

Wegmans Special Exception Request

July 6, 2016, Updated July 18, 2016, Last Revised August 17, 2016



Front elevation of Alexandria Wegmans with signage

On behalf of Wegmans Food Market, whose Albemarle County store is currently under construction at the 5th Street Station Shopping Center, we request a Special Exception to modify the sign ordinance regulations for maximum wall sign area. In particular, we are requesting two wall signs specifically associated with the Market Café and the Pub, eating establishments with an independent entrance and operating under the management of Wegmans. This request is submitted due to the unique nature of the site in comparison with other commercial sites in Albemarle, and the waiver is necessary due to the unique nature of Wegmans and their associated restaurant space as it relates to Albemarle County Code.

This written request for a Special Exception is made pursuant to Section 8.2(b) of the Albemarle County Zoning Ordinance, in which an applicant may request that any requirement of Section 4 be waived or modified by the Board of Supervisors. In particular, we request a waiver of the maximum wall signage allowance established in Section 4.15 (SIGNS). The specific review criteria for a Special Exception are covered in Section 8.2(b)(3), which states,

“...a waiver or modification may be granted only if it is found:

- (i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8;
- (ii) to be consistent with planned development design principles;
- (iii) that the waiver or modification would not adversely affect the public health, safety or general welfare; and
- (iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.”

Background

Wegmans is the primary anchor tenant of 5th Street Station, an 80 acre shopping center development featuring approximately 40 new retail establishments in Albemarle County.

At 120,000 square feet, the Wegmans store is more than twice as large as any other retail tenant on site. The Wegmans store will employ a total of 550 people, and the 5th Street Station development creates over **3,760 permanent jobs**. Upon completion, the project will invest **half a billion** dollars annually to the local economy, according to a 2012 economic analysis presented by the owners at the time the property was proposed for rezoning.



Fifth Street Station Site Plan

The 5th Street Station shopping center site is located between Avon Street, 5th Street and Interstate 64. As part of the development an access and connector road, named 5th Street Station Parkway, is under construction that will provide a critical new linkage between Avon Street and 5th Street. Wayfinding to the site and within the site is particularly important because while the shopping center is visible from the Interstate, the actual access points to the site at 5th Street and Avon Street have limited or no visibility. In addition, the primary entrance to the site on 5th Street is within the City of Charlottesville along a City Entrance Corridor, meaning that the County's standard freestanding signage that would typically be placed at the site entrance is not allowed.

5th Street Station is the only shopping center within Albemarle County that has frontage along Interstate 64, creating a unique situation in terms of visibility, access and regional importance. The sign ordinance does not contemplate the unique situation of these three factors. Wegmans,

as well as the other anchor tenants of the site, were purposefully located closest to the interstate frontage because these businesses attract both local and regional shoppers. Representatives of Wegmans have informed us that customers will regularly travel up to 90 miles to shop at a Wegmans Food Market.

Waiver Request

Albemarle County calculates wall signage maximums per establishment based on the linear feet of store frontage. The structure frontage is the horizontal length of the outside structure wall of the establishment, in one plane, adjacent to a street.

Sign Area (maximum): 1.5 square feet per 1 linear foot of establishment structure frontage, not to exceed 200 square feet

If an establishment has two (2) or more walls adjacent to a street, one (1) of these additional walls may be used to calculate additional wall signage at one-third (1/3) the rate as allowed on the structure frontage. The total permitted wall signage may then be divided to be used on any walls of the structure and/or canopy, provided that no one wall sign shall exceed the applicable maximum allowable sign area.

Using the calculations provided in the code, Wegmans Food Market qualifies for a wall signage maximum allotment of 400 square feet.

The Wegmans signage package included outlines the details of the wall signage requested. A total of 542 square feet of signage has been requested along 3 separate building frontages, which includes:

WEGMANS SIGNAGE (by-right)

Wegmans sign at the food market entrance	183	square feet
Wegmans sign on the rear of the building (I-64 frontage)	134	square feet
Pharmacy sign	50	square feet
Wine and Beer sign	29	square feet
Total:	396	square feet

SPECIAL EXCEPTION REQUEST

The Pub sign at the pub entrance	60	square feet
Market Café sign	86	square feet
Total	146	square feet

Review Criteria

“... a waiver or modification may be granted only if it is found:

- (i) to be consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of section 8;”**

In Section 8.1 of the Zoning Ordinance, the intent of Planned Development Districts is described as: "...to provide for variety and flexibility in design necessary to implement the various goals and objectives set forth in the comprehensive plan...In addition, these various goals are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations."

The 80 acre 5th Street Station site was rezoned to Planned Development- Shopping Center with the intent to develop a regional shopping center along Interstate 64. As one of the last large undeveloped commercial sites in the development area, the site requires a unique design that is sensitive to Moore's Creek and mitigates the impacts of the existing landfill. In particular, this shopping center provides convenient retail options for the southern areas of Albemarle County and surrounding region where no options existed previously. Traffic impacts will be lessened, as residents now have shorter distances between retail establishments and their homes which will reduce trips on U.S. Route 29 North. Through the rezoning process, the planned development has proffered improvements totaling more than \$21 million dollars. The proffers include extensive restoration work to Moore's Creek; land and cash donated to the County trail system; improvements to County transportation via a new connector road and bus stop; and the remediation of a previously unregulated landfill site.

Therefore, 5th Street Station is consistent with the intent and purposes of the planned development district under the particular circumstances, and satisfies all other applicable requirements of Section 8 and is consistent with planned development design principles.

(ii) to be consistent with planned development design principles;

Planned Developments in Albemarle County promote variety and flexibility in design allowing for a unified site design through the Application Plan that accompanies the rezoning application. The 5th Street Station Application Plan groups the retail establishments in one area of the 80 acre site to allow for conservation of trees, restoration of the stream and stream buffer, dedication of land to parks, and the remediation of the landfill. In addition, the site is required, through proffers, to meet a higher architectural standard and level of coordination than many existing retail developments.



The proposed Wegmans Food Market is the highlight and a prime component of the unified design that is 5th Street Station. Wegmans, although a large building, is broken down into a series of smaller architectural components with attention to detail. The variety of surfaces, materials, and signature detailing such as the clock tower at the Pub, are all carefully coordinated within the planned development. Signage is designed at a scale that is appropriate for the specific architectural components of the Wegmans building, creating cohesive exterior elevations.

Wegmans in Albemarle County, much like the company's other locations, has a separately branded restaurant, the Pub, which is located within its own well defined space. Other Wegmans locations feature restaurants such as: Amore Italian Restaurant and Wine Bar and the Burger Bar. Like these other branded restaurants, the Pub has its own separate entrance and parking area (off the western frontage of the building). The Pub accepts reservations, and has its own menu and wait staff. However, because the Pub is owned by Wegmans, the County will not consider it a separate establishment. If a Little Caesars or a Starbucks were operating in this same location, the County would consider it a separate establishment with the right to wall signage just like any other store or restaurant.



The Pub entrance and space under construction

For the reasons noted above, the Pub functions as a separate establishment with the same need for signage as any other commercial space. The Special Exception request is for 142 square feet of additional wall signage. Of the 142 square feet requested, all additional signage is located on the exterior walls of the restaurant portion of the building and is specifically for the Pub and Market Café signs. If the Pub was considered an establishment and not caught up in a zoning technicality, there would be no need for this Special Exception request for Wegmans, as their signage as proposed would fall well within the established maximums. The restaurant area has a total of 225 linear feet of wall frontage, including a second frontage that factors into the maximum wall signage calculation. This equates to a by-right wall signage allowance of approximately 327 square feet that would be allocated to the Pub. Instead, the Special Exception only requests 142 square feet, placing signage that is appropriately scaled for the size of the restaurant space.

Therefore, for these reasons, the requested modification of wall signage is consistent with planned development design principles.

- (iii) that the waiver or modification would not adversely affect the public health, safety or general welfare; and**

5th Street Station has no direct access from the interstate; however, this roadway provides the greatest visibility for the anchor tenants. All stores along the southern section of the site have worked extensively with the Architectural Review Board to provide signage on the rear walls of the buildings that is attractive, coordinated and appropriate for the Entrance Corridor. This signage, which is visible from the interstate, is particularly important for wayfinding purposes for those regional travelers coming to the shopping center who are not as familiar with the area. For the interstate signage to be safe and effective, it must be large enough so that it is easily legible from a car travelling on the interstate at a speed of 65 miles per hour. If the signage is too small, or difficult to read, it is unsafe for drivers and ineffective for customers. For Wegmans, 134 square feet out of the 400 square feet of the total wall signage allowed is devoted to interstate signage on the rear of the building to serve this unique and necessary purpose.

As shown on the front elevation of the Alexandria Wegmans store (see image on page 1), the signage is tasteful, appropriately scaled, and well integrated with the architecture of the building. The signage actually works with the architecture to successfully break up the perceived scale of the building while providing necessary wayfinding for key elements of the store. Given the Albemarle Wegmans store is the size of 3 large anchor retailers, it would not be unusual for a building of its size to have closer to 1200 square feet of wall signage by right. The waiver request serves to enhance the public safety and welfare by providing the wayfinding that is necessary for both the Wegmans Food Market store and the Pub restaurant.

Therefore, the waiver requested will not adversely affect the public health, safety or general welfare.

- (iv) in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification.**

The purpose and intent of the Sign Ordinance is described in Section 4.15.1 of the Zoning Ordinance:

The board of supervisors finds that signs are a separate and distinct use of the property upon which they are located and affect the uses and users of adjacent streets, sidewalks, and other areas open to the public; and that signs are an important means of communication for businesses, organizations, individuals, and government;. The board also finds that signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call

for regulation; and that the unregulated erection and display of signs constitute a public nuisance detrimental to the public health, safety, convenience, and general welfare. Therefore, the purpose of this section 4.15 is to establish reasonable regulations pertaining to the time, place, and manner in which outdoor signs and window signs may be erected and maintained in order to:

1. Preserve free speech and expression

The right to adequate signage as an expression of free speech is a crucial component of any retail operation. Without a waiver of the ordinance to allow for signage that specifically serves the Pub and the Market Café, these businesses are not granted the freedom of speech necessary to advertise their establishment. The waiver process allows for a reasonable amount of signage for these two distinct uses on the property in the vicinity of the entrance that specifically serves these two uses. Therefore, this section of the code is more fully realized by granting the waiver request.

2. Promote the general health, safety and welfare, including the creation of an attractive and harmonious environment

Although the signage has not yet been added to the building, it is important to note that the Wegmans signage will be minimally visible from outside the property boundaries. The signage on the interstate elevation of the building, relatively small in size, is set back significantly from the interstate behind a large berm, existing landscaping and additional landscaping that has been installed by the developer. No signage is visible from the Willoughby neighborhood properties, and only small glimpses of the primary Wegmans sign will be seen from City properties that are a considerable distance from the property. Signage that is requested in this waiver is only visible internally to the property itself, thus having no impact to the environment of Albemarle County.

The proposed additional signage is in proportion and scale to the size of the building and the other signs on the building and in the center. For this request, 142 square feet of signage is dispersed over a section of building measuring approximately 7,200 square feet. In other words, the signage is occupying less than 2 % of the available wall space. The signage does not detract from the attractive and harmonious environment of the shopping center or the building itself and is dispersed along three separate frontages of the building.

The health, safety and welfare of our community is promoted by allowing this signage that performs the distinct purpose of wayfinding to the public, guiding them, once inside the shopping center, to the correct parking area and entrance for the restaurants. Many visitors only want to come to the Market Café and not to the greater grocery store area; the Market Café sign will help direct customers to park near the Café and away from other parking. Also, because many customers come from over 90 miles away and will be first time visitors, they will require the general wayfinding benefits that the proposed signs provide.

3. Protect the public investment in the creation, maintenance, safety and appearance of its streets, highways, and other areas open to the public.

Granting the special exception will protect the County's investments in its streets, highways, and other areas open to the public because, as discussed previously, the signage is in proportion to the scale of the building. By providing signage that is clear, consistent, and at the appropriate scale, we can ensure that motorists are able to use County streets more safely as they access Wegmans. Further evidence of the viability of the store's design is the fact that the Architectural Review Board has approved the center's design, layout, and vision.

It is also important to note that substantial investments have been made in improving the County street network and public spaces as a direct result of Wegmans and the 5th Street Station Shopping Center. The 5th Street Station Parkway connector road, constructed by the developer to serve the County, has cost \$5 million thus far, and that figure does not include the cost of the new bridge over Moore's Creek. The cleanup of the existing landfill and restoration of Moore's Creek will provide long term benefits to the health of humans, plants, and animals. The Owner has proffered to dedicate significant amounts of land and has paid proffers of \$276,032.44 to the County for trails, open space, and a trailhead park. The Owners have also paid \$110,412.97 for transit. Wegmans is the anchor tenant of the Shopping Center, and without it having committed to the project when they did, the project would not have moved forward, and the community would have not have received the investment in these public roads and amenities.

4. Improve vehicular and pedestrian safety by avoiding saturation and confusion in the field of vision and by directing and controlling vehicular traffic and pedestrians

The proposed additional signage will not lead to saturation and confusion in the field of vision – as mentioned previously, the signage is proportionally dispersed over the vast amount of Wegmans wall space, amounting to only 2% of the portion of the building to which it serves. Additional signage DOES serve as wayfinding to safely direct and control vehicular and pedestrian traffic.

5. Protect and enhance the county's attractiveness to tourists and other visitors as sources of economic development.

The proposed signage will not detract from the County's attractiveness to tourists, rather it will help tourists and other first-time visitors who are not familiar with the store's location, especially since the store itself is not visible from either Avon Street or 5th Street. Additionally, the primary entrance to the development is located within the City of Charlottesville, thus not allowing standard and appropriate entrance signage for the property. Proper signage serves to reduce frustration and enhance the experience for tourists and other visitors to Albemarle County.

Wegmans, with locations in various parts of the Country, is a proven tourist destination. The shopping center is projected to be an incredible generator of County tax revenue and other economic development. A study completed by Chmura Economics at the time of the rezoning concluded that the center as a whole will generate an estimated annual tax revenue of \$8.9 million, also creating half a billion dollars of cumulative economic impact to Albemarle County upon completion. It is important to note, as mentioned earlier, the project would not have moved forward were it not for Wegmans committing to anchoring the project.

6. *Protect property values*

Additional signage will protect the property values of Wegmans by enabling the store to have an appropriately proportional amount of signage given the unique nature of the center, the size of the building, and the variety of uses within the building. Granting the requested signage waiver will not have any adverse impact on adjacent property values. In fact, the shopping center is predicted to increase property values because of the amenities it will provide to the area.

Therefore, in the case of the requested modification, the public purposes of the original regulation would be satisfied to at least an equivalent degree by granting the modification.

Albemarle County staff have determined that even if two companies have the same owner, such as Dick's and Field and Stream (also under construction in this shopping center), they are still considered separate establishments per the signage ordinance. The County has also determined that an establishment can be located within another establishment or open to an adjacent establishment and still be considered a separate establishment for the purposes of signage calculation so long as it is located along an exterior wall of the structure.

The Wegmans store has approximately 1,000 linear feet of exterior wall and 120,000 square feet of interior space. The other anchor tenants at the site have closer to 40,000 square feet of interior space. Even though the other anchor tenants are less than half of the size of Wegmans, they are allowed the maximum amount of wall signage, which has been determined to be 400 square feet.

In most cases, a maximum of 400 square feet of wall signage, as established by Section 4.15, is reasonable and appropriate. As noted in the signage request, the Wegmans Food Market, although significantly larger than any other tenant space in the development, complies with the specified maximum. The requested modification is needed to provide the necessary wall signage that is specific to the Pub and Market Café, as they are currently unable to qualify as a second tenant or establishment according to County staff. Wegmans, per the County's administration of the code, is only allowed 400 square feet of wall signage to be distributed among over 1,000 linear feet of wall space.

The comparison of Wall Signage below demonstrates that even with the requested exception, the public purpose to limit excessive signage is satisfied given that the Wegmans building is allowed less than 1/2 of the signage of the 2nd Anchor Tenant Building, a comparably sized building next door housing four tenants.

Comparison of Wall Signage

	Wegman's (store and restaurant)	2nd Anchor Tenant Building (4 stores: Dicks, Field & Stream, Haverty's, Planet Fitness)
Building Size	120,000 sq ft	Approximately 150,000 sq ft
Wall Signage maximum allowance per 4.15	400 square feet because restaurant is not officially	Varies depending on size of each establishment.

	deemed a separate establishment.	
Wall Signage proposed	542 sq ft (proposed)	Approximately 1,100 sq ft permitted



Albemarle County Wegmans under construction

As a point of comparison, Midlothian, VA, has a similar wall signage maximum of 395 square feet. The Wegmans Food Store in Midlothian, with a grand opening in May 2016, was granted an exception unanimously by the Chesterfield County Board of Supervisors to allow 1,130 square feet of wall signage. The approval was granted based on the store location and unique site constraints with the recommendation that additional signage would promote legibility without over concentration. The Midlothian store has the same floor plan and store size as the Albemarle County Store.

The 5th Street Station Shopping Center, with frontage along Interstate 64, is a unique site. As mentioned previously, it is the only shopping center in Albemarle County located on the interstate and one of the few regional shopping destinations. With little visibility from the access points to the site, the Interstate frontage is elevated to an important wayfinding necessity for regional travelers. Thus more wall signage than is typical has been devoted to creating safe and effective signage along the rear of the buildings, leaving less signage available to other building frontages and entrances that also need signage.

While it would be helpful for the Albemarle County Sign Ordinance to provide bonus square footage of wall signage for larger retail stores, the specific situation of the proposed Wegmans signage is unique and not general or recurring. The combination of site factors such as interstate frontage and lack of visibility from access points suggest the need for signage on the rear of the building that would otherwise not be necessary, meaning that less signage is available for other elevations of the building. Factors under consideration specific to Wegmans include the size of the store compared to other retailers and the clearly separate entity of the restaurant space with its own entrance and parking on the western elevation.

For all of these reasons, we respectfully request the support of the Board of Supervisors for the Special Exception Request of 142 square feet of wall signage needed for the Pub and Market Café signage. We appreciate your consideration.

Exhibits

- A. Wall Signage Exhibit
- B. Alexandria Wegmans Grand Opening Images
- C. Wegmans Floor Plan (showing area of Pub and Market Café)

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