

City of Wilmington, North Carolina
Development Review Process
Final Report

April 2012



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April 23, 2012

Mr. Tony Caudle
Deputy City Manager
City of Wilmington
102 North 3rd Street
Wilmington, NC 28402

Dear Tony:

We are pleased to provide the results of our review of the Development Review Process for the City of Wilmington. This report combines the ideas and input of the customer, stakeholders, City staff, and our independent research and findings based upon industry best practices. We have enjoyed the cooperation of the City as we have conducted this review and appreciate your assistance in facilitating our efforts.

The City of Wilmington faces several challenges as it seeks to improve the quality of its development review process. However, the community should be encouraged by the positive and constructive attitude of the City staff and their commitment to continuous improvement.

We look forward to presenting our findings to the City Council on April 30, 2012.

Sincerely,

Julia D. Novak
President

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Introduction

The City of Wilmington has a population of approximately 106,500 and a diverse economic base. According to the Wilmington Chamber of Commerce, Wilmington's economy is based on tourism, filmmaking, contract research organizations (CROs), finance, retail, service, construction, education, government, arts, and manufacturing. The area's largest employers include GE-Hitachi Nuclear Energy, Corning, PPD, Verizon Wireless, and Progress Energy. Wilmington also has a strong entrepreneurial culture, prompting Fortune Small Business Magazine to rank Wilmington #14 in its rating of the Best Places to Launch a Business (2009).

Matching a nationwide decline, the development industry in Wilmington has slowed over the past four years. Now, as various reports indicate the beginning of a recovery for construction in the United States, the City of Wilmington initiated a review of its development review process to assess current practices, identify ways to streamline the process, and improve overall effectiveness. The timing of this review and implementation of its subsequent recommendations allows the City to successfully prepare for future acceleration of development activity in Wilmington.

In January 2012, the City selected The Novak Consulting Group to identify opportunities to improve the overall development review process in the City. Specific issues The Novak Consulting Group reviewed included: customer service; overall efficiency of the development review process, including the Technical Review Committee (TRC); timeliness of the review process from the initial site plan submittal through construction approval; quality of reviews; and the consistency of the City's policies and adopted standards with other comparable communities.

The scope of the development review process analysis included all steps in the process from project concept to construction release. Over the last several years, City staff have modified structures and practices to improve the process. The recommendations in this report present ideas for building on existing successes to further improve the quality, timeliness, and responsiveness of the development review process. Some recommendations are intended to help management and staff be more effective in carrying out their responsibilities. Others are intended to increase the effectiveness of the processes. Yet others address the need to make interaction with applicants and residents clearer and more consistent. Implementation must be prioritized to assure that the most urgent items are sequenced appropriately. A summary listing of all recommendations is included in Appendix 1.

Methodology

In order to complete the objectives for this engagement, field work, interviews, surveys, and research were conducted. The Novak Consulting Group met with City staff, including the City Manager, Deputy City Manager, and staff members involved in the development review process from the Development Services Department and the Engineering Division of the Public Services Department. In addition to City staff, The Novak Consulting Group also met with staff members from the Cape Fear Public Utility Authority (CFPUA) and the North Carolina Department of Transportation (NCDOT). Interviews were held with the Mayor and four City Councilmembers. The Novak Consulting Group interviewed numerous development community stakeholders as well.

During these interviews, the consulting team was seeking to learn about: the processes and details of the development review services provided by the City; the areas currently working well; and opportunities for greater efficiency and effectiveness of the process. Significant background information was provided by the City and reviewed as part of the analysis, including staff documents, departmental reports, policies and procedures, the Land Development Code, and Technical Standards.

The Novak Consulting Group developed process maps to illustrate workflow operations associated with relevant development review processes. A complete set of verified process maps, as the process existed at the time of this review, is included as Appendix 2 to this report. Mapping workflow is one way to illustrate how work is accomplished, as well as highlight inefficiencies in the current workflow.

In addition to mapping these processes, The Novak Consulting Group also conducted a session with development review staff to discuss the detailed steps of the development review process and begin the process of brainstorming process changes that would improve efficiency and effectiveness. The report from this session is included as Appendix 3.

Using information from staff interviews and the process maps developed in collaboration with staff, The Novak Consulting Group began a comparative review of the development review process in the following communities: Savannah, Georgia; St. Augustine, Florida; Charleston, South Carolina; Annapolis, Maryland; St. Petersburg, Florida; Alexandria, Virginia; Chattanooga, Tennessee; Santa Fe, New Mexico; and the North Carolina cities of Charlotte, Cary, Jacksonville, New Bern, Asheville, and Raleigh. The specific areas that were examined included plan review process methodology, number of annual plan submissions, and average workdays required to complete a plan review. This was done using publicly available information published on jurisdictions' web sites.

To supplement this research, The Novak Consulting Group conducted telephone interviews with several of the targeted jurisdictions. During these interviews, The Novak Consulting Group requested more detailed information regarding the development review process. The identification of best practices of these organizations has supported several of the recommendations outlined in this report. The results of these efforts are summarized and detailed in the next section of this report and include data from 2011, unless otherwise noted.

Employee and Stakeholder Surveys

To further inform the fieldwork, interviews, and analysis described above, The Novak Consulting Group conducted two surveys: one for development review stakeholders and one for City staff engaged in the development review process. Confidential surveys are a helpful way to expand the breadth of input received and allow for honest feedback. The surveys were administered using a web-based survey tool, Survey Monkey.™ The surveys were available online from February 8 to February 17, 2012. Fifty-two stakeholders completed the survey, and 15 employees completed the survey.

Survey participants were asked to provide their opinion regarding the current development review process and identify areas for improvement. Specific opportunities for increased efficiency and effectiveness of the process are highlighted in the recommendations contained in this report. Both staff and stakeholder comments were illustrative, and many of the recommendations that The Novak Consulting Group has put forward were also mentioned in

one or both surveys. Detailed analysis of the surveys can be found in a separate report, "Stakeholder and Employee Survey Results Report 2012." A brief summary of the survey findings is included below.

Stakeholders

Based on the responses received, the City's development review stakeholders have generally positive opinions of the level of customer service received by City staff. Respondents provided mixed comments regarding the current development review and TRC processes. While there was general agreement regarding individual aspects of the TRC process, there was little agreement regarding the overall helpfulness of the TRC for each new project that is approved by the City.

Respondents' comments regarding the current development review process also indicated a lack of consensus within the stakeholder group as a whole. When the responses were broken down by the type of project submitted in the last year, there was significant variation in opinions. For example, while there were generally positive comments from those who had a major site plan reviewed in the last year, there were significantly fewer positive comments from those who had a minor site plan reviewed in the last year.

Employees

Based on the survey results, respondents have generally positive opinions of the organization's development review process as a whole and communication and teamwork within the City's development review process. Based on the responses received, respondents' overall opinions of the TRC process were generally positive. The results suggest that the respondents deem the TRC process to be beneficial for the City and the applicant. However, respondents' opinions were somewhat less confident regarding appropriateness of staff in attendance at TRC, the quality of comments provided, and meeting length.

When employee responses were broken down by time in the development review process, it was interesting to note that longer-term employees, those with more than five years in the development review process, felt the process as a whole was functioning better than those with fewer than five years of experience in the process. This trend was reversed when asked about the TRC process in the City. Those with less than five years of service in the development review process in the City felt the TRC process was functioning well, while those with more than five years of service in the TRC process felt it was not functioning as well.

Wilmington's Development Review Process

This section provides an overview of the City of Wilmington's development review process and discusses background issues as identified by the development community and staff of the Development Services Department, the Engineering Division of the Public Services Department, and other external agencies.

Overview of the Development Review Process

The development review process in the City of Wilmington is a complex multi-step process which frequently requires several months from project concept to construction release. The process includes review and coordination by many different functions within the City, as well as other outside agencies, as detailed below.

The **Development Services Department** is the primary agent in the development review process and assists in coordinating the review by other agencies. The Development Services Department is composed of the Planning Division, the Traffic Engineering Division, and the Transportation Planning Division.

The **Planning Division** is responsible for all zoning, historic preservation planning, long range planning, current planning, and environmental planning. Included in the Planning Division's responsibilities is staff support for the Subdivision Review Board (SRB), the Board of Adjustment, the Planning Commission, and the Historic Preservation Commission. There are currently five plan reviewers in the Planning Division who review site plans in the City.

The **Traffic Engineering** and **Transportation Planning Divisions** are responsible for signals, transportation plans and documents, signs and markings, traffic analysis and street lighting. They also work with the Wilmington Metropolitan Planning Organization (MPO). Traffic Engineering and Transportation Planning work closely with the North Carolina Department of Transportation (NCDOT) on driveway permits as well as Traffic Impact Analyses (TIAs). There is currently one staff member in Traffic Engineering and one staff member in Transportation Planning reviewing site plans for the City. This position is shared with other jurisdictions within the MPO.

In addition to the Development Services department, the **Engineering Division of the Public Services Department** reviews plans for engineering and storm-water compliance. Engineering accepts applications for and approves both City and State storm-water permits. There are two staff members in the Engineering Division who routinely review site plans for the City, in addition to the City Engineer who assists when needed.

The **Fire Department** reviews all plans for fire safety code compliance. There is currently one Fire Department staff member who reviews site plans for the City.

The **CFPUA** is responsible for all water and sewer approvals. The CFPUA was formed over three years ago through a joint effort of the City of Wilmington and New Hanover County. Prior to the creation of the CFPUA, water and sewer applications for development inside the City were made through the City, and water and sewer applications for development outside the City were made through the County. The CFPUA must review all development plans to approve the

utility placement, as well as volume and flow information for water and sewer on each site. There is currently one staff member who reviews plans for the CFPUA.

New Hanover County is responsible for all construction permits, construction inspections, as well as soil and erosion control permits and inspections. Once the City of Wilmington approves a site plan and issues a construction release, construction permits are issued by New Hanover County. The County conducts all building inspections and issues Certificates of Occupancy.

Additionally, several other external agencies may be involved in the development review process, based on site location and conditions.

- The **NCDOT** approves all driveway permits and TIAs.
- The **Federal Aviation Administration (FAA)** must approve plans within the impact zone for the airport.
- Coastal developments must be reviewed for compliance with the Coastal Area Management Act (CAMA) by the **North Carolina Department of Environment and Natural Resources (NCDENR)**.
- The **US Corp of Engineers** must approve any site plans where protected resources (e.g., wetlands, streams) may be disturbed.

For detailed understanding of the interactions among the applicant and each discipline involved in development review, process maps were developed by The Novak Consulting Group with input from staff. As previously noted, the maps depicting the current development review process are included in Appendix 2.

The development review process is, by its nature, a complex, regulatory process that includes multiple sequential and concurrent steps and reviews. This is readily apparent by reviewing the process maps. However, a simplified overview of the key steps in a major site plan review is included below to provide an understanding of the development review process:

1. The applicant typically begins the process with an initial discussion with the City, often the Planning Division. If the proposed development has zoning or historical district implications, the applicant is advised at this time.
2. The applicant may request a Concept Plan Review Meeting to receive initial feedback from the TRC members. This process is an optional step, initiated by the applicant.
3. The applicant submits a site plan application to the Planning Division. The Planning Division reviews the application against the intake check-list. Assuming the application is accepted, copies of the application are provided to each discipline represented at TRC.
4. Each discipline reviews the application and provides written comments to the applicant immediately prior to the TRC meeting.
5. The TRC meeting is held with the applicant to discuss comments.
6. Based on feedback from the TRC, the applicant makes needed adjustments to the site plan and resubmits the application to the appropriate discipline. This revision and resubmittal process can occur several times before all comments are resolved.
7. Once all comments are addressed and all required outside agency approvals have been received, the application enters project closeout. The construction release is then issued by the Development Services Department.

Organization and Process Issues

The findings described below represent both organizational issues and process issues. Many of these issues are not uncommon in comparison to other communities. However, what is unique to Wilmington is the way in which these issues have, over time, exacerbated each other resulting in greater levels of tension between the development community and the City. Fortunately, the City and external stakeholders indicated a strong desire to work collaboratively to improve the development review process in the City.

Through interviews and in survey responses, staff expressed a strong desire to be effective and work collaboratively with the development community. They also indicated a willingness to improve the process and find ways to make it more user-friendly. The senior staff and elected officials expressed similar desires for a streamlined, accessible process to encourage development in the City.

Likewise, members of the development community indicated a desire to improve and streamline the development process. They also indicated a strong desire to help the City of Wilmington succeed and grow in a strategic and thoughtful way.

Experience of the Development Community

According to a review of projects in ProTrak, the City's project tracking system, at the time of this analysis, 75% of development projects in the City are initiated by local developers. Similarly, many of the development community members interviewed during as part of this analysis indicated they have been developing in the City for more than 20 years. This level of user-experience provides a broad level of understanding of the current process as well as knowledge of the evolution of the review process over the past two decades. Arguably, these stakeholders have a vested interest in the future of the Wilmington community.

Survey responses and interviews with development community members indicate that historically, submittal standards in the City have been low, and the increased level of regulation and perceived bureaucracy in the City has been challenging. According to staff, there are significant quality issues with many of the submitted plans. This lack of quality and consistency in submittals is a contributory factor in the length of time that the development review process takes in the City. Ironically, the length of time plans take in the development review process is one of the principle complaints identified by the development community in the survey and interviews.

While staff expressed that this was simply a matter of conforming to the requirements in the City, many development community members expressed the concern that these regulations are disparately enforced, depending upon the staff assigned to review the project. Contributing to the concerns of inequity expressed, many of those interviewed also develop in other jurisdictions in the region, primarily smaller communities with more flexible (and perhaps less strict) development standards. When development community members compare their experiences in other jurisdictions to their experiences in Wilmington, the City's regulations inevitably appear more stringent.

The development community indicated that the current level of development regulation in the City drives away development opportunities and willing developers. While perception does not always equate to reality, in this case examples were provided in stakeholder interviews of developers choosing to invest in other communities. While many factors contribute to a

developer's decision regarding where to build or invest, the difficulties they have had with the process of developing in the City of Wilmington was cited as one reason.

Those who have chosen to continue developing in the City of Wilmington have resorted to other means to move projects along in the development approval process. Many anecdotal examples were given by City staff, elected officials, and members of the development community of the development process being circumvented by appealing directly to a senior staff member or elected official when they are dissatisfied with the development review process.

The remaining 25% of the development initiated in the City is completed by out-of-town developers. According to staff, dealing with out-of-town developers is a much smoother process. Staff attribute this easier process to the fact that many out-of-town developers are accustomed to the regulatory processes imposed by other, more stringent jurisdictions.

Organizational Structure

The survey results of the development community indicated that the perceived culture among City staff is not friendly to development. Staff and the development community both provided many descriptive comments of their perceptions of current values, including "Us vs. Them," "Cowboys vs. Indians," "A culture of 'No,'" and "Let me tell you all the problems with your plan." These cultural issues indicate a lack of cohesive direction for the departments involved in the development review process. It also indicates a need to define and reinforce the role of the City in the development process: regulator or facilitator.

Currently, open lines of communication and fostering a culture of professional relationships between the applicants and their representative with City staff is not uniform across all departments, divisions, and agencies involved in the review process. Internal discussions about the general attitude of the City as an organization in regard to the development review process occur to some extent and need to continue. Changes in the leadership of the Development Services Department have made the task of creating a consistent culture for development difficult.

There exists no "owner" of the development review process in the City. As a result, the various disciplines within the City responsible for development review have become siloed. The current process in Wilmington does not actively create opportunities for collaboration. In fact, the only scheduled time for members of the development review process to engage collectively is during a TRC meeting. While some staff seek out other staff to discuss issues, this is limited and ad hoc.

Additionally, the structure in Wilmington provides for applicants to submit plan revisions to individual disciplines, rather than to a single project manager who can assist with facilitating the review process. When conflicts arise between the applicant and one or more disciplines, it is the responsibility of the applicant to resolve the conflict. Inevitably, the applicant appeals to City leadership (elected or appointed) for assistance on a case by case basis to help resolve the issue. When staff are consistently overruled, their authority and legitimacy is undermined.

Within the Planning Division of Development Services, Associate Planners are assigned to a geographic area of the City and are responsible for managing projects within that area. This is a relatively new structure for the planners, some of whom have limited experience with plan review. Additionally, each Associate Planner is appointed "Planner of the Day" one day per

week and is responsible for any walk-in business or plan submissions that day. According to staff and development community interviews, the development community expects and often specifically requests that Associate Planners serve as project managers to shepherd a project through the development review process. However, staff's views on their role vary from planner to planner. As a result, the perception is that staff's role is to be a regulator of the process, rather than a facilitator. Staff's approach to their role of being a manager or facilitator versus simply acting as an administrator or regulator of code greatly influences how "development friendly" the City is perceived.

It is not uncommon, or counterproductive, to have disciplines in multiple departments. For example, in Wilmington, the engineering function is housed in the Public Services Department. This structure, in and of itself, should not detract from an organization's ability to provide high quality service. While some would assert that having all development functions closely aligned in one department would be ideal, it is typically not practical. There are likely unintended consequences that Wilmington would experience, should the City choose to relocate the development review engineering function. Specifically, the engineers currently assigned to development review receive the majority of their workload from divisions of Public Services. However, in order for this bifurcated structure to work effectively, it is imperative that all disciplines, including Engineering, interact as a cohesive development function. A single position must be given responsibility and authority for the entire development review function, and this includes oversight of Engineering for development review.

The pending hire of a permanent Director of Development Services provides an opportunity to address some of these issues and provide stability, consistency, unification, and leadership to the development review process.

The Site Plan and Technical Review Committee Process

The TRC is recognized and established by the City's Land Development Code:

- i. Sec. 18-14. Technical review committee.*
- ii. The City Manager shall establish a technical review committee (TRC). The TRC shall be a committee of City staff, North Carolina Department of Transportation staff and other agencies that review site plans for major and minor developments in accordance with Section 18-60.*

The function of the TRC as a collective group of staff and representatives of other agencies is critical to the overall development review process. However, the current site plan review process established by the Land Development Code only fosters the rejection of plans until they are construction-ready:

Sec. 18-60. Site plan review.

(4) Review.

a. Major site plans shall be reviewed by the technical review committee following the submittal of a complete application. Minor site plans shall be reviewed by the appropriate city departments or other agencies as deemed necessary.

*b. The technical review committee and/or reviewing departments or agencies shall either **approve or reject the site plan**; rejection may be made with one (1) or more of the following written findings with respect to the proposed*

development as determined by the reviewing departments or agencies and no approved modifications to the plan having been made: (list not included)

c. Upon approval of the site plan, the building inspector may issue a building permit.

Once a site plan application is submitted, an applicant can expect to receive initial written comments within 10 days. Some disciplines bring their initial comments to the TRC meeting. Comments are discussed at the TRC meeting, and then the applicant is responsible for revising the plans as needed and resubmitting when ready. There is no requirement for an applicant to resubmit within a certain timeframe; therefore, this time varies. Once the applicant is ready to resubmit, revised plans are submitted to individual disciplines, rather than a central intake. For example, engineering plans are submitted directly to the Engineering Division and a TIA is submitted directly to the Transportation Planning Division. Each discipline is expected to upload revised plans into ProTrak, but this does not occur consistently.

Turnaround times on resubmittals vary by discipline. Associate Planners have a 10 day goal for resubmittals; Traffic Engineering and Transportation Planning have a 15 day goal. Engineering has a 15 day completeness check review time where they determine whether or not the engineering plans are ready for acceptance. Once an application has passed the completeness check, Engineering has a goal of 30 days to complete the review. The Code allows for a 60 day turnaround time. In 2011, the average plan review time for the City of Wilmington was 125 days, from application to construction release. It is important to note that this average review time also includes the time an applicant was revising the plans. The quality and timeliness of resubmittals has a direct and significant impact on time to approval, in some cases even greater than staff turnaround time.

As a result of these varying turnaround times and lack of an overall project manager, there is little structure in the development review process after TRC. Rather, an applicant is subject to a nebulous back and forth process with each discipline without enforced timeframes for project review. The current system does not allow a planning level approval for a project or a level of entitlement at the planning stage prior to the release for construction and building permits. All plan applications must essentially be “construction ready” before any approvals are granted.

There is agreement between staff and the development community that the Land Development Code and the Technical Standards Manual need to be reviewed for consistency and updated to reflect the City’s development philosophy.

Currently, text amendments are allowed every six months, and there is an official Code “clean-up” every two years. However, many of the changes needed require more review and policy discussion than text amendments. Many of the anecdotal examples of conflicts or issues between the Land Development Code and the Technical Standards Manual were in the Central Business District (CBD), where suburban design standards are being applied in an urban environment. Addressing the conflicts between the Code and the Technical Standards and establishing a clear development philosophy could potentially reduce plan review time and provide clarity to the development community.

ProTrak

There are currently several areas where technical capabilities are slowing the speed and quality of reviews in the City of Wilmington. Chief among them is ProTrak, which has been in development through the City's IT department for the last six years. Staff indicated mixed feelings about ProTrak. Some indicated an appreciation for a centralized repository for data, while others indicated the system was not complete or fully utilized by the staff or the development community. The development community expressed similar mixed impressions of ProTrak. Some were appreciative of the system and the improvements that have been made, while others felt the system was cumbersome, difficult to use or did not use the system at all. ProTrak could be a useful tool if there was additional data collection and analysis features included, facilitating the analysis of data in an automated fashion.

Development Review in Other Jurisdictions

The Novak Consulting Group has reviewed the development review practices in regional jurisdictions as well as those identified by the City of Wilmington as frequent comparables. Specifically, research was conducted on: Savannah, Georgia; St. Augustine, Florida; Charleston, South Carolina; Annapolis, Maryland; St. Petersburg, Florida; Alexandria, Virginia; Chattanooga, Tennessee; Santa Fe, New Mexico; and the North Carolina cities of Charlotte, Cary, Jacksonville, New Bern, Asheville, and Raleigh. The areas that were examined included plan review process methodology, annual volume of plan submissions, average turnaround time for initial reviews, and staffing levels. This was done using public information (where available) published on jurisdictions' web sites. Data included is from 2011 unless otherwise noted.

To supplement this research, The Novak Consulting Group conducted telephone interviews with several of the targeted jurisdictions to obtain additional information. The identification of best practices in these cities has supported some important findings about the current processes in the City of Wilmington.

Listed below are the statistical results from those jurisdictions that responded to The Novak Consulting Group's requests for information. The number of plans submitted annually represents all site plans as well as subdivision plans.

Table 1: Wilmington Comparable Jurisdiction Development Review Statistics (2011)

Jurisdiction	Total Plans Submitted (Site plans and subdivision plans)	Number of Planners	Ratio of Plans/Planner	Days to Complete First Review
Wilmington, NC	46	5	9.2	10
Savannah, GA	55	5	11	14
St. Petersburg, FL	28	2	14	20
Chattanooga, TN	290	10	29	10
Charlotte, NC	249	7	35.6	15
Cary, NC	275	3	91.7	28
Jacksonville, NC	129	2	64.5	8
New Bern, NC	20	1	20	7
Raleigh, NC	612	11	55	10

To provide context, major attributes of the site plan process in the jurisdictions contacted is included below.

Savannah, Georgia¹

- Once an applicant submits a proposed site plan to the City's Development Services Department, all disciplines have 10 business days to upload electronic comments to the City's online project tracking system. Once revisions are submitted, each discipline has 10 days to review resubmittals.
- This process can continue as many times as needed until all plan comments are resolved appropriately.

St Petersburg, Florida²

- Plans submitted for plan review are screened by any available plan reviewer for completeness before acceptance.
- A Plan Resubmittal Meeting is scheduled to review all plan comments with the applicant. The person responsible for creating, assembling, signing, and sealing the construction documents must attend the meeting.
- Plans not approved during the Plan Resubmittal Meeting must be reprinted and resubmitted.
- Plans resubmitted for plan review will be reviewed by the plans reviewer who completed the original comments. It is recommended all resubmittals include responses to original comments. If only minor comments are received, the plans reviewer makes every effort to review and approve the resubmittal over the counter. If major or many comments are received, the plans reviewer will verify that the resubmittal includes a response to the original comments. The response must state where a plans reviewer will find the revisions.
- This process will continue until all comments have been resolved appropriately.

Charlotte, North Carolina³

- Plans for commercial site development located within the City and the City's Extra-Territorial Jurisdiction are submitted for review and approval to Land Development after land entitlement approvals have been received (approved rezoning, site plan amendments, etc.). Land Development staff review and inspect all development projects in order to ensure compliance with pertinent City ordinances and standards for public street infrastructure. This general process also applies to revisions to approved plans. Building Permit applications can be submitted concurrently to Mecklenburg County Code Enforcement, and permit issuance will be conditioned upon Land Development Division plan approval as required.
- Pre-submittal meetings at the Land Development office give an applicant the opportunity to have a conceptual development plan viewed by Commercial Zoning, Land Development (Engineering, Site Inspector, Urban Forestry, and Erosion Control), and Charlotte Department of Transportation plan reviewers. The meeting can help

¹<http://www.savannahga.gov/cityweb/pubdev.nsf/122bc2983bf4b4448525764000648610/690f865bc0b2fc6e8525764000657202?OpenDocument>

² <http://www.stpete.org/development/index.asp>

³ <http://www.charmeck.org/development/Pages/DesignPros.aspx>

determine project requirements and highlight any special concerns or considerations to incorporate into the plan. The information and comments provided by staff at this meeting are not considered binding.

- Within 24 hours of submittal and receipt of fees, all plans are subject to an initial Gateway Review by a Land Development plans reviewer to ensure the submittal is complete and has all the required information and items for detailed review. Should the submittal be determined to be incomplete, the applicant will be informed of the missing information via e-mail; all gateway comments will be logged in the online permitting system and accessible to the applicant online. Once the plans and information needed are submitted back to Land Development and are verified complete, the project will pass the gateway review stage and be logged in for the detailed review by all required reviewers.
- A typical review cycle will run a maximum of 15 business days. It is an internal goal of the Land Development Division, Planning, and the Charlotte Department of Transportation (CDOT) to achieve commercial plan approval in 2.5 review cycles on average.
- Once the detailed review of the plans is conducted by all required reviewers, the reviewers will sign off in the permit tracking system to indicate their review status. If a plan needs revision, review comments will be returned to the applicant upon completion of the review.
- The Expedited Commercial Plan Review process is offered to give premium service for complete, accurate, and straightforward development plans. Eligible review types and project scope are commercial grading, landscape, tree preservation, and tree ordinance. Exclusions from the program are listed below. After plans are accepted through the Gateway Review, the review cycle is five business days. Expedited plans are allowed two day review cycles. If plans are not approved after the second review, the plans will be processed through the 15 day review cycle on subsequent submittals.
- Projects not eligible for expedited review include: projects subject to the Subdivision Ordinance; projects under Urban Design zoning; excessively large or complex projects – determined on a case-by-case basis at the sole discretion of City staff; and projects requiring major Charlotte Department of Transportation review.

Cary, North Carolina⁴

- The Town of Cary has divided the plan review process into the following three processes:
 - Any site development plan that requires a deviation or reduction to any standard, as required by the Land Development Ordinance, and which is not delegated to Planning Staff is required to go to Town Council. Site development plans that are subject to a special use permit or plans located within the Town Center District are also subject to a Town Council review process.
 - Any site plan that involves less than a 50% increase in the building or parking of any previously approved site plan requires a minor site plan review. The minor site plan review process is for minor alterations to existing sites or to previously approved site development plans.

⁴http://www.townofcary.org/Departments/Planning_Department/Development_Regulations/Plan_Review_and_Design.htm

- Any site plan submitted for development that does not meet the criteria of the Town Council, Town Center or the Minor Site Plan review process is considered a Major Site Plan. The Major Site Plan review cycle is for most new site development plans. A pre-submittal meeting is required for any new site or subdivision plan submittal.

Jacksonville, North Carolina⁵

- Submissions are required by Monday of each week, and the TRC is held eight days later, every Thursday. The plan review and TRC process can be repeated as often as needed until all comments are resolved appropriately.
- For site plans up to 25,000 square feet, only a ministerial plan review is required for approval. There is no need for City Council involvement.
- For site plans above 25,000 square feet, staff issue a report to City Council summarizing the potential issues surrounding any new development. If a Council member has issues with the proposed plan based on the staff report, they can bring the item to a Council meeting. If none of the Council members comment on the staff report, the site plan is approved. Only more complex site plans go to the Planning Commission for public hearing.
- The City's process is currently under review.

New Bern, North Carolina⁶

- A Site Plan Review is required for all commercial development projects, alterations, relocation, occupancy or change in use for any building.
- The Site Plan Departmental Review Committee is composed of City staff that make decisions on applications as a single decision-making body. An application must be submitted to the Zoning Administrator at least seven days prior to the scheduled Site Plan Departmental Review meeting to be put on the agenda.
- Site plans are reviewed by the Site Plan Departmental Review Committee and then approved for development by the Board of Aldermen for conditional use permits, Board of Adjustment for special use permits or Zoning Administrator for zoning permits.

Raleigh, North Carolina⁷

- The Due Diligence Question and Answer Service provides an opportunity for an applicant to schedule a meeting to discuss potential projects with staff from multiple departments prior to application submittal.
- If an applicant chooses to proceed, plans for Site Permitting Review must be submitted. After the plans submittal package is submitted to Development Services, the plan is routed for review. At the end of a review, the applicant will be contacted via fax and/or email with either review comments for unresolved issues or instructions to pick up the approved permit(s).
- Plans or plats that have been through the review process and received comments must be corrected and resubmitted. Plans or plats should not be submitted by the applicant for the next review cycle until all corrections have been made.

⁵ <http://www.ci.jacksonville.nc.us/Residents/Planning---Zoning.aspx>

⁶ http://www.newbern-nc.org/PI/lcd_site_plan.php

⁷ <http://www.raleighnc.gov/business/content/CityMgrDevServices/Articles/StepByStepDevelopmentGuide.html>

- This process can continue as many times as needed until all comments have been resolved appropriately.
- The City has an Express Permitting process, an expedited commercial plan review in which all design professionals and trade plan reviewers are present and working together during the review. This face-to-face service is optional for an additional cost and is intended for developers seeking permits following the review.
- With Express Permitting, all prerequisites and submittal requirements must be satisfied so that permits may be issued following the review. Permits are typically issued within two to five business days following the review when there are no unresolved issues. Permits for projects with multiple applications are usually issued within five to 10 business days depending on the complexity of the project.
- The following project types are eligible for Express Permitting:
 - New construction
 - New construction with site review
 - Addition
 - Alteration
 - Interior completion (fit-up)
 - Change of use
 - Site review
 - Mass grading
- The following project types are not eligible for Express Permitting unless administrative approval has been granted. Such projects will be considered on a case-by-case basis:
 - Institutional Occupancies
 - Hazardous Use Facilities
 - Single-Family Residential
 - Townhomes
 - Group Housing

Asheville, North Carolina⁸

- All site plans are reviewed by staff for Code compliance. Steps in the development review process depend upon the type and size of development:
 - Level I Projects are less than 35,000 square feet or less than 20 residential units. Level I projects are subject to ministerial plan review only.
 - Level II Projects are 35,000-100,000 square feet or 20-50 multi-family units. Level II Projects are reviewed by City staff and the TRC and have the option for public input.
 - Level III Projects are greater than 100,000 square feet or 50 residential units or other Major Subdivisions. Level III Projects are reviewed by City staff, the TRC, the Planning & Zoning Commission, and City Council. This process provides multiple opportunities for public input, and includes a public hearing.
- All projects reviewed by the TRC are required to schedule a pre-application conference prior to application submittal to review possible issues or concerns with City staff. TRC is composed of six staff, a representative of the Tree Commission, and a representative of the Metropolitan Sewerage District. The TRC is designed to consider site plans,

⁸ <http://www.ashevellenc.gov/Departments/DevelopmentServices/BuildingPlanReview.aspx>

subdivision plats, master plans for Planned Unit Developments, plans for conditional use permit and other land development matters.

Charleston, South Carolina⁹

- For major land development projects in the City of Charleston, a pre-application meeting is held with the Planning, Preservation, and Sustainability Department to discuss the project. At this meeting, two major questions are asked:
 - Does the current zoning allow for the project as planned?
 - If yes, the developer can proceed directly to a TRC Review.
 - If no, the rezoning will need Planning Commission and City Council approval.
 - Does the property need to be subdivided or will new streets be constructed?
 - If yes, the project will require Planning Commission and Subdivision Review Committee review and approval.
 - If no, the developer can proceed directly to a TRC Review.
- Once a project has proceeded through all needed preliminary approvals by the Planning Commission, the City Council, and the Subdivision Review Committee, it can proceed to the Technical Review Committee, where proposed developments are reviewed for compliance with zoning and Site Development Codes.
- The TRC is required when the development involves:
 - New buildings that are greater than 500 square feet;
 - Building additions that are greater than or equal to 2000 square feet of space to existing structure;
 - Changes in traffic circulation onto or off a site; storm-water drainage systems or patterns onto or off of a site; new parking lots; or renovations to parking lots for developments;
 - Subdivisions including 5 lots or more and/or includes new road(s), new utility transmission line(s), a new public school site, new public park space or the need for infrastructure construction plans; or
 - Single-family or two-family dwelling unit construction, which results in a total of four or more units on a single lot.

Alexandria, Virginia¹⁰

- The development review process begins with a conceptual site plan proposed by the applicant. The City works with the applicant to ensure the project meets basic requirements, and major issues are generally identified and discussed. During this time, the City and applicant may also present the proposal to local civic associations in the vicinity of the proposed development.
- Once the City has reviewed the applicant's proposal, the applicant submits an official application that is more detailed for staff review. After staff determines that the application is complete, the development proposal then goes before the Planning Commission and City Council for approval or denial.
- After the Planning Commission and/or City Council have approved the development proposal, the Final Site Plan Review phase begins. In this phase, the applicant submits

⁹ <http://www.charleston-sc.gov/dept/content.aspx?nid=1211>

¹⁰ <http://alexandriava.gov/Development>

a more detailed site plan that is consistent with the conditions of approval that were approved at the public hearing. This phase continues until the City is satisfied the final site plan has met all conditions. Once approved and released, this site plan will act as the official site plan to be submitted with all building permits and used for site construction.

Chattanooga, Tennessee¹¹

- At a Pre-Submittal Meeting, applicants have the opportunity to meet with the reviewers regarding their project prior to formally submitting plans for review. At this meeting the applicant is asked to make a brief presentation of the project and then the staff reviewers comment and state site-specific requirements to be addressed. The applicant is encouraged to ask questions and to contact any member of the review staff for additional assistance. Also, the applicant may schedule another Pre-Submittal Meeting as the project evolves to ensure that all requirements for submittal of a complete set of plans have been met.
- If during the plan review process, a reviewer has a need for further information to complete or approve a set of plans, the reviewer will notify all parties of the need for additional information.

Best Practices in Local Government

In addition to benchmarking completed by The Novak Consulting Group, below are the top recommendations from the University of North Carolina study “*Development Review in Local Government: Benchmarking Best Practices.*” According to the report:

Nine North Carolina cities completed a twenty-one-month benchmarking project [completed in 2009] that yielded several dozen ideas for improving development review in their communities. Hoping to improve their practices, development review professionals and other administrative officials from the nine communities teamed up with researchers from the University of North Carolina School of Government to identify national leaders in development review and glean lessons—best practices—from these leading operations.

Top examples of best practices are listed in the table below.

¹¹ http://www.chattanooga.gov/Public_Works/70_Plans.htm

Table 2: Development Review Best Practices in Local Government

Examples of Ideas Gleaned from Site Visits

Process Financing

- Conduct time-and-motion study to identify cost of service as basis for fees
- Establish interlocal agreements with nearby jurisdictions for the performance of selected development review duties (as service provider or recipient)

Stakeholder Engagement

- Create external advisory group composed of industry professionals
- Use website to provide project estimates (e.g., time, fee) and to increase transparency (e.g., status information)
- Auto–e-mail stakeholders about upcoming projects (upon request and within specified distance)

Process Management Tools

- Implement a highly proficient records management system featuring an integrated project file and the ability to retrieve all e-mails associated with a given project
- Institute permits with holds (conditional permits allow work to proceed in limited instances despite hold)
- Utilize advanced tracking and review software (e.g., electronic submission, electronic review, GIS interface, access to/sharing of reviewers' comments, up-to-the-minute status of applicant/plan processing, departmental and employee performance reporting, auto–e-mails to customers to inform them when plans are ready for pickup, description of individual customer interactions, tracking of customer wait and service times)

Source: David N. Ammons, Ryan A. Davidson, and Ryan M. Ewalt, *Development Review in Local Government: Benchmarking Best Practices* (Chapel Hill, N.C: School of Government, the University of North Carolina at Chapel Hill and Alliance for Innovation, 2009).

Recommendations

The recommendations in this report include suggestions for improving the development review process, resolving policy issues, streamlining the review process, and improving technical capabilities.

Development Review

RECOMMENDATION 1: Implement a stepped approval process for site plans.

Under the City of Wilmington's current site plan approval process, the only level of entitlement approval in the City occurs at the final construction phase of development. This requires a significant amount of engineering and design services before an applicant receives determination regarding whether or not a proposed development is acceptable. The current TRC approval process is a circular system of staff comments, then revisions to the plans for more staff comments and more revised plans. This process has led to the perception of the City taking "too many bites at the apple" among the development community. At times, developers need to write real estate contracts to purchase property, but are unable to without some level of City entitlement or approval.

Therefore, it is recommended that the City establish some level of preliminary site plan approval for a project or some level of entitlement at the planning level but prior to the release for construction and building permits. This would entail a planning-level site plan approval process vs. the current system of a construction-level site plan approval process. Approval of a planning-level site plan would allow the development community to establish some preliminary assurance of approval for a proposed project in order to secure financing for final design and construction and/or to close on the purchase of any real estate needed to complete a development project.

By utilizing a board or commission for the approval of site plans (much like the SRB currently oversees the approval of preliminary subdivisions), staff and the applicant would be allowed to present their perspectives on conflicting issues. As discussed previously, there currently is no venue for such discussion and decision-making when staff and the applicant disagree. Staff reports would need to be written for each site plan application, much like staff reports are written for subdivisions and rezoning cases. The staff report would be different than a listing of review comments under the current TRC approval system. Staff reports would provide a means of highlighting conflicting development policy issues to the various boards and commissions that are ultimately charged with approving revised codes and/or technical standards. Formal staff reports for site plans would also create a historical archival and record keeping system in regards to documenting critical development aspects of a particular property. Such a system does not currently exist.

The Planning Commission would be the logical body to review and approve planning-level site plans. If an applicant is not in agreement with the Planning Commission's decision on a site plan, they should then be able to appeal that decision to the City Council for a final determination. This also provides an opportunity for the Planning Commission, the body that recommends policy, to experience directly the practical impacts of those policies.

It is recommended that Planning Commission approval of site plans strive to have the vast majority of the cases considered on a consent agenda for approval. Plans would only be on the consent agenda when both staff and the applicant are in agreement with a) the staff analysis of the project and b) all the stipulations of approval. If the applicant, staff or members of the Planning Commission are not in agreement with the submitted site plan or conditions of approval, the item would be considered as part of a regular agenda for the meeting with open discussions and deliberations. Ultimately, there would be a vote of approval or denial of a site plan by the Planning Commission. No votes of approval are taken with the current TRC approval process.

Alternately, the planning-level approval of a site plan could be established as an administrative function, with the Director of Development Services providing approval. In this case, the Planning Commission would serve as the appellate body in cases of conflict with the Land Development Code or disagreements on conditions or stipulations of approval between the applicant and the Director of Development Services.

If a planning-level site plan approval function is established, a determination by each discipline would also be needed regarding the level of analysis and design required for preliminary approval. The goal of this process is to agree and achieve approval on a preliminary plan by identifying and resolving the major issues at the beginning of the process, before requiring construction-level detail. Post planning-level approval, all plans would then be finalized and fully designed and engineered, and approved by staff before construction release, as is currently the practice.

It will be necessary for the City to engage with the development community to determine the most appropriate and reasonable level of detail needed for preliminary approval. For engineering, storm water drainage and grading are often the primary issues. Typically, 30% to 50% design is sufficient to allow for an approval, contingent upon complete plans. This would include preliminary drainage and grading plans. With regard to traffic, any required TIA would need to be completed prior to the consideration of approval of a planning-level site plan. While it may not be necessary to have the geometrics of all driveways, for example, knowing the number and location of access drives and the need for turn lanes would likely be required at this stage. Similarly, at this initial stage, an applicant would not be required to submit a detailed landscaping plan that includes the type of plants to be used, but rather a proposed landscaping scheme, subject to appropriate conditions before construction release.

RECOMMENDATION 2: Establish development philosophy in Wilmington and resolve conflicts between the Land Development Code and Technical Standards Manual.

There was general agreement from both the staff and development community that the Land Development Code and the Technical Standards Manual are in need of review and reconciliation due to multiple conflicts and areas of ambiguity. Based on the current review and approval process, staff is required to interpret these conflicts between the Land Development Code and Technical Standards Manual. These interpretations can vary depending on the plan reviewer, leading to inconsistent application of the development standards in the City.

The following is a listing of potential areas for review and improvement in the Land Development Code and the Technical Standards Manual as identified by staff and the development community:

- Review and modify listing of all uses
- Review setback allowance in the Central Business District (CBD)
- Review open space standards
- Review the preservation regulations in the CBD
- Review multi-family regulations
- Review one mile separation requirement for dorms
- Consider mix of use ratio requirement for Commercial District-Mixed Use (CD-MU)
- Review residential zones and eliminate unused zones, such as R-20
- Add prescribed conditions for all permitted uses
- Review lighting and signage standards for non-residential districts
- Review sign code, including CBD sign ordinance
- Create Urban Mixed Use (UMX) & Market Street transportation districts
- Review the Neighborhood Business (NB) zoning district
- Review maximum number of spaces allowed and consider eliminating minimum parking standards
- Review cluster subdivisions
- Clarify change of use regulations for easier redevelopment of properties
- Consider form based code or hybrid of form based code standards
- Review equivalency allowance for assisted living in multi-family districts
- Remove Home Owners Association requirements in subdivision regulations
- Review payment-in-lieu for sidewalks by zone (Walk Wilmington)
- Delete “Meeting & Events” from use definitions
- Review parking and setback requirements for Special Highway Overlay District (SHOD)
- Review sidewalk regulations for expansions of buildings and sites
- Evaluate criteria for site triangles in the urban areas of the City
- Evaluate landscaping/tree fines to be consistent with enforcement
- Create definitions to distinguish livestock from pets
- Consider adequate public facilities ordinance(s)
- Consider regulations for mobile food vendors
- Define compounds as it applies to the telecommunications ordinance
- Require actual telecommunications tenants in prescribed conditions for special use permit approval
- Evaluate the 25-foot radius for landscaping islands in parking lots adjacent to drive aisles
- Establish driveway standards for urban areas; evaluate 500/800 foot rule
- Develop standard details for low impact design (streets, sidewalks, parking areas)
- Update approved tree list

RECOMMENDATION 3: Develop and implement a system of performance management that includes collecting performance data and reporting the results.

Performance measurement is designed for policy-makers, chief administrative officers, department heads and program managers to assess whether a program or service is obtaining the desired or expected results. Performance measurement should be considered an integral part of an overall performance management system. If performance is measured systematically, leaders will have the information that can serve as the basis to make changes to improve on quality, timeliness or cost over a period of time. Performance measures should

become part of the organization's regular dialogue about program goals, budget allocations and accomplishments.

Performance management reflects an organization's commitment to continuous improvement and provides a method for identifying its relative success at meeting intended purposes. The adoption of a family of performance measures which include efficiency, effectiveness and workload will provide a valuable tool for tracking cycle times and compliance with current development review application processing standards. The effective use of performance measures will be a key tool that development review staff can use collectively to assess the impact of implementation of the recommendations in this report and to advance development review to a higher level of execution.

Currently cycle time data is tracked by individual disciplines in a variety of formats in the City. In order to gain a true picture of how the process is working, it is important to create a standardized system of data collection and measurement. ProTrak has the potential to be a helpful tool in this process, but its use has not been consistent throughout the organization.

For the City, one potential area for special focus is post-occupancy critiques of the development review process. Taking time to review the process and assess any potential areas for improvement will provide data to use in implementing further process improvements. Compiling post occupancy critiques as one form of performance measurement will allow the City to see the growth and improvement of the process over time.

Suggested best practice performance measurements include:

- Average number of days from application to construction release
- Average number of days to complete initial review (by discipline)
- Percent of first reviews completed in 10 days (by discipline)
- Average number of days to complete second review (by discipline)
- Percent of second reviews completed in 10 days (by discipline)
- Percent of applications requiring a third review
- Number of plans reviewed per full-time equivalent (FTE) employee (by discipline)
- Percent of applications that are complete at time of submittal
- Average cost per plan reviewed
- Percent of businesses that rate Wilmington as an excellent or good place to do business
- Percent of citizens who rate land use, planning and zoning as good or excellent
- Percent of citizens who rate Wilmington as good or excellent as a well-planned community
- Percent of customers rating the following components of the development review process as good or excellent: responsiveness; timeliness; clarity of rules/regulations; consistency of design guidelines; clarity of staff comments and recommendations

Roles and Responsibilities

RECOMMENDATION 4: Designate the Director of Development Services as the owner of the City's development review process and Chair of the TRC.

The development review process in Wilmington needs a designated owner. The owner needs to be in a position with authority in order to provide clear and consistent direction to all development review staff, regardless of their department. This position should also be the face of the process to the development community. It is recommended that the Director of Development Services serve this role.

In addition to providing leadership to the process, the Director of Development Services should chair the TRC and be responsible for helping to resolve issues or conflicts that arise among disciplines or with an applicant.

RECOMMENDATION 5: Clarify the roles and responsibilities of staff involved in the development review process.

Under the direction of the Director of Development Services, the roles and responsibilities of all staff involved in the development review process should be evaluated, clarified, and enforced.

Associate Planners should serve as project managers for each application they are assigned. They should be the primary point of contact for an applicant and assist in facilitating the application through the process. This includes working closely with other disciplines, including Engineering, Traffic Engineering, and Transportation Planning.

Currently, staffs' understanding of their role varies from person to person. Staffs' attitude about the role of being a project manager, rather than a regulator, can greatly influence the level and quality of customer service received by the development community. Staff members who view themselves primarily as regulators have in turn given rise to the impression that the City is not willing to assist members of the development community when there are issues or conflicts between and among disciplines.

In order to be successful, the staff needs clear and consistent direction. More importantly, they need the support of leadership to serve as facilitators of the development review process.

After the initial TRC meeting, the applicant submits revisions directly to individual disciplines. According to staff and members of the development community, the applicant and the department often neglect to notify the Associate Planners of this resubmittal. In addition, the discipline reviewing the individual revisions frequently fails to upload the revised plan into ProTrak. This can lead to conflicts between different pages of the plans not being fully vetted or discussed between departments or agencies. This creates significant variation in the process, slowing down reviews and increasing resubmittals.

When revisions are submitted, the Associate Planner assigned to the project should be responsible for notifying the appropriate discipline of the revised plans available for review on ProTrak. At the same time, it is recommended that individual departments also ensure the plan sets being reviewed are the most current version in ProTrak.

RECOMMENDATION 6: Establish turnaround times for each phase of the review process.

As noted previously, the turnaround times for plan review vary by discipline. During interviews, many members of the development community indicated that they did not know the City's review time goals. Additionally, based on staff discussions, it was clear the review time goals were not known among disciplines.

Therefore, under the direction of the Director of Development Services, the City should establish turnaround times for each phase of the review process, including initial review as well as second, third, and subsequent reviews. The current 10 day turnaround for initial review is consistent with best practices and the volume of applications experienced in Wilmington. It appears that this goal is generally met by each discipline. However, after initial review, the turnaround times vary consistently.

RECOMMENDATION 7: Review the role of the TRC meetings and establish a staff-only pre-TRC meeting.

Currently, TRC meetings provide an opportunity for staff to share their comments based on their initial review of an application and for an applicant to ask questions. The meetings are open to the public. This is an uncommon practice for staff level meetings and should be reviewed by the City Attorney to determine whether TRC is truly subject to the Open Meetings Act.

The Land Development Code does not adequately outline the powers and process for the TRC to operate in an open meeting format. Staff indicated that there are no established by-laws for the TRC. The Land Development Code only recognizes the formation of the TRC, but it does not provide any basis of organization or rules of procedure. If it is determined that TRC is subject to the Open Meetings Act, it is recommended that the structure of the committee, rules and procedures, powers of duties and a means of appeal be formally adopted.

Additionally, under the current structure there is no forum for staff to evaluate and discuss competing and/or conflicting standards on a proposed project or to weigh and discuss the policy ramifications of a particular interpretation prior to TRC. A staff-only pre-TRC meeting would allow staff from each discipline to review an application as a group, identify the key issues, and then provide written comments. Staff should develop a protocol for reviewing and addressing potentially conflicting comments before they are transferred to the applicant. This level of review will ensure that the review comments are clear and do not present contradictory or confusing directives to the applicant.

RECOMMENDATION 8: Eliminate the formal application for Concept Plan Review.

The City's Land Development Code encourages the collaboration of development staff and applicants in an informal setting, as follows:

Sec. 18-60. Site plan review.

(b) Procedure. This section sets forth the procedures for review and approval of site plans, both major and minor.

Prior to any site plan submittal for a development, it is strongly recommended that the developer arrange a pre-application conference with the appropriate City staff to discuss the proposed development. The primary purpose of the pre-application conference is to provide assistance and guidance to the developer for

the most efficient review of the proposed development. To ensure an equal understanding, a mutual exchange of basic information is needed to facilitate and clarify the required review process for all developments.

A collaborative development review environment should allow for and even foster the informal discussion between an applicant and development review staff, as well as encourage the submission of concept plans and preliminary site plans to development staff for their general thoughts and comments.

According to both staff and the development community, the Concept Plan Review process has positively benefitted the quality of development in Wilmington. However, at times, a developer's due-diligence for a potential project needs to be conducted in a confidential manner. In order for an applicant to participate in a Concept Plan Review meeting, they must submit an application and pay a fee. This information is subject to open records.

It is recommended that the fee for Concept Plan Reviews be waived and the requirement of a formal application be eliminated in order to encourage quality development and open communication with the development community from the initial concept stage.

RECOMMENDATION 9: Process all site plan applications under the same approval procedures.

In the City of Wilmington, a minor site plan is defined as:

A structure or combination of structures on tracts less than two acres in size and having a total gross aggregate floor area between 500 and 10,000 square feet.¹²

A major site plan is defined as:

Any structure or combination of structures on a tract of two acres or more; or structures, including multi-family, having a total gross aggregate floor area of 10,000 square feet. Applicants for major developments are required to appear before the TRC.¹³

The distinction between major and minor site plans appears arbitrary as it stands. For example, a new commercial project that is 9,000 square feet in size on a 1.8 acre lot is processed as a minor site plan, not subject to the TRC process. However, an 11,000 square foot structure with the same proposed use on a 2.1 acre lot is processed as a major site plan.

It is recommended that all site plan approvals be based on the type of development, not the size of building and/or size of the parcel of land. All site plan applications should be processed under the same approval procedures to ensure that all development applications are treated equitably and to ensure consistent review standards in the City. Site plan approval should be required on all new developments and redevelopments, except those structures covered under the One- and Two-Family section of the Building Code. Generally, any non-residential structure allowed in a residential zoning district, multi-family developments, and any other type of non-residential development or redevelopment (including building additions of the paving of

¹² http://www.wilmingtonnc.gov/development_services/development_site_plan_review/site_plan_review.aspx

¹³ Ibid.

additional parking and storage areas) would trigger the requirement for a planning-level site plan approval.

RECOMMENDATION 10: Investigate creation of an expedited plan review process, at a future date.

Currently, there is no option for an expedited plan review process in the City of Wilmington. All site plan applications must go through the full plan review process, which can take months based on the type of development, complexity of the application, and quality of the submittals.

Often there are development projects where an expedited timeframe is critical to the success of the project. Creating an expedited plan review process in the City has the potential to encourage development and allow for projects that might otherwise be not feasible on a more extended development review timeframe.

It should be noted, however, that an expedited plan review process is not recommended at this time. The City must first address the other fundamental priority recommendations contained in this report. Once successful implementation of the other recommendations is complete, consideration can then be given to an expedited process.

Intake and Submittal Process

RECOMMENDATION 11: Revise all application submission checklists.

Multiple submission checklists exist for applicants to use. While these checklists were designed to assist applicants in the submission process, they have evolved to become burdensome and confusing. One of the checklists requires the very minimum amount of detail needed to submit plans to the City. However, according to staff, there is frequently additional information required that is not provided by the applicant. This additional information is required because the plan submission has one of several plan variations that will require an additional level of detail in the plans before they can be considered. This lack of information slows the development review process by increasing the number of submittals needed by the applicant.

To speed the process, it is recommended that the City revise and update the applicant submission checklist, including more detailed checklists of required information for the most common plan variations.

RECOMMENDATION 12: Create a template for applications and site plan documents to illustrate application features, desired plan layout, and site design features.

According to staff, plan submittals are frequently missing important data that is required for plan approval. According to the development community, these requirements vary depending upon the plans reviewer.

This discrepancy over what is required on an application or site plan decreases the confidence of the development community in the plan review process in the City. In addition, these inconsistencies can cause additional plan design time for applicants and can lead to unneeded additional plan review time by plans reviewers.

Therefore, it is recommended that the City create a template application and set of site plan documents, based on the revised checklist described in Recommendation 11. These templates can streamline the review process, decrease frustration in the development community, and ultimately decrease review times for plans reviewers.

RECOMMENDATION 13: Establish expiration date for resubmittals.

According to staff, there are occasions when an applicant does not resubmit plans for several months following receipt of initial comments from the City. Lengthy delays between initial submittal and second submittal by the applicant can be problematic. For example, there is the potential that physical changes have occurred in the area under consideration, site conditions have changed or Code revisions have been made. Therefore, it is recommended that the City establish an expiration date on all development applications to the City. If activity does not occur for a period of six to nine months, the project should be deemed inactive. Any further review would require an initial submittal, rather than a resubmittal.

Technical Capabilities

RECOMMENDATION 14: Implement additional features to improve ProTrak and increase usage.

ProTrak is used primarily as a central repository for plans and information such as review comments. It has the potential to be used for other project tracking and data tracking responsibilities as well. However, its application is currently limited and usage among staff is not consistent. Identification by staff and applicants of the additional system enhancements within ProTrak is needed. It is recommended that a strategy be developed and funding allocated to make the necessary improvements to the ProTrak system.

Protocols on usage should be established and training for all users should be mandatory.

There are two specific areas recommended for improvement in ProTrak at this time:

- Create a final sign off. It is recommended a final sign-off data field by discipline be incorporated into a project dashboard that applicants (as well as staff) could access to monitor the progress of review and approvals.
- Create a reporting function. There is a need to incorporate a reporting function in ProTrak to provide staff additional ability to analyze trends in the development review process. This reporting feature should integrate with the performance measurement recommendation (Recommendation 3).

RECOMMENDATION 15: Increase technical capabilities to expedite plan reviews.

There are several areas where increased technical capabilities could increase the efficiency and effectiveness of the development review process for the City. All of these improvements, listed below, would also increase the City's ability to process electronic plan submissions, an industry best practice that Wilmington should be working toward:

- **E-Signatures.** The ability to use e-signatures on plans would reduce the need to print plan sets for signature. This would save time by allowing a greater level of electronic plan review, speeding the review process.

- **Appropriate software.** The City should ensure all plan reviewers who are required to review electronic plans have appropriate hardware and software to fully inspect and approve the plans in their electronic format. This will also speed the review process and ensure consistent plan review.
- **Online GIS.** It is in the City's interest to begin using GIS and geo-tagging individual land parcels. This will allow the City to see any issues with a parcel that has been abandoned (tax issues, code violations or other issues with individual parcels). In addition, best practices in development review process improvement have shown that putting the GIS system online and making it available to the public yields positive results in terms of customer service and information sharing.

Outreach and Education

RECOMMENDATION 16: Implement outreach and education sessions on the development review process.

Based on information gathered from stakeholders throughout this engagement, the current relationship between the City and the development community may present obstacles to future economic development in the City. The City needs to discuss ways of encouraging a positive culture for engaging in the development review process with applicants and their representatives, eliminating an adversarial relationship.

To break down the perceived barriers to development in the City, it is recommended that the City initiate several workshops with the development community. These workshops would provide the opportunity for the City to discuss with the development community the results of this review and collectively develop strategies for effective implementation. Additionally, these sessions could be used for specific topics such as reviewing the application process and required submittals or providing tutorials on the use of ProTrak. It is recommended these sessions be conducted initially in-person and then posted online for others in the development community to review in the future.

Conclusion

The Novak Consulting Group combined information from interviews with available data and other documentation as part of the analysis of the current development review practices in the City of Wilmington. This report reflects the results of that work and provides recommendations for improving the process.

The recommendations in this report support and supplement the efforts initiated by staff to improve the City's process. Implementation of these recommendations will help reform the development review process in the City of Wilmington. The City is to be commended for its commitment to continuous improvement in commissioning this report.

Identifying priorities and staging implementation steps will be an important component of a work plan to assure progress and desired change come to fruition. Utilizing this "road map" will help achieve results that are needed.

Implementation will need to be a priority of management. It will be easy to let the day-to-day work of the organization take precedence over implementation. Diligent monitoring of the implementation status of recommendations and support from management will be the keys to success.

Improving the process requires effort from both the City and individual applicants. The development community needs a combination of incentives and disincentives in place to ensure that those who are not currently held accountable for substandard applications do not inadvertently penalize those who submit quality applications. Additionally, if the City wants to encourage and foster development within its borders, cultivating a more positive relationship with the development community is imperative. This will require embracing the City's role as facilitator of development, rather than strictly as a regulator.

Appendix 1: Summary of Recommendations

RECOMMENDATION 1: Implement a stepped approval process for site plans.

RECOMMENDATION 2: Establish development philosophy in Wilmington and resolve conflicts between the Land Development Code and Technical Standards Manual.

RECOMMENDATION 3: Develop and implement a system of performance management that includes collecting performance data and reporting the results.

RECOMMENDATION 4: Designate the Director of Development Services as the owner of the City's development review process and Chair of the TRC.

RECOMMENDATION 5: Clarify the roles and responsibilities of staff involved in the development review process.

RECOMMENDATION 6: Establish turnaround times for each phase of the review process.

RECOMMENDATION 7: Review the role of the TRC meetings and establish a staff-only Pre-TRC meeting.

RECOMMENDATION 8: Eliminate the formal application for Concept Plan Review.

RECOMMENDATION 9: Process all site plan applications under the same approval procedures.

RECOMMENDATION 10: Investigate creation of an expedited plan review process, at a future date.

RECOMMENDATION 11: Revise all application submission checklists.

RECOMMENDATION 12: Create a template for applications and site plan documents to illustrate application features, desired plan layout, and site design features.

RECOMMENDATION 13: Establish expiration date for resubmittals.

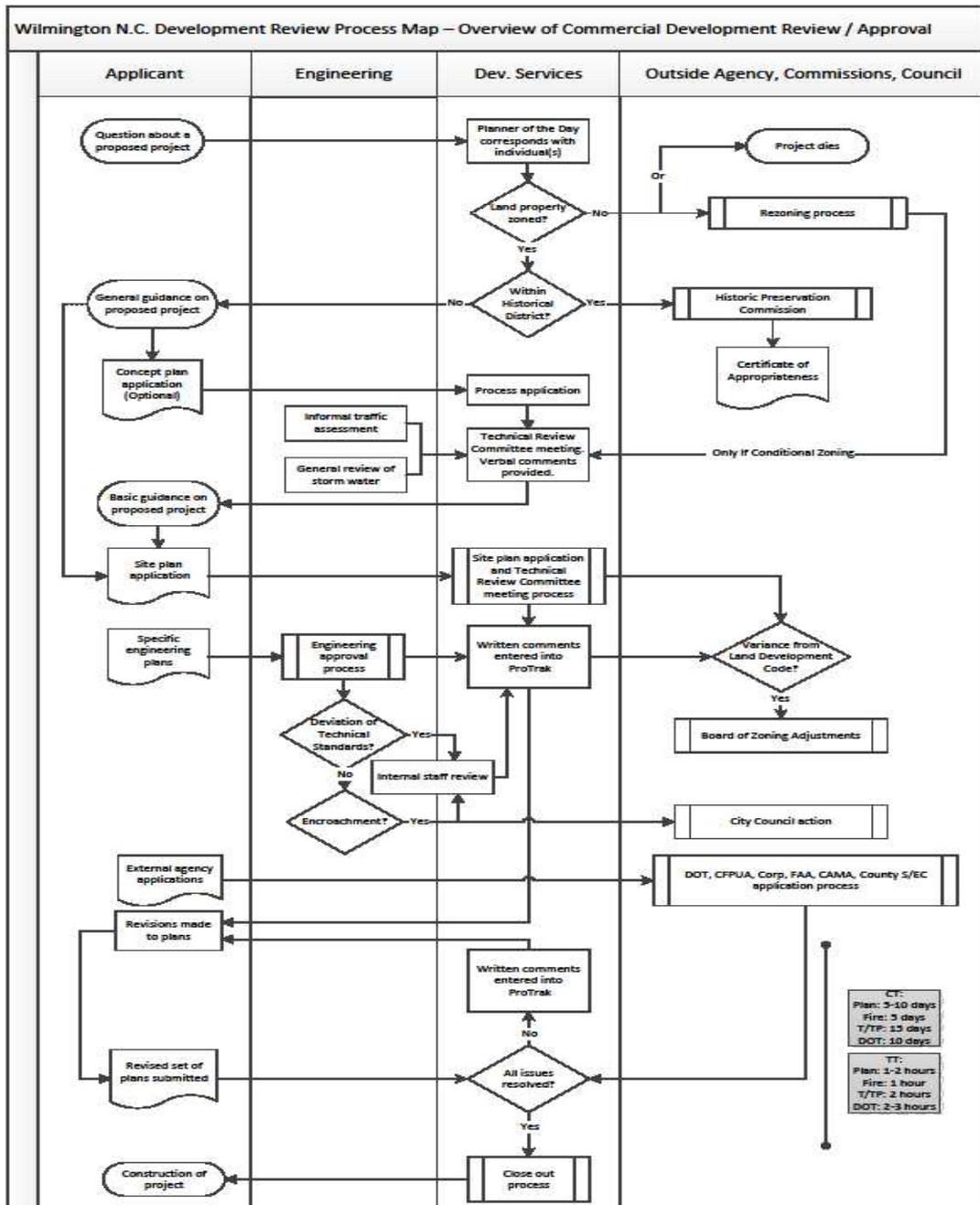
RECOMMENDATION 14: Implement additional features to improve ProTrak and increase usage.

RECOMMENDATION 15: Increase technical capabilities to expedite plan reviews.

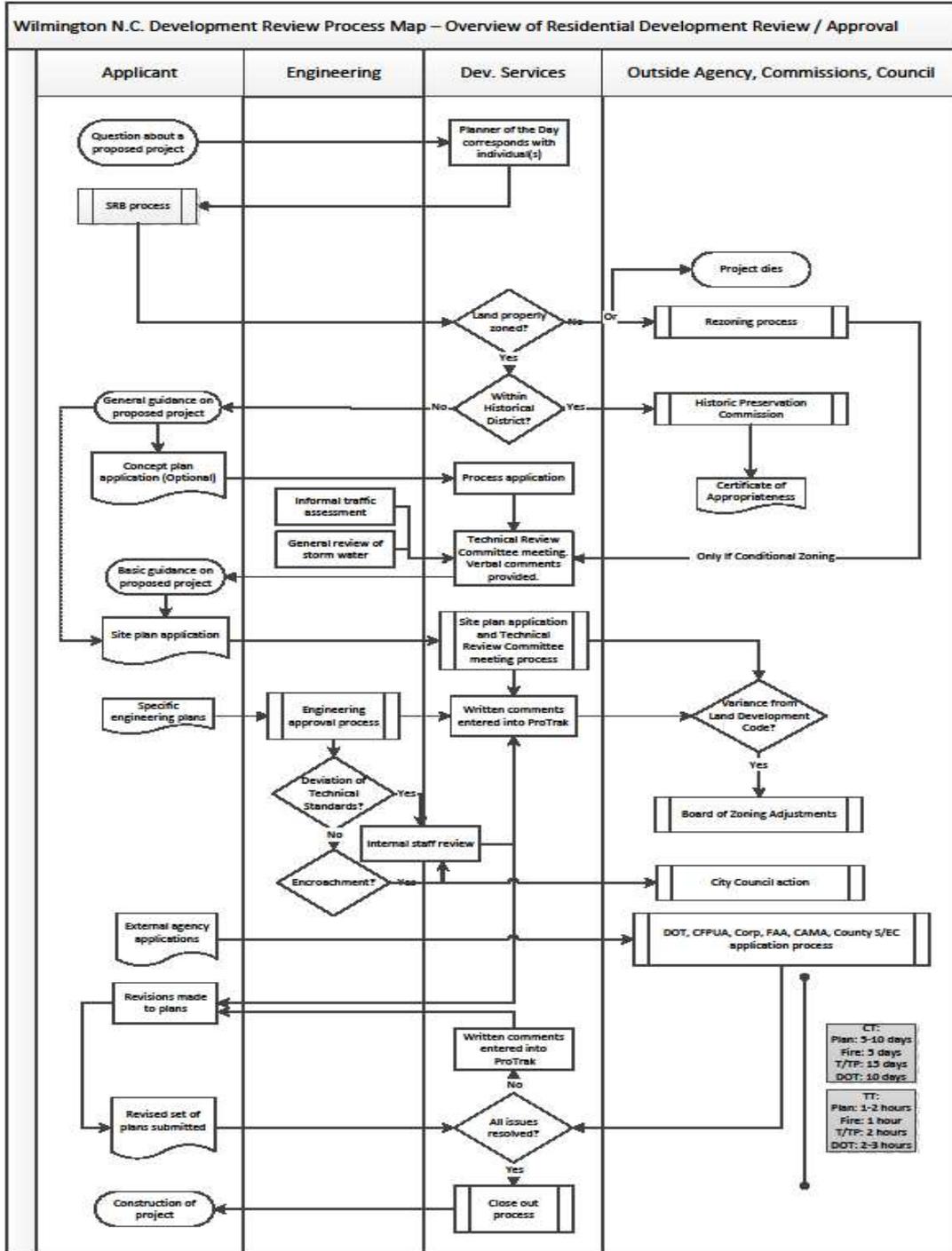
RECOMMENDATION 16: Implement outreach and education sessions on the development review process.

Appendix 2: City of Wilmington As-Is Process Maps

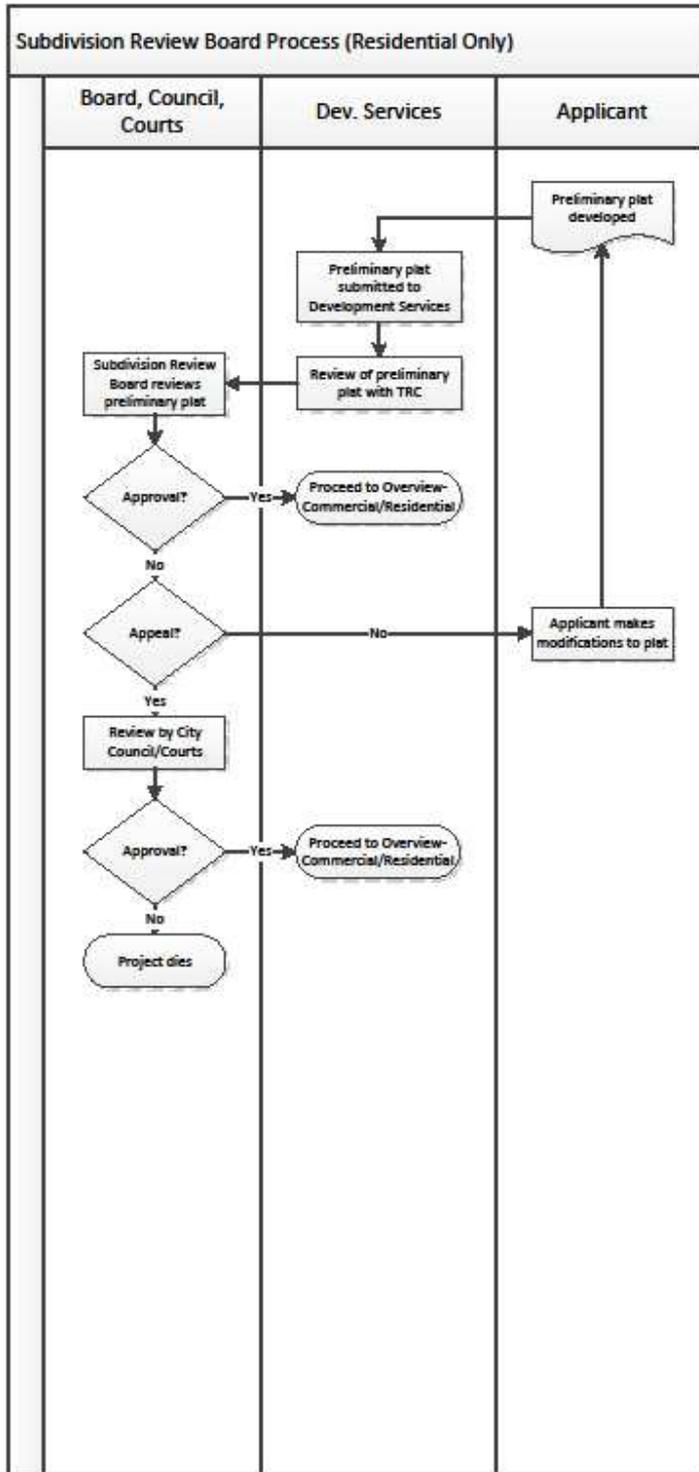
Overview of Commercial Development Review/Approval



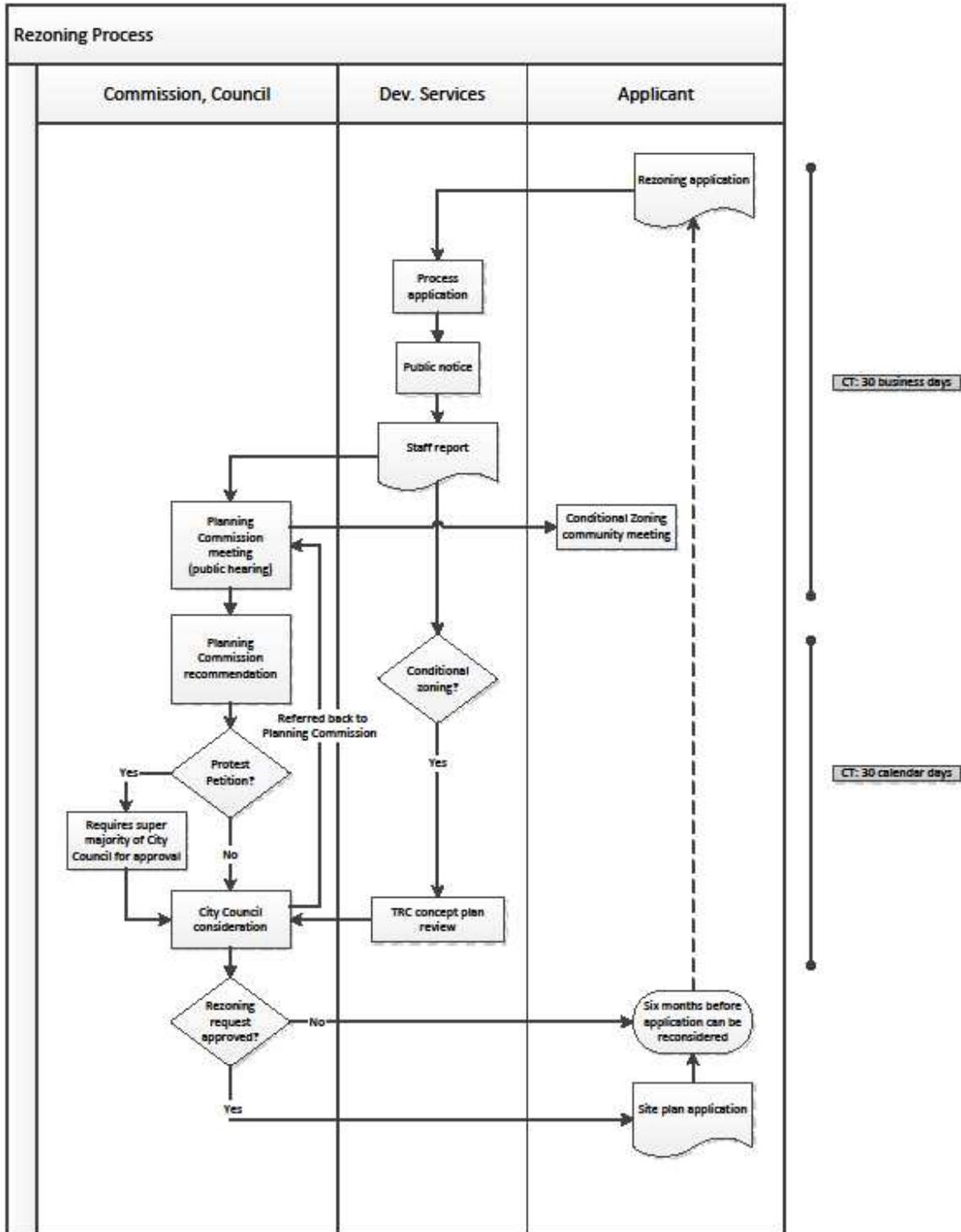
Overview of Residential Development Review/Approval



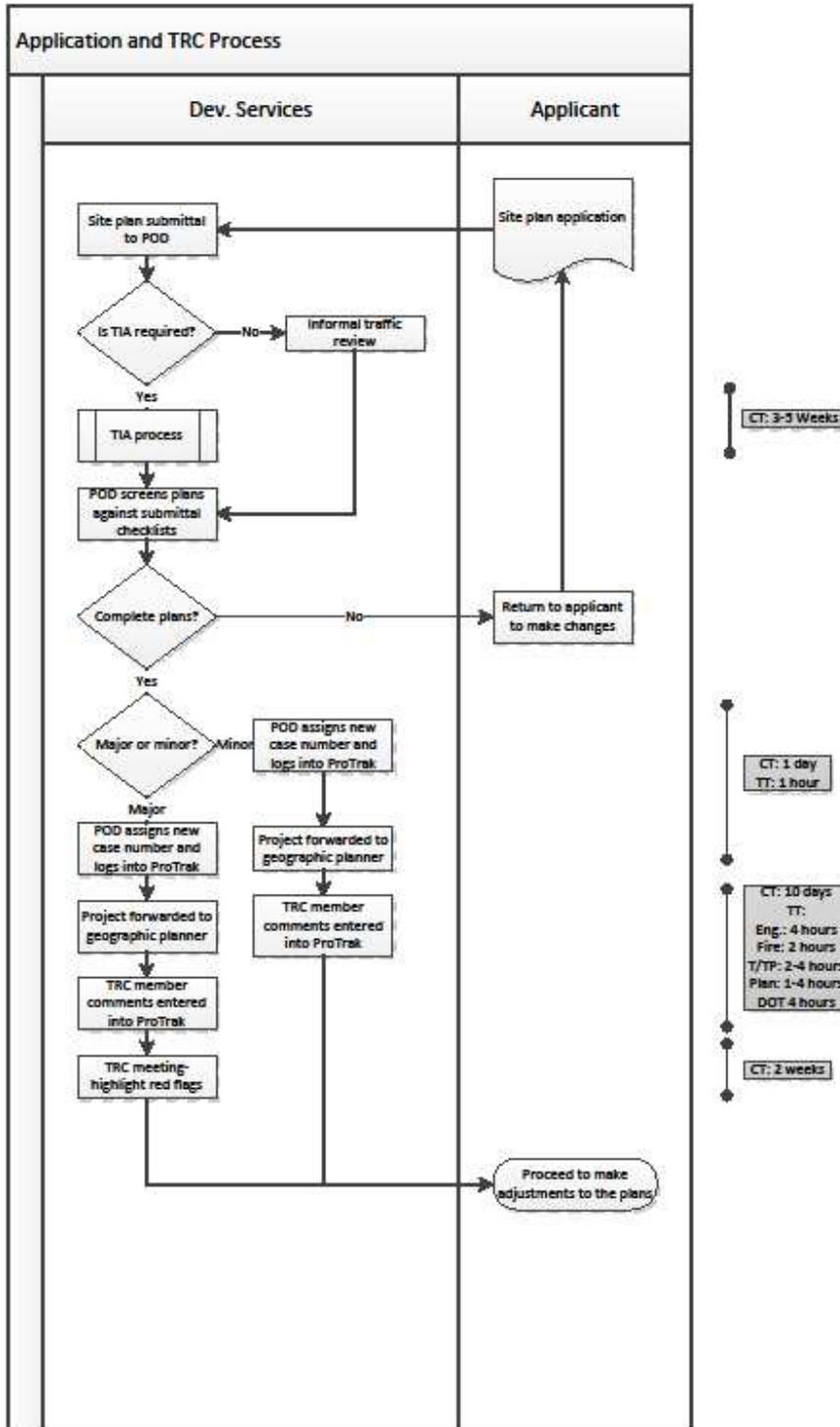
Subdivision Review Board Process (Residential Only)



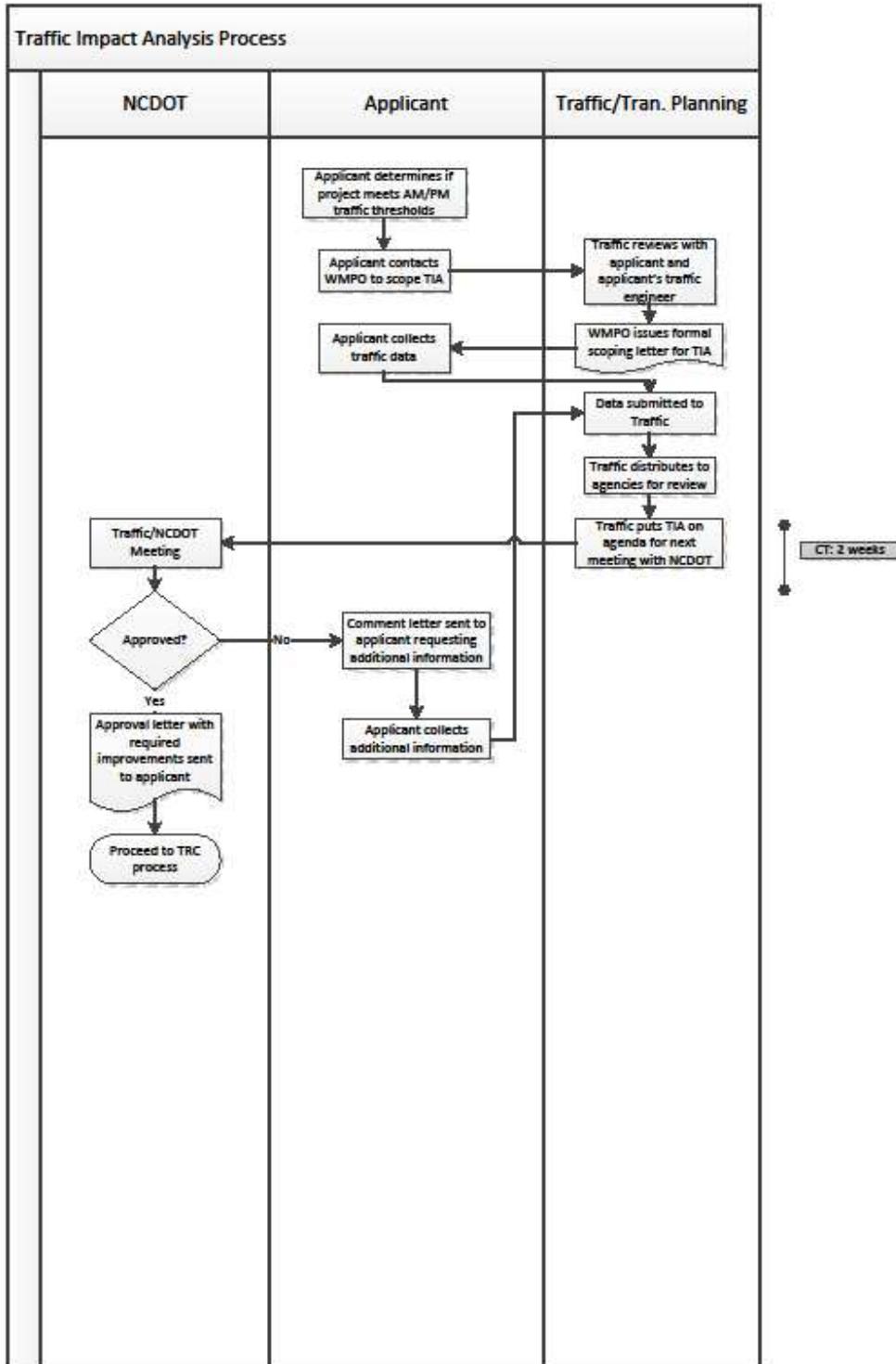
Rezoning Process



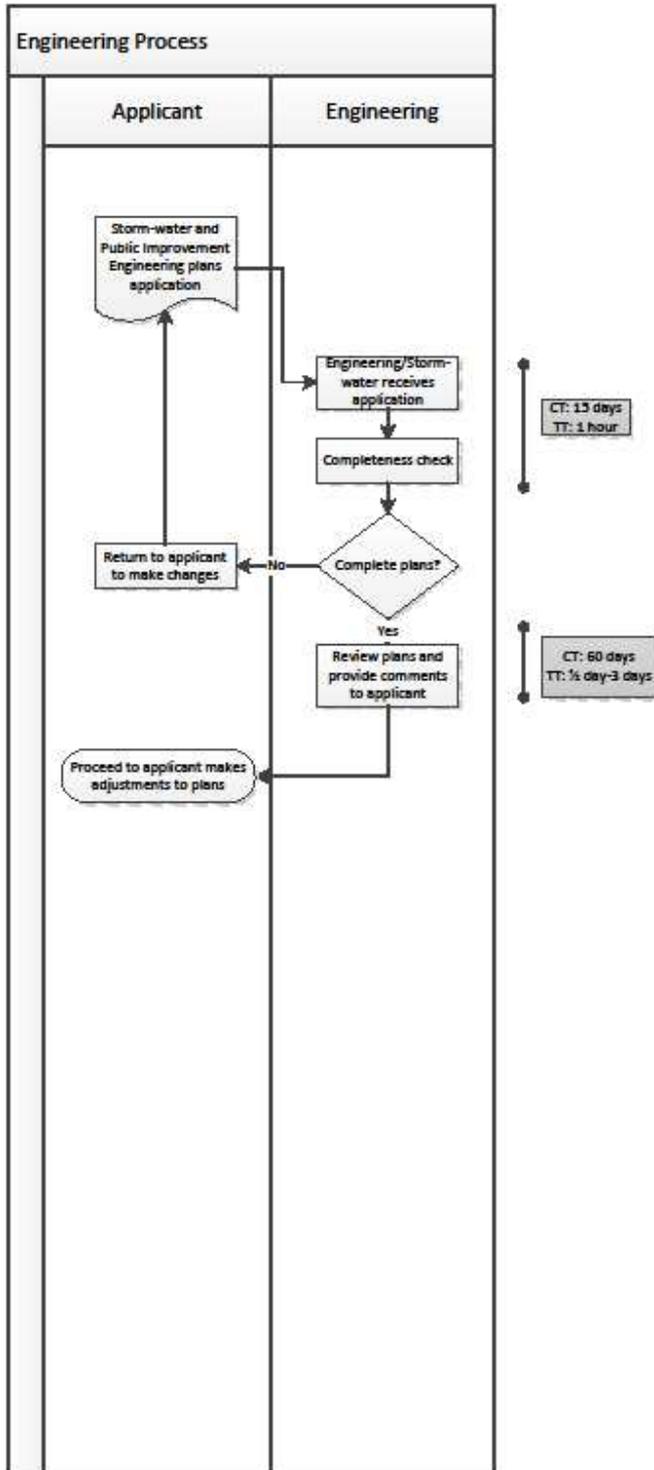
Site Plan Application and TRC Process



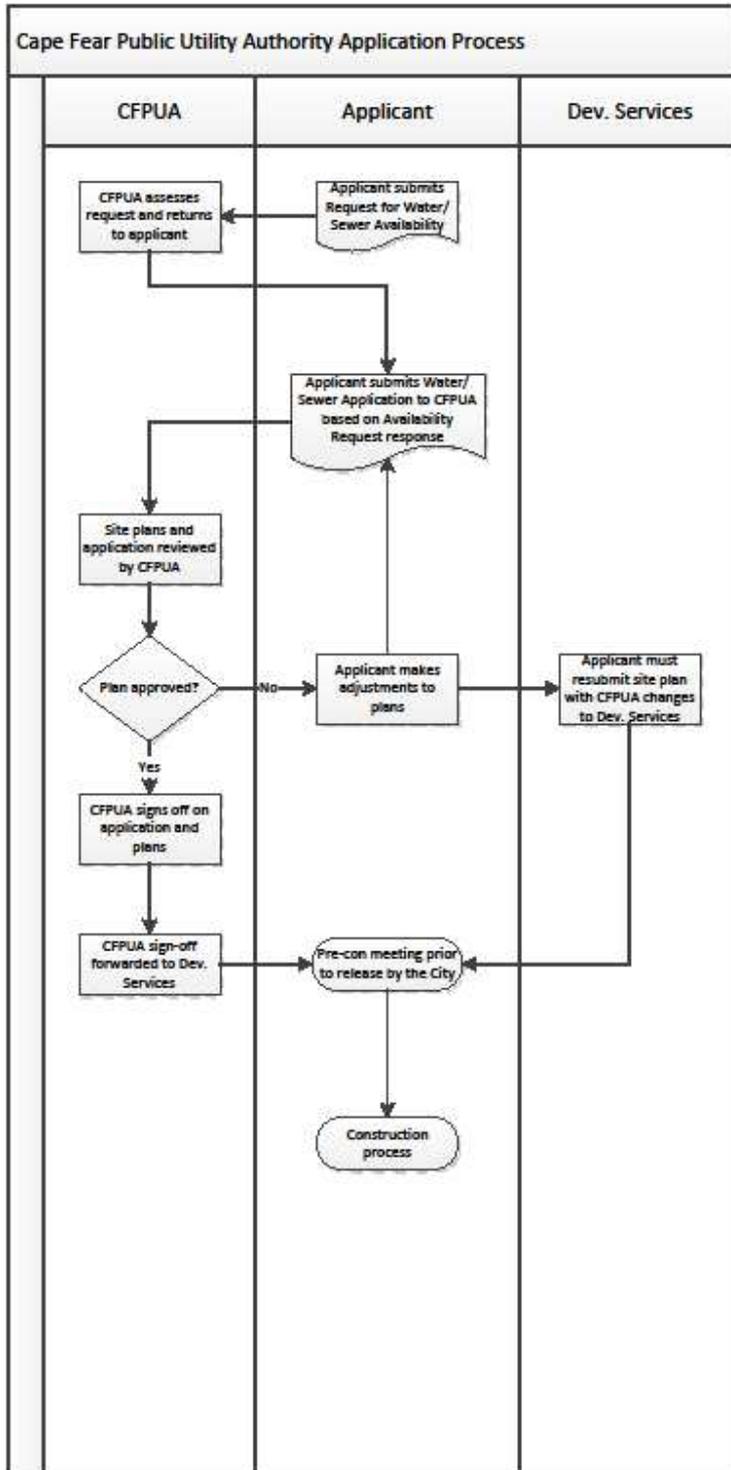
Traffic Impact Analysis Process



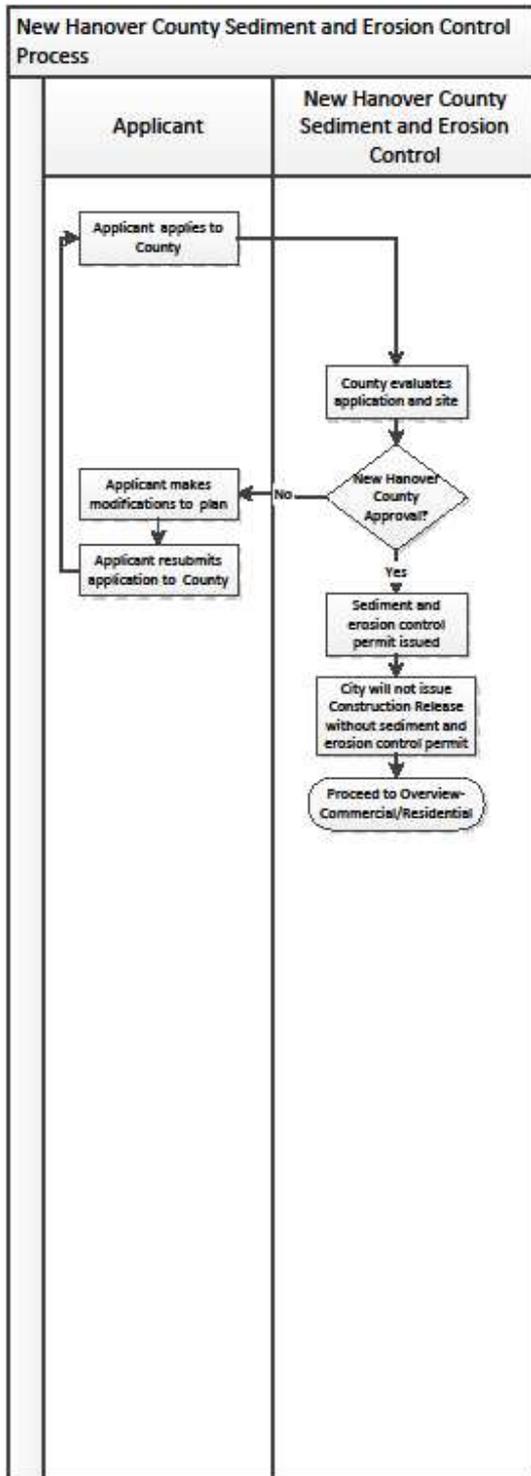
Engineering Division Process



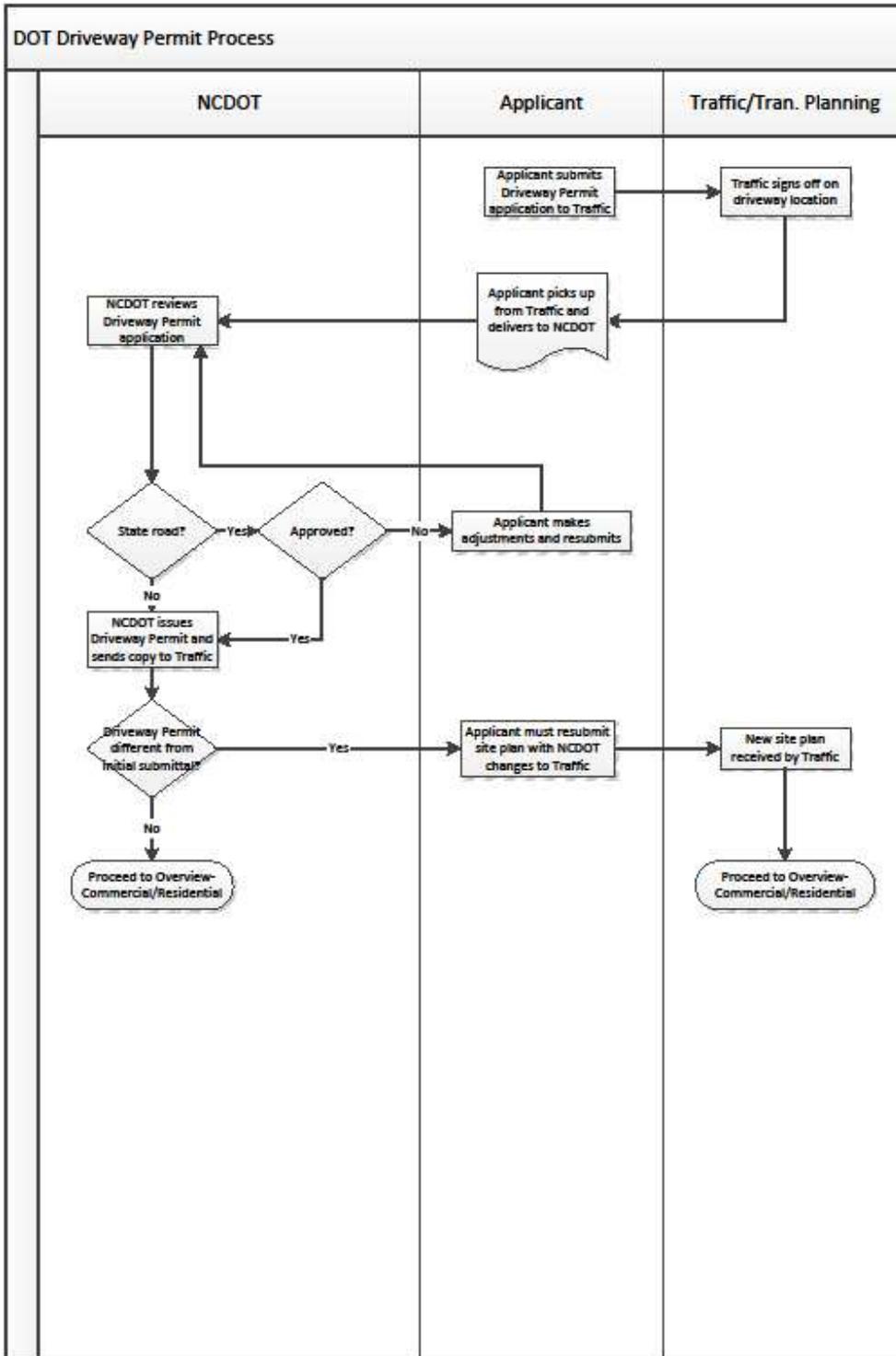
Cape Fear Public Utility Authority Process



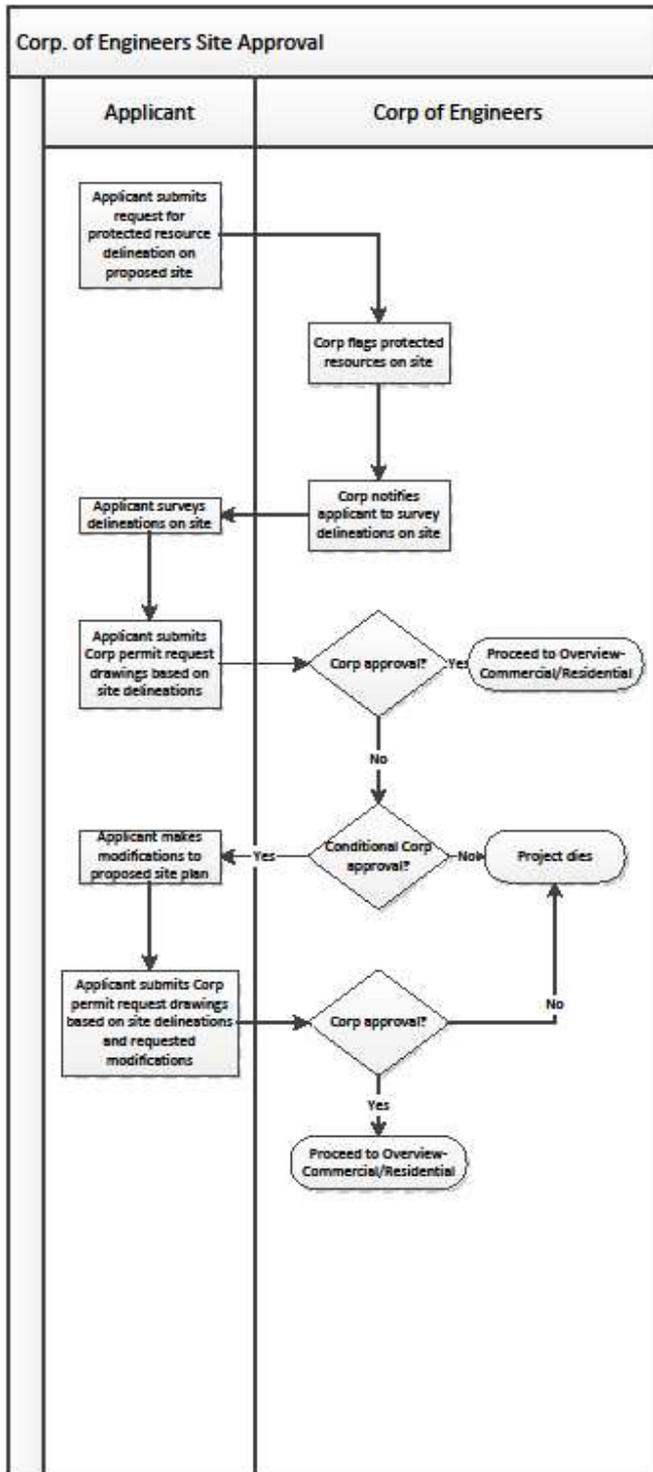
New Hanover County Sediment and Erosion Control Process



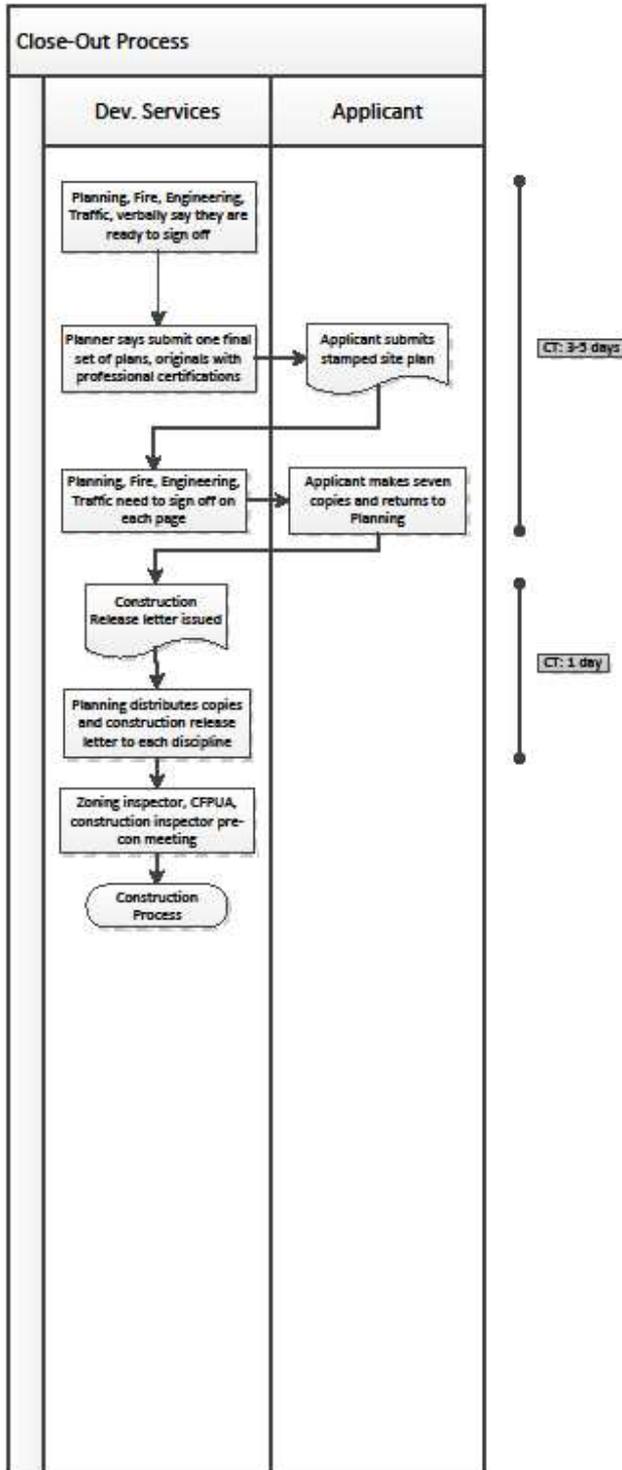
North Carolina Department of Transportation Driveway Permit Process



Corps of Engineers Site Approval



Close-Out Process



Appendix 3: Report from Staff Session

On February 24, 2012, the City of Wilmington held a brainstorming session for employees engaged in the development review process, which was facilitated by The Novak Consulting Group.

Review Agenda, Purpose, Introductions

Michelle Ferguson welcomed the group, reviewed the purpose for the time together, and introduced the agenda and goals for the brainstorming session.

Review As-Is Process Maps and Correct or Affirm

Participants reviewed the as-is process maps for the City's development review process and provided additions and corrections.

Review/Establish Goals

Michelle Ferguson then reviewed the goals of the development review improvement effort:

- Reduce development review cycle time
- Provide some predictability in the development review process
- Simplify the development review process

Brainstorming How to Achieve the Goals

Participants brainstormed potential ways to achieve these goals:

- Hold developers to resubmittal deadlines
- Improve NCDOT communication about driveway permits and improve turnaround time
- Remove comments from the TRC process that are not required by code
- Prioritize resubmittals so they don't sit in the queue at the same time as an initial submittal
- Require all applicants use the same process-eliminate individual processes
- Require landscape application based on code
- Training for staff on the development review process.
- High-level evaluation of the review process
- Educate staff on going from plan changes to codes
- Staff self-critique of process on regular basis
- Applicant training/best practices for plan review
- Educate city council on staff qualifications to reduce the tendency to assume staff is the problem
- Provide training for all TRC members—or at least a regular communication outside of plan review
- People skills training for every Planner of the Day
 - What should they say to applicants
 - What they shouldn't say to applicants
- Require applicants to provide how they have addressed comments when resubmitting
- Require written response from applicant on resubmittals addressing each TRC comment

- Include a summary paragraph to indicate if the application is Major Site Plan, Minor Site Plan or Change of Use
- Reprioritize reviews for engineers completing a workshop on plan submittals
- Have a contingency to account for workload fluctuations
- Define staff roles to free up time for plan review
- Standardized turn-around times for plan review
- All disciplines should establish review time policies
- Rate designers and let applicant know that designers “X” will require more time
- Establish incentives to applicants that submit complete plans
- Establish an express review process
- Update the technical standards in conjunction with the Land Development Code clean-up
- Make the code clear cut and more black and white
- Throw away code and start from scratch
- Improve the tech standards with input from all disciplines
- Better clearer code and or tech standards
- Use the Land development code as the simplified doc the tech standards as the specs
- Revise the code to deal with what is to be done let tech standards define how
- Clarify and improve submittal checklists for first-time submittals
- Allow blanket rejection of plans when a specific threshold is not met
- More clarity on what is required on the initial submission
- Require all submittals and resubmittals to go through the planner assigned to the case
- Require applicants to submit a complete set of documents at each submittal and resubmittal for uploading into ProTrak
- Accept more complete plans
- Provide a template example of what we think is a complete plan submittal
- Increase the standards for the minimum site plan submittal-raise the bar
- Correctly determine the applicants proposed use at the time of Planner of the Day acceptance of the application
- Resubmittals need to be complete sets of plans directly to the planner for distribution
- Develop an quicker review process demanding complete sets of plans up front
- New site plan application based on code and technical standards for all TRC disciplines including checklist
- Simplify submittals not too many comments
- Don't accept site plan submittals if they don't include required TIA items
- Planners serve as the gatekeepers all submittals and resubmittals to them
- Authorize some staff to act as project managers
- Establish expiration policy
- Establish a process to render a project case dormant if no resubmittal within a certain period of time
- Enact a plan expiration policy if it takes 6 months to resubmit, require a new fee
- Require applicant planner to submit all conditions that run with the parcel
- Require written response comments with each resubmittal
- Provide consistent process for accepting plans

High Value Areas

Ideas were then organized into several specific high value areas for improvement.

Codes and Technical Standards:

- Tree Ordinance
- Commentary and intent interpretation for the Technical Standards Manual
- Need an expert in the Land Development Code and the Technical Standards Manual
- Need to resolve “who” the City wants to be, and the City needs to provide clear policy direction to the development community
- Clarify the use of each zoning district

Submittal Process:

- Review the minimum submittal requirements with all the TRC members
- Incentivize applicants to submit more complete plans
- Investigate cost for express review process
- Identify schedule
- Boilerplate comments

Other Issues:

- Comprehensive submittal example
- Workshops-a series of topics and online tutorials
- On-line GIS
- Further develop ProTrak, possibly release to a 3rd party developer.