Can’t We All Get Along?
The Development Process as a Means to Achieving Outstanding Results

10:00—11:10 a.m.
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Sturm College of Law

Moderator: James van Hemert, AICP
Executive Director
The Rocky Mountain Land Use Institute
Denver, Colorado

Panelists: Tim Belinski
Vice President
Obermeyer Redevelopment Company
Aspen, Colorado

Martha Brown
Deputy City Development Commissioner
Milwaukee, Wisconsin
Can’t We All Get Along?
A cultural framework
Achieving Outstanding Results through the Development Review Process
• James van Hemert, RMLUI
• Martha Brown, City of Milwaukee
• Tim Belinski, Obermeyer Redevelopment Company

...must protect the public from the evil developer and his schemes...

...I take pride in my work while being responsible to my investors... who does this planner think he is anyways?

Formula for mediocrity and failure:
- Mistrust
- Fear
- Different language
- Cultural misunderstanding
- Misplaced control
- Mismatched staff and resources
- Turf protection
- Lack of coordination

The development game
Real terms used…
- “good luck”
- “unsure”
- “incomplete”
- “modify?”
- “applicant strongly encouraged to complete this voluntary step”

Two languages
- **Plannerese**—“Bureaucratic Obfuscation”
  - Pre-application review
  - Neighborhood Compatibility
  - Certified Silhouette
  - Completeness determination
  - Comprehensive plan conformance
- **Developerese**—“Free Market Hype”
  - Highest and best use
  - Entitlement
  - “Lonely Pines at Lansdowne Crossing”
  - Concept renderings

Makes you just want to scream…
All too common results

- Excessive time spent
- Uniformity
- Mediocrity
- Higher costs
- Stakeholders don't get their say
- Quality development and economic growth flee to places with friendlier regulations

We have met the enemy and he is us.

— Pogo

Perplexing to ponder why we are still here after all these years...

Juxtaposition of Function and Culture

Critical Organizational Cultural Characteristics: Going BEYOND yes

Big picture framework

- Recognize the reality of multiple publics
- Understand the role of a "pragmatic facilitator of public interests."
Service
- Rules serve the mission
- Go above and beyond the call of duty
- Adopt a client-centered approach
- Present a consistent message
- Establish a solution-oriented business relationship
- Fair and ethical treatment
- Know when to be flexible
- Good customer service is not about saying “yes” but about all of the above

Human resources
- Train and hire for “facilitator” competency
- Empower staff to make decisions appropriate to their responsibilities and point in the process
- Establish a team approach at all levels
- Reward exceptional behavior and results—staff, customers, citizens

What applicants want
- Predictability
- Fair treatment
- Accurate and accessible information
- Timely processing
- Reasonable and fair costs
- Competent staff
- Elegant Regulations

Contributors
**Milwaukee**
- Martha Brown, Deputy City Development Commissioner
- Bob Greenstreet, City Planning Director
- John Hyslop, Assistant Planning Director
- Dave LaHay, Staff photographer
- Paul Jakubovich, Historic Preservation
- Bob Monnat, Chief Operating Officer, Mandell Group Inc.

**Irvine**
- Mike Haack, Manager of Development Services
- Bill Jacobs, Principal Planner
- Jeff Davis, Vice President of Entitlement, The Irvine Company

**Aspen**
- Joyce Algaier, Deputy Planning Director
- Tim Belinski, Vice President, Obermeyer Group

**Other**
- Peter Park, City of Denver, Director of Planning
- Chris Fellows, President, The Fellows Companies, Denver
- Don Elliott, Partner, Clarion Associates, Denver
Overview

- Development Concepts
- Program
- Timeline/Key Dates
- Key Features/Physical Overview
- Financing Overview
- Marketing & Sales Process

The Team

- Public - City of Aspen, COWOP Group
- Landowners - Klaus Obermeyer, Neighboring Parcels, City of Aspen
- Developer - Obermeyer Redevelopment Company
- Development Management Concepts - Symanski Development Partners, Landmark Planning Services LLC
- Architect - Cottle, Carr & Yaw
- General Contractor - R.A. Nelson
- Lenders - LaSalle Bank, Alpine Bank, Community Banks

Development Concepts

- "Win-win-win" & quality management themes
- Run-down, marginally functional properties
- Public/private partnership opportunity
- "Affordable commercial" concept
- "Resort town" economics vs. "downvalley migration" of local businesses
- Redevelopment & infill
- Integrated neighborhood with extensions to park, river & recycle center
- Balance of height vs. density
- Complexities & risk

Program

- Mixed Use Project on 2.5 acres within downtown Aspen
- Five Buildings: 265,000sf
- Parking Garage: 165 parking spaces on two levels plus 30 spaces on grade, providing excess capacity
- Free Market Residential: 22 units, 58,000sf
- Deed Restricted Residential: 22 units, 16,000sf
- Commercial Space: 40,000sf, located throughout

Timeline/Key Dates

- Nov 2001 - Obermeyer purchase of adjacent warehouse building
- Feb 2002 - Land use application submitted to Aspen City Council
- Mar 02 - Feb 03 - COWOP task force meetings (15 in total)
- Program, schematic, design development
- Land assembly continuation / site expansion
- Mar 2003 - City Council grants unanimous approval of development plan
- Jun 2003 - Sales program kick-off
- Sale of 138 units — 100% complete!
- Apr 2004 - Tenant relocation
- Financing plan secured
- Jun 2004 - Project construction underway
- Jul 2006 - Construction complete / tenant re-relocation

Key Features/Physical Overview

- Façade primarily brick & stone to reflect Aspen character
- Emphasis on pedestrian connections
- Common areas & adjacencies carefully designed
- Higher impact commercial uses located inside parking garage, allowing business operations to coexist with high-end residential
- Interface with existing park, river & recycle center
- Deadline driven by delivery of free market units
- Construction complexities
Financing Overview

- Free Market Residential space subsidizing "affordable commercial" space
- No public funding & City of Aspen retained ownership of land within project boundary
- National plus local bank funding $58MM
- Presale and prelease requirements set high
- Understanding of “resort town” economics

Marketing & Sales Process

- Market acceptance represented the highest risk for entire project
- Positioned as “new product” befitting “historic, charming Aspen”
- Integration of Free Market Units into neighborhood which includes commercial and Employee Housing Units
- Enlisted support of local real estate brokers through a preferred reservation selection process; non-contingent contracts
- Over-riding philosophy – treat customers as you wish to be treated; integrity, fairness & transparency of system critical
- Pricing achieved $1,000/sf (average), limited availability

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Q & A

Guiding projects from plan to permit
What’s a permit?

Customer: It’s OK to start building

City: Project complies with all rules.

The rules
- State building code
- City building code
- Special district regulations
- Public way regulations
- Environmental regulations
- City zoning ordinance

The customer’s views
- Slow
- Expensive
- Arbitrary
- Unpredictable
- Roadblocks to investment

The quest begins
- Building inspector
- Public works
- Planning/zoning
- Waterworks
- City engineer
- Stormwater
- Zoning appeals
And there’s more…

- 1920 zoning ordinance
- Dissonance
  - What the code says
  - Actual development patterns
- High volume of appeals

The mayor’s charge:

- Efficient
- Consistent
- Understandable
- User-friendly
- Welcome investment

The solutions:

- Regulations
  - Zoning
- Processes
  - Board of Zoning Appeals
  - Plan review
  - Development permits

BOZA overhaul

- New staff
- New chairperson
- Electronic systems

Development Center

809 N. Broadway, 1st floor
Development Center
- Single point of contact
- Staff reassignment
  - Building inspection
  - City engineer
  - Waterworks
  - City development

Plan review process
- Development Center intake
- Identify all permitting issues
  - Health
  - DPW
  - Design review
  - COA
  - Plan exam review
  - Route
  - Code problems
  - Assemble comments
  - Issue permit

Case management
- Complex code, design, and infrastructure issues
- Development roundtable
  - Schematic plans
  - Development team
  - City staff

Project tracking system

Property information

Routing for review
Plan submittal report

Customer info sheet

Zoning revision

- New code adopted 2002
  - Reflects existing urban development patterns
  - Citywide remapping
- Limited use standards
- CZO (computerized zoning ordinance)

Zoning online

- www.mkedcd.org/czo

Zoning online

- www.mkedcd.org/checkzoning
Online resources:

- Milwaukee Development Center
  - www.mkedcd.org/build
  - Customer information and applications
  - Umbrella site
- Zoning on line www.mkedcd.org/czo
- Check zoning
  www.mkedcd.org/checkzoning
- Board of Zoning Appeals database www.mkedcd.org/boza

New Milwaukee

Beerline

- 650 housing units
- $130 million investment

Riverfront

- New Milwaukee
- Beerline
- Riverfront