

Entrance corridor review process streamlined
written by Newspack Team | May 18, 2010

By Bridgett Lynn & Brian Wheeler

Charlottesville Tomorrow

Tuesday, May 18, 2010

At their meeting last Wednesday, the

Albemarle County Board of Supervisors

reviewed proposals to streamline the review process for new development in the County's
entrance corridors

and to initiate a review of sign regulations. While the board authorized some changes which seemed to
have broad support, they also received public input on a recent report by the

Free Enterprise Forum

which was critical of the power of the

Architectural Review Board

(ARB).

A Zoning Text Amendment (ZTA) related to the

Entrance Corridor Overlay District

(ECOD) will add and amend various definitions and allow, according to county staff, more efficient
review of development proposals. It should also mean that the ARB will review a smaller number of
applications.

"These changes are simply meant to streamline the process and speed it up, it wouldn't have any
negative impact on design [of the community]," said county staff member Margaret Maliszewski who
works with the ARB. "We wouldn't have to write a staff report which can be a time consuming task, and
these items wouldn't have to go through an ARB meeting."

Morgan Butler of the

Southern Environmental Law Center

said the ordinance language is clearer. "There's now a preliminary review process that's mapped out
very clearly in the ordinance and that preliminary review could actually lead to approval," said Butler.
"I think the process is much clearer overall"



Neil Williamson of the Free Enterprise Forum

Neil Williamson, executive director of the

Free Enterprise Forum

, asked the board to consider even more restrictions on the ARB's authority than what had been recommended by staff.

Williamson said his

'Eye of the Beholder' report

, released in advance of the meeting, uses a review of public documents and case studies to highlight the expansion of the ARB power beyond the scope envisioned when it was founded in 1990.

"Unintended consequences of the ARB process include stale signage and possible economic retardation," said Williamson. "As recent sales tax statistics have shown increasingly retail activity is moving to the outlying jurisdictions. Albemarle County's ARB, and the large number of entrance corridors they regulate, may have a negative impact on economic development."

The goal of the ARB is to ensure that new developments within the County's entrance corridors reflect the traditional architecture of the area and that the developments are orderly and attractive.

Marcia Joseph

, a former member of both the ARB and the

Planning Commission

, appeared during public comment to defend the board's role. When Joseph served on the ARB, she said that they "did not consider Albemarle County as 'Anywhere USA'."

"Please don't paint them as an evil anti-development group of individuals," said Joseph. "For 20 years, the ARB has been helping shape the character of our corridors and maintain the regional character of the area....They work hard, and deserve more respect than what was given them in the

Free Enterprise Forum report

."



Former Planning Commissioner Marcia Joseph

Joseph referred the board to Edward McMahon's book, *Better Models for Commercial Development*, which outlines the reasons why sign regulations are important in communities. Handing each member a copy of the book, Joseph said it showed examples of communities where national franchises and chain stores have changed their designs to match the local character of the surrounding community.

Candace Smith

, another former ARB member, challenged the Free Enterprise Forum's claim of providing a "clear positive balance to the discussions of important issues of the day," and said that the comments made in the report were "inflammatory and irresponsible."

The

'Eye of the Beholder'

report claims that applicants often perceive that the ARB is "gunning" to make it as difficult as possible for an applicant to get a Certificate of Appropriateness.

"One of the reasons that there have been so few appeals [for a CA] is that there have been so few denials," Candace Smith retorted.

The Zoning Text Amendment related to the entrance corridor regulations, which was approved during the meeting, does clarify the types of development for which a certificate of appropriateness is required.

The

'Eye of the Beholder'

report includes a case study from 2008 when the ARB asked for color changes in a sign for the bank Stellar One because they said it detracted from the building. The decision cost Stellar One \$10,000 to have the signs refaced to match the color of other signage already on the building.

Paul Wright, a current member of the ARB, challenged the accuracy of the Free Enterprise Forum report and said the blame sometimes fell on applicants not following county regulations.

"If you don't do what it is you're allowed to do, you have to fix it, and it's not our fault that that happened," said Wright.

"Changing colors of the sign is not unusual, it happens all over the entire country and communities that are concerned about maintaining a regional design standard," said Joseph. "Changing colors on the sign does not violate free speech. The message remains the same just a different color."



Former Planning Commissioner Jo Higgins

Others spoke in support of the Free Enterprise Forum report and called for less subjectivity in aesthetic requirements.

Jo Higgins

is a former member of the planning commission who now represents various development projects being reviewed by the county.

“Since the ARB was instigated, it has kind of lost its way,” said Higgins. “The trouble is with the guidelines, that they are so loosely written, and it’s such a subjective call.”

Williamson suggested some additions to the proposed ZTA. He recommended that the Supervisors have the ARB report up through the

Planning Commission

, refine the charge of the ARB to limit consideration to the aesthetics of the entrance corridor, restrict the ARB’s abilities to change the orientation of buildings on a site, and to release the ARB agenda and minutes to the public via

the county’s website

.

The Free Enterprise Forum also called on the

Board of Supervisors

to issue a resolution of intent, to form round tables that include citizens and other stakeholders to review the ARB process beyond the ZTA reforms.

Williamson responded, “these measures are streamlining. They are most effective... I don’t believe these measures go far enough... but that’s not a reason to not go forward with this very important step.”

Supervisor,

Ann Mallek

, agreed and added, “the baby step approach is much more successful than sweeping changes [to the ARB].”

In a separate action, the Board of Supervisors also agreed to initiate a Zoning Text Amendment process to have the

Planning Commission

review sign regulations in the entrance corridors.

Supervisor,

Dennis Rooker

, asked that the language in the resolution be changed to read that it 'may be desired' to amend the county's sign regulations. He said he did not want to communicate a presumption that they need to be amended.

In preparation for changes to the sign ordinance, county staff have already held one round table with local business officials. A second round table is expected to be held in August, 2010, and Rooker recommended broadening the group of participants to include representatives from both the Southern Environmental Law Center and Piedmont Environmental Council. Public hearings will be held this fall by the Planning Commission and the Board of Supervisors on any proposed changes.