



COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 25, 2022

From: Jayden Riley, Planner II

File No: DVP 21-27

Subject: **DVP 21-27; Development Variance Permit; Hwy 97 S (Goats Peak)**

RECOMMENDATION

THAT Council approve the issuance of a Development Variance Permit (DVP 21-27) that varies S.5.2.1 and S.6.7.1(b) of Sign Bylaw No. 0250, to permit one off-site sign, and increase the maximum size of two temporary real estate signs (inclusive) from 6.0 m² to 18.6 m² and 8.9 m², in accordance with the attached permit (*Attachment 1*), subject to adoption of Z 20-04 (Goat's Peak, Block C).

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Council's Strategic Priorities 2022).

BACKGROUND

This application is seeking a Development Variance Permit that varies Sign Bylaw No. 0250 to permit one off-site sign, and increase the maximum size of two temporary real estate signs (inclusive) from 6.0 m² to 18.6 m² and 8.9 m². The signage is for the purpose of wayfinding and marketing the development proposed for the Goats Peak Comprehensive Development Permit (CDP) Area. The applicant intends to locate additional real estate signage on the property, including an orientation trail shelter, which are anticipated to comply with the City Bylaws (*Figure 1, Attachment 2*). Only two of the signs require variances.

PROPERTY DETAILS			
Address		Highway 97 S	
PID		013-282-794	
Folio		36415236.100	
Lot Size		65.2 ha	
Owner	Goats Peak Lot A Holdings Corp. BC0764043	Agent	Shawn Nishimura, Emil Anderson Properties
Current Zoning	Rural Residential Large Parcel Zone (RU4), Rural Resource Zone (RU5)	Proposed Zoning	N/A (Z 20-04 in progress)

Current OCP	Single Family Residential, Low Density Multiple Family, Parks and Natural Areas, Rural Residential.	Proposed OCP	N/A (Z 20-04 in progress)
Current Use	Vacant	Proposed Use	Single Detached Dwelling, Duplex, Low Density Multiple Residential
Development Permit Areas	Hillside, Terrestrial, Wildfire		
Hazards	Hillside, Terrestrial, Wildfire		
Agricultural Land Reserve	None		

ADJACENT ZONING & LAND USES

North	^	Agriculture (A1), Timber Processing and Manufacturing Industrial (I3), Hwy 97 S
East	>	Rural Residential Large Parcel (RU4)
West	<	Rural Resource (RU5)
South	v	Goats Peak Regional Park (RDCO)

SUBJECT PROPERTY MAP



Legislative Requirements

Section 498 of The *Local Government Act* enables Council to amend the provision of the Sign Bylaw.

Background

The subject property is located within the Goats Peak CDP Area. The applicant is currently in the process of rezoning (File: Z 20-04) a portion of the subject property to support a mixture of single- and multi-family residential units in “Block C” of the Goats Peak CDP Area. The signage is anticipated for marketing and wayfinding to an orientation trail shelter, accessed from Gellatly Road South (*Figure 1, Attachment 2*).

The first phase of development is intended to be accessed via “Road I”, which will intersect with Gellatly Road South. This is also the approximate location of Sign 2.

Proposal

This application is seeking a Development Variance Permit that varies S.5 and S.6.6.1 of the City’s Sign Bylaw No. 0250 to increase the maximum size of two temporary real estate signs from 6.0 m² to 18.6 m² and 8.9 m², and one off-site sign. Both signs are for the purpose of marketing and wayfinding for the future Goat’s Peak development site. “Sign 1” is proposed at 18.6 m² located adjacent to Hwy 97 (eastbound) and “Sign 2” is 8.9 m² located off-site, in the public right of way at the intersection of Gellatly Road South and the entrance to the development site.



Figure 1: Signs 1 and 2 (identified by the red stars)

Sign 1 is intended as a marketing and wayfinding sign, directing northbound traffic from Hwy 97 to the orientation shelter located on Gellatly Road South (*Figures 1, 2, and 4*). Sign 2 (*Figure 3*) is proposed on Gellatly road south, approximately 120 m north from the Hwy 97 off-ramp, further directing traffic to the orientation shelter. Additional signage is proposed on Gellatly Road South, northbound and southbound, but is anticipated to comply with City Bylaws.

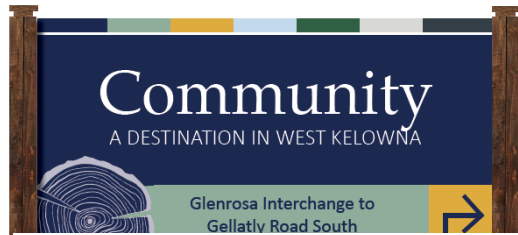


Figure 2: Sign 1, north-bound wayfinding sign (18.6 m²)



Figure 3: Sign 2, directional sign (8.9 m²/off-site)



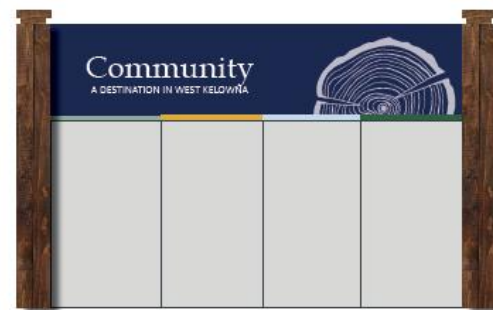
Figure 4: Sign 1 superimposed on hillside, northbound on Hwy 97



Wooden Pergola Sunshade / Shelter (Scale TBD)



Entrance Feature- Multi-Substrate Sign,
with Cut Aluminum Lettering (Scale TBD)



Community Orientation / Information Panels
(Scale TBD)

Figure 5: Additional signage for orientation trail and shelter (details TBD)

Policy and Bylaw Review

Zoning Bylaw No. 0154

The subject property currently contains Residential Large Parcel Zone (RU4) and Rural Resource (RU5) zones. A rezoning application proposing to amend portions of the subject property to Single Detached Residential (R1), Duplex Residential (R2), Low Density Multiple Residential (R3), and Parks and Open Spaces (P1), under File: Z 20-04, received Third Reading from Council on November 9, 2021. The proposed signage is intended to support the development under zoning.

Sign Bylaw No. 0250

S.5.2.1 of Sign Bylaw No. 0250 prohibits off-site signage. The lands involved in the first phase of development of the CDP Area, “Block C”, does not contain frontage, therefore a sign is proposed at the intersection of the access road and Gellatly Road South to direct traffic to a future orientation trail shelter for more marketing information.

S.6.7.1(b) of Sign Bylaw No. 0250 permits temporary real estate signage, defined as signage for advertising the sale or lease of multiple parcels within a development, provided that:

- signage is limited to one sign per 100 m of frontage;
- each sign has a maximum area of 6.0 m²; and
- all signs are removed within 20 calendar days following the completion of the sale or lease of the parcels within the development.

Sign 1 is proposed to exceed the maximum area of a temporary real estate sign from 6.0 m² to 18 m², in order to attract highway traffic; therefore, a variance is required.

Sign 2 is also proposed to exceed the maximum area of temporary real estate sign from 6.0 m² to 8.9 m² for the purpose of directing traffic to the orientation trail on Gellatly Road South. As stated above, this sign is also proposed off-site, which requires an additional variance.

For context, the “Welcome to West Kelowna” sign located adjacent to the northbound lane on Hwy 97 South, approximately 700 m from the Glenrosa Road overpass, is measured at 27.4 m², not including the West Kelowna Warriors add-on.

Other than stated in this report, all temporary real estate signs proposed for the site are anticipated to comply with the Sign Bylaw (e.g. height, size, setbacks, number per meters of frontage, etc.). The applicant has stated that they will remove the signs as the development of the area progresses, which is consistent provisions of the Sign Bylaw for temporary real estate signage.

Technical Review

The application was referred to internal departments and external agencies. No major issues were identified.

Following initial submission and review of the application, the size of Sign 2 was reduced to 8.9 m² to be commensurate with the speed of Gellatly Road South. No permits from the Ministry of Transportation is required for signage adjacent to Hwy 97, as proposed with this application. A sign permit will however be required with the Building Department, subject to the issuance of a development variance permit.

Due to the proposed location of Sign 2 in Gellatly Road South right of way, a Municipal Highways Permit is required prior its installation. At that time, sightlines and a specific location will be considered.

Public Notification

In accordance with the *Local Government Act*, 18 notices were mailed to property owners and tenants within 100 m of the subject property, as well as advertising in the local newspapers, advising how to make a submission for Council's consideration. Notice of Application signage has also been installed on site, in accordance with the City's Development Applications Procedures Bylaw No. 0260.

At the time of writing this report, no submissions have been received.

CONCLUSION

Staff recommend that Council approve issuance a Development Variance Permit that varies Sign Bylaw No. 0250, based on the following rationale:

- The area of the Sign 1 is determined to be reasonable due to the highway traffic speeds and is anticipated to comply with all other regulations outlined in the Sign Bylaw, such as setbacks, height, and lighting;
- Due to the non-existent frontage of Block C, it is reasonable to be able to post temporary real estate signage at the entrance road to the development; and
- Sign 2 will be reviewed for sightlines during the municipal highways permit process to ensure there is no impact to motorists and residents that frequent this area.

Alternate Motion:

1. Deny Application

THAT Council deny the issuance of a Development Variance Permit (DVP 21-27) that varies S.5.2.1 and S.6.7.1(b) of Sign Bylaw No. 0250, to permit one off-site sign and increase the maximum size of two temporary real estate signs (inclusive) from 6.0 m² to 18.6 m² and 8.9 m².

Should Council deny the proposed variances, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the

applicant may re-apply for a similar proposal no earlier than six months following initial Council consideration.

2. Postpone Consideration

THAT Council deny the issuance of a Development Variance Permit (DVP 21-27) that varies S.5.2.1 and S.6.7.1(b) of Sign Bylaw No. 0250, to permit one off-site sign and increase the maximum size of two temporary real estate signs (inclusive) from 6.0 m² to 18.6 m² and 8.9 m².

Should Council postpone consideration, further redirection to staff is requested.

REVIEWED BY

Brent Magnan, Planning Manager

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DVP 21-27
2. Applicant Temporary Signage Proposal