

VIA EMAIL

March 28, 2024

Planning and Housing Policy Division  
200 King Street W, 6<sup>th</sup> Floor  
PO Box 1118  
Kitchener, ON  
N2G 4G7

**Re: Application for Sign By-law Amendment  
Replacement Third-Party Electronic Ground Sign (Billboard Sign)  
1495 Victoria Street North  
Kitchener, Ontario**

**Our File: STA/KIT/24-01**

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On behalf of Lisa J Reinhart (the "Owner"), Zelinka Priamo Ltd. is pleased to submit a Sign By-law Amendment application for the lands known as 1495 Victoria Street North (the "subject lands").

**Figure 1: Aerial of the subject lands**



## BACKGROUND

The subject lands are approximately 0.5 hectares in size, and front onto the southerly side of Victoria Street North (Highway 7) east the intersection with Lackner Boulevard in the east-end of Kitchener. The subject lands are developed with a 2-storey commercial building occupied by Zdeno Cycle, a local motorcycle retailer, with surface parking at the front of the

building and associated outdoor storage areas at the rear. For details, please refer to the enclosed Site Plan.

The subject lands include a number of permitted signs, including one (1) first-party ground-supported sign; one (1) portable (temporary) T-frame sign, and one (1) externally-illuminated billboard sign with four (4) static copy sign faces (Figure 2). A portable T-frame sign is also used in the front yard for messaging related to Zdeno Cycle.

**Figure 2: Existing signage on the subject lands, facing east**



**Figure 3: Existing billboard on the subject lands, facing west**

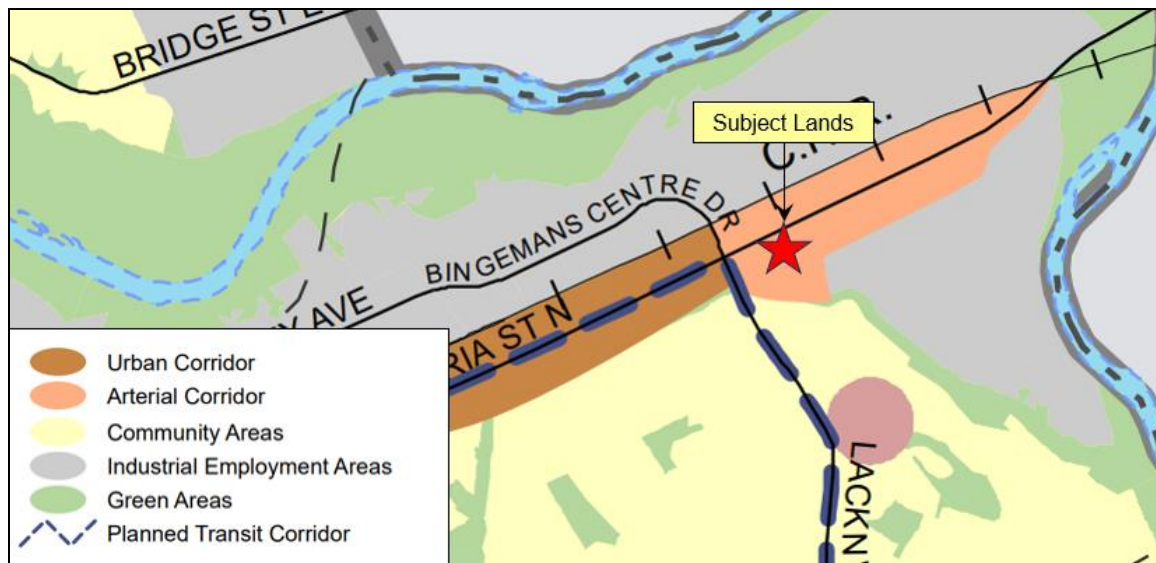


According to the City of Kitchener Official Plan (“OP”), the subject lands are designated *Commercial* on Map 3, and front along an *Arterial Corridor* on Map 2. The subject lands are zoned *Commercial (COM-3)* by Zoning By-law 2019-051, as amended.

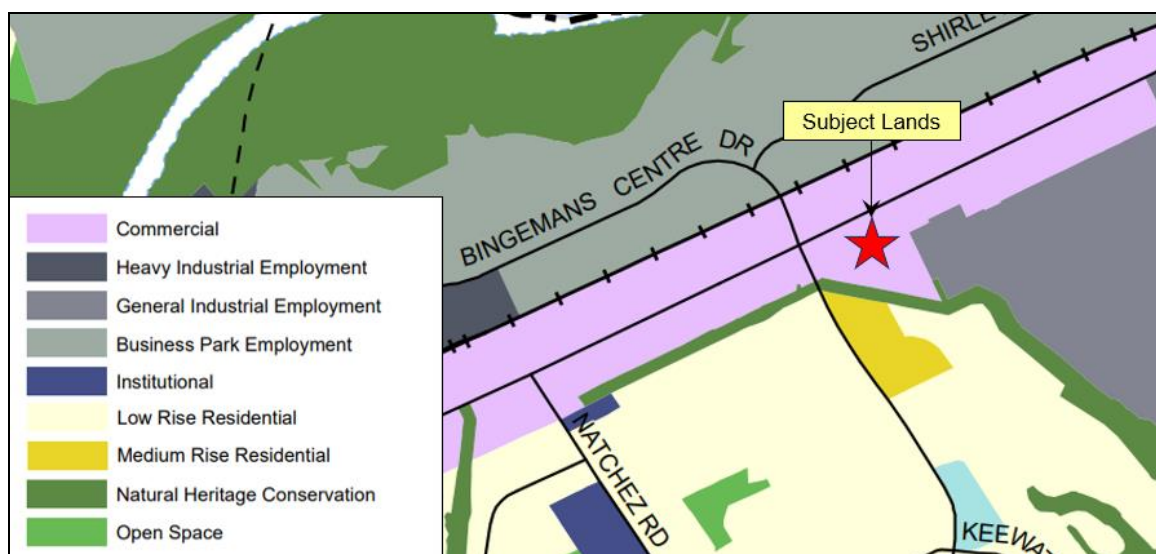
As per s. 3.C.2.41 of the OP, the function of *Arterial Corridors* is, “... to predominately serve those travelling by automobile and to accommodate a limited range of land extensive retail uses which require outdoor storage or sales,”.

The permitted land uses in *Arterial Corridors* which overlap with the *Commercial* designation include light industrial uses (e.g., warehousing) and retail uses which are more intensive in nature, such as those requiring large outdoor storage areas (OP s. 15.D.5.20).

**Figure 4: OP Map 2 - Urban Structure (excerpt)**



**Figure 5: OP Map 3 - Land Use (excerpt)**



## SURROUNDING CONTEXT

Figure 5 illustrates the surrounding land use designations as per Map 3 of the OP. The dominant land use within the immediate area is designated *Commercial*, with large areas designated for *Business Park Employment* and *General Industrial Employment* nearby. *Residential* land uses are identified further south on the other side of the community trail and are buffered from the *Commercial* uses by a *Natural Heritage Conservation* corridor.

As seen in Figure 4, the immediate Victoria Street corridor is also identified as *Arterial Corridor*, and lands west of Lackner Boulevard are identified as *Urban Corridor*. Overlapping areas of Urban Corridor with the Commercial are similarly permitted to be developed with auto-oriented uses (OP s. 15.D.5.16).

The immediate Victoria Street corridor is correspondingly developed with auto-oriented commercial and employment uses (Figure 6). These uses include:

1. Kitchener Motel
2. Tim Hortons Drive-Thru
3. Auto Dealerships (Kitchener Nissan & Tabangi Motors)
4. Building suppliers
5. Auto repair shop
6. Car wash establishment
7. Self-storage facility
8. Auto repair shop
9. Gas bar

**Figure 6: Surrounding uses along Victoria Street N**



An extensive range of signage, including ground-supported first- and third-party signs, are common along the corridor for visibility due to the prevailing auto-oriented built form, which generally provides substantial front yard setbacks.

Figure 7: Victoria Street N approx. 60 metres west of the subject lands, looking east



Figure 8: Victoria Street N approx. 330 metres east of the subject lands, looking west



Figure 9: Victoria Street N approx. 300 metres west of the subject lands, looking east



## PROPOSAL

The proposal is to remove and replace the existing large and aging legally permitted externally-illuminated billboard sign with four (4) sign faces (approx. 72m<sup>2</sup> sign face area) with a smaller, modern electronic billboard sign with two (2) sign faces (approx. 40.5m<sup>2</sup> sign face area) in the same location and at the same height.

The details of the proposed sign are as follows:

- The sign will operate between the hours of 6:00 a.m and 11:00 p.m. Outside of these hours, the digital copy will be disabled.
- The internal illumination will not exceed 3,000 nits during daytime hours, and 150 nits during the nighttime hours while in operation, and will automatically adjust illumination levels to be consistent with ambient conditions.
- Messages will be displayed on the sign faces for no less than ten (10) seconds.
- The sign faces are proposed to be angled in a “V” shape so as to limit visibility from the abutting properties to the east and west.
- The Proponent is open to providing the City of Kitchener advertising time, for the purpose of displaying notices, public event advertising, and other matters related to the public interest as may be determined through a future agreement with the City.

**Figure 10: Existing versus proposed elevation (west)**



**Figure 11: Existing versus proposed elevation (east)**



## REQUESTED AMENDMENT

Signage within the City of Kitchener is regulated under Chapter 680 of the Municipal Code (“Sign By-law”). To permit the proposed replacement billboard, this Sign By-law Amendment application seeks relief from the following provisions of the Sign By-law:

- S. 680.4.2: Permit a billboard sign with automatic changing copy (electronic, internally illuminated), whereas the sign type is not contemplated by the Sign By-law for Commercial zones;
- S. 680.7.2: Permit a billboard sign within 140 metres of a Residential zone, whereas 150 metres is required;
- S. 680.7.4(a): Permit a billboard sign to have a front yard setback of 2 metres (as per the existing sign) and a side yard setback of 2.1 metres, whereas 6 metres and 3 metres apply respectively;
- S. 680.7.4(c): Permit a maximum sign area of 20.24 square metres, whereas a maximum of 20.00 square metres is permitted; and
- S. 680.7.7: Permit a billboard sign within 215 metres of another billboard sign to the west, whereas a minimum distance of 300 metres to other billboard signs is required.

Figure 10 and Figure 11 (above) provide a visual comparison of the existing versus proposed site condition. It is important to note that the proposed replacement billboard sign represents a 50% reduction in advertising sign faces, and a 56% reduction in the overall area of advertising copy on the subject lands.

It is our opinion that the proposed sign improves upon the existing condition of the Victoria Street North corridor, and is appropriate to consider for the reasons provided herein.

## ANALYSIS

The purpose of the Sign By-law is to, “ensure signs are safely installed and won’t impede visibility.” In the absence of specific provisions within the Kitchener Sign By-law that speak to the “tests” to be used to assess sign amendments applications, the following section evaluates the proposal against typical best practice planning principles generally used for these types of applications.

### Land Use Compatibility & Impact to Adjacent Properties

As per s. 3.C.2.41 of the OP, the function of *Arterial Corridors* is, “... to predominately serve those travelling by automobile and to accommodate a limited range of land extensive retail uses which require outdoor storage or sales.” The location of the proposed replacement billboard (being the same as the existing lawfully-permitted billboard) is therefore compatible with the long-term planned function of the corridor by locating advertising at an appropriate scale and location for regional vehicular traffic.

The abutting property to the west of the subject lands is occupied by the Kitchener Motel (a Commercial use). The existing externally-illuminated billboard has been in operation for almost 30 years with no known undue impacts to the motel use.

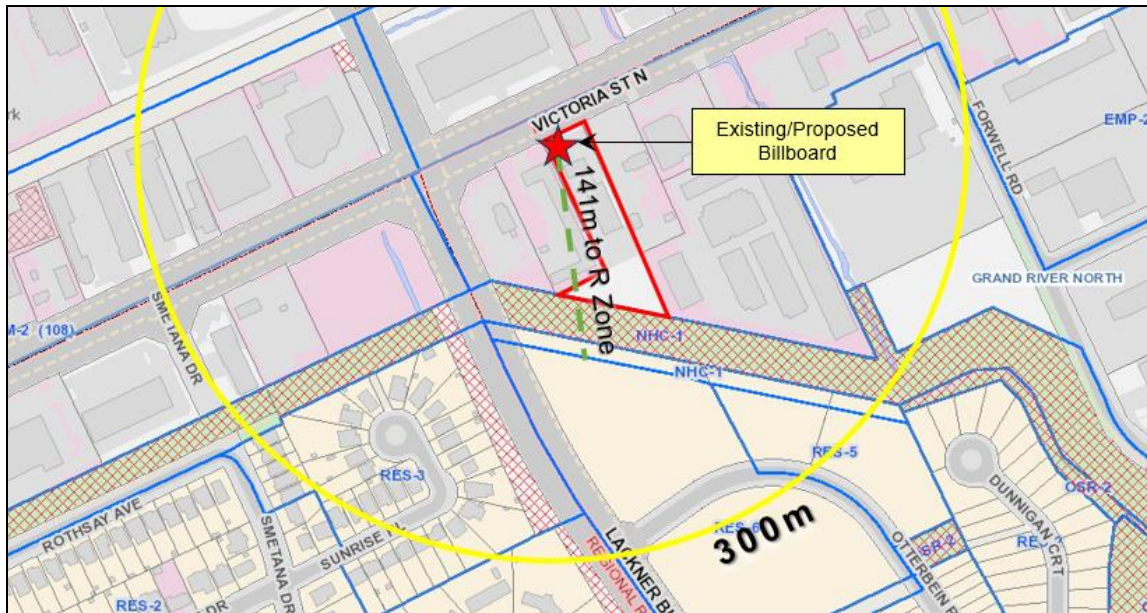
The vertical clearance of the existing/proposed signs assists with limiting potential light trespass. To further limit visual impacts, the proposed digital billboard faces are to be angled in a “V” shape so as to be oriented toward the street.

To avoid potential undue impacts to all surrounding lands, including the street, the sign will be equipped with an ambient light monitor to automatically adjust the sign’s illumination levels as outdoor conditions change, in accordance with 680.3.31.

Further, the digital sign faces are proposed to operate within a limited range of 150-3,000 nits, and will be disabled between the hours of 11:00pm-6:00am. It is noted that s. 680.3.24 of the Sign By-law, which restricts sign illumination hours, is only applicable to signs that are adjacent to Residential zones. This voluntary limitation is proposed to further mitigate any perceived impacts from the proposed sign.

The subject lands have a lot depth of over 100 metres and the majority of activity occurs on the northern-most portion of the lot adjacent to Victoria Street North. The proposed sign is further separated/buffered from the Residential land uses to the south by the existing building and Natural Heritage Conservation corridor beyond. The existing/proposed sign location along Victoria Street North therefore does not interface with residential uses, despite technically being within 150 metres of a Residential zone (Figure 12).

**Figure 12: City of Kitchener Zoning By-law 2019-051 Map (excerpt)**



### Character & Public Realm

The immediate area along the corridor is developed with commercial / light industrial uses, with surface parking areas generally separating buildings from the street. As per the Official Plan, the planned function of the immediate area along Victoria Street North is to provide for regional-serving, auto-oriented commercial and light industrial uses. The location of the proposed billboard replacement, which is the same as the existing billboard, is therefore appropriate to consider.

Through our contextual review, it is noted that there are a number of existing billboard signs along this portion of Victoria Street North. Sign By-law s. 680.7.7 generally requires that at least 300 metres be provided between billboard signs. An amendment is required because the replacement billboard sign is located within 215 metres of the nearest billboard sign, which is located to the west (Figure 13).



**Figure 13: Existing billboard signs within 300 metres**

The proposed smaller billboard is to be located in the same location and at the same height as the existing sign on the subject lands, which has been installed for almost 30 years. The proposal therefore does not alter the character of the subject lands or surrounding commercial/light industrial corridor, which prominently features a variety of first- and third-party advertising along the right-of-way.

The dimensions of the proposed sign improve upon the existing condition by reducing the number of advertising sign faces, as well as the overall area of advertising copy and size of the supporting structure. The proposed replacement therefore reduces visual clutter along Victoria Street North, as demonstrated by the enclosed Elevations. The requested relief to permit an additional sign face area of 0.24 square metres is a result of the proto-typical nature of the proposed sign, and is numerically minor. It is important to note that in terms of overall size, the proposed sign provides a significant reduction in the overall advertising copy currently on-site.

### **Illumination**

As described above, the proposed internal illumination will not exceed 3,000 nits during daytime hours, and 150 nits during nighttime hours. The sign will be equipped with an ambient light monitor to automatically adjust the sign's illumination levels as outdoor conditions and seasons change. Further, the sign will not operate between the hours of 10:00 p.m. and 6:00 a.m. The proposed illumination method will be confirmed and certified by a Lighting Engineer following installation, to the satisfaction of the City.

### **Public Safety**

The proposed sign is to be located in the same location and at the same height as the existing and much larger externally-illuminated billboard sign, which has been installed for almost 30 years with no known traffic safety concerns.

The proposed location complies with the automatic changing copy setback requirements provided by s. 680.3.29, being setback over 80 metres from the nearest intersection,

whereas a minimum of 23 metres is generally required to limit visual distractions to drivers at major intersections.

Further to vehicular safety, the proposed message duration of the automatic changing copy is to be no less than ten (10) seconds, in accordance with s. 680.3.30 of the Sign By-law, which requires messages to be displayed for at least six (6) seconds. The sign faces are to contain static copy, meaning no flashing or moving images will be displayed on the proposed sign faces, limiting potential visual distractions for all road users in accordance with s. 680.3.29.

The proposed sign would be designed and installed by a professional sign company and in accordance with the Ontario Building Code, and as such, no undue issues related to public safety are anticipated. Further, the proposed ground sign is designed with sufficient vertical clearance, in accordance with s. 680.7.4(b), to ensure pedestrian safety is not impacted.

### **Public Interest**

The regulations of the Sign By-law serve to protect public safety, minimize sign clutter, and enhance the streetscape by encouraging a consistent and compatible approach to signage. It is our opinion that the proposed replacement sign, which reduces both the number of sign faces and the overall advertising copy area, is in the public interest as it serves to improve the appearance of the streetscape.

The four (4) existing sign faces, which use paper and glue advertising copy, are susceptible to damage from the elements, as seen in Figure 2, which can affect adjacent lands with debris, and disrupts the primary commercial use on the subject lands while replacing advertising copy. The proposed digital sign faces will not require any physical intervention beyond routine maintenance activities. From a practical standpoint, the proposal to replace the existing static copy type on the subject lands to electronic static copy is reflective of modern advertising standards.

The Proponent is amenable to discussions about providing advertising opportunities to the City of Kitchener for public messaging. The ability to display messages on a well-travelled regional corridor to advertise public engagement opportunities, events, road closures, and/or health and safety messages would provide a significant benefit to the public.

### **ELECTRONICSUBMISSION PACKAGE**

The following materials are enclosed by digital submission:

- Completed Sign By-law Amendment Application form, including agent authorization;
- Site Plan, dated March 2024; and
- Basic Elevations.

Note that the fee difference of \$2,153.00 will be paid by credit card over the phone.

We trust that the enclosed information is complete and satisfactory. Should you have any questions, or require further information, please do not hesitate to call.

Yours very truly,

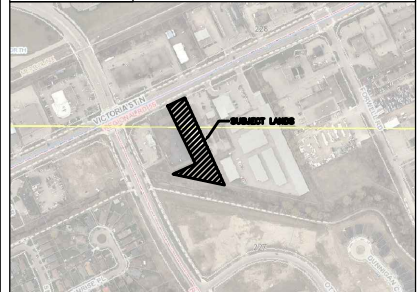
**ZELINKA PRIAMO LTD.**



Azar Davis, BURPI, CPT  
Intermediate Planner

cc: The Owner (via email)

KEY PLAN



**SITE PLAN**

OF  
PT LT 123 GERMAN COMPANY TRACT  
RP 58R-17251 PT 1

CITY OF KITCHENER  
REGIONAL MUNICIPALITY OF WATERLOO

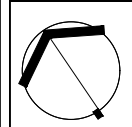
SITE STATISTICS

EXISTING ZONE: COM-3

	REQUIRED	PROPOSED
LOT AREA (MIN)	N/A	5335.5 m <sup>2</sup>
LOT FRONTAGE (MIN)	15.0 m	34.3 m
LOT DEPTH	N/A	159.3 m
FRONT YARD (MIN)	6.0 m	22.9 m
REAR YARD (MIN)	7.5 m	63.8 m
INT. SIDE YARD (E)(MIN)	3.0 m	4.1 m
INT. SIDE YARD (W)(MIN)	3.0 m	6.3 m
COVERAGE(MAX)	N/A	20%
LANDSCAPED AREA(MIN)	20%	37%
PARKING(MIN)	11 SPACES	15

PARKING CALCULATIONS

	REQUIRED
COMMERCIAL BUILDING	6
SHOWROOM	3
WAREHOUSE	2
<b>TOTAL:</b>	<b>11</b>



LONDON PROPERTY CORP.

1495 VICTORIA STREET NORTH



**Zelinka Priamo Ltd.**  
LAND USE PLANNERS

318 Wellington Road, London, Ontario N6C 4P4  
Tel: (519) 474-7137 Fax: (519) 474-2284 email: zp@zplan.com

DRAWN BY: CM PROJECT NO: STA/KIT/24-01

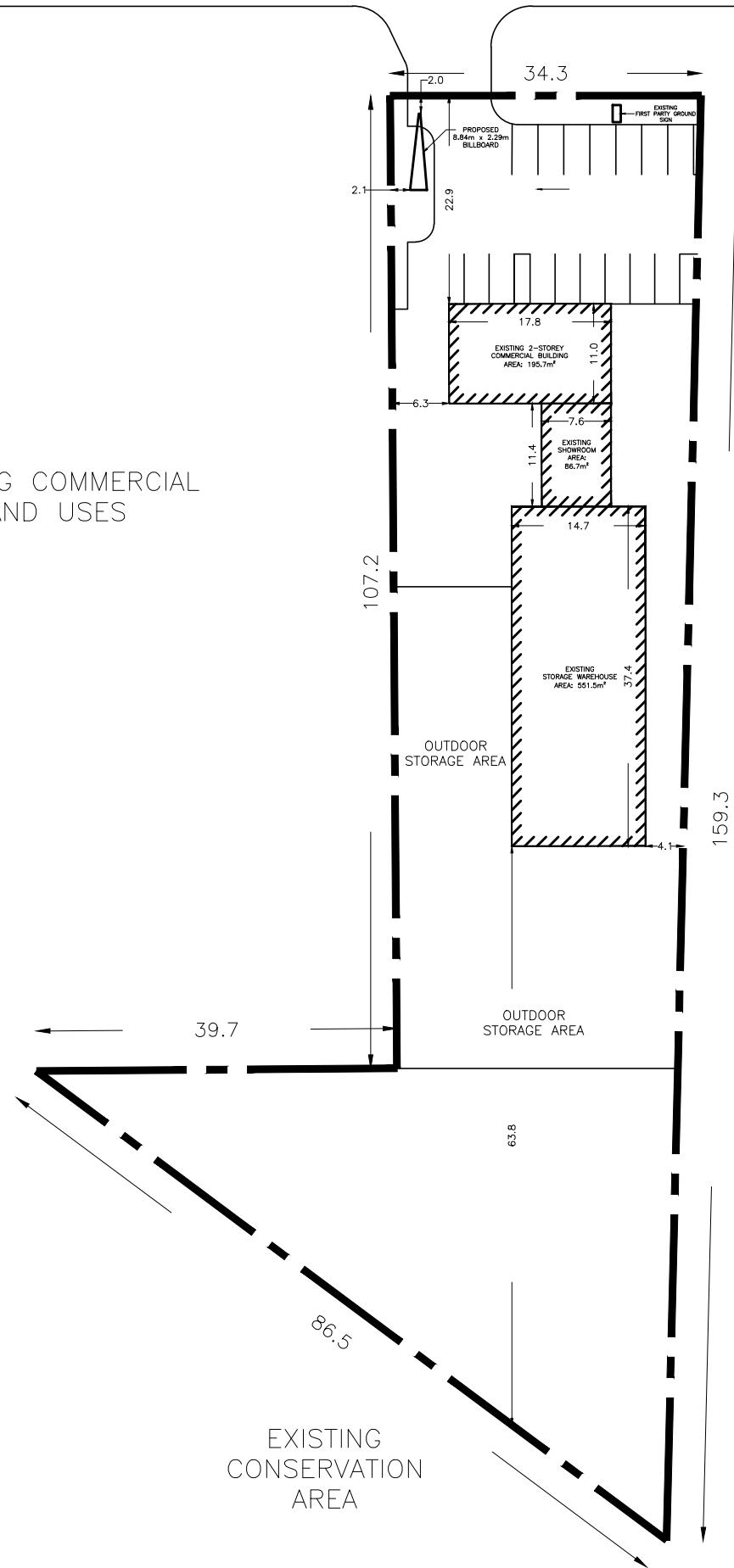
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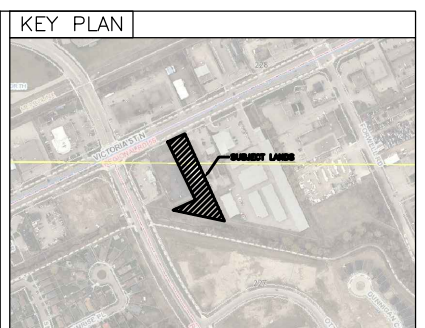
VICTORIA STREET NORTH

LACKNER BOULEVARD

EXISTING COMMERCIAL LAND USES

EXISTING COMMERCIAL LAND USES





**SITE PLAN**  
 OF  
 PT LT 123 GERMAN COMPANY TRACT  
 RP 58R-17251 PT 1

CITY OF KITCHENER  
 REGIONAL MUNICIPALITY OF WATERLOO

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