



American Planning Association
Colorado Chapter

Making Great Communities Happen

Public vs Private Perspectives:

THE DEVELOPMENT PROCESS
AS TOLD BY A DEVELOPER,
ENGINEER, PLANNER & CITY
MANAGER

Planners' Perspective

Randy Hunt, AICP:

Community Development Director,
Town of Estes Park and surrounding
Larimer County



TOWN OF
ESTES PARK
COLORADO





“We’d Like Our Elected Officials to Know that...”

“Behind the
Scenes”
(the rest of
that iceberg)

Many projects take months for staff to assemble and involve a lot of other agencies.



You get a lot of calls and emails about the big projects... We get them too.



Many developers and design professionals try to avoid staff recommendations to deny – a lot is needed to get to “yes”, if we get there at all.

“Meeting with the Developer” – What to Know

- ❑ Meeting with a specific developer or dev. team after an application is filed can result in ex-parte concerns; best to avoid this.
- ❑ Meeting with developer / dev. team in a group setting – no project on the table – is valuable!
- ❑ Always do project-related field visits when possible. 1-2 elected officials plus 1-2 staff makes for a productive visit. (Make sure your attorney agrees, and make sure you have permission.)

“Canary in the Coal Mine”

- ❑ Keep an eye on your Code. They get out of date faster than you may think.
- ❑ Variances are a leading indicator of Code trouble. They are your canaries. Too many variances on the same topic (sick canaries) may mean your Code requirements (your coal mine) needs to be fixed soon.
- ❑ Stay in touch with your Board of Adjustment; they are your canary veterinarians.

The Developers Perspective

Carrie McCool, Principal:
McCool Development Solutions





The planning process is often times daunting



Entitlement Process: *Developers Role*

- Learn and respect adopted rules and processes
- Have an understanding of the role of government
- Communicate issues and concerns
- Have realistic expectations



Entitlement Process

Predictability

01

Up-to-date
Long-Range
Planning
Documents

02

Streamlined
Land Use
Regulations

03

Understanding
of Review
Criteria

04

No Surprises

Entitlement Process *Flexibility*

- Waivers from the Code
- Confidence in Staff

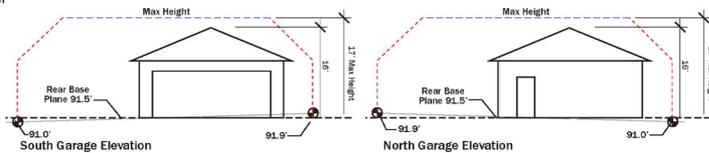


Entitlement Process: *Resource Availability*

ZONING ONLY SAMPLE

DETACHED GARAGE ELEVATIONS

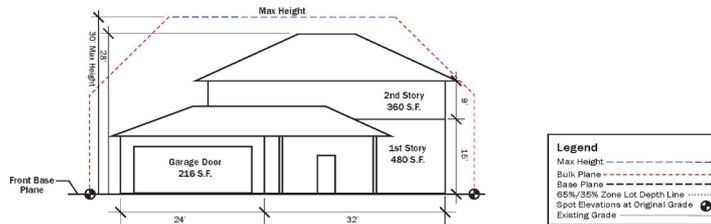
Address
Owner
Date



ZONING ONLY SAMPLE

ATTACHED GARAGE ELEVATIONS

Address
Owner
Date



Attached Garage Design Standards

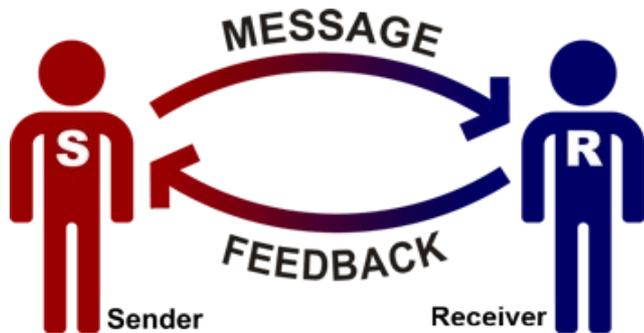
*** In cases where the garage door faces the primary street, it cannot project further than the facade portions that constitute at least 65% of the total width of the primary structure enclosing the primary use (see section 13.1.6.H of the Denver Zoning Code).



- User Guides:
 - Submittal Checklists
 - Work Product Samples
 - Fees
- Online Resources

Entitlement Process

Communication is Key



- Your Staff is Your resource
- Development Community Challenges
- Invest in Collaboration and Education

Entitlement Process

Conduct Effective Public Hearings

*What is an **EFFECTIVE** Public Hearing?*

- ❑ Everyone had fair opportunity to be heard
- ❑ Relevant Issues were addressed
- ❑ No “Rabbit Holes” pursued for long
- ❑ People felt “heard” and “understood”
- ❑ Everyone felt respected



Entitlement Process

What an *Effective* Public Hearing
is **NOT**:

- Everyone left happy
- Everyone got what they wanted
- Everyone loves the City Council/Town Board

Entitlement Process

Public Hearings Tips

Thorough Understanding of:

- Long-Range Planning Documents
- Land Use Regulations

Homework Completed:

- Packet Materials Read
- Site Visit

Entitlement Process

Final tip on Running Effective Public Hearings

Decision based on Findings of Facts



The Engineer's Perspective

Craig Perl

Senior Engineer – Floodplain Administrator

City of Aurora

Department of Public Works



Why do we need regulations?

“Development pays its own way”

- ❑ Developers construct:
 - Streets
 - Storm drainage
 - Water
 - Sanitary sewer

- ❑ Developers pay impact fees for:
 - All of the above
 - Schools
 - Parks

Why do we need regulations?

Municipality takes ownership and maintenance responsibility for all infrastructure in long term.

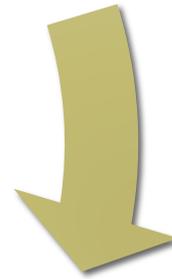
- Engineering review of design
- Inspection during construction
- Warranty period

Reflect local conditions and community values

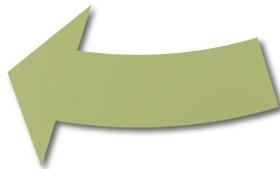


Based on local, state, national and global engineering standards

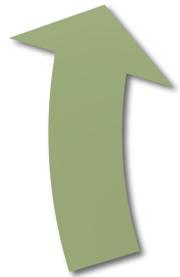
- UDFCD, CDOT, AASHTO, FHWA, IBC



Protect the health, safety and welfare of the public



Minimize future maintenance costs



Standards

Timeframes

- ❑ Major infrastructure expected to last 100+ years with moderate maintenance
- ❑ Many residential and master developers will sell all or portions of projects within 5 years.
- ❑ Big box retail stores have 15-20 year lifespan.
- ❑ Commercial, Industrial and Multi-family tend to have longer lifespans

Understanding the Land Development Industry



- ❑ Many players at different points in the process
- ❑ Cash flow is critical
- ❑ Look for areas of mutual interest, understand areas of inherent conflict

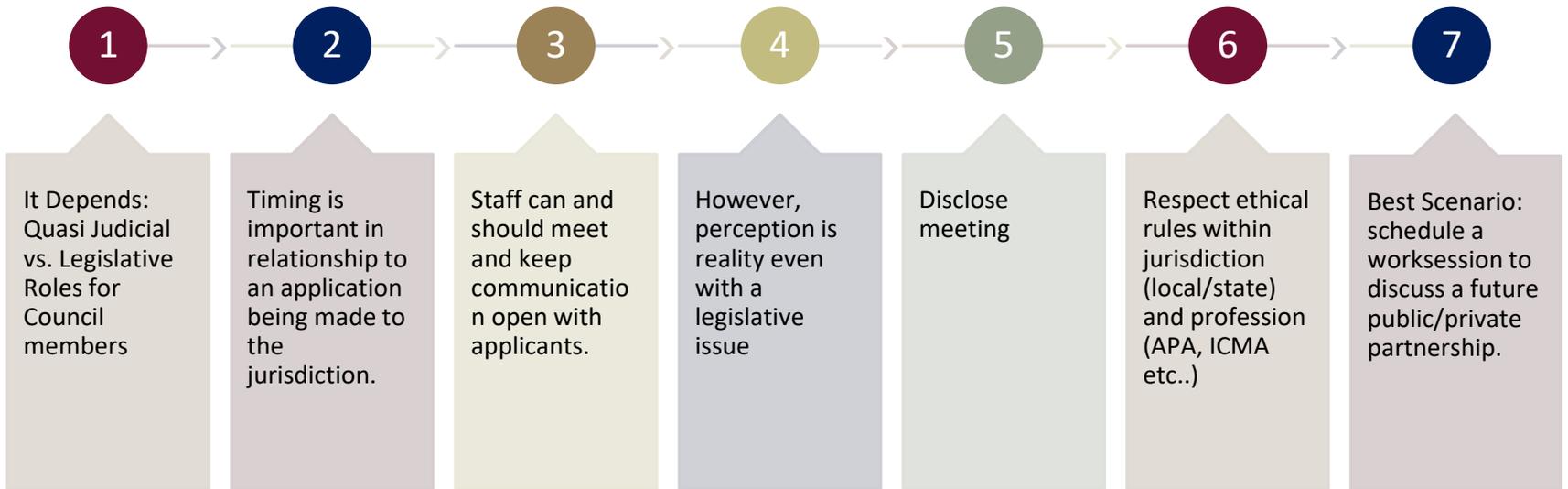
The City Manager's Perspective

Russ Forrest, AICP

City Manger

City of Gunnison, Colorado





Pre Application

Is it ok for elected officials to meet with Developers before application?

Manager should facilitate cross communication

Before an Application: A good Planning Director and Manager should encourage or ensure:

- ❑ Good neighbor policy- applicant should talk to the adjacent property owners and stakeholders before they get a formal notice
- ❑ Have a pre application meeting to consider both process, technical standards, practical construction issues, and operational issues with City/Town staff and institutional stakeholders
 - Planners
 - Public Works/Engineering
 - Emergency Services
 - Mass Transit
 - Other Institutional stakeholders: Utilities, CDOT, County/other institutional, housing authority.

After Approval: After approval and prior to a building permit have a preconstruction meeting and make sure a plan is created to avoid, minimize and mitigate construction impacts to the extent possible.

Recommendations

- ❑ Staff has the responsibility and should have the freedom to provide their best professional judgement in developing recommendations based on the land use code
- ❑ Staff needs to facilitate the development review process within the parameters defined by the land use code.
- ❑ Staff needs to make clear recommendations and provide considerations, options, scenarios as appropriate.
- ❑ Elected officials need to ask questions, evaluate implications, and then make their best decision using the criteria/standards in the applicable land use code.
- ❑ You have to follow your process or expose yourself to a Section 106 claim.

Recommendations

- ❑ No one likes surprises. Give staff a heads up on a question but debate the question in public meetings. Staff should also proactively give commissions and elected information on changes with an application.
- ❑ Manager/Attorney may need to remind Elected officials on roles
- ❑ Its all right if staff, Planning Commission, and/or elected officials have different conclusions on an application using the same set of criteria. Don't criticize staff if you don't agree with the recommendation. Manager must protect staff if criticism occurs.
- ❑ If process, regulations don't achieve a desired goal – change it via an appropriate legislative process (Can't do it at the same time an application is active).

Houston we have a problem

- What do you do when you have a procedural problem in the development review process?
 - Conflict of Interest-talk to your attorney –recuse or disclose
 - Ex Parte-talk to attorney-recuse or disclose
 - Process error-Error in Notice- Re do the notice but accurately.
 - May have to replay a hearing/meeting
 - CIRSA can be a great source of help.

Take away for managers: Staff must feel safe disclosing problem and the Manager must have the strength to fix it – even if embarrassing.



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Questions? Comments?