



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Roy Nuriel
Economic Development Planner

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: December 12, 2022
REPORT DATE: November 16, 2022
FILE: 3090-20 (DVP00588)

SUBJECT: DEVELOPMENT VARIANCE PERMIT FOR 4816, 4960 AND 5000 SILVER STAR ROAD

PURPOSE:

To review Development Variance Permit Application 00588 (DVP00588) for three freestanding signs for the business park located at 4816, 4960 and 5000 Silver Star Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00588 (DVP00588) to vary the following sections of Sign Bylaw 4489 to allow for three freestanding signs to be constructed on Lots 1 and 2, Plan EPP91551, Sec 2, Twp 8, ODYD (4816 and 5000 Silver Star Road) and on Lot B, Plan 39472, Sec 2, Twp 8, ODYD (4960 Silver Star Road):

- a) to vary the minimum clearance of freestanding signs from 2.75m to 1.6m (Part III Section C.3.a); and
- b) to vary the freestanding signs location to be 1.0m from the property line and the signage area to be located from 1.6m instead of 2.75m (Part III Section C.3.b);

AND FURTHER, that Council's support of DVP00588 is subject to the following:

- a) the site plan and signs elevation generally noted as Attachments 2 and 3 contained in the report titled "Development Variance Permit for 4816, 4960 and 5000 Silver Star Road" dated November 16, 2022 and respectfully submitted by the Economic Development Planner be attached to and form part of DVP00588 as Schedule 'A'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00588 (DVP00588) to vary the following sections of Sign Bylaw 4489 to allow for three freestanding signs to be constructed on Lots 1 and 2, Plan EPP91551, Sec 2, Twp 8, ODYD (4816 and 5000 Silver Star Road) and on Lot B, Plan 39472, Sec 2, Twp 8, ODYD (4960 Silver Star Road) as outlined in the report titled "Development Variance Permit for 4816, 4960 and 5000 Silver Star Road" dated November 16, 2022 and respectfully submitted by the Economic Development Planner:

- a) to vary the minimum clearance of freestanding signs from 2.75m to 1.6m (Part III Section C.3.a); and
- b) to vary the freestanding signs location to be 1.0m from the property line and the signage area to be located from 1.6m instead of 2.75m (Part III Section C.3.b).

Note: This alternative does not support the development variance permit application for the remaining three freestanding signs of the business park. The owner would need to redesign the signage in accordance with the bylaw.

ANALYSIS:

A. Committee Recommendations:

At its meeting of November 15, 2022, the Advisory Planning Committee passed the following resolution:

THAT Council support Development Variance Permit Application 00588 (DVP00588) to vary the following sections of Sign Bylaw 4489 to allow for three freestanding signs to be constructed on Lots 1 and 2, Plan EPP91551, Sec 2, Twp 8, ODYD (4816 and 5000 Silver Star Road) and on Lot B, Plan 39472, Sec 2, Twp 8, ODYD (4960 Silver Star Road):

- a) to vary the minimum clearance of freestanding signs from 2.75m to 1.6m (Part III Section C.3.a); and*
- b) to vary the freestanding signs location to be 1.0m from the property line and the signage area to be located from 1.6m instead of 2.75m (Part III Section C.3.b);*

AND FURTHER, that Council's support of DVP00588 is subject to the following:

- a) the site plan and signs elevation generally noted as Attachments 2 and 3 contained in the report titled "Development Variance Permit for 4816, 4960 and 5000 Silver Star Road" dated October 24, 2022 and respectfully submitted by the Economic Development Planner be attached to and form part of DVP00588 as Schedule 'A'.*

B. Rationale:

1. The subject properties are located at 4816, 4960 and 5000 Silver Star Road (Figures 1 and 2). The total area of the lots is 2.71 hectares (6.7 acres). The subject properties are designated Light Industrial/Service Commercial (4960 and 5000 Silver Star Road) and Community Commercial (4816 Silver Star Road) in the Official Community Plan (OCP) and zoned I1: Light Industrial (5000 Silver Star Road), RR: Rural Residential (4960 Silver Star Road) and C5: Community Commercial (top of the bank, 4816 Silver Star Road) in Zoning Bylaw 5000. The properties are used for the Silver Star Gateway Business Park, a master planned, three phased industrial and commercial development. The first phase of the business park was completed, and currently the work on phase two is underway.

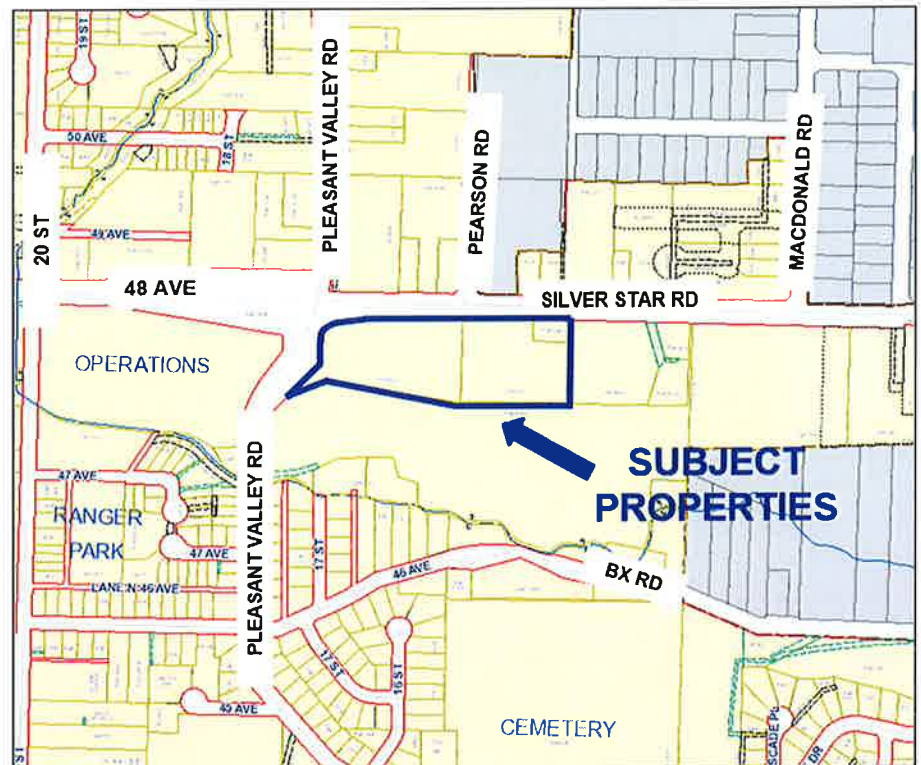


Figure 1 - Location of Subject Property

2. The applicant is proposing to erect three freestanding signs, one on each property, in the front yard for the business park (Attachments 2 and 3). Signs within the city are subject to the regulations of Sign Bylaw 4489. The applicant is seeking to vary the following sections of Sign Bylaw 4489:

- a) to vary the minimum clearance of freestanding signs from 2.75m to 1.6m (Part III Section C.3.a); and
- b) to vary the freestanding signs location to be at 1.0m from the property line and the signage area to be located from 1.6m instead of 2.75m (Part III Section C.3.b).



Figure 2 - Aerial View of Subject Property

In their letter (Attachment 1), the applicant has provided a rationale for the requested variances.

3. As illustrated in Attachments 2 and 3, the signs are proposed to be 7.3m (24ft) high, 3.2m (10.4ft) wide, and 0.6m (2.2ft) deep. The proposed siting at 1.0m from the front property line does not meet the bylaw requirement of 3.0m, and the proposed vertical clearance of the tenant sign panels at 1.6m above grade does not meet the bylaw requirement of 2.75m. The rationale behind Section C.3 for Clearance in Sign Bylaw 4489 is to eliminate the impact of freestanding signs on site lines to the road. However, due the width of the road right away along Silver Star Road, which includes a multi-use path and a drainage corridor, the actual buffer between the proposed freestanding signs and the edge of the road would be over 8.0m, which will not restrict the visibility of motorists and active transportation users.
4. At their hearing held on July 28, 2020, the Board of Variance reviewed a similar application from the applicant to install a freestanding for the business park. With the application, the applicant has presented rationale for hardship and the requested variance was supported by the Board. Due a clerical error, the site plan attached to the Board of Variance's resolution included only the freestanding sign for phase one (Figure 3), instead for the all phases of the business park. As such, an additional variance is required in order to install the remaining three identical freestanding signs of the business park.
5. The Sign Bylaw requires updating to reflect new design and technology. That update will include a review of best practices and consideration of safety issues, and will be brought forward to Council for its consideration in the future. This is on Administration's work plan, to be undertaken as time permits.



Figure 3 – Silver Star Gateway Business Park Phase One Freestanding Sign

6. Administration supports the development variance application for the following reasons:

- a) Traffic and Active Transportation: The proposed freestanding signs are to be located at least 8.0m back from the Silver Star Road edge and would not restrict the visibility of motorists and active transportation users leaving the property.
- b) Site Aesthetics: The proposal for lowering the clearance of the freestanding signs would allow the installation of identical freestanding signs to the one that was erected in phase one and supported by the Board of Variance on July 28, 2020. Having the freestanding signage look different for the remaining phases of the business park would detract from the aesthetic appeal and consistent design of the business park along Silver Star Road.
- c) Sign Bylaw 4489: The Sign Bylaw requires updating to reflect new design and technology. That update will include a review of best practices and consideration of safety issues, and will be brought forward to Council for its consideration in the future.

C. Attachments:

Attachment 1 – Applicant's letter dated September 1, 2022

Attachment 2 – Site plan

Attachment 3 – Proposed freestanding signage

D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The subject rezoning application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Work towards a sustainable Vernon – environmentally, economically and socially
- Be a leader in economic development

E. Relevant Policy/Bylaws/Resolutions:

1. Sign Bylaw 4489

Part III Sections C.3a and C.3b state the following:

“3. Clearance

- a) A freestanding sign shall have a minimum clearance of 2.75m (9.0 ft).
- b) A freestanding sign located within 3.0m (9.84ft) of a road right-of-way shall have no signage other than the supporting structure located between 1.0m (3.28ft) and 2.75m (9.0ft) above grade”.

2. At their hearing held on July 28, 2020, the Board of Variance passed the following resolution for 5000 Silver Star Road:

‘BE IT RESOLVED’ that the Board of Variance approve the application submitted by the owners of 5000 Silver Star Road to allow variance of Part III, Sections C.3.a and b of Sign Bylaw 4489 to allow a freestanding sign with a minimum clearance of 1.6m, sited between 3.0m but not less than 1.0m of the road right of way provided that no signage other than the supporting structure is located less than 1.6m above grade.

3. The *Local Government Act* provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Roy Nuriel
Economic Development Planner

Will Pearce, CAO

Date: 05. Dec. 2022

X

for Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Nov. 15/22) | | |
| <input type="checkbox"/> OTHER: | | |

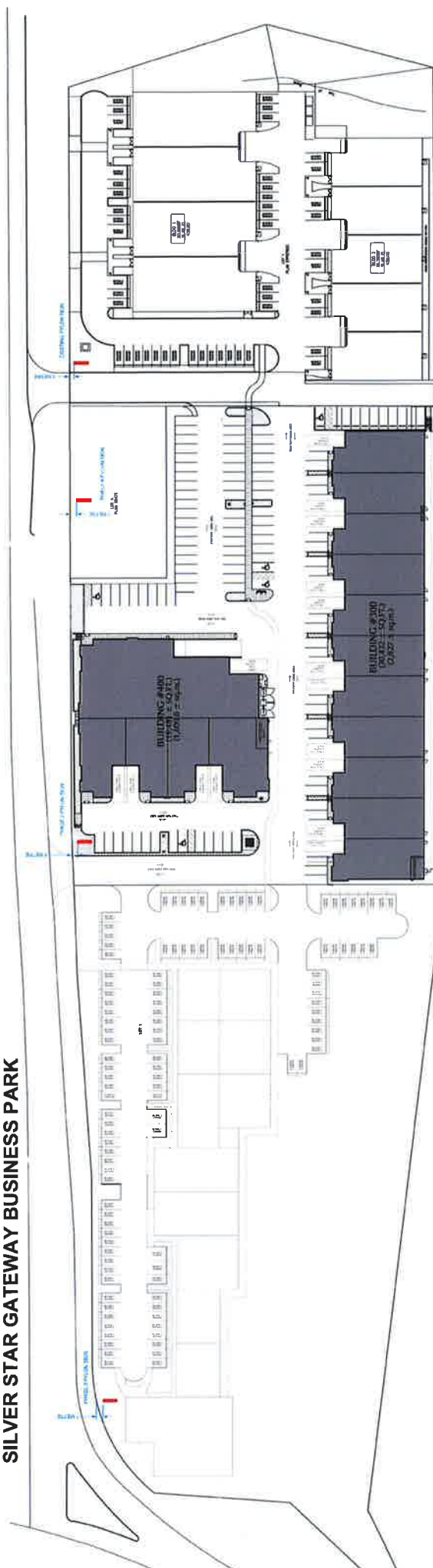


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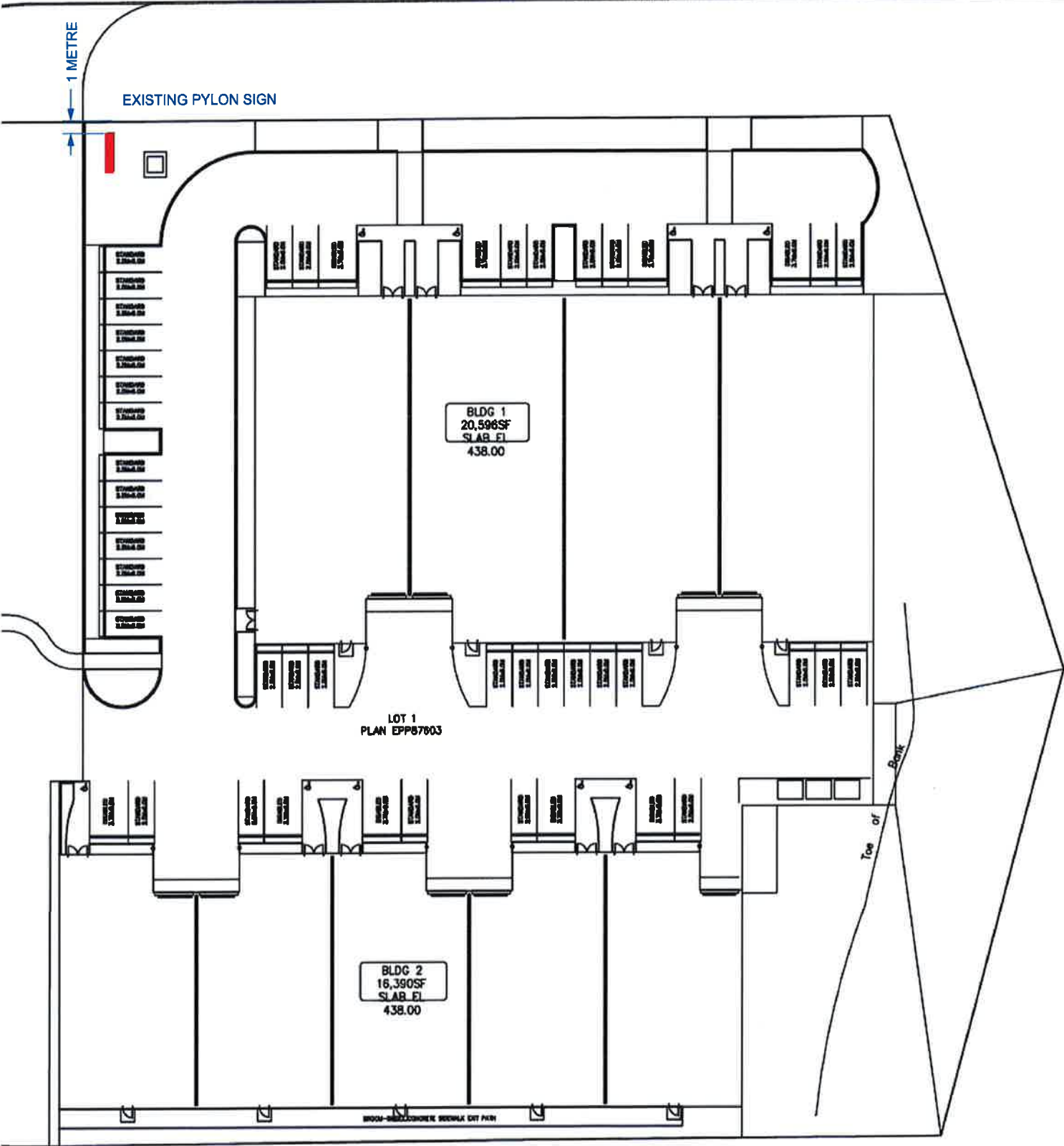
Development Variance Permit Application Rationale for Variance

The rationale for the variances requested in our DVP Application dated September 1st, 2022 are described below:

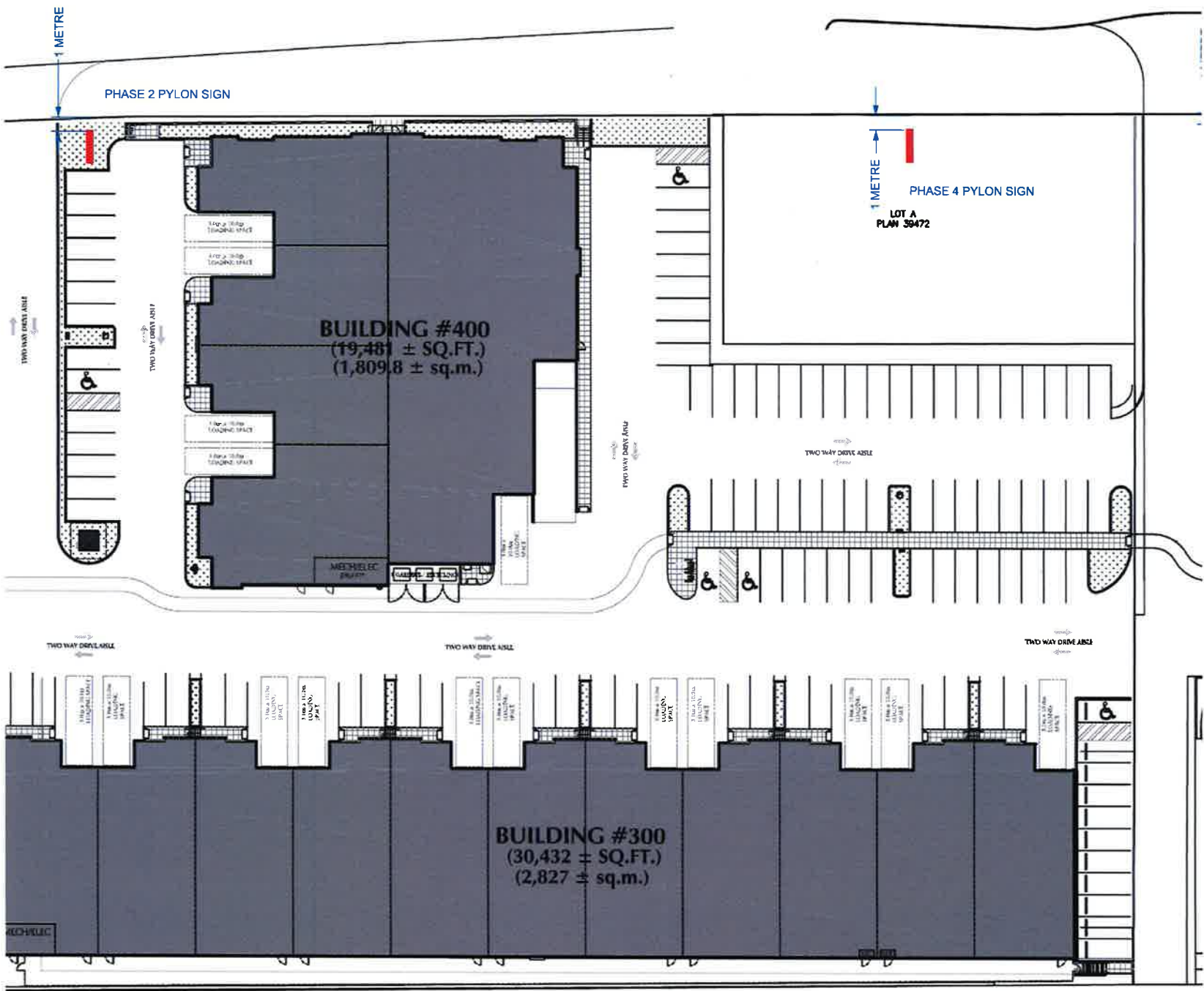
- On July 28, 2020 we successfully appealed to the board of variance regarding the same signage variance requested in this DVP application.
- It was our intent in the original board of variance application to have these variances apply to all pylon signs to be erected in each of the phases of Silver Star Gateway Business Park, but I have been informed that due to an error in the documentation, parts of the plan were cut off and only the phase 1 lot was shown to the board of variance at that time.
- Our original master plan presented to the City as well as our submitted and accepted development permit have always shown the freestanding signs in the same location, orientation, and style of signage.
- The phase 1 freestanding signage was installed in 2020 as a result of the board of variance's decision on July 28, 2020 and it was our understanding that all future freestanding signs would be identical in form and character as well as in location to what was erected in phase 1.
- Having the freestanding signage look different for the remaining phases of this project would detract from aesthetic appeal. Our vision for signage had always been promoted to have multiple freestanding signs on Silver Star Road so that they all line up in an aesthetic and consistent manner when traveling westbound on Silver Star Road.
- The requested location for the pylon sign is 1.0m from the property line but is actually over 8 meters from the road's edge as there is a bike lane, city storm culvert, drainage and a pathway between the property and the road. Given the significant distance between our proposed sign location and the road, site lines to the road will not be impacted.
- The signage bylaw appears to favour old-style freestanding signs – ones that contemplate a two-post design with a cabinet suspended between the posts with clearance required of 2.75m under the cabinet. Our intended design provides a modern appearance utilizing one vertical support structure with a cantilevered signage cabinet. Modern freestanding signs that are lower rather than higher are favoured by tenants as they prefer their signage to be closer to eye level. If we were to simply widen the base of our design, we could circumvent this bylaw but the result would reduce site line visibility, affect the modern aesthetic, and would incur additional and unnecessary cost.



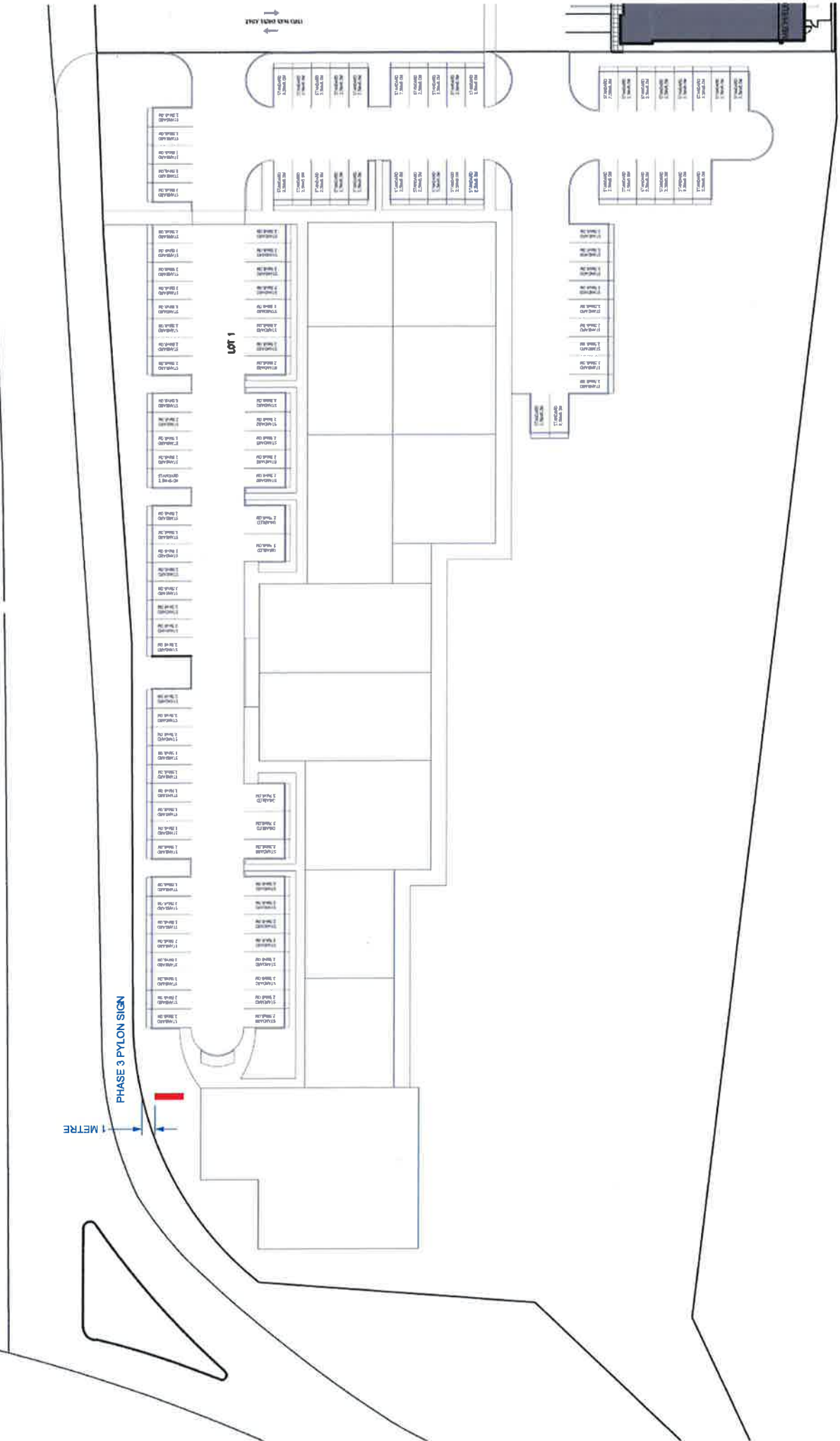
SILVER STAR GATEWAY BUSINESS PARK - PHASE ONE



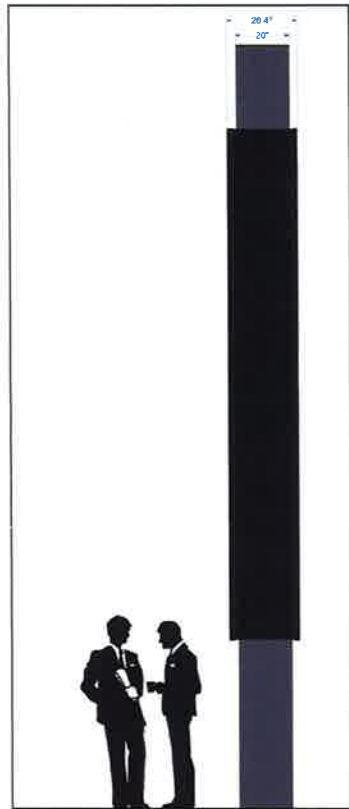
SILVER STAR GATEWAY BUSINESS PARK - PHASE TWO & FOUR



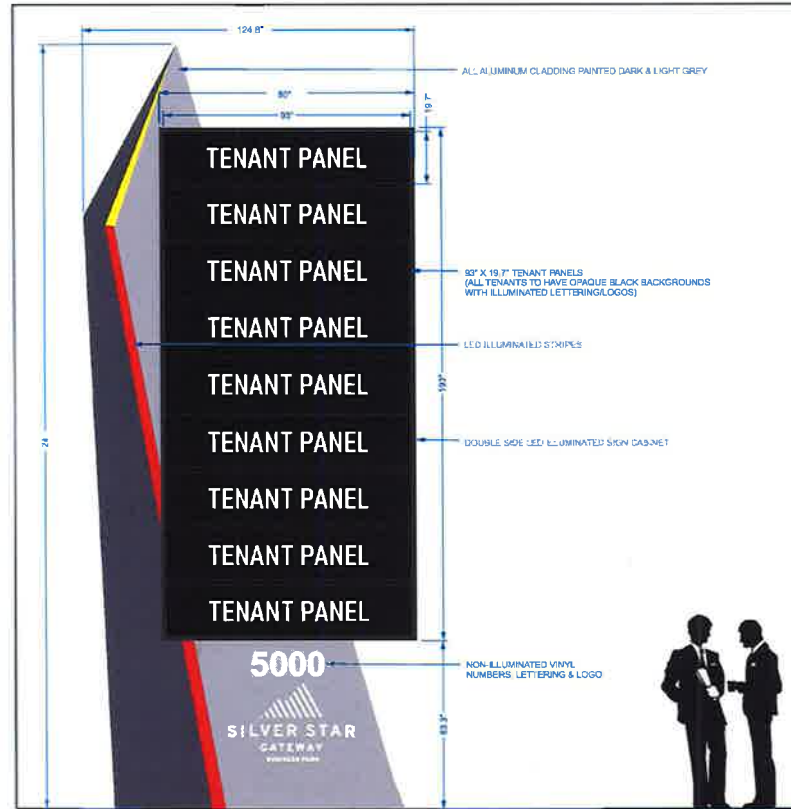
SILVER STAR GATEWAY BUSINESS PARK - PHASE THREE



SILVER STAR GATEWAY BUSINESS PARK - ALL FUTURE PHASES - PYLON SIGN - CONCEPT SKETCH



END VIEW



FACE VIEW



3-D VIEW

UFOs MADE HERE

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West Coast Hagan Works DBA

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CONTACT:
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APPROVED

DATE

LANDSCAPE APPROVAL

DATE

BCB SHANT

REPRESENTATIVE

ARTWORK

JUNE 13 2027

DRAWING DATE

REVISION DATE