

TITLE: CONDITIONAL USE 1550 HIGHLAND AVENUE OWNER: A&W RESTAURANTS LTD. APPLICANT: ACE SIGNS LTD.		
PRESENTER: Robert Zilke, BES	FILE NO: C-09-16-B	
DEPARTMENT: Planning & Building Safety	MEETING DATE: Sept 21, 2016	
CLEARANCES: Principal Planner	ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Highway Traffic Board Approval	
APPROVALS:		
<i>Original Signed by Robert Zilke</i>	<i>Sept. 10, 2016</i>	<i>Original Signed by Ryan Nickel</i>
Community Planner	Date	Principal Planner
		<i>Sept. 12, 2016</i>
		Date

REQUEST:

The applicant, Ace Signs Ltd. on behalf of the property owner, A&W Restaurants Ltd., is applying for a conditional use to allow for an electronic identification sign for a property located at 1550 Highland Avenue in the CHW Commercial Highway Zone.

BACKGROUND:

Development Context

The subject site is located along Highland Avenue south of the Trans-Canada Highway. A building is located on the eastern portion of the site, with parking occupying the remainder of the site to the west side of the building. The site is generally level, though the lands immediately to the south and east of the site are lower in elevation relative to the site. The site is surrounded by a variety of highway commercial uses. Vehicular access is provided by Highland Avenue to the north of the property. The site is located within the highway traffic board control area and is subject to Manitoba Infrastructure’s operating standards for electronic signs

ANALYSIS:

The applicant proposes to install an electronic sign on the existing freestanding sign structure at the southern portion of the subject site. This electronic sign will be used exclusively by the site’s sole tenant, A&W Restaurant Ltd. to advertise its products and hours. The sign will be oriented in an east-west direction, viewed primarily along Highland Avenue and by extension the Trans-Canada Highway.

Consistency with Part 7, Section 106(1)(b) of The Planning Act and Demonstration that the Use:

- 1. Will be compatible with the general nature of the surrounding area;***

The intent of the provisions within the Zoning By-law on electronic signs is to ensure that the location and intensity of electronic signs do not adversely impact sensitive land uses, and that the amount and size of electronic signage is appropriate for the affected area. Highland Avenue is a service road intended for highway commercial uses, commercial signage, such as the proposed electronic sign, are appropriate along this service commercial corridor. The electronic sign, as proposed, is compatible with the existing multiple identification signs in the immediate area.

2. *Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and*

The surrounding area consists of highway commercial uses. The nearest commercial property (i.e. Super 8 Motel) located immediately south of the subject site will be within the electronic sign's viewing angles. Other nearby commercial highway properties have similar electronic signs. The electronic sign is proposed to be located along Highland Ave, which is a service road running along the highly travelled Trans-Canada Highway. The proposed electronic sign may be distracting to the travelling motorists. To mitigate the adverse visual impacts of the sign, Manitoba Infrastructure has placed conditions regulating on the intensity of lighting, and display times for static messages.

3. *Is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law and any secondary plan by-law*

The proposed electronic sign is located in an area designated "Commercial" in the Development Plan, but the Development Plan does not specifically address signage. The proposed electronic sign complies with the bulk and siting requirements in the Zoning By-law for electronic identification signs.

Commenting Agencies

All comments have been addressed and summarized below.

MB Infrastructure

Pursuant to provision 23.1(e) of the Zoning By-law, the approval will be subject to the following conditions in order to ensure the electronic sign does not cause a hazard to traffic:

1. Permitted subject to the electronic message center displaying a maximum of three (3) lines per message; and
2. Static messages only for a duration of no less than 30 seconds.

The location of the sign is within a highway control zone, and a highway traffic board permit has already been issued for this application (Attachment C).

Notification

As required under s. 169 of The Planning Act, notice of this Public Hearing regarding this application was sent to owners of property within 100 metres (328 feet) of the subject property and notice posters were posted on the property.

Public Outreach

Pursuant to provision (b)(2)(iv) of Appendix D: Public Outreach Requirements in the Zoning By-law, public outreach is not a requirement as the conditional use application does not result in the increase of intensity or density of the use of the land.

As of the writing of this report, the Planning & Building Safety Department has not received representation in favour of or in opposition to this application.

RECOMMENDATIONS:

That the Public Hearing for Conditional Use Application C-09-16-B at 1550 Highland Avenue be concluded.

That Conditional Use Application C-09-16-B to allow for an electronic identification sign in the CHW Commercial Highway Zone be approved at 1550 Highland Avenue (Lot 2, Plan 34502 BLTO) in accordance with the intent of the application “Attachment A-1”, the attached letter of intent “Attachment A-2” the attached site plan “Attachment B-2” and elevation plan “Attachments B-3”.