



**CMAP / Developments of Regional Importance (DRI)
Technical Assistance Panel**

November 20-21, 2008
Chicago, IL

Urban Land Institute Chicago District Council

Recommendations and Comments to CMAP on the Developments of Regional Importance (DRI) Process

December 1, 2008

On November 20-21, 2008, the Urban Land Institute Chicago District Council (ULI Chicago) convened a panel of experts, including developers, real estate lawyers, environmentalists, and urban planners into a Technical Assistance Panel (TAP) to provide recommendations and comments to the Chicago Metropolitan Agency for Planning (CMAP) on its draft processes, circulated for public comment in September 2008, for determining “developments of regional importance” (DRIs).

Technical Assistance Panels convene real estate and urban planning experts to address specific development issues in a focused way. ULI Chicago has convened more than 20 TAPs in the Chicago area in the last ten years. For a list of participating panelists in the CMAP TAP, see Appendix A.

The TAP panelists determined that the proposed DRI process lacked any objective criteria or metrics for what constituted a DRI and lacked an effective procedure for reviewing DRIs on a timely basis. Both conditions, it was agreed, must be in place if CMAP is to effectively implement the process and if the development community is to continue to invest in the region.

It was recommended that the proposed set of DRI criteria and reviewing process should:

- Use metrics currently used in land use planning and real estate development
- Not preempt local zoning and planning
- Be fair and encompass all impacts from DRIs
- Be workable
- Be easily administered
- Provide certainty to the public and the development community
- Create incentives for developments to reduce impacts associated with development

This report provides the comments and recommendation of the TAP to CMAP for its consideration.

TAP BACKGROUND

The Technical Assistance Panels of the Urban Land Institute Chicago District Council (ULI Chicago) typically are convened by request of a community to address specific development challenges, such as downtown revitalization or environmentally sound development in an area.

The TAPs consist of nonpartisan experts who offer recommendations, not mandates, based on the issue at hand and the expertise of the panel. The goal is to offer ideas for realizing local and regional aspirations. The intensive two-day working sessions focus on synthesizing community input with panel expertise to form a final set of recommendations. In this case, the TAP was convened at the suggestion of ULI Chicago leaders as a way to present comments to CMAP in an organized fashion.

TAP PANELISTS AND GOALS

ULI Chicago assembled an expert panel to determine a set of criteria and processes for determining DRIs. To ensure objectivity, the panel was composed of volunteer experts with no known conflicts of interest. The panel represented varied perspectives in the development community (representatives from housing, office development, retail, and others) and land-use experts. The panel also interviewed CMAP committee members and others involved in the DRI process. Both the input of the varied development experts and the insights of the CMAP committee members were critical to the success of the process and to the unbiased and objective recommendations.

The recommendations recognize the historical disconnect between transportation and land use in the region and seek to narrow that disconnection by offering clear and objective criteria for reviewing development projects with potentially major impacts on regional transportation and land use. The panel also agreed with CMAP that the recommended DRI process must add value to, and not duplicate, existing protocols or usurp local control. Finally, it recognizes that any CMAP review of DRIs is advisory only.

The panel strove for recommendations that were fair, workable, easily administered, and that focused on metrics used in the field. The plan, as recommended, lends certainty to the process, a critical element for the development and public communities. In addition, the recommended criteria provide incentives for public and private developers to lessen the environmental and transportation impacts on the region.

The panel's guiding principals were:

- 1) that potential DRI projects must be large in scale, and their potential impact must be major;
- 2) any recommendations must treat public and private projects identically; and
- 3) that current regulatory processes do not always fully account for *regional* impacts, and thus the need for a separate, value-added DRI process.

The panelists began the process by examining the minutes of the CMAP programming committee and identified projects that CMAP had considered potential DRIs. In addition, they reached consensus on what would be considered DRIs today. Specifically, they identified, based on their size and extenuating impacts, the following projects as clear DRIs: Woodfield Mall, Great America, 3,000 acre Prime Project in Huntley, and the Joliet Arsenal redevelopment. From this group of readily apparent DRIs, the panel sought to impose strict criteria and identifiable processes for identifying and reviewing future DRIs. The goal was to remove any subjectivity in the process and inject greater clarity on definitions and the process.

The panel strove for objectivity and unbiased assessments in their determinations. It relied on the industry expertise of the TAP panelists to devise sound principles to guide the process. The recommended criteria were tested against existing housing projects, office projects, shopping centers, and industrial projects with which panel members had been intimately involved.

The panel also agreed that the resulting criteria and process should be considered a trial period and be reviewed in 2010 to ensure that it aligns well with the GO TO 2040 plan, set to commence pending approval in 2010. The trial period will also ensure that the DRI process meets the stated objectives of CMAP and the Illinois legislature.

DRI REVIEW TEMPLATE

The panel sought answers to three questions:

- What is “regional,” and when is a project of regional importance?
- What objective criteria could be used to identify a DRI?
- How should the DRI review process work?

What Is Regional?

Although many projects have impacts beyond their boundaries and the boundaries of the communities in which they are located, most do not have a significant regional impact. As a preliminary matter, the panel therefore attempted to define “regional” in this context.

The panel determined that in the context of assessing DRIs, “regional” must encompass more than geography, and include the impact within the context of the current NIPC/CATS comprehensive plans and the anticipated CMAP GO TO 2040 plan.

The panel also believed that because a DRI review should be initiated very early in the planning process, the DRI process for private developments should be initiated in the zoning stage, before development rights have been vested. A review at the zoning stage effectively contains the period of time a DRI can be requested. This adds an element of certainty for participants in the development process.

Regional impacts, therefore, would encompass developments, infrastructure, or policies:

- where zoning changes may significantly affect populations in multiple counties, OR
- where zoning changes may have major effects on the state’s interstate highway system and strategic arterials in the region, or on regional transit systems, OR
- where activities involve public funding that is inconsistent with land use and infrastructure plans in the current NIPC/CATS regional plans and the anticipated CMAP GO TO 2040 plan, OR
- where zoning changes would significantly affect regional water supplies, such as a major power-generating facility.

Zoning changes were chosen as a public action. Cases of annexation and planned developments also include zoning changes. If the project is already entitled under current zoning or is already approved at the local level, the project should not be considered as a possible DRI. The panel also recommended that the DRI review process should not be initiated *solely* on the basis of a project’s effects on waste water, storm water, or emissions, as these aspects are well regulated under existing processes.

Criteria to Trigger a DRI Review

In determining what constitutes a DRI, The recommended determination process should rely on the following decision matrix, which consists of three criteria. In short: If the project meets the first condition (A), then it is a DRI. If it does not meet the first condition, then it must meet both of the next two conditions (B and C).

The matrix is as follows.

Condition A: The project triggers a major transportation project: A first condition is whether the project proposes the construction of a major new transportation project that is not part of a current regional plan (2030 Regional Transportation Plan) or impending regional plan (GO TO 2040). Examples would include an Interstate highway interchange or a new transit extension.

If it does, the project would be considered a development of regional importance and must submit to a review.

If it does not trigger such an effort, then a second condition must also be considered.

Condition B: 50,000 vehicle trips. Will the development generate at least 50,000 new passenger-car-equivalent trips per day, net of transit or internal development trips?

This criterion allows for simplicity while still being meaningful. For example, it eliminates the need for separate suburban and urban assessments. Under the trip-generation requirement, land availability in the high-density urban areas of the region would likely benefit from nearby mass transit, which would offset the number of vehicle trips generated. The metric is also large enough that it does not unduly subject developers to reviews of projects that are unlikely to have a significant regional impact. Because the measure does not include transit trips generated by the development, there is an internal incentive in this criteria to locate very large-scale developments in transit-accessible locations, or to plan for new transit services in concert with the development (e.g. the new Metra station that was located in the Glen as part of the redevelopment of the Glenview Naval Air Base).

To generate at least 50,000 care trips, a suburban **residential development** would include approximately 5,000 homes--the size of Del Webb's Sun City development in Huntley, for example.¹ The number of car trips can be mitigated by locating near transit. This ability to mitigate the impact creates an incentive for developers to build smartly, following sound urban planning guidelines.

An **office park** that generated 50,000 car trips per day would be approximately 3.3 million square feet or larger.

To generate 50,000 car trips per day, a **retail shopping center** would have approximately 1.1 million square feet of retail.² Fox Valley Shopping Center is an example of a retail shopping center that may fit this criterion.

Freight: Northeastern Illinois is the largest rail hub in the United States. This is a benefit for the region as an anchor for industrial development and freight-related jobs. Yet, the expansion or siting of large truck terminals, intermodal facilities or major changes in rail traffic can have local, and perhaps regional impacts.

¹ The average suburban family makes 10 trips per day in a car. Thus, 50,000 car trips equals 5,000 homes in a suburban development. Urban residential development such as in downtown Chicago, in contrast, results in 2-6 trips per day. In a suburban development, the average home contains 3.5 people. Therefore, the development size would include 17,500 people or more for it to be considered a DRI. The panel settled on 50,000 trips by first identifying existing developments that had clear regional impacts on transportation and land use. They then identified the size, in units, of those developments and, working backwards, determined the number of car trips those developments generated. They used standard industry metrics for average family size, car trips, square feet per individual, and others.

² On an average weekday, shopping centers generate 43 vehicle trips per 1,000 square feet of gross lease space.

The panel recommends using a truck-equivalent standard that compares with the 50,000 new vehicle trips per day, using a standard of 1.7 vehicle trips per truck trip, and 6.9 vehicle trips per 1,000 square feet of truck terminal.³

A major change in rail freight can cause significant delays and traffic congestion on arterials and local roads. Therefore, calculating the metric might begin with the number of cars delayed by a major rail increase. For example, if the growth in rail traffic increased the frequency by 10 percent per day by which rail gates across intersections were down, 10 percent of the traffic on that road would be delayed. If the road carries 50,000 vehicle trips per day, 5,000 cars would be delayed. If the rail traffic affects ten intersections, each with 50,000 vehicle trips, and each delayed by 10 percent, the delay would reach the threshold. If the changes include an intermodal facility, the above-noted truck terminal analysis above should also be considered along with the delay factor. If the rail purchased affected a transit way in the 2030 plan, (for example, the STAR line), it would automatically be reviewed under the DRI criteria.

Entertainment venue The panel did not have adequate time to consider the regional impact of entertainment venues. The panel recommends further analysis to determine the traffic generated on peak days and to measure the impact by the traffic, number of parking spaces, or a combination of the two.

Condition C: Does the project create a new **point discharge with effluent of 5 million gallons per day**,⁴ or does the project add **500 acres of impervious surface**.⁵ At least one of these environmental conditions must apply for it to be subject to the DRI review process.

The point discharge is net discharge. If the project involves the construction of a new, 12-million-gallons-per-day waste water treatment plant but the plant that is being replaced has an existing capacity of 10 million gallons, then its contribution would be 2 million gallons, and it would not constitute a DRI. It was also noted that impervious surface should include paved surfaces, roofs, and the like, but not water detention facilities.

The reasoning behind Condition C is to encourage developers to use sound urban planning guidelines to mitigate the effects of development and thus possibly avoid a DRI. For example, designing a development with smaller lots would lessen the impact on storm water runoff from impervious surfaces.

Examples of Developments of Regional Importance

Under criteria noted above, the following likely have been DRIs:

- Woodfield Mall
- Sun City
- Great America
- Joliet Arsenal

³ For example, the CenterPoint Intermodal Facility at Joliet Arsenal was approved for 12,000,000 square feet; 12 million square feet multiplied by 6.9 trucks per 1,000 square feet, multiplied by 0.7 cars per truck equates to vehicle trip generation of 140,760, well over the threshold.

⁴ The new point discharge is based on 17,500 people using 100 gallons per day, a standard metric.

⁵ The impervious surface is based on the above 5,000 residential units x three units per acre, or 30% impervious surface.

DRI REVIEW PROCESS

In addition to criteria for determining what constitutes a DRI, the panel recommended a clear and contained process for reviewing future developments and for ushering the proposed DRIs through the review process. Having a clear process for determining and reviewing DRIs protects citizens from potentially significant impacts that may extend beyond their own communities. It also allows developers a measure of certainty that they will not face costly interruptions or delays at some later date. As noted, the DRI process should occur early in the process, shortly after a zoning change applied for.

Municipalities and counties have established procedures for hearing public concerns about any development or public project. DRIs will not override or replace these processes.

The following review process is recommended.

Initiating a DRI

After a zoning change has been requested, it is recommended that DRIs be initiated in one of several ways:

- By municipal or county resolution requesting CMAP to review a potential DRI once a zoning application for modifying existing land use has been filed.
- By CMAP staff once a zoning application for modifying existing land use has been filed.
- By a CMAP board member suggesting CMAP staff to review the potential DRI once a zoning application for modifying existing land use has been filed.
- By a developer who may file directly to CMAP with a copy to local municipal government. The developer would request a determination for “no further action” (NFA) at any time.
- A citizen or advocacy group may petition a local municipal or county board and the same has passed a resolution requesting CMAP review once a zoning application for modifying existing land use has been filed.
- If a review is requested by CMAP staff or board, an interested municipality, or county, as evidenced by a resolution, CMAP shall notify the developer and local municipality of the pending review.

The DRI process also should apply to **public projects**, and is initiated as such:

- By municipal or county resolution requesting CMAP to review a potential public project.
- By CMAP staff once a public project is proposed.
- By a CMAP board member suggesting CMAP staff to review the potential DRI once a public project is proposed.
- By a sponsoring public agency which may file directly to CMAP with a copy to the local municipal government.
- If a review is requested by CMAP staff or board or by an interested municipality or county, as evidence by a resolution, CMAP shall notify the sponsoring public agency of the pending review.

When one of these parties requests a DRI, the CMAP board must affirmatively vote that the project qualifies as a DRI for the review process to begin. CMAP must also give notice to the developer and the affected municipality or county that the review is underway. This ensures transparency for all involved in the process. In addition, the TAP panel recommends that the most appropriate focus for public input into the DRI process and review should be through the CMAP board meeting where a project may be discussed.

Timeframe for Review

The panel recommends an overall timeframe of **no more than 90 days** from initiation to completion of a DRI review. Because the majority of the necessary data are available with the zoning application, 90 days seems a reasonable timeframe considering the CMAP board meeting schedule. Figure 1 illustrates the decision-making and review process using the above criteria for identifying DRIs.

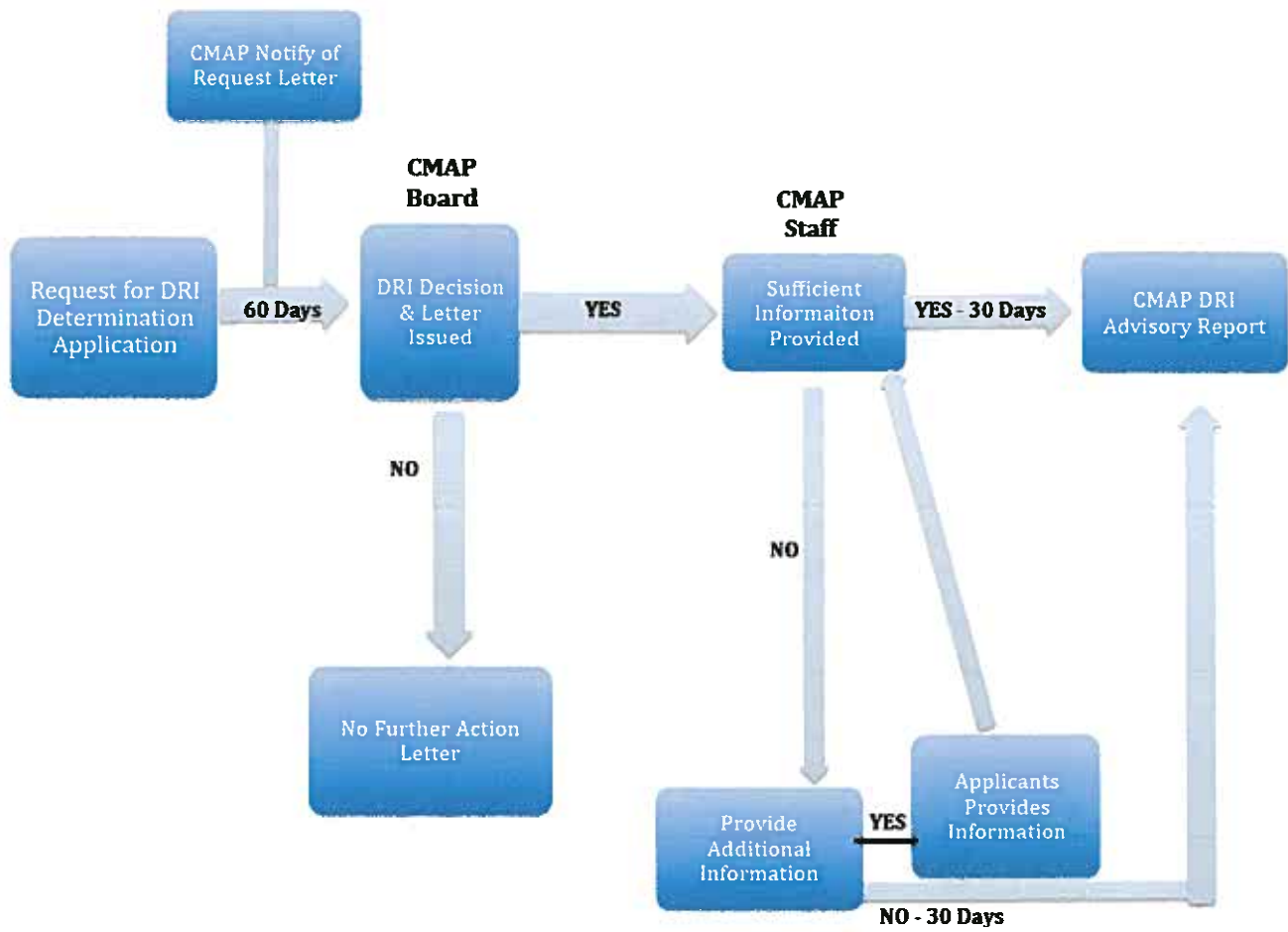
Step 1: CMAP must respond to the applicant (either developer or municipal representative) within 60 days by issuing the DRI determination.

- a) If CMAP determines the project does not meet DRI requirements, it issues a letter to the applicant of “No Further Action” within 60 days; OR
- b) If the proposed project does meet the threshold for a DRI review and the CMAP board determines by vote that the project qualifies under the criteria, then CMAP can complete its review on the basis of information provided or may request in writing additional information from the applicant.

Step 2: CMAP has 30 days to provide its advisory report to the relevant municipality or county. If additional information has been requested and is being provided by the applicant, the 30-day time frame would begin on receipt of an applicant’s supplemental resubmission. The applicant may choose **not** to provide the additional information and have the application proceed as is.

With this process, the timeframe for identifying and reviewing potential DRIs is kept within the typical zoning process, and the CMAP advisory report of a DRI is delivered to the unit of government with the decision-making authority over the project. The process and timeframe also allows CMAP to make a determination and provides for public input at the CMAP board level while recognizing the right for all parties to provide input to the municipality or county. Finally, the reasonable timeframe and process serves to minimize developers’ concerns and therefore helps to ensure that needed economic development opportunities in the Chicago metropolitan area proceed.

Figure 1. DRI Review and Decision-Making Process



In summary, the recommended process of determining whether a project is a DRI is initiated by a municipality or county (via appropriate government action or by citizen input to local government), a developer (private or public), or internally by CMAP. Only those projects large enough to meet objective criteria set forth above would be a potential candidate for DRI review. Using information on the project available through the normal zoning process, CMAP staff and board members have 60 days to determine whether the project qualifies for DRI review using three clear criteria.

Foremost, as recommended, a project must trigger a major transportation project, such a new highway exchange or transit stop or extension, that is not already in the area's long-range plans. If it meets that stipulation, it is a DRI. If it does not meet the first major criterion, then it may still be regarded as a DRI if it also meets the next two criteria: generate 50,000 car-equivalent trips per day, and either generate 5 million gallons of new point discharge effluent per day, or add 500 acres of impervious surface.

Throughout, applicants are kept abreast of the process, including a letter of "no further action" should the project be deemed of insufficient impact. Local communities would receive the advisory report from CMAP on any project that qualifies as a DRI. The statutory provisions for land use authority and zoning procedures are respected by this process, and all interested parties have the opportunity for input at the appropriate level.

The TAP has crafted concrete criteria and a specific process that are clear, easily administered, and that use existing metrics in the development field. These criteria are acceptable to the development community and will ensure the predictability that developers, both public and private, need to make large capital investments.

Summary

The TAP fully endorses and recommends that the criteria and process be implemented in a two-year study period and be recalibrated as needed in light of the proposed GO TO 2040 plan. The panel recommends creating a taskforce of practitioners, including members of TAP panel, to advise CMAP on the study period results.

The panel also suggests that it have an opportunity to present the criteria and process to the CMAP board to share deliberations and answer any questions.

**ULI CHICAGO
TECHNICAL ASSISTANCE PANEL MEMBERS**

Chair

Kristina Dalman
Partner
Daspin & Aument, LLP

Members

Lenore Beyer-Clow
Policy Director
Openlands

Todd Briner, P.E.
V3 Companies of Illinois, Ltd.

Theresa O. Frankiewicz
VP Community Development
Crown Community Development

David H. Galowich
Principal
Madison Group Holdings, Inc.

John Green
Centrum Properties, Inc.

Scott L. Goldstein, AICP
Principal
Teska Associates Inc.

Mark Hamilton
Partner
Hamilton Partners, Inc.

Gregory W. Hummel
Partner
Bell, Boyd & Lloyd LLP

John H. Mays
Partner
Gould & Ratner LLP

Stephen M. Park
Senior Vice President
The Alter Group

Daniel Queenan
Executive Vice President
Opus North Corporation

Arthur C. Zwemke
Partner
Robert Arthur Land Company

Young Leader Liaison

Michelle Selig
Partner
Gould & Ratner LLP

**Urban Land Institute Chicago District
Council**

Curt Wiley
Executive Director
ULI Chicago

Cindy McSherry
District Council Coordinator
ULI Chicago

Staff Writer

Barbara Ray
Hiredpen, inc.

Sponsors

Randy Blankenhorn
Executive Director
Chicago Metropolitan Agency for Planning

Jill Leary
Chief of Staff
Chicago Metropolitan Agency for Planning