

Memo



Date: August 4, 2011

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP11-0090

Owner: H.R. Tostenson Ltd.

Address: 2900 Pandosy Street

Applicant: Worman Resources Inc.

Subject: Development Variance Permit

Existing OCP Designation: Commercial

Existing Zone: C4- Urban Centre Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0090, Lot 1, District Lot 14, ODYD Plan KAP 60851, located on Pandosy Street, Kelowna, BC.,

AND THAT variances to the following sections of Sign Bylaw 8235 be granted:

Section 5.6.1(d) location of pylon sign

To vary the required setback for a free standing sign from 1.5 meters required to 0.225 meters proposed (As per Schedule "A").

2.0 Purpose

The applicant is seeking to vary the required setback for a free standing sign from 1.5 meters required to 0.225 meters proposed.

3.0 Land Use Management

A two storey commercial building hosting a variety of retail tenants was constructed on the subject property in 2010. A number of signs have been approved for the exterior of the building including awing signs, a canopy sign and a sign on the south facing second storey.

The C4 sign regulations permit a free standing sign on the site, however as the client had varied the landscape buffer to provide for parking, a subsequent variance is required to allow the siting of the free standing sign within this reduced landscape buffer. Given the layout of the site, no alternative location is available for the sign. The proposal meets the size requirements of the Sign bylaw and aims for exposure to capture vehicle traffic and additional pedestrian traffic for the commercial tenants.

The site is located in the heart of the Pandosy Urban Centre where tourist and local pedestrian traffic is encouraged. The area has become a draw for people to wander through shops and enjoy

the quaint atmosphere. Staff have raised concerns that a free-standing sign in this location is not necessary for pedestrian way finding and may cause vehicle visibility issues.

The original South Pandosy/KLO Sector Plan encourages creating a unique image and identity for the Pandosy Town Centre by incorporating design, marketing and tenant mix¹ and discourages the use of free standing signs. By adding a free standing sign immediately adjacent to the sidewalk in the core of this area it is felt that the charm and uniqueness may be diluted and a competition of signage (similar to other parts of the City) may be expected by other developments.

In summary, this unique urban centre is under transition with many new development proposals, and the control and design of the commercial signage will greatly influence the desired character of the precinct. Therefore, minimizing the undesirable visual impact of commercial signage that does not conform with the vision of a vibrant pedestrian focused urban centre must be considered when a variance is sought. Given that the free standing sign conforms to all other Sign Bylaw regulations, and that the quality of the site build-out exhibits appropriate urban design, it is felt that this variance can be supported as an isolated case.

3.0 Proposal

3.1 Project Description

One free standing sign is proposed for the reduced landscape buffer area on the south-east corner of the subject property. In order to facilitate the sign on the site, a variance is required to reduce the required setback for a free standing sign. The purpose of the sign is to allow tenants located on the upper floors (or those that do not have road frontage) to advertise the location of their business. The sign dimensions fall within the maximum size requirements of the sign bylaw.

The existing commercial building has a rich traditional charm with its brick façade, ground level store front entrances, and large upper storey windows. Care has been taken to ensure classic details have been incorporated in the design. The proposed signage comprises of a lexan cover with inner illumination and aluminum cap. Business names and information will be displayed using vinyl die cut letters fixed to the lexan sheet. No dividing lines between individual business names will be used.

3.2 Site Context

The subject property is located on the west side of Pandosy Street in the South Pandosy Urban centre. The surrounding properties are zoned as follows:

<u>Direction</u>	<u>Zone</u>
North	C4 - Urban Centre Commercial (Photography studio)
West	RM5 - Medium Density Multiple Housing (residential) P3 - Park and Open Space
East	C4 - Urban Centre Commercial (retail stores)

¹ South Pandosy / KLO Sector Plan, Section 10.3.12 Town Centre Commercial Policies

South

C4 - Urban Centre Commercial (art gallery and sports rentals)

3.3 Subject Property Map: 2900 Pandosy Street



4.0 Current Development Policies

4.1 Official Community Plan Chapter 14 - Urban Design Development Permits Areas

Section 17.0 - Signs²

17.1 Integrate signage that contributes to the overall quality and unique character of a development (e.g. coordinate proportion, materials, and colour);

17.2 Do not compromise the scale and visual qualities of a building with the size and number of signs;

17.3 Locate, size, and format signs such that they can be easily read by pedestrians.

4.2 South Pandosy / KLO Sector Plan

Section 7.2 Policies - South Pandosy Town Centre Policies³

- 1.9 Control the application and design of commercial signage in a manner that enhances the desired character of the precinct, minimizes the undesirable visual impact of uncontrolled sign use and provides for the display and advertisement of commercial uses. Free-standing signs are discouraged.

Section 9.1 Town Centre Commercial Policies⁴

- Redevelopment of the commercial area should introduce elements to facilitate pedestrian movement wherever possible.
- Create a unique image and identity for the Town Centre using design, marketing and tenant mix.

² OCP Chapter 14 page 14.13

³ South Pandosy/ KLO Sector Plan Section 7.2 part 1.9 page 42

⁴ South Pandosy / KLO sector Plan Section 9.10.4 page 66

- Encourage boulevards within roadway, rights-of-way or building setbacks in these areas where appropriate, to provide for amenity areas and open space to achieve a high quality, safe and attractive pedestrian environment.

6.0 Technical Comments

6.1 Building & Permitting Department

No Comment.

6.2 Development Engineering Department

Development Engineering has the following requirements associated with this development variance permit application.

The requested variance to reduce the sign setback from the 1.50m required, to 0.225m proposed, greatly impacts the sight-lines of vehicles approaching the sidewalk on Pandosy Street. The proposed sign location compromises the safety of pedestrians at this location.

7.0 Application Chronology

Date of Application Received: May 31, 2011

Advisory Planning Commission: July 19, 2011

Advisory Planning Commission

The above noted application was reviewed by the Advisory Planning Commission at the meeting on July 19, 2011 and the following recommendations were passed:

THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP11-0090 for 2900 Pandosy Street to vary the required setback for a free standing sign from 1.5m required to 0.225m proposed.

Anecdotal Comment:

The Advisory Planning Commission noted that the scale of the signage is appropriate for the development.

Reviewed by:



Danielle Noble, Urban Land Use Manager

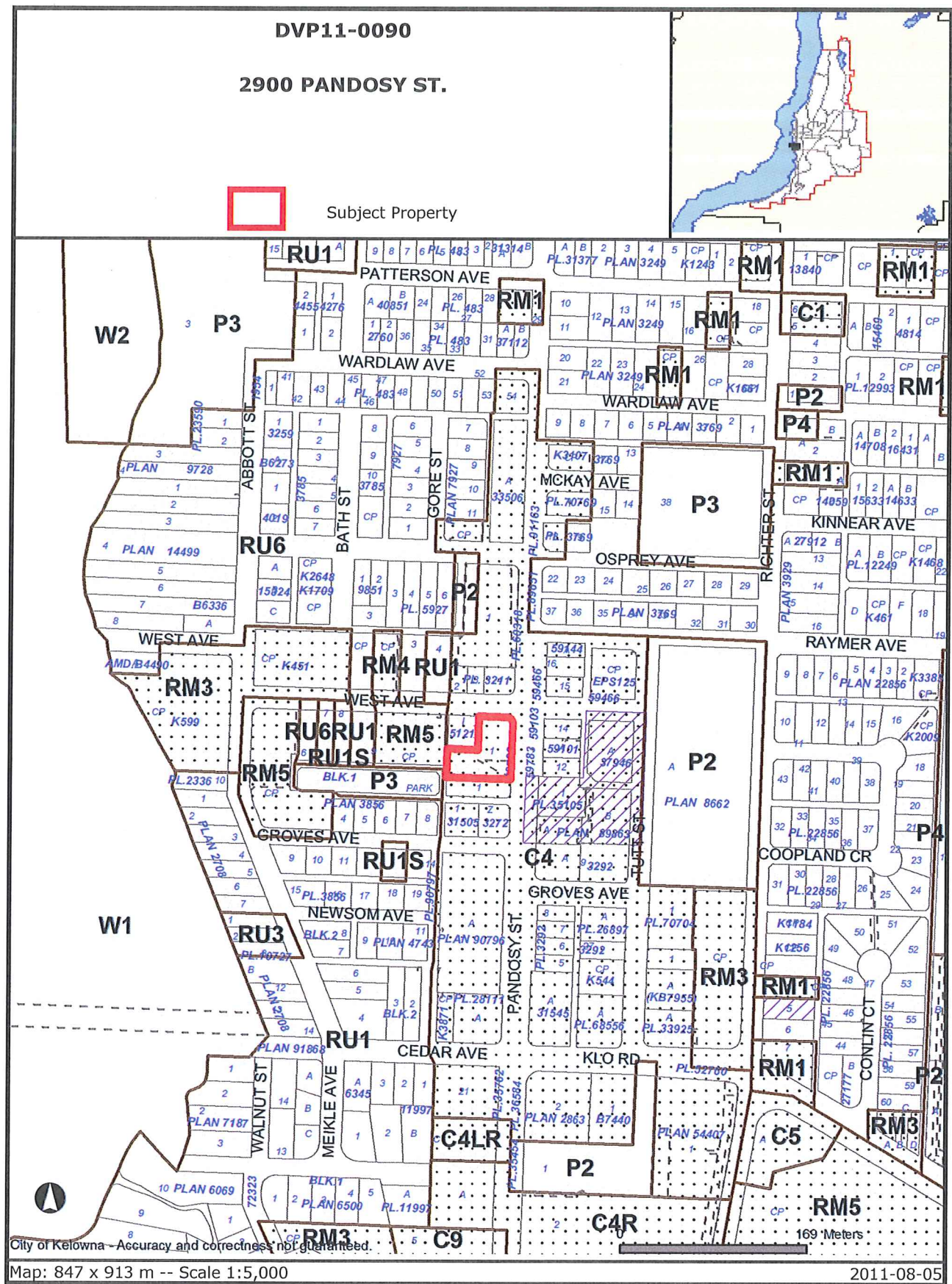
Approved for Inclusion:



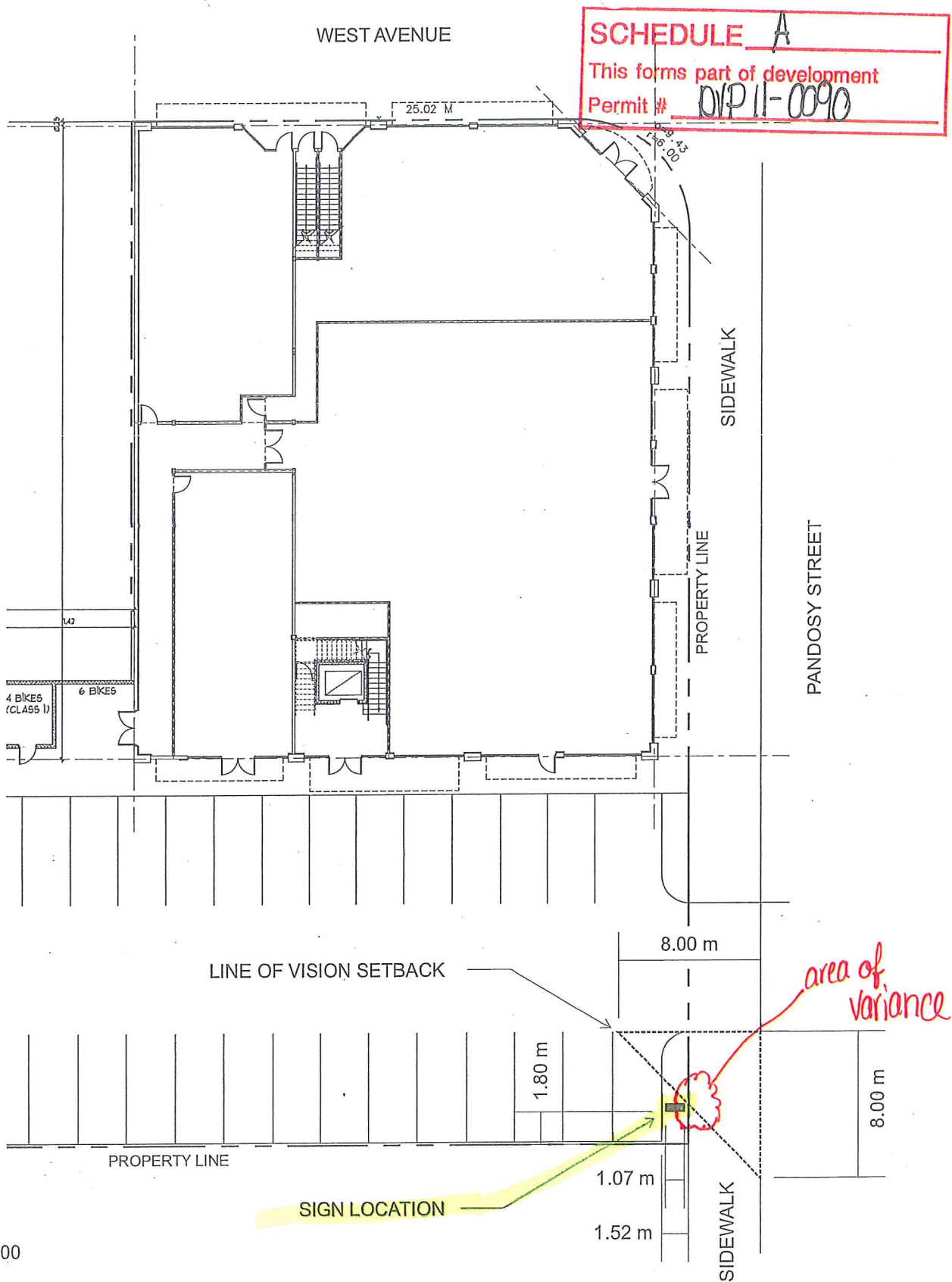
Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan (Schedule "A")
Proposed Sign elevation
Site Photos
Rationale Letter



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.



Scale: 1:300



Phone: (250) 491-9123
 Fax: (250) 491-5845
 email: signproducts@shaw.ca
 MAILING ADDRESS:
 114-1606 Findlay Road, Kelowna, BC V1X 6B8

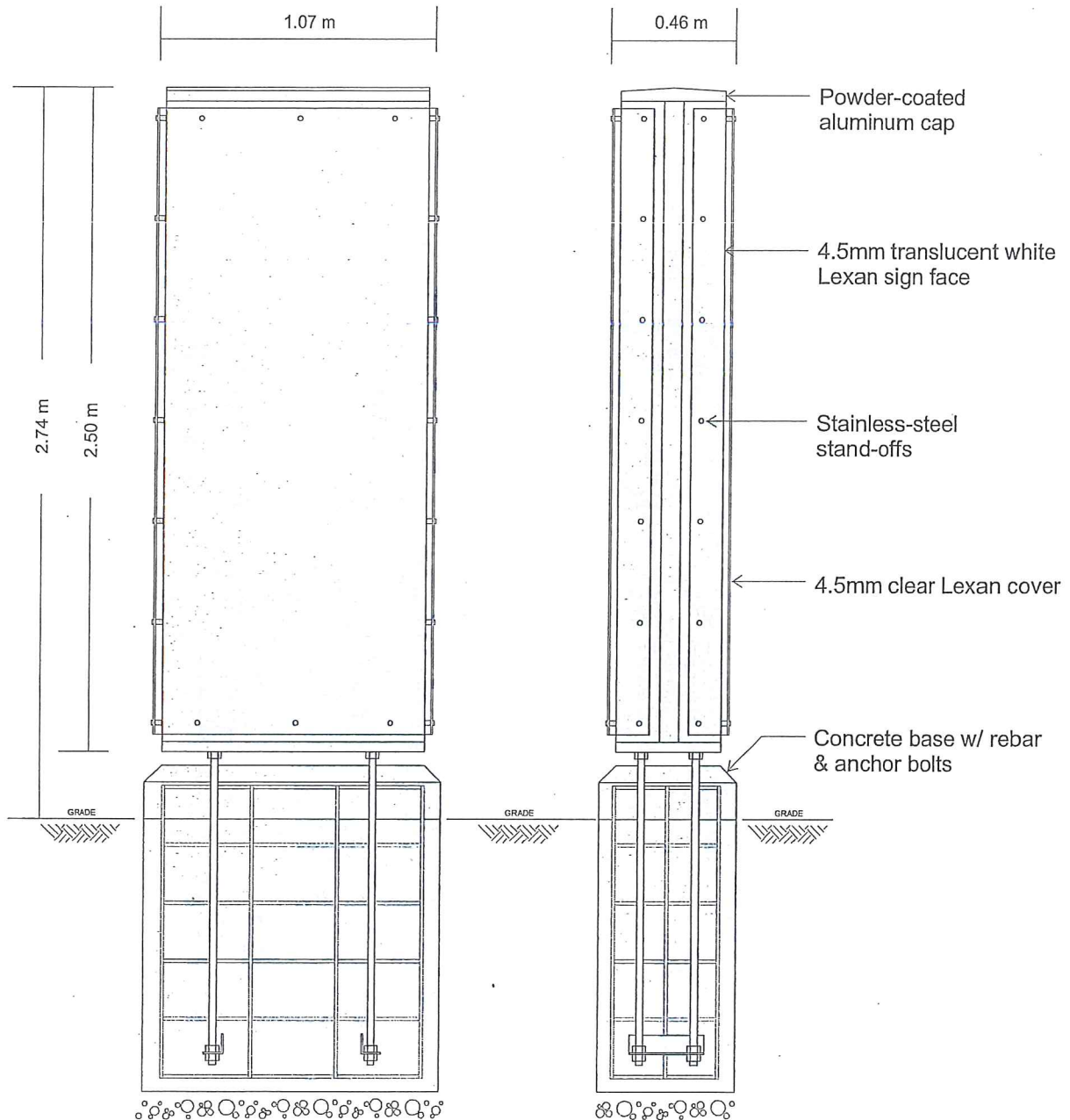
Notes: _____

SIGNATURE OF APPROVAL

DATE

2900 Pandosy Street

Double-sided freestanding pylon sign,
internally illuminated w/ high-output fluorescent lighting.



Phone: (250) 491-9123
Fax: (250) 491-5845
email: signproducts@shaw.ca
MAILING ADDRESS:
114-1606 Findlay Road, Kelowna, BC V1X 6B6

Notes: _____

SIGNATURE OF APPROVAL

DATE



1.07m (35')

(1.6~) w/ L.C.

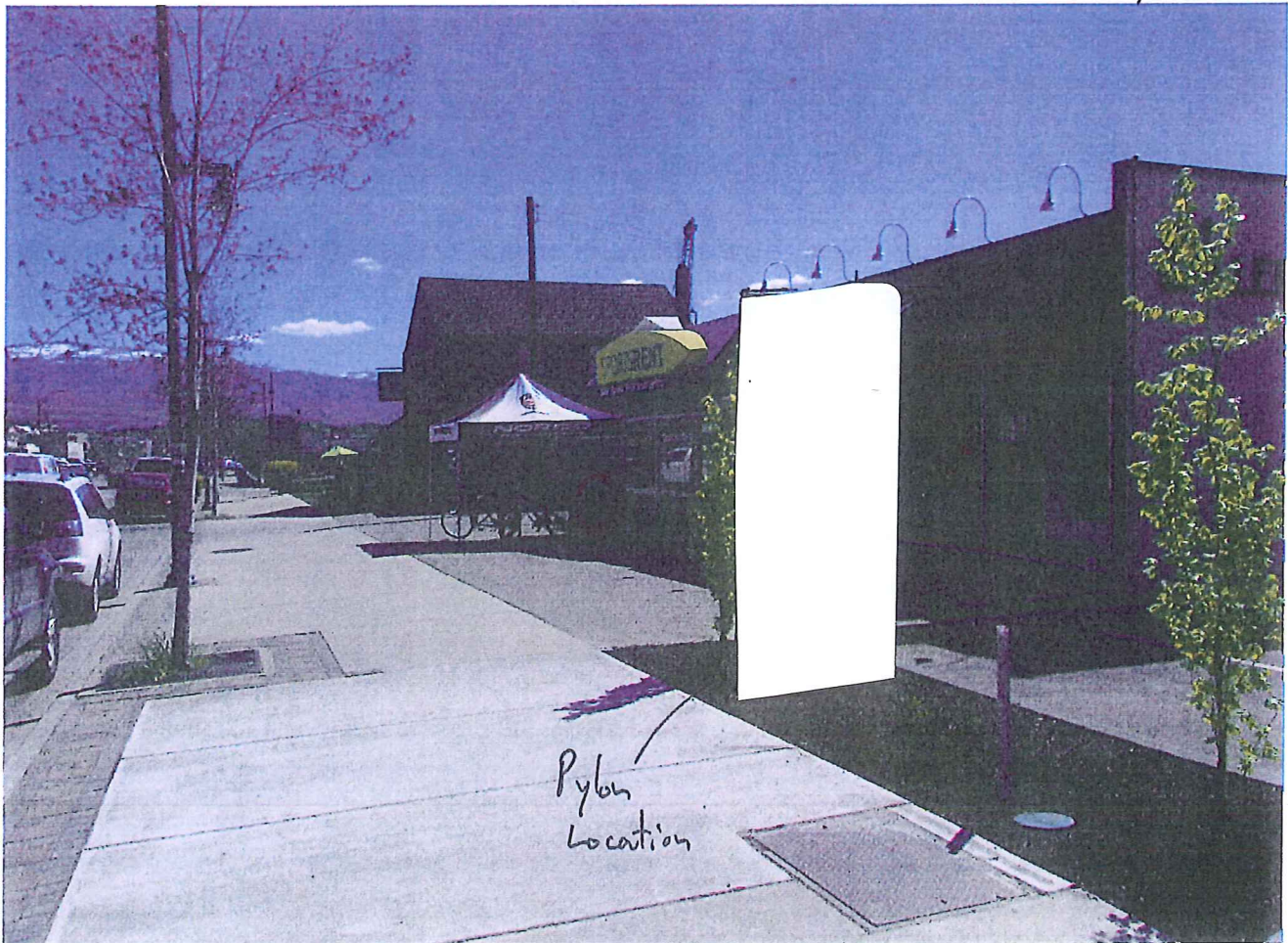
0.225m
(0.7')

Pylon Signage
Location

2900 Pandor - looking North



2900 Parkway ↗



1-1-11 5:44



WORMAN
WORMAN HOMES | WORMAN COMMERCIAL

**2900 Pandosy- Development
Variance Request Letter**

May 9, 2011

To: City of Kelowna Planning Department and City Council
Re: Development Variance Permit for Freestanding Signage

Dear City Staff and Council,

This letter is to explain the rationale behind the development variance request for the freestanding signage setback reduction at 2900 Pandosy.

As part of our original development permit application at the subject property we had requested a variance to reduce the landscape requirement from a 3 meter strip required to a 1.54 m strip as completed. This approved change allowed us to add two more parking stalls to our internal lot.

Some of our tenants who are not located adjacent to Pandosy or those located upstairs are requesting that we install a sign which would give them some additional exposure. When we put the application together for a freestanding sign we realized that by reducing our landscape strip we had also inadvertently stumped ourselves on signage setback requirements. The application before you seeks to allow such a sign.

In designing the signage for this location it was important to us to ensure the signage was kept small to still allow a pedestrian oriented feel. The sign is a few inches over 8' tall and only 3' 6" wide. It also extends right to the ground, making it more readable on foot than by car. This will give the tenants the opportunity for some exposure but will not disturb the great feel we have already achieved with our new building.

Thank you for your consideration of this matter and we look forward to a favorable response to our proposal.

Sincerely,

Shane Worman

P. 250.762.0040 | F. 250.762.0550

202 – 474 West Ave. | Kelowna, B.C. | V1Y 4Z2 | www.worman.ca

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No. : DVP11-0090

EXISTING ZONING DESIGNATION:	C4- Urban Centre Commercial
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Owner: H.R. Tostenson Ltd	APPLICANT: Worman Resources Inc.
LOCATION OF SUBJECT SITE: 2900 Pandosy Street	

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	1	14	KAP607851			ODYD

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 Development and 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:

Council has authorized the issuance of Development Variance Permit No. DVP11-0090, Lot 1, District Lot 14, ODYD Plan KAP 607851, located on Pandosy Street, Kelowna, BC., to allow a variance to the following section of Sign Bylaw 8235:

Section 5.6.1(d) location of pylon sign

To vary the required setback for a free standing sign from 1.5 meters required to 0.225 meters proposed. (As per Schedule "A")

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. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ _____ n/a _____.
- (b) A Certified Cheque in the amount of \$ _____ n/a _____.
- (c) An Irrevocable Letter of Credit in the amount of \$ _____ n/a _____.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. 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 transferable 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 Land Use Management.

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 COUNCIL ON THE ____th DAY OF SEPTEMBER, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF SEPTEMBER 2011.

Shelley Gambacort
Director of Land Use Management