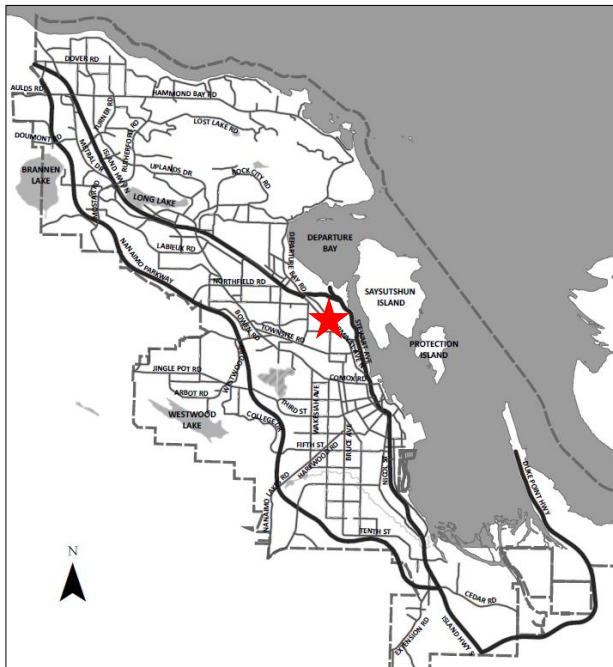


DATE OF MEETING July 10, 2023

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 |

ATTACHMENT A

PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

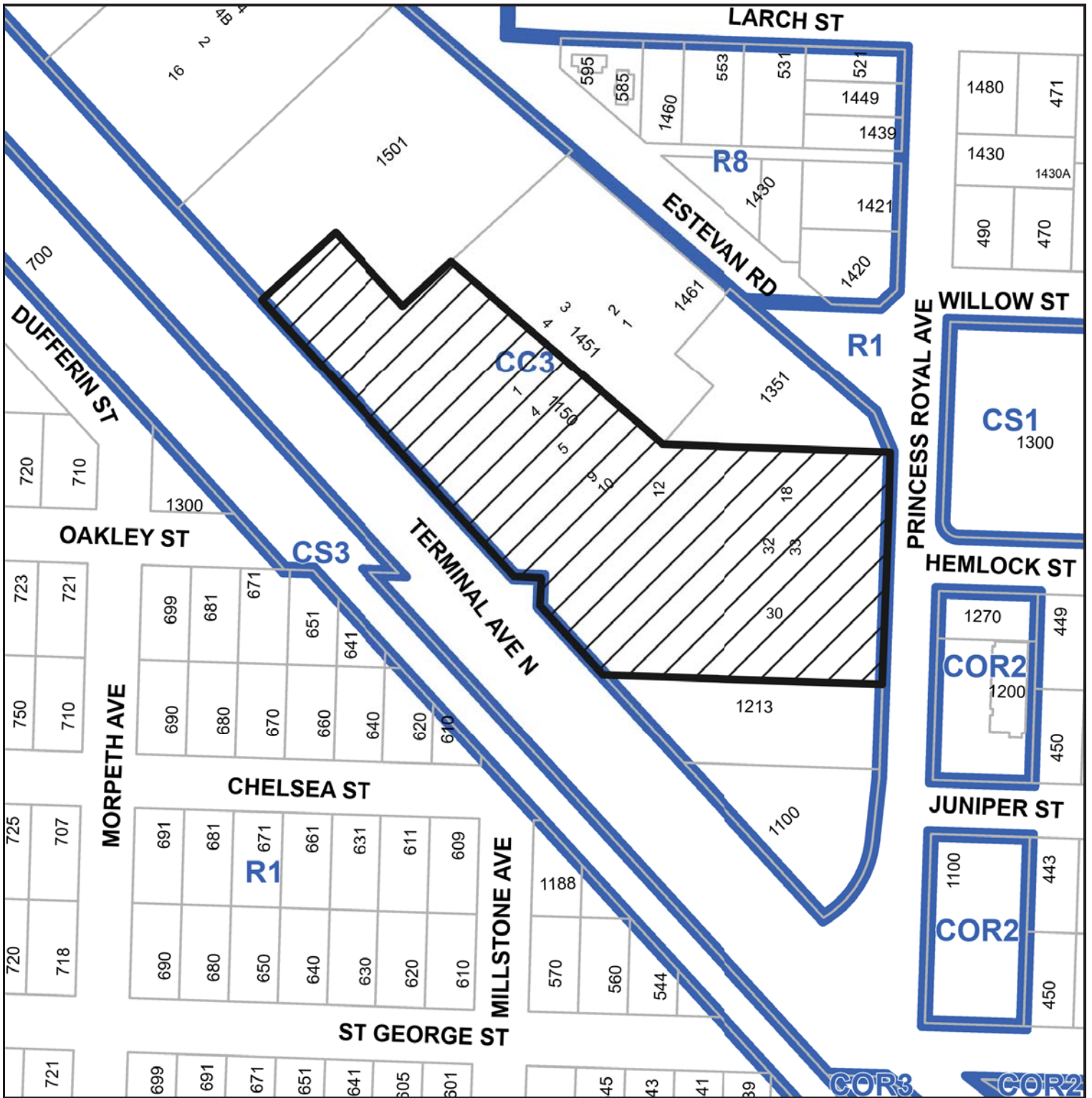
The City of Nanaimo “Sign Bylaw 1987 No. 2850” is varied as follows:

1. *Section 3(22) General Provisions* – to allow an LED order confirmation screen and LED menu board sign substantially as shown on Attachment E.

CONDITIONS OF PERMIT

1. The LED signs shall be sited generally as shown on the Site Plan received 2023-APR-24, as shown in Attachment C.
2. The LED signs shall be constructed substantially in compliance with the Proposed Signage, prepared by Pride Signs Ltd., received 2023-APR-24, as shown in Attachment E.
3. The LED portions of the signs are limited to static images only which must be displayed for a minimum display period of six seconds per image. The use of animation effects to transition from one static image to the next will be permitted. Maximum transition time is three seconds. Continuous video, flashing or scrolling type signs are not permitted.
4. The LED portions of the signs must include automatic dimming so that light intensity levels are automatically adjusted based on current weather conditions and the time of day.
5. The brightness level of the LED portions of the signs shall not be more than 0.3 foot candles over ambient levels, as measured using a foot candle meter at a distance of 30m from the face of the sign.
6. The LED portions of the proposed signs must be turned off any time the drive-through is not in operation.
7. The existing menu board signs and order canopies are to be removed with the installation of the proposed signage.

ATTACHMENT B SUBJECT PROPERTY MAP



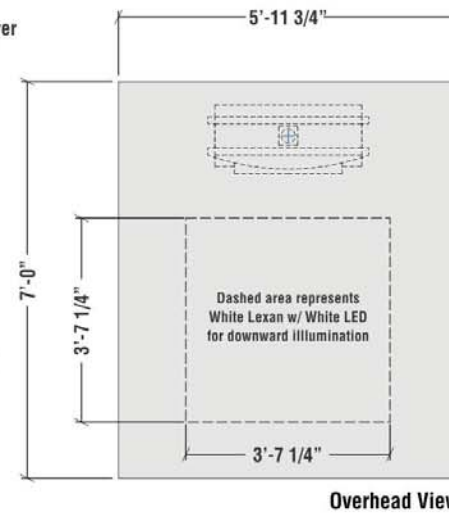
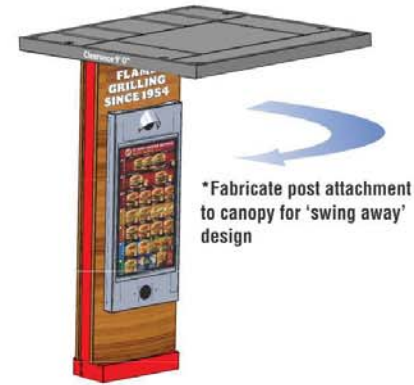
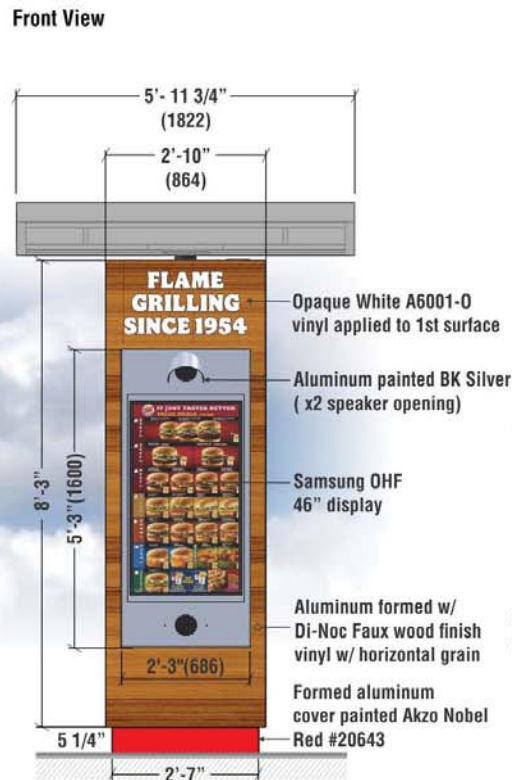
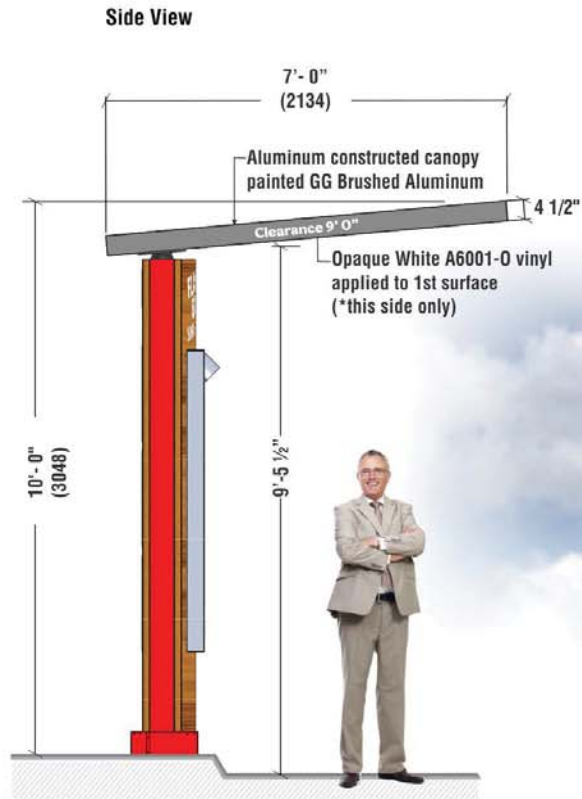
1150 Terminal Ave N.

ATTACHMENT D
EXISTING SIGNAGE



ATTACHMENT E PROPOSED SIGNAGE

Order Confirmation Unit 1 required
Scale: 3/8"=1'-0"



Drawing No.
BK -PS116x0084.125B

Electrical Requirements

120v

STRUCTURAL REFERENCE

BK -PS116X0084.125B

SITE CHECK REQUIRED

VECTOR ART REQUIRED

WALL COLOUR REQUIRED

RECEIVED
DVP452
2023-APR-24
Current Planning

May 19, 2020 4:18 PM

B. Guse

REVISED LEXAN DIMENSIONS

October 26, 2021 8:28 AM

B. Guse

REVISED STRUCTURAL DRAWING

REFERENCE TO REFLECT RECENT

EFFICIENCIES MADE IN STRUCTURAL

REVISION

Preliminary Artwork

Approved for Production

October 26, 2021 B. Guse



PRIDE SIGNS

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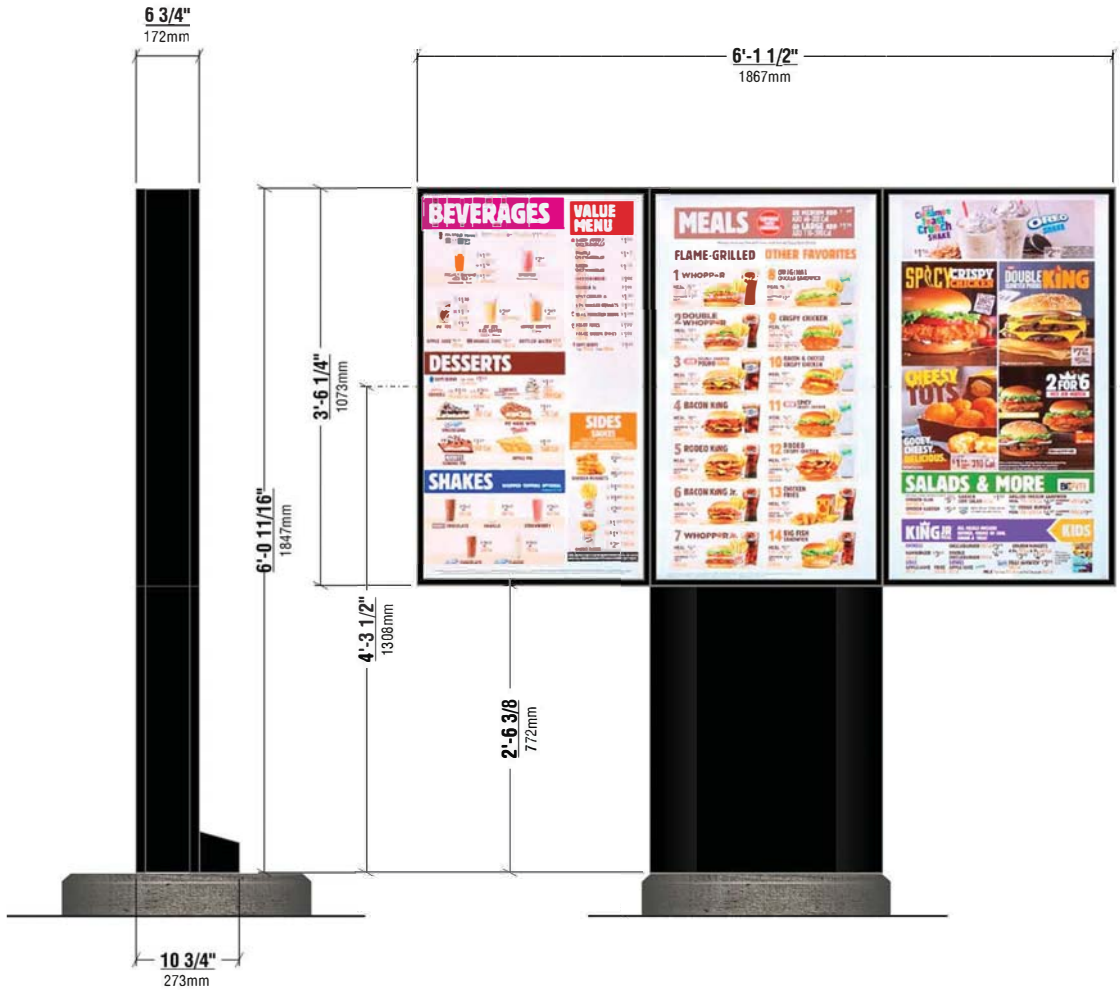
Various Locations
Canada



DRAWN BY: B. Guse
DATE: March 3, 2021

Graphic rendition is representative of specific signage. Colour / dimensional / material details should be verified using reference drawing specifications. Pride Signs Ltd. is not responsible for inherent variations caused by display and / or print variations.

S/s Digital Menu Board
Scale: 3/4" = 1'-0"



Drawing No.
BK -MB073x0074.150A

Electrical Requirements

120v

SITE CHECK REQUIRED

VISITOR ART REQUIRED

WALL COLOUR REQUIRED

Material Specifications

1. Internal frame materials: Steel, powder coated Pantone 425 (Matte Grey)
2. External covers: Aluminum power coated Pantone 2479CP (Matte Black)
3. External perimeter trim: Aluminum power coated Pantone 425 (Matte Grey)
4. Digital display equipment: Samsung outdoor display model OH46F (3)

Power & Data Requirements

1. Power supply: 120v Single Phase 60HZ 20A
2. Data feed: CAT6 cable with RJ45 Termination

TOTAL CABINET AREA = 2.00m²

RECEIVED
DVP452
2023-APR-24
Current Planning

- Preliminary Artwork
- Approved for Production



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Various Locations
Canada



DRAWN BY: B. Guse
DATE: May 3, 2021

Graphic rendition is representative of specific signage. Colour / dimensional / material details should be verified using reference drawing specifications. Pride Signs Ltd. is not responsible for inherent variations caused by display and / or print variations.

ATTACHMENT F
LED/ANIMATED SIGNS - DEVELOPMENT VARIANCE PERMIT GUIDELINES

LED / ANIMATED SIGNS

**Guidelines / Operational Requirements
to be Considered as Part of the
Development Variance Permit Application Process**

The following are to be considered by applicants and used by staff and Council when evaluating DVP applications for LED / animated signs:

1. LED / animated signs that are only visible inside a building do not require a permit.
2. The maximum size of the LED / animated sign is 9.29m² (100ft²) and no more than one LED / animated sign shall be permitted per lot.
3. Window LED / animated signs are permitted up to 50 percent of the window area in which it is situated.
4. No LED / animated sign shall be permitted unless it can be demonstrated not to be a nuisance that distracts or impairs safe vehicle operation.
5. No LED / animated signs shall be permitted on properties fronting or adjacent to the Nanaimo Parkway.
6. Sign copy is limited to static images only which must be displayed for a minimum display period of six seconds per image. The use of animation effects to transition from one static image to the next will be permitted. Maximum transition time is three seconds. Continuous video, flashing or scrolling type signs are not permitted.
7. All LED / animated signs must include automatic dimming so that light intensity levels are automatically adjusted based on current weather conditions and the time of day.
8. The brightness level of all LED / animated signs shall not be more than 0.3 foot candles over ambient levels, as measured using a foot candle meter at a distance of 30m (98.42ft) from the face of the sign.
9. Where a residential dwelling is located within 30m (98.42ft) of the sign face, and for all LED / animated signs on lands zoned Institutional, the sign must be turned off between the hours of 10pm and 6am. Where the business is open past 10pm, the LED sign may remain functional until the close of business hours. An application should provide evidence to demonstrate no conflict will occur with any adjacent residential development.
10. Third-party advertising, except not-for-profit organizations or events, is not permitted except on LED / animated signs located on City-owned property. Third-party advertising for malls is permitted for tenants advertising on the subject property only.