

# DEVELOPMENT PERMIT



## APPROVED ISSUANCE OF DEVELOPMENT PERMIT NO. DP15-0264

**Issued To:** RG Properties Ltd., INC. NO. BC0812619  
**Site Address:** 1835 Gordon Drive  
**Legal Description:** Lot A, DL 137, ODYD, Plan KAP64836, Except Plan EPP33990  
**Zoning Classification:** C4LP - Urban Center Commercial - Liquor Primary  
**Development Permit Area:** MXR - Mixed use Residential

### 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.

The issuance of a Permit limits the Permit Holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

### 1. TERMS AND CONDITIONS

THAT Development Permit No. DP15-0264 for Lot A, DL 137, ODYD, Plan KAP64836, Except Plan EPP33990, located at 1835 Gordon Drive, Kelowna, BC to allow the construction for an animated sign be approved subject to the following:

THAT Council authorizes the issuance of Development Permit No. DP15-0264 for Lot A, DL 137, ODYD, Plan KAP64836 Except Plan EPP33990, located at 1835 Gordon Dr. Kelowna, BC subject to the following:

1. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "A";
2. Sign copy shall remain in place for a minimum of 6.0 seconds before switching to the next copy;
3. The maximum transition time between each digital copy shall not exceed 0.25 seconds;
4. Copy shall not be shown on the digital display using full motion video or otherwise give the appearance of animation of movement, and the transition between each digital copy shall not be displayed using any visible effects, including but not limited to action, motion, fading in and out, dissolving, blinking, intermittent, or flashing light or the illusion of such effects;

5. Copy shall not be shown in a manner that requires the copy to be viewed or read over a series of sequential copy messages on a single digital display, or sequences on multiple digital displays;
6. The signs must be equipped with an ambient light sensor;
7. The digital display shall not increase the light levels adjacent to the digital display by more than 3.0 LUX above the ambient light level;
8. While the sign is in operation, the light output for the digital display shall be set in accordance with the following maximum luminance levels when measured from the sign face at its maximum brightness:
  - a. From sunrise to sunset, 7500 Nits;
  - b. From sunset to sunrise, 300 Nits
9. If any component on the sign fails or malfunctions the sign shall be programmed to automatically turn off.

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

#### PERFORMANCE SECURITY

None required.

#### 2. 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 that shall form a part hereof.

If the Permit Holder does not commence the development permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

**This Permit IS NOT a Building Permit.**

#### 3. APPLICANT'S AGREEMENT

I hereby declare that all of 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 and/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 Divisional Director of Community Planning & Real Estate.

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



---

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

---

**Date:** November 18, 2015  
**File No.:** DP15-0264

**To:** Community Planning (RR)

**From:** Development Engineering Manager

**Subject:** 1835 Gordon Drive REVISED Comments Sign Alterations

---

Development Engineering Services comments and requirements pertaining to this application are as follows:

General

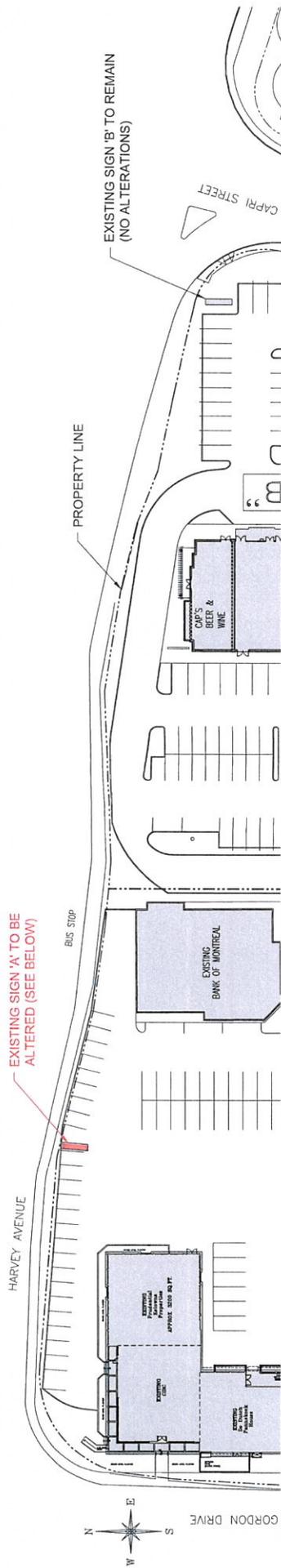
*The Development Permit application to alter the existing sign to permit the installation of a video screen will not compromise City of Kelowna servicing requirements but does create the following concerns;*

- *Distraction for drivers approaching the intersection (both directions)*
- *Distraction for drivers waiting at the signal – green on the display could easily be mistaken for a green signal.*
- *The magnitude of the sign can cause temporary ‘flash-blindness’, making it difficult for drivers to see the traffic signal, pedestrians etc...*

---

Steve Muenz, P. Eng.  
Development Engineering Manager

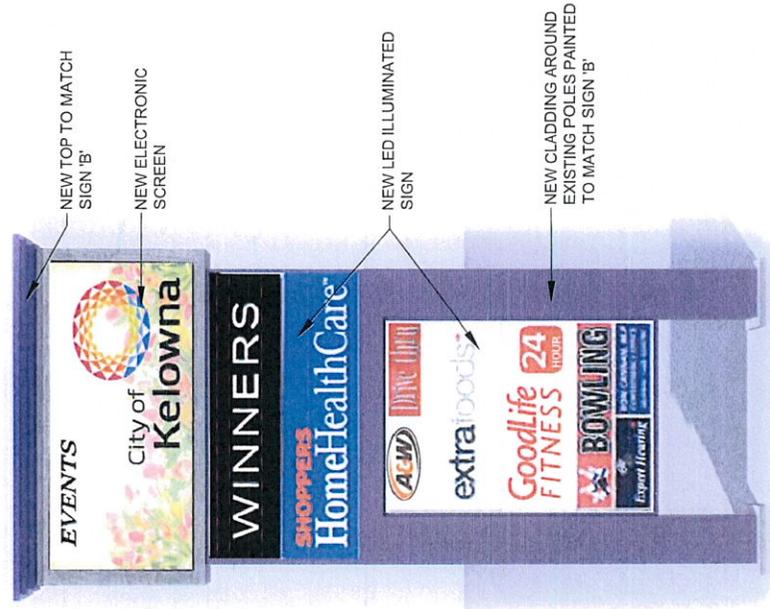
SS



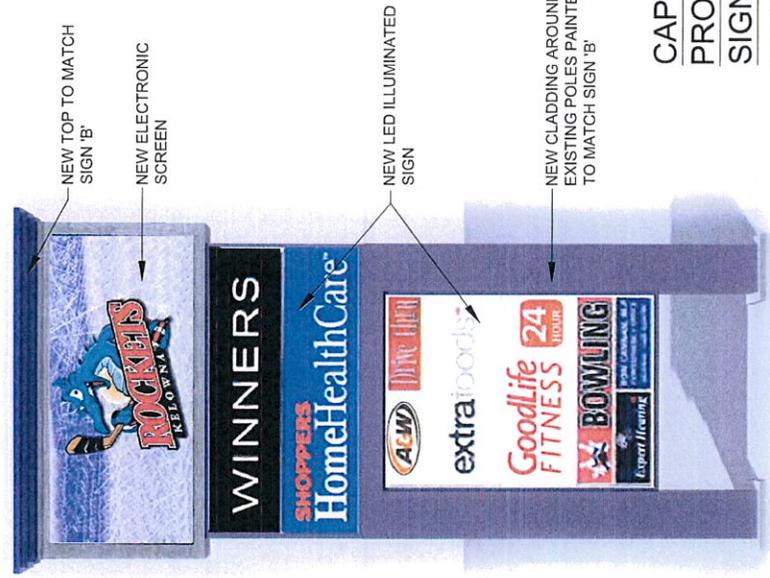
CAPRI CENTRE PARTIAL SITE PLAN  
N.T.S.



EXISTING SIGN 'A'



UPDATED SIGN 'A' - WEST ELEVATION



UPDATED SIGN 'A' - EAST ELEVATION

**CAPRI CENTRE  
PROPOSED  
SIGN ALTERATION**

1835 GORDON DRIVE  
OCT 16, 2015