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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** January 27, 2006  
**File No.:** **DVP05-0203**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

DEVELOPMENT PERMIT APPLICATION NO. DVP05-0203      OWNER:      GAZELLE ENTERPRISES INC.

AT:    3175-3275 LAKESHORE RD.      APPLICANT: AS ABOVE

PURPOSE:      TO VARY THE REQUIREMENTS OF THE SIGN BYLAW FROM A STREET FRONTAGE OF 300 M REQUIRED TO 139 M EXISTING TO PERMIT A SECOND FREE-STANDING SIGN ON THE LAKESHORE ROAD FRONTAGE and

TO VARY THE MAXIMUM PERMITTED SIGN HEIGHT FROM 3.0 M FOR SITES IN URBAN CENTRES NOT FRONTING HWY 33 OR 97 TO 4.0 M PROPOSED

EXISTING ZONE:    C4 – URBAN CENTRE COMMERCIAL

REPORT PREPARED BY:    PAUL McVEY

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**1.0    RECOMMENDATION**

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP05-0203; Gazelle Enterprises Ltd.; Lot A, DL 14 & 135, O.D.Y.D., Plan KAP47364, located on Lakeshore Road, Kelowna, B.C.;

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

**Section 6 – Specific Zone Regulations;**

Vary the number of free standing signs for Major Commercial Zones (C4) from “a lot may have 1 additional (sign) for every additional 150m frontage over 150m” to permit a second sign on a street frontage that is 139m.,

And, Vary the maximum permitted sign area from 3.0 m<sup>2</sup> permitted to the 4.0 m<sup>2</sup> proposed.

Subject to; the location of the sign complying with the other applicable siting provisions of Sign Bylaw 8235, and a commitment by the applicant that no additional free-standing signs will be proposed for the site.

## 2.0 SUMMARY

The applicant wishes to construct second free-standing sign adjacent to Lakeshore Road near the location of the existing southern drive aisle to the subject property, in order to provide additional signage to identify the Lakeshore Road access point for the new Tim Horton's restaurant located on the subject property. The form and character of the new proposed sign is designed to replicate the form and character of the existing free-standing signs located elsewhere on site.

### 2.1 Advisory Planning Commission

The above noted application (Z05-0203) was reviewed by the Advisory Planning Commission at the meeting of December 6, 2005 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0203, for 3175 – 3275 Lakeshore Road, Lot A, Plan 47364, Sec. 12, Twp. 25, ODYD, by Gazelle Enterprises Ltd. (Grant Gaucher), to obtain a Development Variance Permit for the Sign Bylaw to permit a second free standing sign on a street frontage where the frontage is less than 300 m;

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP05-0203, for 3175 – 3275 Lakeshore Road, Lot A, Plan 47364, Sec. 12, Twp. 25, ODYD, by Gazelle Enterprises Ltd. (Grant Gaucher), to vary the sign height from 3.0 m to 4.0 m.

## 3.0 BACKGROUND

### 3.1 The Proposal

The development of the subject property with a Save On Foods store (formerly Overwaitea Foods), Rogers Video, and the other associated buildings on the subject property was originally authorized by DP92-10,010 in 1992.

In 2005, DP05-0039 was issued which authorized construction of a new 289 m<sup>2</sup> restaurant building for use as a Tim Hortons donut shop. Construction commenced in September 2005.

This application for a Development Variance Permit seeks a variance to the sign bylaw requirements to permit a second free-standing sign adjacent to the Lakeshore Road frontage of the property to provide signage for the new Tim Horton's restaurant to indicate the location of the access driveway from Lakeshore Road.

The property currently has two free-standing signs constructed on it. There is one sign located at the south east corner of the property, on the north west corner of the intersection of Richter Street and Lanfranco Road, and the other located near the north west corner of the property, on the south side of the driveway adjacent to Lakeshore Road. The placement of additional signage on the Richter Street frontage is restricted because of a "statutory right of way" that runs the entire length of the Richter Street frontage. The new free-standing is proposed to be located south of the existing driveway providing access to the site from Lakeshore Road, near the centre of the Lakeshore Road frontage.

The City of Kelowna Sign Bylaw No. 8235 states the following for Free-Standing Signs in the Urban Centre zone;

“Free-Standing Signs in the C4 zone,  
1 per building frontage, except for a flanking lot over 45 m long which may have 1 on each frontage, except a lot may have 1 additional for every additional 150 m frontage over 150 m to a maximum of 4 signs”

This clause limits a second free-standing sign on a street frontage to those situations where the street frontage is greater than 300 m long. The lot frontage for the subject property is 139 m.

The new proposed free-standing sign is designed to replicate the form and character of the existing “Lakeshore Centre” free-standing signs that were constructed on site at the time of the original development, but at a smaller scale.

The proposal as compared to the C4 zone - sign bylaw requirements is as follows:

CRITERIA	PROPOSAL	C4 ZONE REQUIREMENTS
Site Area	1.84 Ha	
Free-Standing Sign	Number of Signs Proposed	Number of Signs permitted
	2 signs for Lakeshore Road frontage, where frontage is 139 m ❶	1 per building frontage, except for a flanking <b>lot</b> over 45 m long which may have 1 on each frontage, except a <b>lot</b> may have 1 additional for every additional 150 m frontage over 150 m to a maximum of 4 <b>signs</b> ( <i>min frontage for 2 signs = 300m</i> )
	Size of Sign Proposed	Size of Sign Permitted
	4.0 m height ❷  3.73 m² area	(a) 3.0 m for a site less than 30 m in width or a site in an urban town centre not fronting on Highway 33 or 97 (b) the maximum area is 3.0 m² per lineal metre of street frontage the <b>sign</b> is located on, up to a maximum 12 m² for <b>lots</b> smaller than 1000 m² or on any <b>site</b> in an urban town centre not fronting Highway 33 or 97,

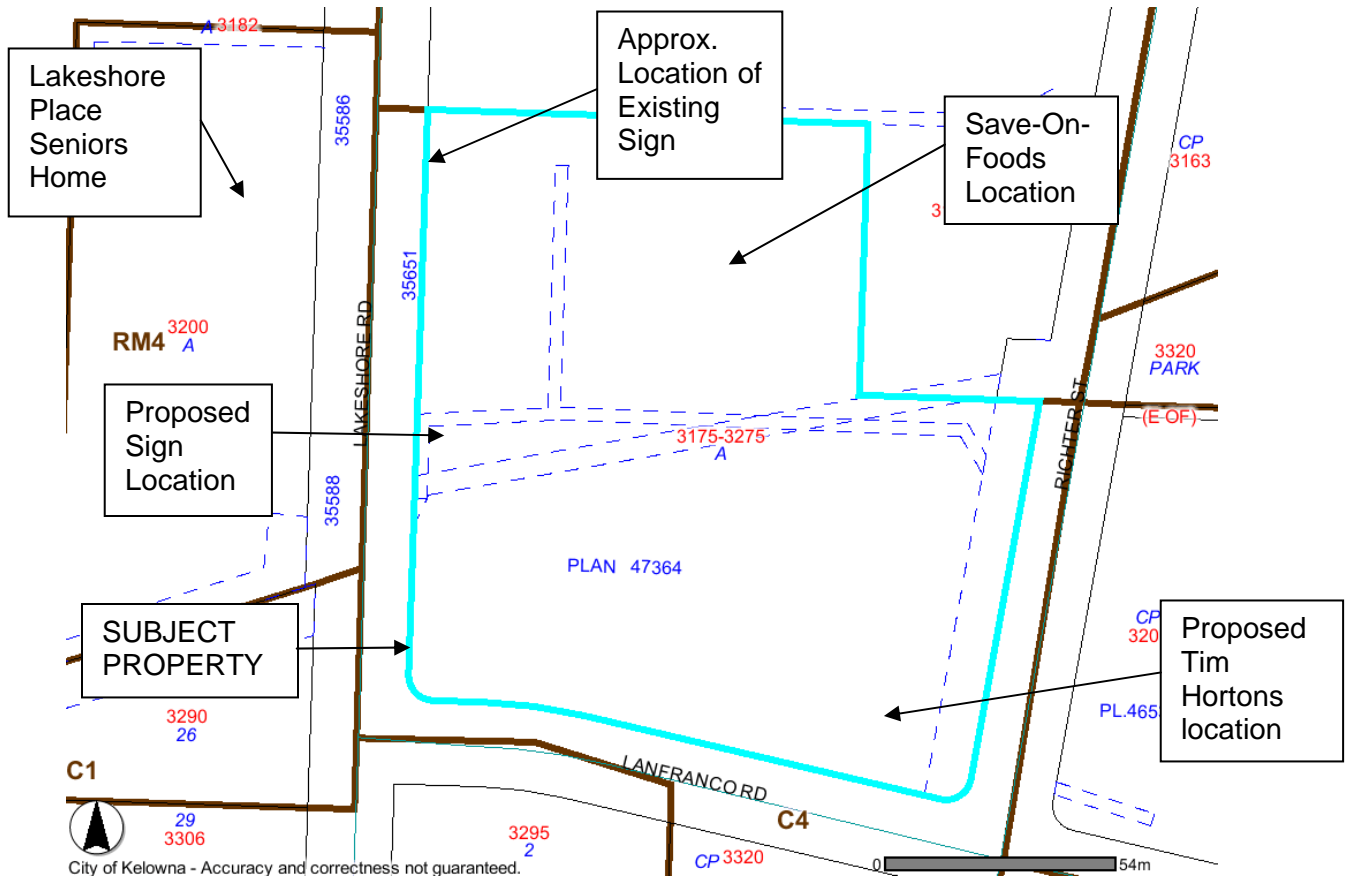
Notes;

❶ The existing site development installed one sign near the north west corner of the property adjacent to Lakeshore Road. This application proposes the installation of a second sign on the Lakeshore Road frontage south of the existing access driveway located at the approximate centre of the Lakeshore Road frontage.

❷ The proposed sign height of 4.0 m exceeds the maximum height of 3.0 m permitted for sites in an urban centre that does not front Highway 33 or 97

### 3.2 Site Context

#### SUBJECT PROPERTY MAP



The subject property is developed with: Rogers Video, Save On Foods, and a 3 storey office building. The location of the proposed free-standing restaurant is proposed to be the south east corner of the existing parking lot. There is currently a new Tim Hortons restaurant under construction located at the south east corner of the property at the intersection of Richter Street and Lanfranco Road

Adjacent zones and uses are, to the:

- North - C4r – Urban Centre Commercial – Mission Park Mall
- East - RM3 – Low Density Multiple Housing / Lakeshore Rd, Apartment Housing
- South - C9 – Tourist Commercial / Lanfranco, Motel uses  
C4 – Urban Centre Commercial – Office building
- West - RM4 – Transitional Low Density Housing / Seniors' Residence

### 3.3 Current Development Policy

#### 3.3.1 Kelowna Official Community Plan

The proposed development is consistent with the Official Community Plan Future Land Use designation of “Commercial”.

#### 3.3.2 City of Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

- works to develop and maintain a strong, diversified local economy that offers residents opportunities for high-paying jobs
- embraces the social, cultural and physical well-being of its residents through the delivery of quality services at a reasonable price, the development and maintenance of quality infrastructure and built forms, and meaningful opportunities to be involved in major decisions made by the City.

The City of Kelowna Strategic Plan 2004 also states as an Objective;

- Aid in the growth and progress of Kelowna as a desirable place to visit, shop and tour.

### 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 Works and Utilities Department

The Works & Utilities Department has the following requirements associated with this development application.

##### 1. Development Permit and Site Related Issues

- (a) Refer to the original Development Permit requirements under file DP92-10,010
  - (i) The turning movements at the southerly entrance to Lakeshore Road still need to be addressed. See attached letter dated November 23, 1993
  - (ii) We note that the Advisory Planning Commission's support was conditional to “No illuminated neon signage facing residential areas”.
- (b) The proposed sign location fronting Lakeshore Road appears to be within the Hydro Utility Right of Ways Plan 51085.

NOTE;

The southern access to the subject property is designed to be right in, right out turning movements only. The turning movements noted in the letter noted above relate to conditions that existed in 1993.

The applicant notes that the sign is oriented so that the illuminated faces of the proposed sign face north and south towards the vehicles using Lakeshore Road, not towards the residential uses located on the west side of Lakeshore Road. The site plan which indicates the location of the proposed sign has been modified to locate the sign off of the right of way.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with this proposed development variance permit application to permit an additional sign to the Lakeshore Road frontage. The addition of a second free-standing sign on the Lakeshore Road frontage will provide improved identification of the major access point to the site development from Lakeshore Road, and will provide a location for Tim Hortons signage on the Lakeshore frontage of the site development. However, staff would suggest that the applicant commit that no further free-standing signs would be requested on other permitted frontages.

In light of the above, the Planning and Corporate Services Department supports this application, and recommend for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

Attachments

Subject Property Map  
Site Plan  
Sign Details