



Developers vent frustrations with planning process

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Local developers are fed up with the way the city's planning process works and are devising a strategy to let their concerns be known.

A group of developers met Thursday to discuss some of their grievances with the process and their own experiences with the Fayetteville Planning Commission and staff. The group plans to draft a letter and have it signed by members of the community, sending a message to the city that if something doesn't change, the city's financial situation will get worse.

Real estate consultant and local developer Jeff Collins said several developers have expressed disappointment in the way the process works and have been told by city officials that things are going to get better.

"If things had been fixed, we would not need to be here today," he said.

Collins said he thinks the letter will be a good first step.

"It will give people the chance to go on record and say enough is enough," he said.

Developer Hank Broyles said one of his biggest problems with the process is the off-site improvements required of the developer.

Broyles said he spent nearly \$2 million on off-site improvements for his subdivision development near Stonebridge Meadows.

"The off-site improvements are just getting ridiculous," he said. "They're sitting up there saying, 'You guys are developers; you've got deep pockets.'"

Collins agreed that there is a lack of predictability, or a lack of systems in place to determine the cost share that will be borne by the developer.

"It's a project-by-project, ad hoc process," he said.

The improvements have to be paid for somehow, Collins said, but what is the appropriate distribution of the burden.

"I think the consensus here is that the cost is disproportionately borne by the developer," he said.

Collins said the cost is often unknown until the developer has already put a lot of money into the development.

“ By the time you get to the end of (the process) they’ve got you, ” he said.

City Director of Current Planning Jeremy Pate was not at the meeting, but he addressed developers’ issues in an interview Thursday afternoon.

Pate said impact fees were brought up as an attempt by the city to address the concern introduced by Broyles.

“ The impact fee would have provided a known variable upfront, ” he said.

The impact fee ordinance, which would apply fees to new construction to finance related street improvements, was defeated by a single vote last April.

Proponents of the fees maintained that they would level the field for developers by making the process by which they are charged for infrastructure improvements more equitable.

Those against the fees said they would drive away new business.

Developers also complained about the inconsistency of the Planning Commission.

Even if a developer does everything that’s asked by the planning staff, the commission can still turn down a project using the loose term compatibility as a reason for denial, Collins said.

Developer Clint McDonald organized the Thursday meeting, which took place at the Fayetteville Chamber of Commerce. He said he spent nearly eight months working with the planning staff, and close to \$ 40, 000, making suggested changes to his proposal for Bridgedale Plaza, a mixed-use development on the corner of Huntsville Road and River Meadows Drive.

“ We made every change they requested, ” he said. “ Then I found out on the Friday before the Monday meeting that the staff was not going to support it. It blew me away. ”

McDonald said the project was denied by the Planning Commission because it included storage units next to a residential use.

“ Why didn’t they tell me that on day one ? ” he said. “ Why lead me down this road ? ”

Collins said there is the sense that the rules change at the last minute.

“ We’ll play by the rules if you just tell us what the rules are, ” he said.

Pate countered McDonald’s complaint.

“ I feel very confident that we informed the applicant and his consultants that the mini-storage portion of the project was an issue, ” he said.

Steve Fineberg, a Realtor who specializes in commercial properties, said he gets the impression that the Planning Commission has the perception of “ it’s us against the developer. ”

Commissioners need to somehow turn it around and look at development as a benefit to the city, he said.

Collins agreed that there is a perception that the developer is just “ out to make a buck. ”
“ The minute you get to the Planning Commission, it’s like the boxing gloves come on, ” he said.

Pate said he thinks the planning process is fair and efficient. The percentage of denials is low, he said, with the highest around 9 percent and the lowest about 3 percent over the past four to five years.

“ I think it’s a much more predictable process than where we were six or seven years ago, ” he said. “ We have a better vision and better understanding of where we want to go in the city. It’s always hard to implement a vision, but I think we’ve come a long way. ”

Mayor Dan Coody, who also wasn’t at the meeting, agreed with Pate and said he thinks the planning process maintains a balance in the city between regulation and managed growth and that comments from developers regarding the city’s reputation as too tough are unfounded.

“ The comments we get from developers in the outside world are that Fayetteville is easy to develop in; it’s much easier and much quicker, ” he said.

The idea that Fayetteville is perceived as a difficult place to do business is a “ completely bogus perspective, ” he said. “ We’re recognized nationally as a more livable community and a good place to do business. ”

Fayetteville was recently ranked 82 nd in the 2008 Fortune Small Business top 100 places to live and launch a business.

“ We must be doing something very right, ” Coody said.

Some developers said the process gets political once it gets to the City Council, and even if it’s been endorsed by the planning staff and approved by the Planning Commission, it can be denied by the council based on the comments of a few citizens.

Coody agreed that the process can become a political game when it reaches the City Council, and if one or two people complain the whole thing gets denied.

“ But there is no way that should be laid off on staff, ” he said.

Coody said he addressed that problem in his 2008 state of the city address, where he said, “ If a few individuals oppose any part of the project we will thwart the will of all the citizens who designed the plan, all the creative massaging of the planning and engineering staff, the citizens’ subcommittees and the Planning Commission. In being hyper-responsive to the individual, we completely discount the majority. ”

“ Don’t get me wrong, ” he continued in the address. “ I am not saying that we should just rubber-stamp everything that comes in the door. But if we could approve the

creative, innovative, new-urban design that fits our plan as quickly and easily as we approve the bad developments, it would be a vast improvement for the future of our city and our reputation. ”

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