


LEGISLATIVE #

120049A

TO: Honorable Mayor and City Commissioners

FROM: Erik A. Bredfeldt, Planning and Development Services Director 

DATE: June 21, 2012

SUBJECT: Staff Action Plan Response to Community Development Review Committee (CDRC) Recommendations

In calendar year 2011, General Government, GRU and City Attorney staff attended monthly meetings of the Community Development Review Committee (CDRC) in an effort to provide baseline information for the Committee's review and to be available to answer questions about various aspects of the development review process.

As a consequence of the Committee's work and even preceding it, staff has been working on implementation associated with the recommendations provided in the Committee's report. As is explicitly mentioned in the report (p.6, bottom of page): ***"if Gainesville is to remain a desirable community there must be a quality development review process, which may be more time consuming than in other cities. On the other hand, the CDRC has come to recognize that unexpected issues and the sometimes unpredictable nature of the existing development review process generates concern from citizens, developers and financiers alike. This suggests that the current system needs improvement. Clear, understandable process requirements and reliable schedules should go a long way toward improving the quality of development Gainesville desires while allowing all applicants, large and small, to accomplish their goals."***

Staff agrees with this assessment and while the development review process is complex and often requires the balancing of many diverse interests, staff realizes that it can always be improved with an eye towards transparency, predictability and consistency in application.

On March 1, 2012, the City Commission reviewed recommendations provided by the Community Development Review Committee (CDRC) regarding various facets of the development review process.

The City Commission directed that an update on staff implementation be provided on the recommendations with several of the recommendations specified. Those specified included:

- Request an update regarding (3a) continued improvement of communication/coordination between approved site plans, Code Enforcement and Building Inspection and (4a) coordination

between Public Works, the CRA and GRU on design standards for each agency to use eliminating conflicting requirements;

- Request an update on proposed incremental funding for training for quasi-judicial board members and for legal counsel for quasi-judicial board members at quasi-judicial meetings;
- Request an update on (4c) modifications to site plan requirements.

To that end, I have listed the CDRC recommendations below and have provided an action item meant to address the recommendation within a specific time horizon within calendar year 2012.

1) CDRC Main Recommendations:

- A. Creation of an ombudsman-like position:** The Charter Officers have reviewed this specific recommendation and have provided two alternatives for the City Commission's review. Either of the alternatives will be processed during consideration of the FY 13/14 City Budget. ***Implementation: Duties of an Ombudsman have been incorporated into the job duties of the proposed Economic Development position to be reviewed by the Commission in the context of the FY13/14 proposed budget.***
- B. Continued Coordination between GRU and Planning and Development Services:** Planning and GRU staff have initiated a more coordinated process that chronologically aligns GRU's review cycle and the General Government review process. This process was initiated in July, 2011 and reported to the CDRC. Staff will be assessing the success of this coordinated process and will report to the Commission on status of this effort in June, 2012. In the event that any modifications need to be undertaken, staff will report those as well and then will implement these modifications through the remainder of the calendar year. ***Implementation: Short term analysis, May 2012; long term modification and implementation, through December, 2012.***
- C. Consolidating Standards, Making Regulations Clear and Uniform:** The Committee identifies various transparency and predictability concerns revolving around the City's Land Development Code. The City Commission has provided direction to the staff to retain the services of a Consultant to implement a Form Based Code in various areas of the City, to review the elimination of various Special Area Plans and to ensure that the Code is in sync with various other sections of the Code and the Comprehensive Plan. This project is underway as of January 5, 2012. Data collection and stakeholder interviews have occurred, two community workshops have taken place and initial drafting is in process. ***Implementation: The Code update is underway and the schedule indicates completion within 12 – 18 months.***

2) Items Already implemented by City Staff:

- a) Making First Step more user friendly
- b) Making First Step Optional
- c) Making Neighborhood mailing labels available before First Step meetings:

The intent regarding these recommendations made by the Committee is to ensure that the First Step process (the First Step normally in proposing development projects to City staff) is as hospitable and experience for the customer as possible. To this end, staff currently is making distinctions between professionals who use the process every day and those who need a little more attention in navigation. However, staff will systematize this effort by further screening First Step attendees in coming months. Currently, First Step has been made optional for those who do not require this level of review. However, this option will be made more transparent thorough various means of communication. Finally, neighborhood mailing labels are now available upon request. **Implementation: Systematizing of First Step distinctions between individuals and professionals and making exceptions to First Step attendance more transparent will be fully implemented by September, 2012.**

- d) Making neighborhood workshops expire after a set period of time: The CDRC recommended that neighborhood meetings expire after a period of time in order to require an additional neighborhood meeting if it is warranted. Staff has made a change to the Code and the City Commission has reviewed the Petition with the modification. **Implementation: The Petition implementing this request has been approved by the City Commission and an Ordinance is being prepared by the City Attorney's Office and should be in place by July, 2012.**
- e) More defined schedules for site plan approvals have been distributed: The CDRC recommended that an annual schedule be published for development review dates, cut-offs and Technical Review Committee meetings. This has been accomplished. **Implementation: Complete.**
- f) Implementing Innoprise Software, linking all development review departments: The Innoprise software package was implemented by Planning and Development Services (Planning and Building Inspections) and Code Enforcement several years ago. At this point, the three functional areas are now utilizing the software to provide a more seamless development review and to ensure appropriate archiving of materials. Other reviewing departments including GRU, Public Works, City Arborist, Fire and most recently the City Attorney's Office now have access to the system. In addition, a public portal for read only access to existing development projects by project name or address is available to the public. In the not too distant future, the system will be configured to allow for limited on-line application submittal and payment. **Implementation: Complete with on-line application and payment submittal to be effective by December, 2012.**
- g) A Petition to increase the threshold levels for Rapid, Minor, Intermediate and Major Development Review has been approved by the City Plan Board and City Commission: Staff informed the Committee that it had been working on a Petition to increase the thresholds relative to development review (increase the thresholds so that more applications are handled administratively). This Petition has been reviewed by the Plan Board and City Commission (same Petition as in (d) above relative to neighborhood workshops) and has been approved. **Implementation: The Petition implementing this request has been approved by the City**

Commission and an Ordinance is being prepared by the City Attorney's Office and should be in place by July, 2012.

3) Items in the Process of Being Implemented by City Staff:

- a) Continued improvement of communication and coordination between approved site plans, Code Enforcement and Building Inspections: The CDRC's recommendation indicated that coordination between Code Enforcement and Building Inspections has improved. However, in order to increase the level of enforcement related to adopted/approved development applications over time Code Enforcement staff will work with Planning and Development Services staff to systematize the manner in which follow up on development approvals is carried out. As a short term measure, a test will be done of various development approvals going back approximately five years to measure compliance. In the longer term, this approach will be modified based upon the test and then made part of the work plan of the various functional areas to be carried out annually. One thing that is occurring is that Planning and Development Services staff is providing the various Boards with a status report of previously acted upon Petitions so that they can be kept abreast of development activity Citywide over time. **Implementation: Conduct initial test by September, 2012; make modifications to approach and then annualize beginning in December, 2012 and every year thereafter.**

4) Items under review by staff:

- a) Coordination between Public Works, CRA, and GRU on design standards for each agency to use, eliminating conflicting requirements: The CDRC identified a problem with inspection conflicts in the field relative to various agencies and their design/technical guidelines. Planning and Development Services staff will work with the other agencies to identify opportunities to better coordinate inspection regimen. In addition, within the context of the Form Based Code project, the Consultant is reviewing the various design guidelines from the respective agencies. **Implementation: Public Works staff and Planning and Development Services staffs are attempting to integrate work on the Form Based Code and Public Works Design Standards. GRU has constructed an inspection matrix (attached) that is an attempt to define the various agencies' inspection regimens for transparency purposes. To the extent that field inspection staffs can coordinate their efforts this will be implemented by December, 2012.**
- b) Providing improved training for City Plan Board and Development Review Board members. This issue has been discussed along with funding for City Attorney representation at Plan Board and DRB meetings: The CDRC felt that there was the potential for increased levels of training for quasi-judicial board members. Currently, staff does provide an orientation including reviewing such things as Board Rules and various governing documents (Comprehensive Plan, Land Development Code) and in some instances does provide opportunities for additional training in terms of access to webinars, attendance at conferences and other external training materials.

Currently, the relationship between Planning and Development Services staff and the City Attorney's office is such that issues needing legal guidance can be vetted prior to Board meetings and if warranted the Board can receive representation from the City Attorney's Office.

Implementation: Planning and Development Services staff has provided requests for funds for the various Boards that include a more rigorous training component for consideration by the City Commission in the context of the FY 13/14 budget deliberations. City Attorney staff has attended meetings of the quasi-judicial boards when a request is made by either staff or the Board and this arrangement appears to be adequate in providing appropriate legal counsel.

- c) Evaluating the inclusion of all easements on site plans (both existing and proposed); adding sign locations to site plans; adding staging areas and construction parking areas to site plans: This request centered on the mechanics of required items placed upon site plans that are submitted for staff review. To one degree or another, these items have been implemented and staff works with the City Attorney's Office on requests for easement language. **Implementation: Complete with necessary work on easement language in progress.**

- d) Publishing steps required to achieve the Certificate of Completion or Certificate of Occupancy: In order to secure a CC or CO an owner/applicant must receive final inspections for all relevant trades. The pertinent provisions of the Building Code pertaining to Certificates of Completion or Certificates of Occupancy will be linked to the Building Inspection web-site. **Implementation: June, 2012.**

- e) Consideration of adding an addition of a line on site plans to denote "internal" site areas to be inspected by Building Inspections and "external" portions of the site to be inspected by Public Works: The CDRC wished to see a more delineated distinction between areas deemed to be the responsibility of Building and Public Works (and potentially CRA). Staff will make this part of the site plan requirement and then individual inspection sign off lines can be added for various staff inspectors. **Implementation: June, 2012.**