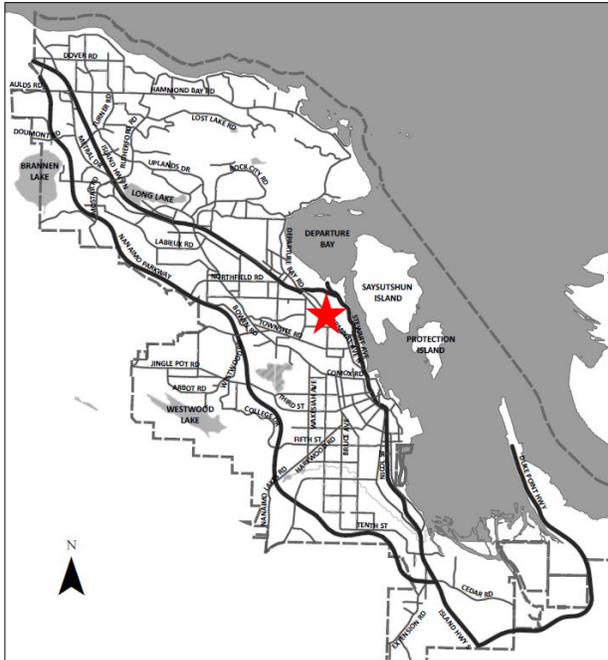


DATE OF MEETING July 10, 2023

AUTHORED BY PAYTON CARTER, PLANNER, CURRENT PLANNING

SUBJECT DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP452 – 1150 TERMINAL AVENUE N



Proposal:

Variance to allow LED signs at an existing commercial site.

Zoning:

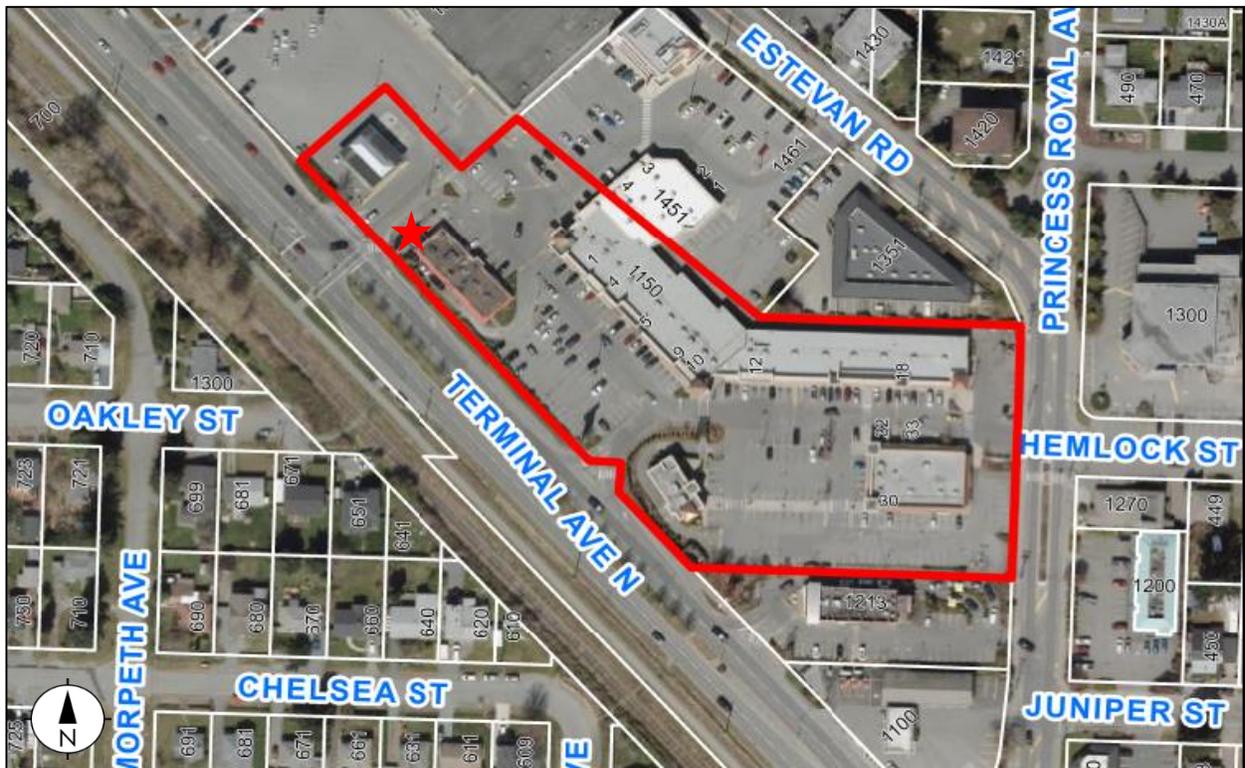
CC3-City Commercial Centre

City Plan Land Use Designation:

Mixed-Use Corridor

Lot Area:

18,180m²



OVERVIEW

Purpose of Report

To present for Council's consideration, a Development Variance Permit to allow LED signage at an existing Burger King Restaurant at 1150 Terminal Avenue North. |

Recommendation

That Council issue Development Variance Permit No. DVP452 at 1150 Terminal Avenue North to allow the installation of two LED signs with a variance as outlined in the "Proposed Variance" section of the Staff Report dated 2023-JUL-10. |

BACKGROUND

A Development Variance Permit, DVP452, was received by Pride Signs Ltd. on behalf of Fernco Development Ltd., Norco Development Ltd., and Lenco Development Ltd., to vary the provisions of the City of Nanaimo "Sign Bylaw 1987 No. 2850" (the "Sign Bylaw"), to permit a Light Emitting Diodes ("LED") signs at an existing Burger King Restaurant with a drive-through at 1150 Terminal Avenue N.

Subject Property and Site Context

The subject property is bordered by Terminal Avenue N. The restaurant is located within Terminal Park shopping centre and is immediately adjacent to Terminal Avenue N. The existing building and drive-through are partially below the grade of the road. The site is accessed by an internal drive aisle and is predominantly surrounded by existing commercial uses. A residential area is located across Terminal Avenue N.

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

DISCUSSION

Proposed Development

The applicant is proposing to remove the existing speaker post and menu board sign to be replaced with the proposed sheltered LED confirmation screen and LED menu board sign to serve the existing single-lane drive-through.

Signs containing an automated changeable copy (e.g. 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 an LED drive-through menu board sign and sheltered LED confirmation screen, which are intended to enhance user experience and lower wait times associated with the drive-through lanes.

The proposed LED confirmation screen features a single-sided screen which will display text confirming the order to the patron as well as an integrated speaker and microphone system. The copy area of the LED screen located on the face of the canopy unit is 1.09m². The replacement

menu board sign features a single-sided LED sign across three panels. The proposed sign is to be installed using the existing base and the copy area will be 2.00m².

Menu board signs are exempt from requiring a sign permit provided the sign copy area does not exceed 4.5m² 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 LED copy area will not exceed 60% of each sign with a combined copy area of 3.10m², which is a significant reduction from the existing 15.17m² combined sign copy area currently existing on the site. The visibility of the LED signage from the adjacent road is limited due to the difference in grade between Terminal Avenue N and the drive-through, as well as the existing railing and landscaping. 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 signage to be removed is currently back-lit and double-sided, allowing them to rotate and display the 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 internal drive aisle. As the proposed sheltered LED confirmation screen includes a speaker and microphone, the existing speaker post will be removed.

Proposed Variances

LED Signs

In accordance with the Council adopted LED / Animated Signs Development Variance Permit Guidelines (the “Guidelines”, Attachment F), 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 9.29m². There are two LED signs proposed for the site, however, they will not exceed a combined copy area of 3.10m²;
- The combined sign areas are reduced in comparison to the existing signage;
- The signs will be oriented away from public streets and facing the drive-through lanes, generally in the same location as existing;
- The LED sign copy will include predominantly static text and image displays, and the signs will be equipped with an ambient light sensor to adjust brightness 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 six seconds; and,
- 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 lane and the use of automatic dimming in place of the existing backlit signs supports City Plan policy (C1.8) to minimize artificial light pollution and considers safety, energy efficiency, and dark sky preservation.

The proposed design results in a reduced sign copy area on the site. The signs are appropriate in scale and do not negatively impact the commercial use of the site (signs are integrated with a speaker and microphone, allowing removal of the existing speaker post). No negative impacts are anticipated, and Staff support the proposed variances. |

SUMMARY POINTS

- Development Variance Permit Application DVP452 proposes a variance to allow an LED menu board sign and sheltered LED confirmation screen at an existing Burger King drive-through.
- 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 Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Existing Signage
ATTACHMENT E: Proposed Signage
ATTACHMENT F: LED / Animated Signs – Development Variance Permit Guidelines |

Submitted by:

Lainya Rowett
Manager, Current Planning |

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services
/ Deputy CAO |