

BOARD OF ALDERMEN

ITEM NO.: (2)

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 8, 2010

TITLE: A Report on the Engineering Review Process for Development Projects

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ No _X_
ATTACHMENTS: A. RESOLUTION ACCEPTING REPORT AND DIRECTING STAFF B. EXCERPT FROM 9/1/09 BOARD OF ALDERMEN MEETING MINUTES C. DRAFT OF STORMWATER REVIEW CHECKLIST FOR SUP, CUP, ZP & PRELIMINARY SUBDIVISIONS D. DRAFT OF STORMWATER REVIEW CHECKLIST FOR COMMERCIAL, OFFICE, AND INSTITUTIONAL & RDEVELOPMENT PROJECTS E. COMMENTS FROM HENRY WELLS OF SUNGATE REGARDING HOW PROJECT PRESENTATIONS MAY DIFFER WITH ADDITIONAL ELEMENTS OF REVIEW DELAYED UNTIL CONSTRUCTION PLAN STAGE	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333 HENRY WELLS, SUNGATE DESIGN GROUP (TOWN ENGINEER), 859-2243

PURPOSE

At its September 1, 2009 meeting, the Board requested a report on the Town's engineering review process related to development applications. Related information is provided in this item along with newly-created stormwater engineering review checklists for the Board's consideration. Staff recommends that the Board consider adopting a resolution accepting the report, authorizing and supporting use of the new engineering checklists, and directing staff to begin processing related LUO changes.

INFORMATION

Background and History

The 2006 RTS completed report, *Creating Carrboro's Economic Future*, included a recommendation for the Town to consider changes to the stormwater engineering review process for development projects. Then, on September 1, 2009, the Board requested a staff report on engineering items that may be reviewed during the construction plan stage of projects to potentially speed up the development review process (**Attachment B**). The Board emphasized its interest in a modification related to commercial development. Staff has considered the idea

and offers comments below in addition to new checklist tools specifically written for stormwater engineering.

The amount of information needed and required before a project may proceed to permit issuance has increased over time as regulations have grown more complex. Some of the related requirements were put in place at the Town's discretion, while others relate to State-mandated requirements resulting from the Jordan Lake rules and similar initiatives and programs. The general intent of all such regulations is to protect the public from potential detrimental effects of new construction and development. For the past fourteen years, the Town Engineer under contract (Sungate Design Group, herein called Sungate) has required almost all stormwater related details to be submitted and reviewed before a Land Use Permit is issued. This approach has provided staff, advisory board members, and others considerable assurance that a project meets all related LUO requirements and therefore will function in the intended manner. It is worth noting that requiring this amount of information has served the Town well in some ways in that staff receives fewer calls, generally, than in the past regarding stormwater and drainage problems and issues arising from development projects. Through the years though, some consultants, developers, etc, have told staff that they feel the time and cost needed to demonstrate compliance with the requirements at the permit stage is burdensome as there is still uncertainty as to whether the project will be approved. During interviews with several developers and consultants for the RTS report, similar comments were expressed, and ultimately the RTS consultants included a recommendation in their report suggesting that the Town consider relaxing some up-front requirements for the permit-issuance stage of review, thereby deferring more detailed engineering and review to the construction plan approval stage. The recommendation made it clear that all requirements would still need to be fulfilled before the construction plans are approved.

Current Efforts

Town staff and Sungate have met and discussed this topic on several occasions. And as the Board may recall, staff has worked with many applicants in recent years on a case-by-case basis to work out permit conditions that could allow certain elements of the engineering review to be delayed until the construction plan stage. Upon receiving direction from the Board on September 1, 2009, staff formally requested that Sungate create checklists to aid the development community in working through the Town's requirements and expectations regarding what information must be submitted and when. In doing so, staff asked Sungate to consider delaying as many items as feasible to the construction plan stage for commercial developments, per the Board's September 1, 2009 request. Draft versions of the resulting checklists are included as **Attachments C and D**.

The checklists essentially capture the related LUO requirements and distill them into a format that, hopefully, is more easily digested than LUO text alone. They are similar in format to the checklists created by the Planning Department and used by the Zoning Division for years now. The Zoning Division's checklists have been well received by the development community and the expectation is that the new checklists will be as well. As requested, the new checklists officially defer some items to the construction plan stage that typically have been required at the permit-issuance stage. By and large, the residential checklist reflects and captures what we have done on a case-by-case basis for the last few years, and the commercial one formally defers more

items to the construction plan stage. It may be possible to defer additional items to the construction plan stage, if desired, but the Town must be cautious with such changes to ensure that: 1) staff and the Town Engineer remain able to conclusively state that a project meets Land Use Ordinance requirements prior to the permit being issued, and 2) neighbors to any given project still have a comfort level with the design of the project, i.e.: we do not want such changes to unduly burden neighbors with an unknown sense of what a project will look like and how it potentially will (or will not) affect their property. Town Engineer Henry Wells has provided a letter summarizing the changes and how they will modify how much information he is able to share with the permit-issuing authority in a public hearing setting (**Attachment E**).

If these changes are approved, then disclosure and recognition by applicants of associated risks will be very important. This is because of the possibility of a project losing ground and time if additional details provided at the construction plan stage do not work for some reason. If that happens, then additional review will be necessary with the most extreme result being another public hearing for the project, effectively amounting to starting over again.

Reactions to date

Two and a half months ago, staff notified approximately 20 developers and consultants of the possible changes to the process, distributed draft versions of the checklists, and requested feedback. The hope was to get a reaction to them before officially implementing them for use, as a way of proactively gauging their usefulness and perhaps finding ways to improve upon them. Reactions so far have been limited but generally positive. Mr. Giles Blunden offered some general comments about the importance and purpose of the stormwater regulations and Mr. Phil Post came forward with recommendations for improvements to two particular items. Their comments have been considered and some minor changes to the checklists have been completed accordingly.

Next steps

To implement the residential checklist, all that is needed is adoption of the attached resolution supporting its use. Implementing the commercial checklist, on the other hand, requires changes to the Land Use Ordinance because it formally defers to the construction plan stage items currently required before permit issuance by existing LUO provisions. Specific needed changes identified include: adding the checklists to the Appendices of the LUO, modifying applicable language related to construction plan submittals and other language requiring receipt of regulatory permits before a development permit is issued. The last item involves formally deferring receipt of CLOMRs, LOMRs and similar state and federal permits to the construction plan stage. Based on feedback and our practice over the last few years, staff suggests that this change be applied to all projects, not just commercial.

Lastly, staff wishes to clarify that we anticipate treating mixed use projects as commercial, with respect to deferment of some review requirements, only in cases where the commercial portion of the project represents at least 20% of the proposed square footage.

RECOMMENDATION

Town Staff requests that the Board consider adopting a resolution (**Attachment A**) accepting the report, authorizing and supporting use of the residential and commercial checklists, and directing staff to begin processing the LUO changes necessary to implement the commercial checklists.