

October 26, 2016

Rebecca Ragsdale, Senior Permit Planner
Albemarle County
Department of Community Development
401 McIntire Road
Charlottesville, VA 22902



Re: Request for Waiver of NMD Sign Regulations

Ms. Ragsdale,

In follow-up to our sign waiver request, deferred at the February 10, 2016 Board of Supervisors meeting which approved ZMA 2015-00001, we have revised our modification request and associated exhibits per comments from the Board of Supervisors, Planning, and Zoning. The revised waiver request is as follows:

The applicant requests a waiver of the Freestanding sign regulations in Section 4.15.11. The applicant requests 2 additional ft. in height for each Freestanding sign (2 permitted per ordinance). The applicant also requests 32 additional sq. ft. of sign area, 16 sq. ft. per sign.

This request for additional sign area, takes the position that the square theme panels at the top and bottom of the structure, which are part of the sign framework, do not count towards sign area per the ordinance definition:

Sign area. The term "sign area" means the area of a sign face within the smallest square, circle, rectangle, triangle, or combination thereof, that encompasses the extreme limits of the copy, together with any materials or colors forming an integral part of the background of the sign face or used to differentiate the sign from the backdrop or structure against which it is placed.

Sign structure. The term "sign structure" means the supports, uprights, bracings, and framework of any structure, regardless of whether it is single-faced, double-faced, V-type or otherwise, used to exhibit a sign. See Figure 1 following this section.

As a condition of approval, the applicant agrees to only construct 2 signs at the intersection of Route 250 and Old Trail Drive, as 4 signs are allowed per the NMD ordinance (2 Freestanding and 2 Subdivision).

For approval of the modification request, the applicant addresses the following findings:

- (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*

Old Trail Village is a mixed-use development district that has important commercial and office uses in addition to the residential component. The current NMD sign ordinance is

more consistent with the sign regulations used strictly for residential uses rather than those used for commercial uses, and certainly doesn't provide the flexibility intended for planned development districts.

- (ii) *to be consistent with planned development design principles*

Planned development districts are intended to provide flexibility not afforded to conventional districts in order to "promote: economical and efficient land use through unified development," "appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations." It is the applicant's belief that our sign design is a creative alternative to the conventional sign regulations, which is the purpose and intent of planned development districts.

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

The proposed modification does not adversely affect the public health, safety or general welfare. As the NMD sign ordinance currently permits, Old Trail Village could construct 4 signs at the intersection of Route 250 and Old Trail Drive. It is our belief that 2 fewer signs with a minimal addition in height and sign area per sign is less visually obtrusive to the surrounding area and creates less of a distraction than the construction of 4 signs.

- (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.*

As previously stated, it is the applicant's belief that fewer signs, despite the modification in height and sign area, create a more "attractive and harmonious environment," "protect the public investment in the creation, maintenance, safety, and appearance of its streets, highways and other areas open to the public," "improve vehicular and pedestrian safety by avoiding saturation and confusion in the field of vision," and "protect and enhance the county's attractiveness to tourists and other visitors as sources of economic development" as these are the original intentions of the sign ordinance.

For approval of the modification request, the applicant establishes the following as to the time, place and manner in which these signs will be erected and maintained:

1. *Preservation of Free speech and expression;* The intent of this modification is to allow for signage monumentation that is more environmentally friendly and within scale of the overall development that it represents. The preservation of design expression is part of the message in Old Trail's neighborhood districts that pays respect to the natural environment; integrates materials that are indigenous to the area; reduces the clutter of multiple sign panels; and is a thoughtful height and structural scale that allows advertising to blend into the natural surroundings that the NMD Zoning intended to protect. The freedom of speech is preserved by granting this waiver for more visible signage that provides the right for the advertisement of these community based businesses that serve an important role in the County's growth initiatives.

2. *Promote the general health, safety and welfare, inclusion the creation of an attractive and harmonious environment;* The intent of this waiver is to allow the Freestanding Old Trail Village Entrance monument to be. The Neighborhood Model Development sign is requesting a waiver to increase the overall height so that it would be more visible to oncoming traffic from both directions and also consolidate the sign into one structure instead of the two that would normally be allowed. In both instances this waiver would allow these signs to blend more harmoniously with the surrounding environment, would be at a scale and size the better fits the backdrop of forest and mountains; and would provide a unique design that respects the natural environment that the general principles of neighborhood model development are designed to protect.
3. *Protect the public investment in the creation, maintenance, safety and appearance of its streets highways, and other areas open to the public;* The proposed signage will improve the visibility and success of this Neighborhood Model Development, which is located at the heart of the Western Albemarle's growth area. By provide a more environmentally friendly and more visible sign monument it would help ensure the economic survival of the tenants that are not normally visible from the primary traffic corridor along route 250. Without adequate signage, the potential demise of business would be a significant detriment to the County's plans for directing growth to these neighborhood Village Hubs that are designated to be located out of sight visibility so the impacts of growth are not seen. This modification is being done in a way that better supports these businesses but respects the environment.
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 modifications to the Neighborhood Model Development Freestanding and Subdivision signs would do more to project the safe flow of traffic and keep pedestrians out of harm's way by making the signs more visible from the congested flow of traffic within this busy intersection that is a confluence of this Large Scale Neighborhood Model Development, the Western Albemarle High School, Brownsville Elementary School and Henley Middle School.
5. *Protect and enhance the County's attractiveness to tourist and other visitors as sources of economic development;* The proposed signage would enhance the visibility of those businesses that are actually supporting the influx of visitors who would utilize the Old Trail Golf Club and Community Banquet facilities; the Old Trail restaurants; and the Old Trail Village Businesses.
6. *Protect Property Values:* The key to maintaining or enhancing the property values of the Old Trail Community is the success of its Village Center and the Business tenants that inhabit the spaces, which also provide the essential community services and lifestyle venues that are necessary for a vibrant town center. The installation of proper signs that are of adequate scale with proper messaging is key to this success.

We greatly appreciate your consideration of this application.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Brockman", with a long horizontal flourish extending to the right.

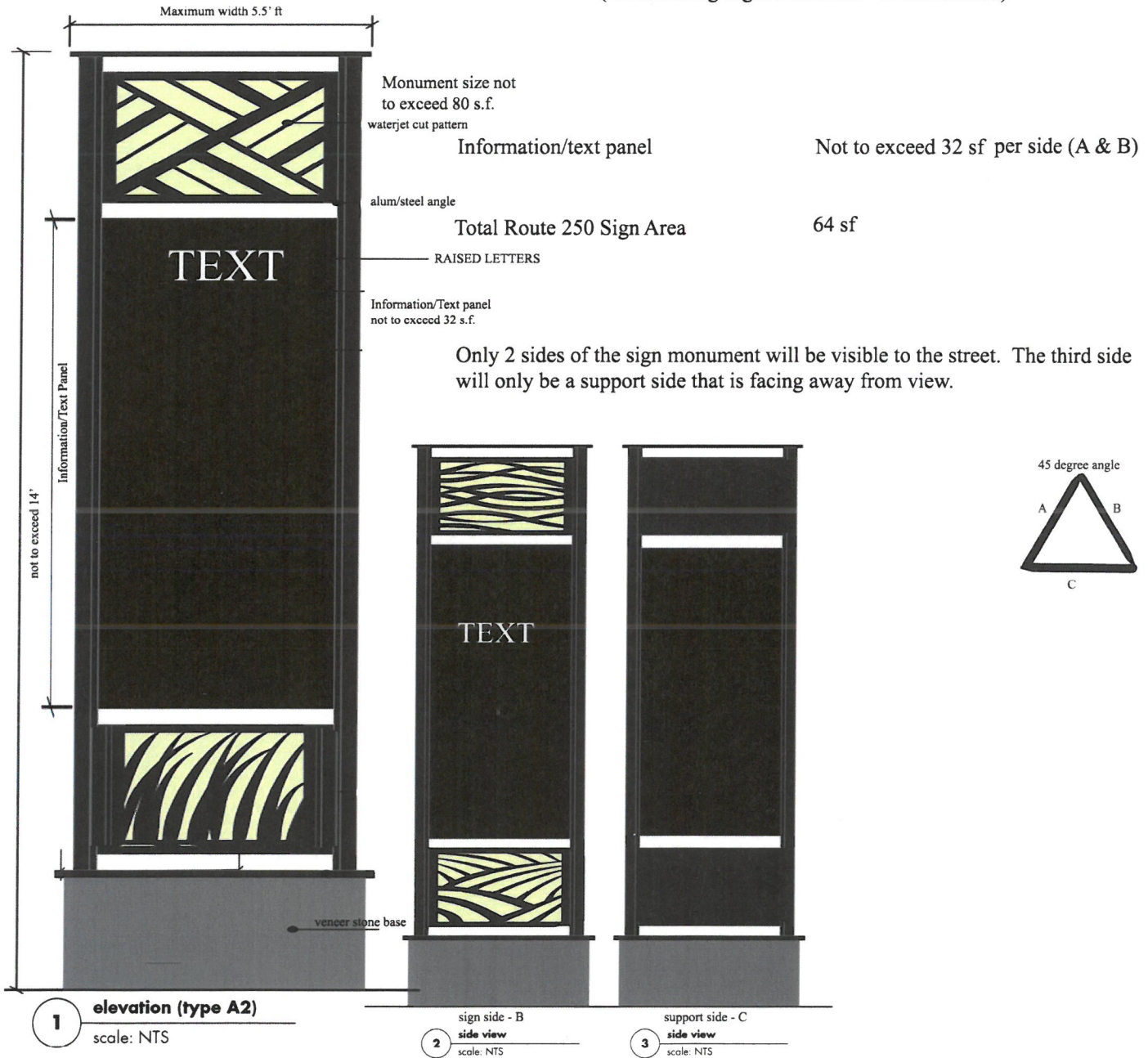
David Brockman

Executive Vice President Development

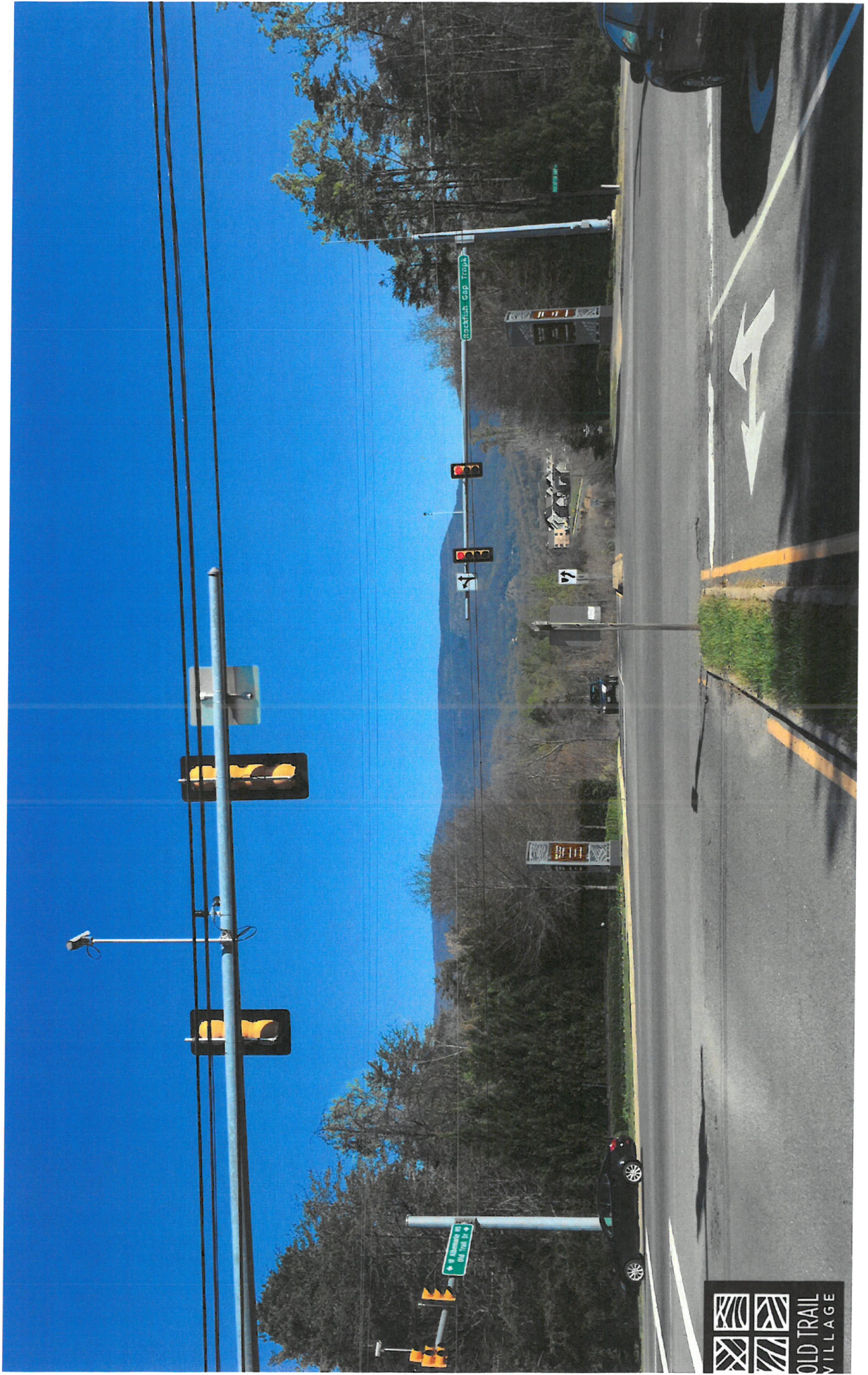
Attachments

- A. Sign simulation showing proposed signs to scale
- B. Sign simulation showing proposed signs to scale as well as current sign (to be removed)
- C. Sign concept showing dimensions, materials, etc. modeled in the simulations
- D. Sign simulation showing what is currently allowed per the NMD sign ordinance

Maximum Allowable Sign Area Square Footage Per Monument
(Freestanding Signs Permitted - 2 Monuments)







The current ordinance allows for 2 Freestanding signs (see orange signs) and 2 Subdivision signs (see yellow signs). The Subdivision signs, if displaying two, can be 12 sq. ft. of sign area per sign, and the total sign structure can be 2 1/2 times the sign area for a total of 30 sq. ft. per sign, which are shown as 5'X6' signs below. The Freestanding signs, if displaying two, can be 16 sq. ft. of sign area per sign, and the total sign structure can be 2 1/2 times the sign area for a total of 40 sq. ft. per sign, which are shown as 3.3'X12' signs below.

