

REPORT TO COUNCIL



Date: May 16, 2012

To: City Manager

From: Land Use Management, Community Sustainability (BD)

Application: DVP12-0070

Owner: Kelowna Central Park Phase II Properties Ltd.
INC No. 682576

Address: 1575 Banks Road

Applicant: Randall Olafson Consultants Ltd.

Subject: Development Variance Permit Application

Existing OCP Designation: Commercial

Existing Zone: C3 - Community Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0070, for Lot B, District Lot 125, ODYD Plan KAP75635, located on Banks Road, Kelowna, BC;

AND THAT a variance to the following section of Sign Bylaw No. 8235 be granted:

Section 5.5.1 (a) - Fascia Signs:

To vary the regulation to allow a fascia sign to project above the roofline or parapet, as per schedule 'A'.

2.0 Purpose

The applicant is seeking a variance to allow a sign to project above the parapet on an existing commercial building.

3.0 Land Use Management

The building owner is planning to change all the signs on the existing commercial building at this prominent corner location from red lettering to large white channel letters. All the proposed signs meet the requirements of the Sign Bylaw with the exception of the sign on the east side which is to be mounted on the top of the parapet.

The signage changes allow for easier restaurant identification and will have very little effect on the form and character of the building or the surrounding commercial establishments.

The purpose of the new signs is to unify the signage of Cactus Club cafes across the chain and make it easier for patrons to read the illuminated signage in all seasons, day or night. The request to place the sign above the parapet of the building is reflective of the auto dominated nature of the business and the area, and does not compromise the scale or visual qualities of the building.

4.0 Proposal

4.1 Project Description

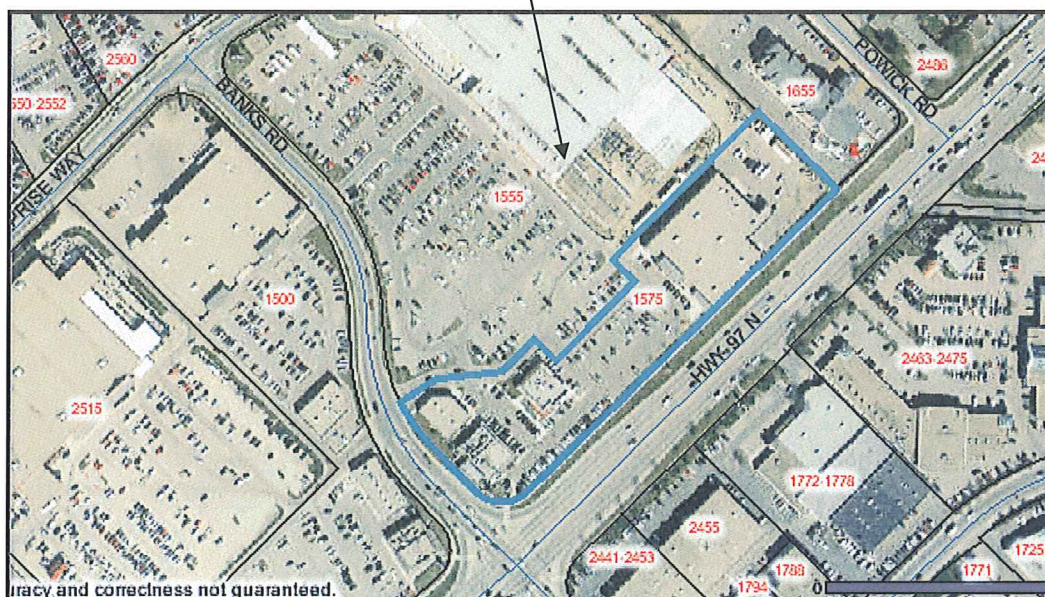
The Cactus club has been situated in its current location for a number of years and has seen periodical updates to the exterior and additions to the patio for their patrons. The current red script signs are being upgraded to a modern look for all Cactus Club locations. The applicant feels that the new signs are more modern and tasteful than the existing red signs.

4.2 Site Context

The subject property is located on the north-west side of Highway 97 in the Highway centre area of Kelowna. The surrounding properties are zoned as follows:

<u>Direction</u>	<u>Zone</u>
North	C3 - Community Commercial (Central Park Shopping centre)
West	C3R- Community Commercial
East	C4 - Urban Centre Commercial
South	C4 - Urban Centre Commercial

4.3 Subject Property Map: 1575 Banks Road



5.0 Current Development Policies

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

Section 17.0 - Signage¹

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.

6.0 Technical Comments

6.1 Building & Permitting Department

Structural Engineer required to provide connection details at time of building permit application.

6.2 Development Engineering Department

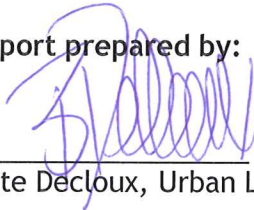
The Development Engineering comments and requirements regarding this development variance application for additional signs around the building are as follows:

- The proposed sign replacement does not compromise any Municipal infrastructure.
- This application does not trigger any offsite upgrades.

7.0 Application Chronology

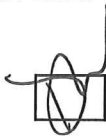
Date of Application Received: April 19, 2012

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:

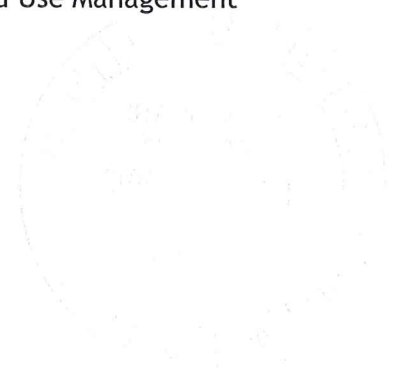


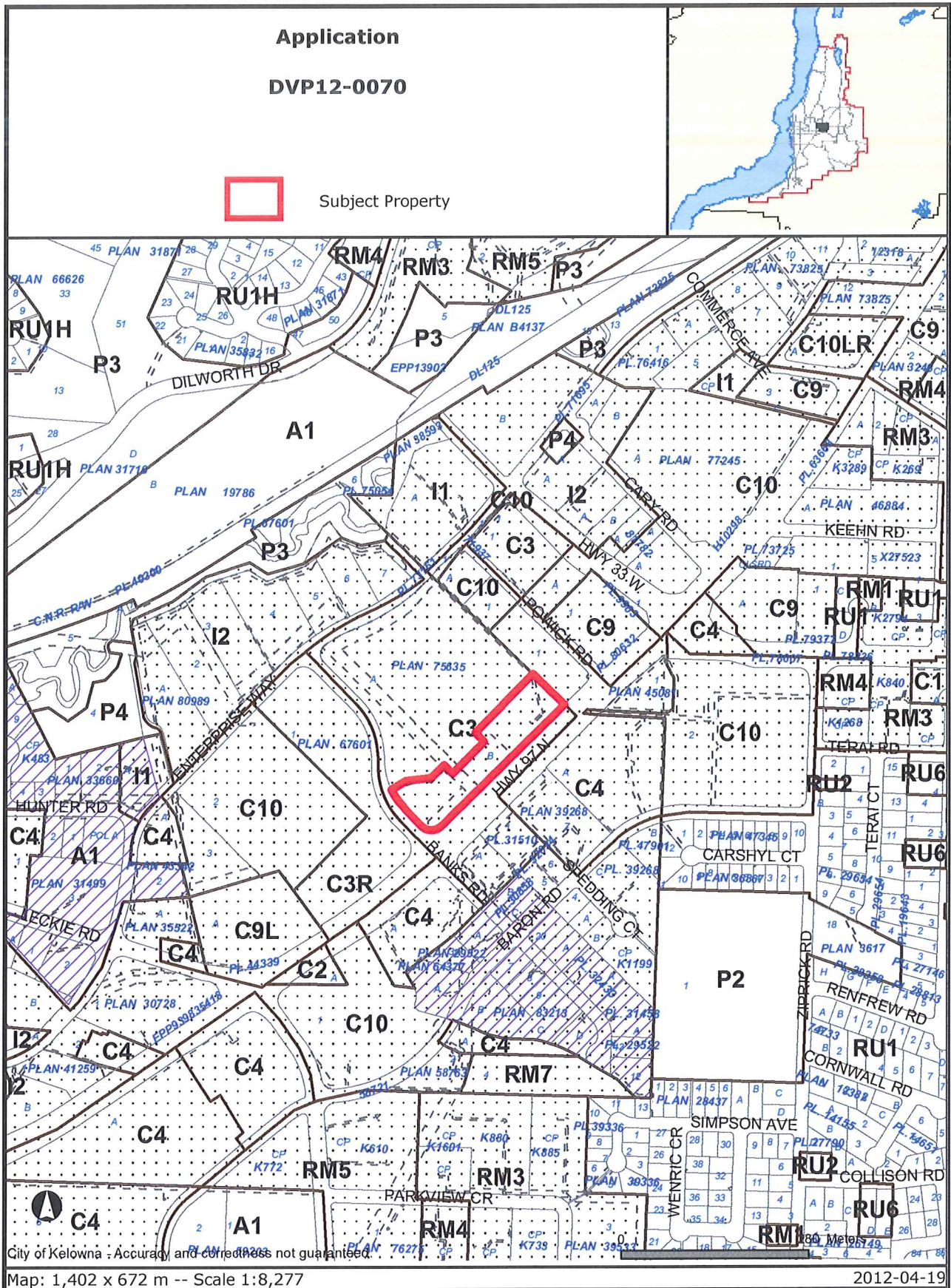
Shelley Gambacort, Director, Land Use Management

Attachments:

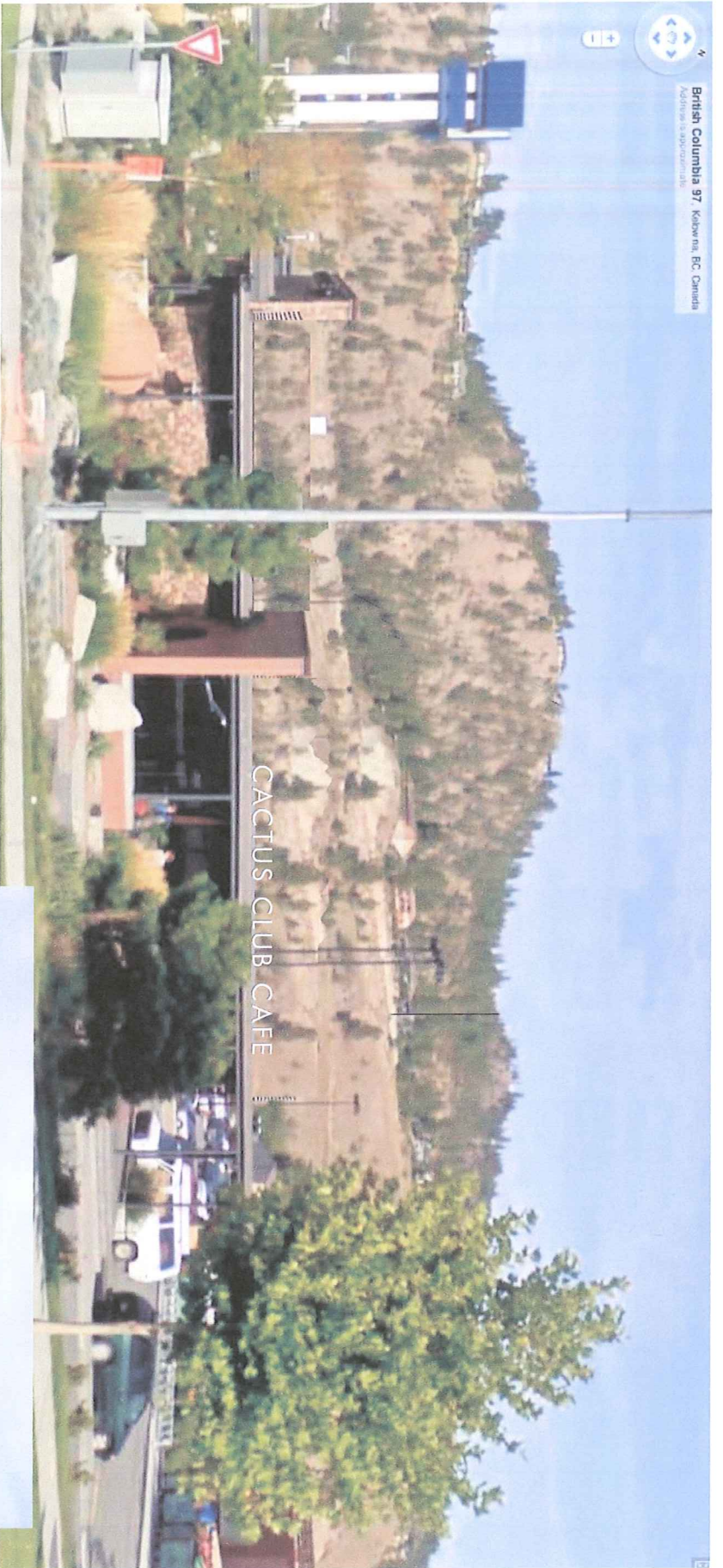
Subject Property Map
East Conceptual Elevations
Sign details

¹ OCP Chapter 14 page 14.13



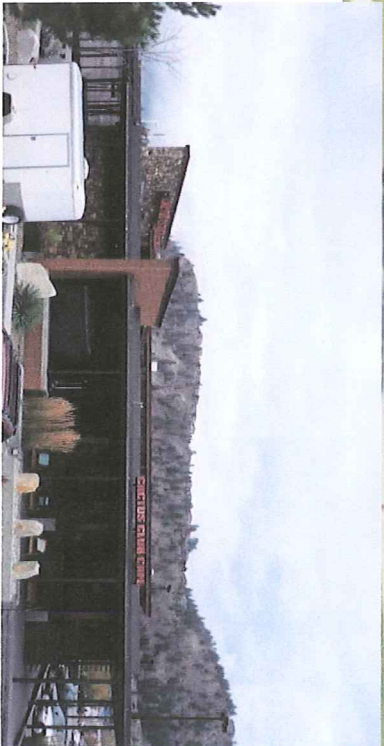


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



East Elevation

- PROPOSED: SUPPLY AND INSTALL :
- ONE(1) SET 2'-0" IN HEIGHT CHANNEL LETTERS
- READING: "CACTUS CLUB CAFE"
- MOUNTED ON STRUCTURAL
- SUPPORTING RACEWAY PAINTED TO MATCH ROOF TOP
- REMOVE EXISTING RED NEON BORDER TUBING



* NOTE
Colors in this proposal may vary slightly
from those actually used in production
due to print and lighting differences.

LetterArt Neon Ltd.
3905 ST. JOHNS STREET
VANCOUVER, BC
V6J 1A1
TEL: (604) 461-3919
FAX: (604) 461-3919
www.letterartneon.com

DATE	BY	DESIGN NO.	REVISIONS	SHEET NO.	SCALE	DATE	BY	CLIENT NAME/LOCATION	ADDRESS	W.O. NUMBER
06.10.10	W.WRIGHT	1271-10		3 OF 6	NOTED	18.11.10	T.BENKO	CACTUS CLUB CAFE		16989
14.10.10	T.BENKO					13.01.11		KELOWNA		
	R.S.MITH					07.02.11				
						08.02.11				
						29.04.11				
						22.06.11				

PRODUCTION MANAGER

SALES

DESIGN

PRODUCTION MANAGER

DESIGNER

DATE

BY

DESIGN NO.

REVISIONS

SHEET NO.

SCALE

DATE

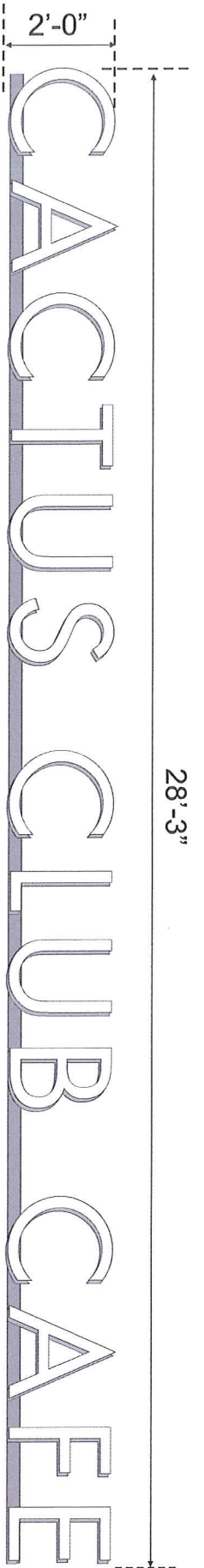
BY

CLIENT NAME/LOCATION

ADDRESS

W.O. NUMBER

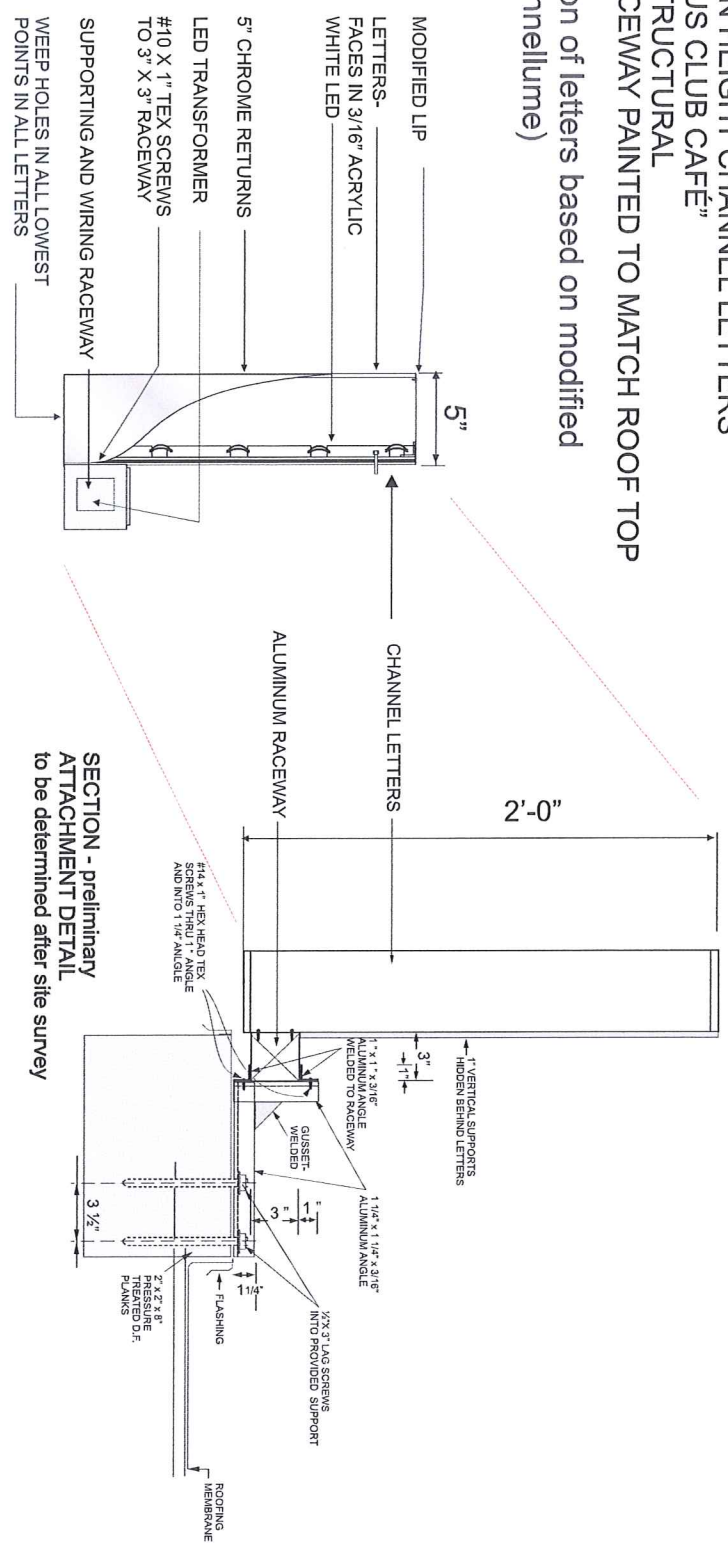
PROD. APPROVAL



East Elevation

PROPOSED: SUPPLY AND INSTALL:
 ONE (1) SET 2'-0" IN HEIGHT CHANNEL LETTERS
 READING: "CACTUS CLUB CAFE"
 MOUNTED ON STRUCTURAL
 SUPPORTING RACEWAY PAINTED TO MATCH ROOF TOP

Note: Construction of letters based on modified (smaller lip - channel lumen)



SECTION

SECTION - preliminary
 ATTACHMENT DETAIL
 to be determined after site survey

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 3550 ST. JAMES STREET
 ROYAL MOUNTAIN RD
 CANADA V4H 2G9
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 WWW.LETTERARTNEON.COM

DATE	BY	DESIGN NO.	REVISIONS	SHEET NO.	SCALE	DATE	BY	CLIENT NAME/LOCATION ADDRESS
08.10.10	WYBRIGHT	1271-10		4 OF 6	NOTED	18.11.10	TIBENKO	CACTUS CLUB CAFE
12.10.10	TIBENKO					13.01.11		KELOWNA
	R. SMITH					08.02.11		
						29.04.11		
						22.06.11		

PRODUCTION MANAGER
 R. SMITH

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16989
 W.O. NUMBER
 PROD. APPROVAL

*NOTE
 Color in this proposal may vary slightly from those actually used in production due to print and vinyl translucency.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP12-0070

EXISTING ZONING DESIGNATION:	C3- Community Commerical
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Kelowna Central Park Phase II Properties Ltd. APPLICANT: R. Olafson
LOCATION OF SUBJECT SITE: 1575 Banks Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	B	125	KAP75635			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:

AND THAT a variance to the following section of Sign Bylaw No. 8235 is granted:

Section 5.5.1 (a) - Fascia Signs:

To vary the regulation to allow a fascia sign to project above the roofline or parapet, 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 ___st of JUNE, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ___TH DAY OF JUNE 2012.

Shelley Gambacort
Director of Land Use Management