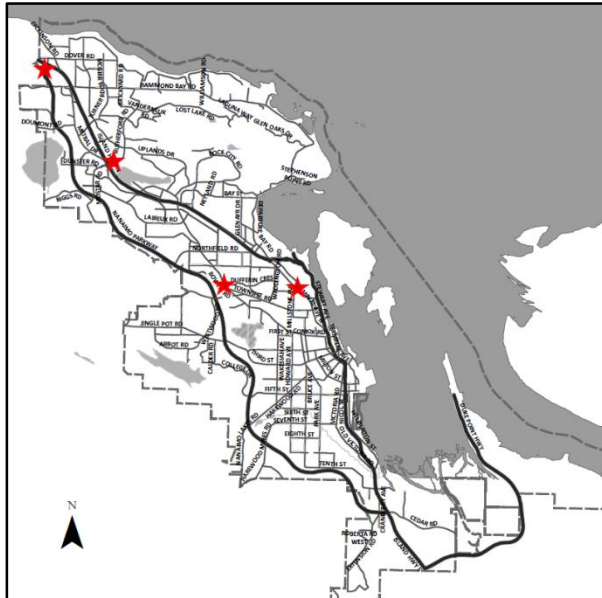


DATE OF MEETING | November 21, 2022

AUTHORED BY | SADIE ROBINSON, PLANNER, CURRENT PLANNING

**SUBJECT**                      **DEVELOPMENT VARIANCE PERMIT APPLICATION NOS. DVP414 – 1213 PRINCESS ROYAL AVENUE, DVP436 - 6675 MARY ELLEN DRIVE, DVP437 - 1835 BOWEN ROAD AND DVP438 - 4275 RUTHERFORD ROAD**



**Proposal:**

Variance to allow LED signs at existing commercial sites.

**DVP**

**Zoning:**

CC3-City Commercial Centre  
CC4-Woodgrove Urban Centre  
COR3-Community Corridor

**City Plan Land Use Designations:**

Mixed-Use Corridor  
Secondary Urban Centre

## OVERVIEW

### **Purpose of Report**

To present for Council's consideration, four development variance permits to allow LED menu board signs at four McDonald's locations. |

### **Recommendation**

That Council issue Development Variance Permits at:

- DVP414 at 1213 Princess Royal Avenue;
- DVP436 at 6675 Mary Ellen Drive;
- DVP437 at 1835 Bowen Road; and,
- DVP438 at 4275 Rutherford Road,

to allow the proposed LED menu board signs. |

## BACKGROUND

Four concurrent development variance permit applications, DVP414, DVP436, DVP437, and DVP438 were received from Pride Signs Ltd., on behalf of the individual franchise owners to vary the provisions of the City of Nanaimo "Sign Bylaw 1987 No. 2850" (the "Sign Bylaw"), to permit

LED menu board signs for four existing McDonald's drive-through restaurants at 1213 Princess Royal Avenue; 6675 Mary Ellen Drive; 1835 Bowen Road; and 4725 Rutherford Road.

### Subject Properties & Site Context

<i>Location</i>	<i>Lot Area</i>	
1213 Princess Royal Avenue	0.28ha	The subject property is located along the southeast boundary of Terminal Park Centre, on the west side of Princess Royal Avenue.
6675 Mary Ellen Drive	2.42ha	The subject property contains the Woodgrove Crossing commercial centre, on the west side of Mary Ellen Drive.
1835 Bowen Road	0.40ha	The subject property is located southwest of the intersection of Bowen Road and Dufferin Crescent.
4725 Rutherford Road	0.48ha	The subject property is located northwest of the intersection of Rutherford Road and Wills Road, adjacent to Nanaimo North Town Centre.

All sites are located within existing commercial centres throughout the City and are surrounded predominantly by a mix of commercial uses.

Signs containing Automated Changeable Copy (e.g. Light Emitting Diodes "LED signs") are prohibited by the Sign Bylaw, other than the portion of a sign used exclusively to display digital time, temperature, and/or gas price information. The applicant has requested a variance to allow the installation of modernized drive-through menu board signs which are intended to enhance user experiences and lower wait times associated with the drive-through lanes.

Statutory notification has taken place prior to Council's consideration of the variance. |

## **DISCUSSION**

### **Proposed Development**

The applicant is proposing to replace the existing back-lit menu board signs, installed between 2007 and 2014, with new signage to serve the existing dual drive-through lanes, including one pre-sale menu board and one menu board in each lane, for a total of four LED signs per site.

Menu board signs are exempt from requiring a sign permit provided the sign copy area does not exceed 4.5m<sup>2</sup> per sign, the lettering does not exceed 100mm in height (4 inches), and the signs are only directed toward drive-through patrons. The proposed signage complies with these criteria and would not require a sign permit, however, a variance is required to allow the LED component of the signs.

The proposed pre-sale menu boards are 1.85m<sup>2</sup> in size intended to promote varying specials, while the other menu boards are 3.09m<sup>2</sup> in size, and include an order confirmation screen. The LED copy area will not exceed 60% of each sign with a combined copy area of 5.54m<sup>2</sup> per site, which is a reduction from the existing combined sign copy area of approximately 15m<sup>2</sup> per site. The LED content will include static text and images, with a portion of the image display

transitioning to new text or image every 8-10 seconds. There will be no video or constant animation.

All existing signs are back-lit and double-sided, allowing them to rotate and display the current menu based on the time of day. All proposed signs are single-sided with an LED display that is oriented toward the drive-through lane, and include a solid backing on the side that faces adjacent roadways and parking areas. As the new menu boards are integrated with a speaker and microphone, the existing order station canopies and speaker posts will be removed.

On each site, the existing and proposed signs are oriented toward the drive-through lanes and away from adjacent streets. To help mitigate visibility of the signs offsite, specifically at 1213 Princess Royal Avenue and 4725 Rutherford Road, additional landscaping will be provided in accordance with the proposed Landscape Plans (see Attachment F).

## **Proposed Variance**

### *LED Signs*

In accordance with the Council adopted LED / Animated Signs Development Variance Permit Guidelines (the "Guidelines", Attachment G), the applicant has demonstrated how the proposed LED signs meet the intent of the Guidelines:

- The Guidelines suggest that no more than one LED sign be considered per lot with a maximum area of 9.29m<sup>2</sup>. There are four LED signs proposed for each site, however, they will not exceed a combined sign area of 5.54m<sup>2</sup>;
- The combined sign areas are reduced in comparison to the existing signage;
- The signs will be oriented away from the streets and facing the drive-through lanes, generally in the same location as existing signs to ensure the signs will not be a nuisance or distraction to drivers;
- On two properties, additional landscaping is proposed to augment existing screening;
- The LED sign copy will include predominantly static text and image displays, and the signs will be equipped with an automatic dimming display based on weather conditions and time of day;
- The proposed images have a display time of 8-10 seconds, which exceeds the minimum display time of 6 seconds;
- There are no residential dwellings located within 30m of the proposed signage.

The operational requirements of the Guidelines will be included as conditions of the development variance permits.

Staff reviewed the proposed signs and determined that they are supportable and meet the intent of the Guidelines. The LED signs allow menus to be changed automatically throughout the day without requiring staff to manually change the signs in areas of vehicular traffic or during inclement weather. The orientation of signs toward the drive-through lanes, and the use of automatic dimming in place of the existing back-lit signs supports City Plan policy (C1.8) to minimize artificial light pollution while balancing safety, energy, and dark sky preservation.

The more compact design results in a reduced sign copy area on all sites. The signs are appropriate in scale, and businesses will be able to more effectively serve patrons while reducing the signage elements onsite, as the new signs are integrated with a speaker and microphone allowing removal of the existing order canopies and/or speaker posts. No negative impacts are anticipated and Staff support the proposed variances.

### **SUMMARY POINTS**

- Development Variance Permit Application Nos. DVP414, DVP436, DVP437, and DVP438 propose variances to allow LED menu board signs for McDonald's drive-through lanes at four locations.
- The proposed signage meets the intent of the LED / Animated Signs Development Variance Permit Guidelines.
- Staff support the proposed variances.

### **ATTACHMENTS**

ATTACHMENT A: Permit Terms and Conditions  
ATTACHMENT B: Subject Property Maps  
ATTACHMENT C: Site Plans  
ATTACHMENT D: Existing Signage & Structures  
ATTACHMENT E: Proposed Signage  
ATTACHMENT F: Proposed Landscape Plans  
ATTACHMENT G: LED / Animated Signs – Development Variance Permit Guidelines  
ATTACHMENT H: Aerial Photos

#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay  
General Manager, Development Services  
/ Deputy CAO