

# Memo



Date: January 28, 2011

To: City Manager

From: Land Use Management, Community Sustainability

Application: DVP10-0147

Owner: Callahan Construction Company Ltd.,  
(Inc. No. 66876)  
3722 Investments Ltd. (Inc. No. 432639)

Address: 1864 Spall Road

Applicant: Callahan Property Group Ltd.

Subject: Development Variance Permit

Existing OCP Designation: Commercial

Existing Zone: C10 - Service Commercial

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## 1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP10-0147 for Lot 4, D.L. 129, ODYD, Plan 22647, located at 1864 Spall Road, Kelowna, B.C,

## 2.0 Purpose

To consider a Development Variance Permit to permit a second free standing sign where only one free standing sign is permitted by the Sign Bylaw.

## 3.0 Land Use Management

The proliferation of signage in various areas throughout the city has become more pronounced, and Spall Road is one of those areas. Allowing signage above that permitted in the Sign Bylaw clutters the streetscape and detracts from the overall appearance of the area. Additionally, allowing excessive signage for one building creates competitive signage needs for other buildings. Given the current buildings signage and prominent commercial location there is no justification or rationale that any of the tenants require additional signage for marketing or wayfinding. The subject property has had two free standing signs, one of which is legal non-conforming, for a number of years. The applicant wishes to remove the sign for a few years but would like to secure a Development Variance Permit so that the non-conforming sign could be replaced at a later date. Staff are not supportive of the proposed variance and do not endorse any signage beyond what is permitted along this commercial strip.



#### 4.0 Proposal

##### 4.1 Background

The subject property has had two free standing signs for a number of years, where only one free standing sign is permitted in the Sign Bylaw.

##### 4.2 Project Description

The applicant wishes to remove the sign for a few years but would like to secure a Development Variance Permit so that the sign could be replaced at a later date, and this in turn necessitates a future Sign Permit. A Development Variance Permit is required to approve the allowance of a second free standing sign. The second free standing sign is located at the southern end of the subject property as shown on the attached site plan. Two tenants are advertised on the non-conforming free standing sign. The proposal compares to the Sign Bylaw requirements for the CD10 zone as follows:

Bylaw No. 8235		
CRITERIA	PROPOSAL	C3 Zone Sign requirements
Free-standing signs	2 signs <sup>1</sup>	Maximum of 1 sign

<sup>1</sup>Vary Sign Bylaw to permit 2 free standing signs where only 1 free standing sign is permitted.

##### 4.3 Site Context

The subject property is located along the Spall Road commercial strip and is surrounded by C10-Service Commercial properties with a variety of commercial uses.



**5.0 Technical Comments**

5.1 Building & Permitting Department  
No Comment.

5.2 Development Engineering Department  
The Sign Bylaw Development Variance application does not compromise our servicing requirements.

5.3 Fire Department  
No objections.

5.4 Interior Health Authority - N/A

5.5 Irrigation District - N/A

5.6 School District No. 23 - N/A

5.7 Bylaw Services - N/A

**6.0 Application Chronology**

Date of Application Received: November 1<sup>st</sup>, 2010

Advisory Planning Commission January 18, 2011

The above noted application was reviewed by the Advisory Planning Commission at the meeting on January 18, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP10-0147, for 1864 Spall Road, to permit a second free standing sign where only one free standing sign is permitted by the Sign Bylaw.

Anecdotal Comment:

The Advisory Planning Commission supported the Development Variance Permit as it provides an opportunity for the sign to be removed for a period of time and to allow for an improved, conforming sign at some point in the future.

**7.0 Alternate Recommendation**

If Council chooses to support the proposed development, the following recommendations will be required:

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0147 for Lot 4, D.L. 129, ODYD, Plan 22647, located at 1864 Spall Road, Kelowna, B.C;

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

Section 6.1 Specific Zone Regulations - Industrial & Commercial Zones (C10)

Vary the regulations to permit a second free standing sign where only one free standing sign is permitted.



**Report prepared by:**



Alec Warrender, Urban Land Use Planner

**Reviewed by:**



Shelley Gambacort, Director, Land Use Management

**Approved for Inclusion:**



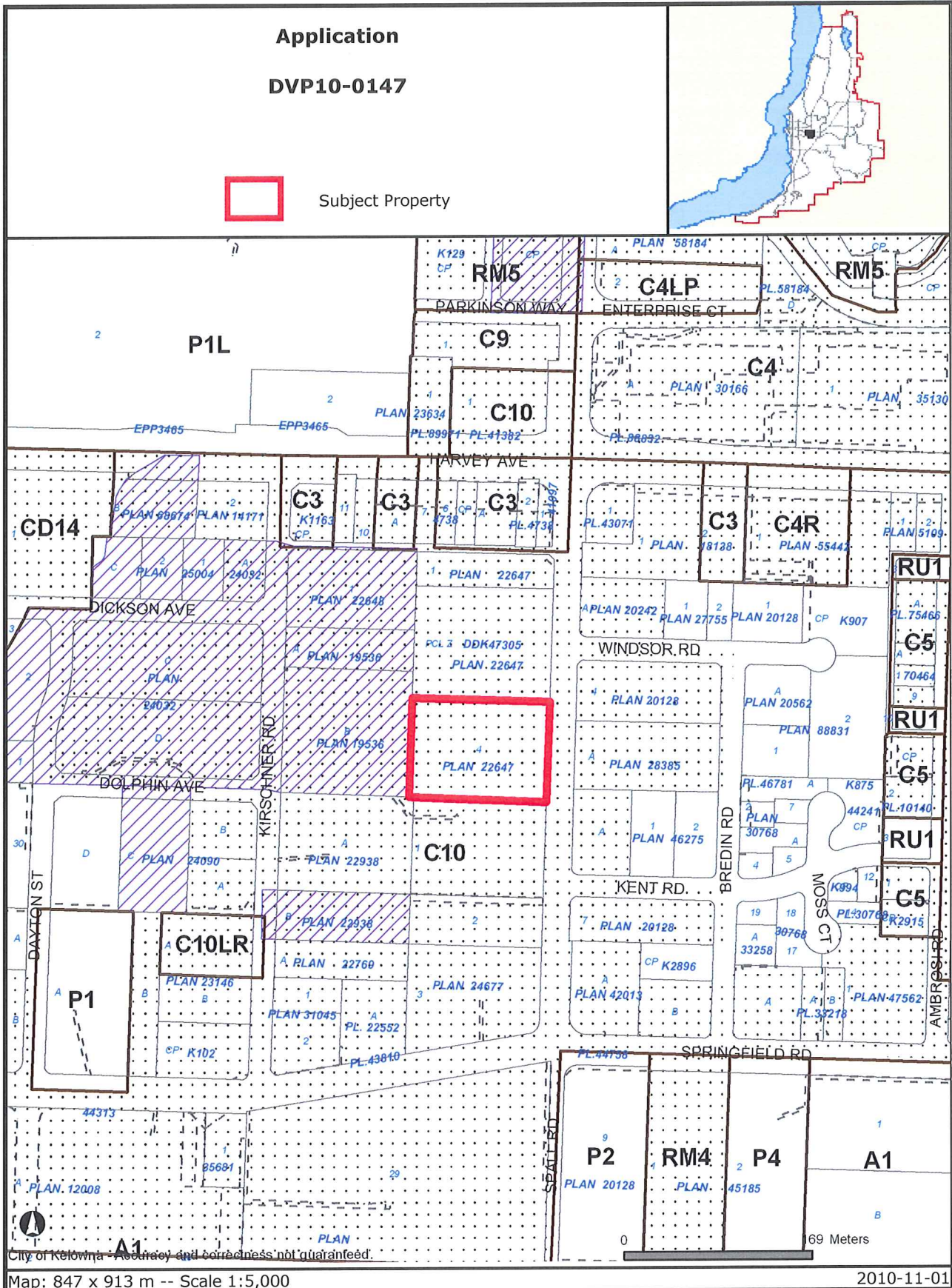
J. Paterson, General Manager, Community Sustainability

**Attachments:**

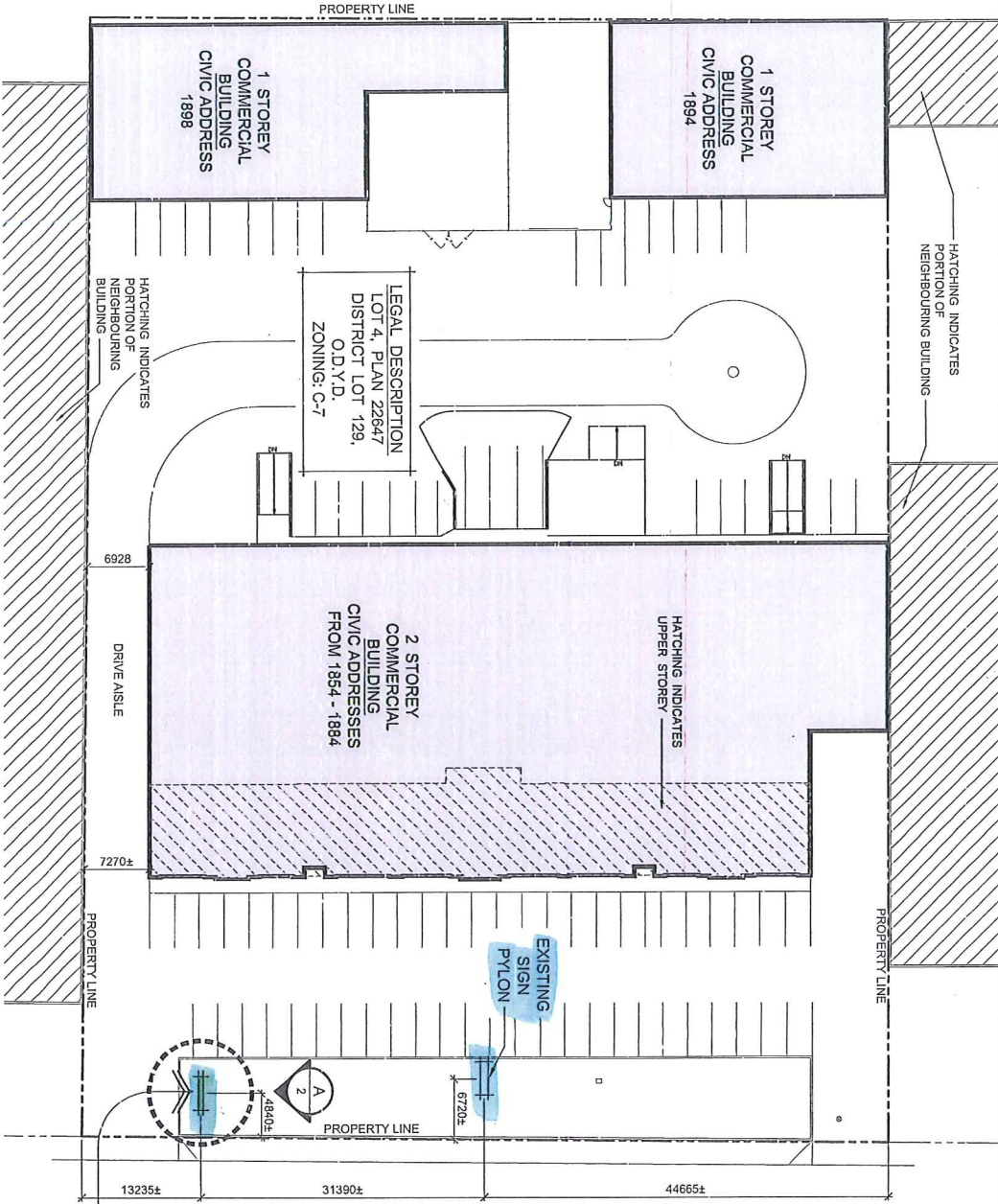
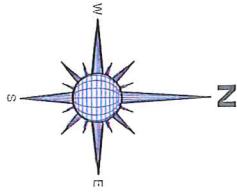
- Site Plan
- Conceptual Elevations
- Landscape Plan
- Context/Site Photos



*Faint handwritten notes or signatures at the bottom of the page.*



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



SPALL ROAD



**CALLAHAN**  
PROPERTY GROUP LTD.

Suite 218-1628 Rialto Street, Kelowna, B.C. V1Y 2N3  
PH (250) 717-3000 FAX (250) 717-3400

NO.	REVISIONS	DATE
5		
4		
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2		
1		

PROJECT:  
FAIRFIELD PARK

1894 SPALL ROAD  
KELOWNA, B.C.

DRAWING:  
SITE & KEY PLAN  
SIGN Pylon

DATE:	SCALE:	CHECKED BY:
06-02-2010	1:200	
PROJECT NO.:	DRAWING NO.:	
1	1 OF 2	





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1 | 2

**ELEVATION - EXISTING SIGN PYLON**  
 SCALE: 1 : 50

<p style="font-size: 1.2em; margin: 0;"><b>CALLAHAN</b></p> <p style="font-size: 0.8em; margin: 0;">PROPERTY GROUP LTD.</p> <p style="font-size: 0.7em; margin-top: 10px;">Suite 218-1626 Richter Street, Kelowna, B.C. V1Y 2M3 PH (250) 717-3000 FAX (250) 717-3400</p>	<p style="font-size: 0.7em; margin: 0;">PROJECT:</p> <p style="font-size: 1.1em; margin: 0;">FAIRFIELD PARK</p> <p style="font-size: 0.7em; margin-top: 10px;">1854-1896 SPALL ROAD KELOWNA, B.C.</p>	<p style="font-size: 0.7em; margin: 0;">DRAWING:</p> <p style="font-size: 1.1em; margin: 0;">ELEVATION EXISTING SIGN PYLON</p>	<table border="1" style="width: 100%; border-collapse: collapse; font-size: 0.7em;"> <tr> <td style="font-size: 0.6em;">DRAWN BY:</td> <td style="text-align: center;">BW</td> <td style="font-size: 0.6em;">CHECKED BY:</td> <td></td> </tr> <tr> <td style="font-size: 0.6em;">DATE:</td> <td style="text-align: center;">08-10-2010</td> <td style="font-size: 0.6em;">SCALE:</td> <td style="text-align: center;">1 : 50</td> </tr> <tr> <td style="font-size: 0.6em;">PROJECT NO.:</td> <td></td> <td style="font-size: 0.6em;">DRAWING NO.:</td> <td style="text-align: center; font-size: 1.5em;">2 OF 2</td> </tr> <tr> <td style="font-size: 0.6em;">ACAD DWG NAME:</td> <td colspan="3"></td> </tr> <tr> <td style="font-size: 0.6em;">02-Elevation-Sign-Pylon-metric</td> <td colspan="3"></td> </tr> </table>	DRAWN BY:	BW	CHECKED BY:		DATE:	08-10-2010	SCALE:	1 : 50	PROJECT NO.:		DRAWING NO.:	2 OF 2	ACAD DWG NAME:				02-Elevation-Sign-Pylon-metric			
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02-Elevation-Sign-Pylon-metric																							





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HOLIDAYS  
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SUPPLIES  
CONCEPT  
FLOORING  
GOUCH  
LIGHTING  
GENOW  
Windows & Doors

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FOR LEASE  
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CLEANWAY SUPPLY

2010/11/12



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

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**Date:** November 15, 2010  
**File No.:** DVP10-0147

**To:** Land Use Management Department (AW)

**From:** Development Engineering Manager

**Subject:** 1854 - 1896 Spall Rd                      Lot 4 Plan 22647                      Fairfield Park

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Development Engineering Services has the following comments associated with this application.

The Sign Bylaw Development Variance application does not compromise our servicing requirements.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP10-0147

EXISTING ZONING DESIGNATION: C10 – Service Commercial

DEVELOPMENT VARIANCE PERMIT: A Development Variance Permit to permit a second free standing sign where only one free standing sign is permitted by the Sign Bylaw.

ISSUED TO: Callahan Property Group Ltd.

LOCATION OF SUBJECT SITE: 1864 Spall Road

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	4		129		ODYD	22647

## SCOPE OF APPROVAL

- This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

### 1. TERMS AND CONDITIONS:

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

Section 6.1 Specific Zone Regulations – Industrial & Commercial Zones (C10)

Vary the regulations to permit a second free standing sign where only one free standing sign is permitted.

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

### 3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.



This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

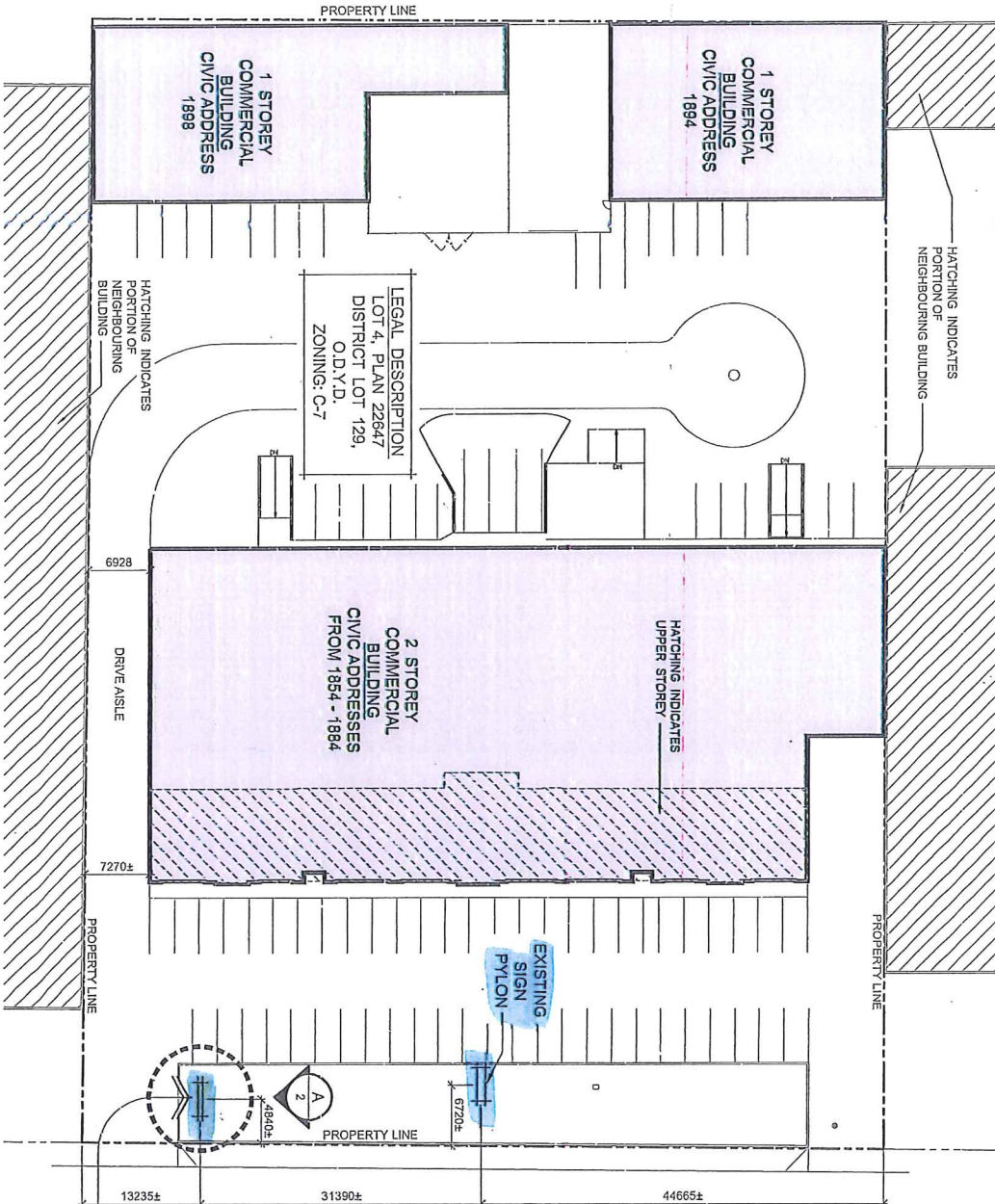
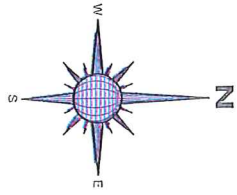
\_\_\_\_\_  
Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 22<sup>nd</sup> DAY OF FEBRUARY, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ DAY OF FEBRUARY, 2010 BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management



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FAIRFIELD PARK

1894 SPALL ROAD  
KELOWNA, B.C.

DRAWING:  
SITE & KEY PLAN  
SIGN PYLON

DATE:	DRAWN BY:	CHECKED BY:
2018/09/18	BW	
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