup> The Applicant is requesting a variance to the Bylaw to allow a signage tower to be erected.

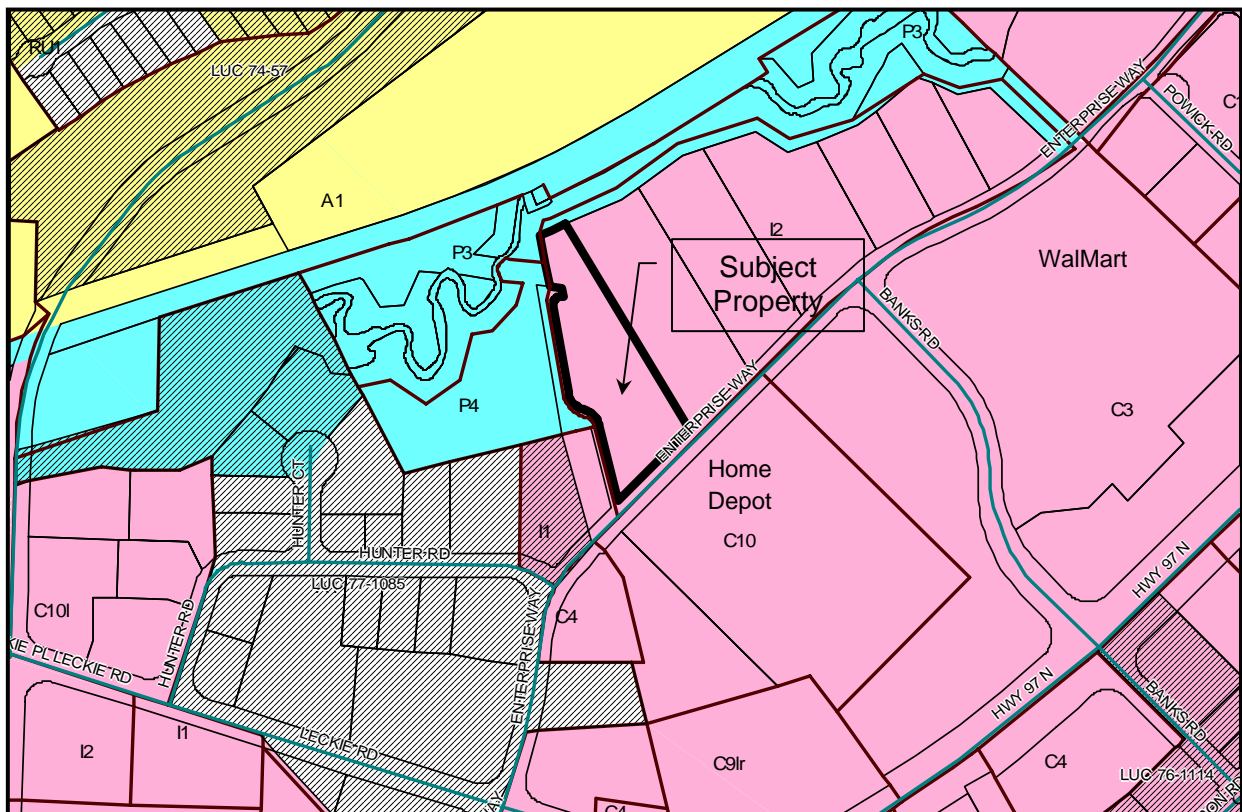
### 3.2 Site Context

The subject property is located in between Enterprise Way and Mill Creek, north of the Central Park power centre. The surrounding area has been developed predominantly as a vehicle-oriented, commercial retail area. A concentration of automobile dealerships has developed along this stretch of Enterprise Way. The Mill Creek Park Corridor lies north of the subject property, and a storm detention pond and “dog park” to the west. The significance of this park area is intended to be enhanced in the future. More specifically, the adjacent land uses are as follows:

North	P3 – Parks and Open Space
East	I2 – General Industrial
South	C10 – Service Commercial
West	P3 – Parks and Open Space

#### Site Location Map

Subject property 2530 Enterprise Way



### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan (Section 10.2 Development Permit Guidelines for Industrial Development):

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

### 4.0 TECHNICAL COMMENTS

#### 4.1 Fire Department

No comments.

#### 4.2 Inspection Services

Sealed structural drawings with letter of assurance required for sign permit(s).

Will there be a restriction to free standing signs at the front property line? The landing of the exterior stair to be redesigned to comply with BCBC.

**NOTE:** The site plan has been revised, moving the free-standing entrance sign back from the property line to comply with the minimum sight line requirements.

#### 4.3 Works and Utilities

Does not compromise Works and Utilities servicing requirements

Any illumination should be a backlit type rather than upward spot light projection.

### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The proposed signage plan for Kelowna BMW is designed to conform to the corporate image that has been developed for BMW dealerships across North America. The City of Kelowna Sign Bylaw, however, does not contemplate certain elements of this comprehensive sign plan (e.g.: Mini Super Sign Box Display), and explicitly prohibits other elements, such as the signage tower on the building, and the four flag poles located in the landscaped area next to Enterprise Way.

The Applicant believes that their site would be enhanced by the inclusion of all signage elements. While that contention may be arguable depending on ones aesthetic values, Staff cannot support the application because it conflicts with the Sign Bylaw. Furthermore, there is no justification to vary any of these requirements in this specific case, since there is nothing unique with this site that warrants special exemption from the rules.

Staff also does not support approval of this application due to the precedent it would set. However, should Council see merit in the proposal, Staff has provided an alternate recommendation at the end of this report.

It should also be noted that there was an overall development permit application considered and approved for these lots on the north side of Enterprise Way prior to any of the lots being considered for specific developments. This overall development permit set the tone for perimeter landscaping, display areas and sign location. This is the last lot to be considered and Staff do not support a change to the signage provisions when all of the other lots have conformed to the Sign Bylaw.

## **6.0 ALTERNATE RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DP05-0019 for Lot 1, D.L. 125 ODYD Plan KAP69740, located on Enterprise Way, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the signage to be constructed on the land be in general accordance with the Schedule "A";
2. The exterior design and finish of the signage to be constructed on the land be in general accordance with Schedule "B";

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

**Section 3.1.5 – Prohibits Signage on Roof or Parapet of Building**

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

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## **ATTACHMENTS**

**Location of subject property**  
**Site Plan**  
**Sign Plan (5 pages)**  
**Letter of Rationale submitted by Applicant**