

SPECIAL EXCEPTION REQUEST #2

SDP 2018-0091

BACKGROUND

Oakleigh Albemarle, LLC (the "Applicant"), requests a Special Exception Amendment to the existing Oakleigh project. The current zoning for this project is a Neighborhood Model Development (NMD). The request in this Application includes the following parcels (collectively, the "Property"):

45-26A3	1.232 (Building A- Block 1)
45-26A4	0.993 acres (Building B- Block 2)
45-26A5	0.527 acres (Building C- Block 3)
45-26A6	0.661 acres (Apartment- Block 4)
45-26A7	4.685 acres (Building D- Block 5)
45-26A8	0.270 acres (Lot 6)
45-26B6	0.234 acres (Lot 6A- Pocket Park A)
45-26A9	0.200 acres (Lot 4A)

Total: 8.802 acres (8.822 acres is actual survey info.)

Note: Acreage noted is from the County GIS information. Actual acreage may differ. References noted relate to the Site Plan on file with the County.

The Oakleigh community is located along W. Rio Road (State Route 659) next to Berkmar Cross and across from Woodburn Road in the Rio District.

Oakleigh is a Neighborhood Model district comprised on both residential and commercial entities. In 2016, the Board of Supervisors approved the request to introduce an Assisted Living facility into the project. Later, in 2017, a Minor Site Plan Amendment was approved for the subdivision of the property and other minor plan changes (e.g. setbacks and redesign of Building C and the Vet Memorial). Just like those before, we are seeking a new Minor Site Plan Amendment to respond to the changing market. This current review request to swap six previous approved townhomes for twenty-four apartments located on Lot 4 at the end of Eckerson Court. The building has been reviewed already by the ARB and they have given approval to the design.

PROJECT PROPOSAL

Within this special exception, the Applicant is proposing the following changes to the plan in accordance with Chapter 18, Section 8.5.5.3a.

	Requested Modification	Zoning Reference
1.	Waiver and Modification to sign setbacks to the Freestanding Signs regulations	8.2 (b) 4.0 4.15.10 4.15.16

REASONS BEHIND THE REQUESTED MODIFICATION

The primary reason for this request is in direct response to market changes and to have the locations comply with zoning requirements rather than the site plans. Signage is an important aspect to any project since it identifies and separates the development and its tenants from others in a competitive market. It also helps visitors connect to a place and provides them a sense of arrival.

From the very beginning signage has been illustrated in our submittals, patricianly in our site development plans. Even though they have been shown and assumed "reviewed by staff," each time we have received an approval from the County, these locations weren't identified as being problematic until we recently applied for our sign permits. The request before you helps to rectify what we thought were "approved" locations with what is permissible from a Zoning standpoint. It's unfortunate that the current Ordinance doesn't allow for this to easily occur to avoid this type of confusion.

Request #1 will allow a monument sign to be placed within the general sign setback to accommodate the fact that our development has lot lines that adjoin one another down the main entrance. Rather than have either two monument signs or one monument sign for each lot along W. Rio Road, we prefer to have one monument sign representing the major tenants at the entrance to the project. Again, this will help simplify and help the visitors get a sense of place.

JUSTIFICATIONS TO THE REQUESTED MODIFICATION

For approval of the modification request, the applicant addresses the following findings listed in Section 8.2(b):

- 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*

Oakleigh is a mixed-use development district inside the development area that has both commercial and residential components. The current Neighborhood Model District sign ordinance (4.15.10) is adequate for most cases except when signs are located inside median islands at the development's entrances; and if the parcel lots adjoin in the center of the private roads serving the development rather than same roads with rights-of-way.

Signs are intended to attract visitors to businesses within a development. Signs should be allowed to be placed in strategic and visible locations despite interior lot lines within a development along private streets. For these reasons we feel the waiver request is consistent with the requirements of Section 8 and purposes of the planned development district.

- ii. to be consistent with planned development design principles*

Planned developments are defined by Section 8.3, as areas rezoned or with certain districts that are under unified control and planned and developed as a whole; they related to approved application plans; and they operate and maintain common areas, facilities and improvements for some or all occupants of the development deemed to be appropriate.

Planned development districts are also intended to provide flexibility so that they promote and enhance the overall development goals that may differ than traditional development practices. The principles promote economical and efficient land use through a unified development, appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. Creating a "sense of place" or arrival to the development for its visitors is key to identifying and setting apart itself from another development. Site elements, such as monument signs, play a pivotal role as much as, say does the architecture or color palette. Locating these site elements at the main entrance; or within the development, at key activities help the visitors find their destinations easier and faster. Therefore, businesses are found and utilized more and aren't caused to close or relocate to other locations.

The applicant believes the intent and purpose of placing a single monument sign that serves the majority of the major tenants at the entrance remains consistent with planned development design principles related to harmony and unity while adapting them to fit the neighborhood model principles that provide greater flexibility. Furthermore, through the review by the Architectural Review Board the sign's design is compatible and consistent with the vision of the developer and relates to the overall architectural design.

iii. *that the waiver or modification would not adversely affect the public health, safety or general welfare*

Locating the sign as proposed does not adversely affect the public health, safety or general welfare. As the Neighborhood Model District sign ordinance currently permits, Oakleigh could construct two (2) monument signs along Rio Road given there are two lots fronting this corridor. The applicant believes by only having one at the main entrance this will reduce clutter along this roadway. Having one sign at the primary entrance helps visitors feel a "sense of place" and doesn't distract from or add clutter to the entrance corridor making it a safer and enjoyable experience. Additionally, it's cheaper to build and maintain one sign as opposed to two. The proposed sign furthermore is located in a way so that it won't interfere with traffic patterns, lines of sight and sits back off the curb edge in a reasonable way to satisfy County reviewers.

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*

Again the applicant feels that fewer signs, despite the current regulations, creates a more attractive and pleasing environment both along this Rio Road corridor and along the front of the development. It enhances the public street and reduces maintenance and safety concerns to the public and strengthens the economic stature of the project to the County's benefit.

For approval of the modification request, the applicant also addresses the following listed in Section 4.15.1. The purpose and intent of the Sign Ordinance is described to include, but are not limited to, the following:

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 the rights of 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 Oakleigh development, these businesses are not granted the freedom of speech necessary to advertise their establishment. The waiver process allows for a reasonable amount of signage provided there are avenues in place to allow greater flexibility for

developments with multiple lots and multiple users. Therefore, this section of the code can be 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*

Additional signage is not be being added. The waiver is actually seeking to reduce the allowed number of signs allowed. In doing so, we are improving the public's wayfinding needs to indentify one entrance to the development with one sign. This furthermore does not impact from the street corridor. Therefore the waiver requested will not adversely affect the public health, safety or general welfare.

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 modification will continue to protect the County's goals for entrance corridors. The signage will be harmonious and proportional to the development. As a result, visitors will be able to use the County's streets safely as they visit Oakleigh which provides tax revenue income to the County so it can continue to invest in making it's public streets, highways and other areas open and safe to the public.

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*

As mentioned previously, the proposed modification will not add saturation and confusion in the field of vision along the corridor. By reducing the number of signs allowed and placing one central monument sign at the entrance to the development, the project establishes for the visitor a sense of arrival while improving the safety for the public.

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 them and other first-time visitors who are not familiar with the store's location, especially for those not visible from Rio Road. The proposed design for the sign is attractive and limits frustration to the tourist and enhances the experience for the other visitors in Albemarle County.

6. *Protect property values*

Allowing for this modification will provide greater visibility to the project, less competition of signage along the corridor and unify the users at Oakleigh along Rio Road. The proposed signage doesn't detract, increase or seek to change the general sign ordinance guidelines. The request seeks to create flexibility to the sign ordinance for this development. Granting the requested sign waiver will not have any adverse impact on adjacent property values. 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.

Lastly, as conditions of approval, the applicant agrees to the following:

1. No additional monument signs would be permitted along W. Rio Road
2. Signs and their foundations would be permitted in access easements, private road rights-of-way and in the common areas
3. Internal sign setbacks would be reduced from five feet (5') to zero (0'); and
4. Signs would continue to adhere to a five foot (5') setback (minimum) along W. Rio Road

We hope for all the reasons outlined and explained above, both staff and the Board of Supervisors will agree to approve the proposed sign waiver.

Sign A

Oakleigh Monument Directory Sign

See Page 4 For Details

Sign B

Veteran Memorial ID Sign

See Page 8 For Details

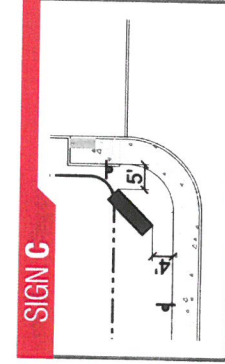
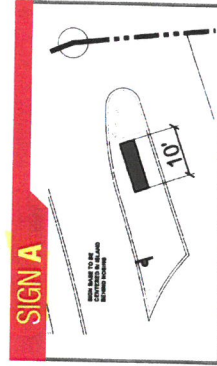
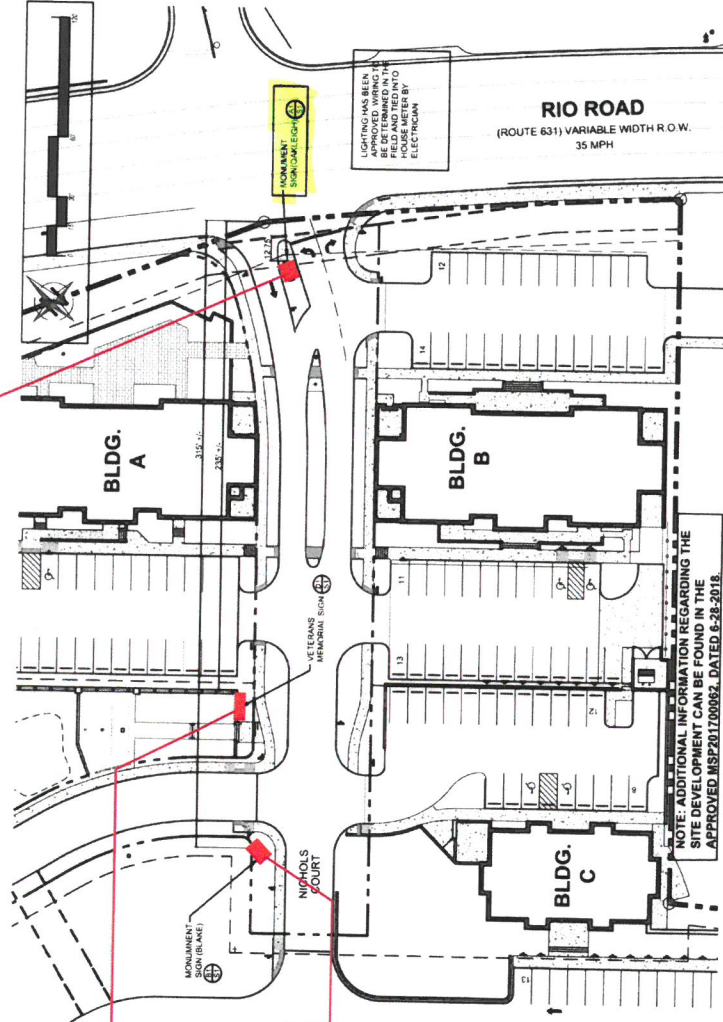
Sign C

The Blake Monument ID Sign

See Page 7 For Details

NOTES

All sign areas and sizes will comply with Albemarle County Code Chapter 18, Section 4.15-Signs and Albemarle County Architectural Review Board (ARB) Sign Guidelines and will require individual sign permit applications.



Colors

BM CLINTON BROWN (HC-67)

ALTERNATIVE - BLACK

BM SEAPEARL (OC-19)

BLACK

WHITE

SILVER METALLIC

Drawn by
J. Hatfield

