

Course Outline

Commercial Land Use & the Regulatory Environment

The anticipated schedule for covering the course material is as follows:

Week 1 How & Why Land is Regulated: Here & Throughout the World

An overview of the course topics & the purpose behind the regulation of land use will be the focus. The definition of “real estate”, for legal purposes as well as the term “improvements”. How & when land is differentiated from buildings/improvements, such as for tax purposes will be explained. All the entities involved in regulating land through development will be mapped & discussed. States with more onerous land controls like California as well as the special legal standing of tribal lands will be discussed.

Other systems of land regulation & policy will be explored, including the European Land Use Modeling Platform (LUMP), major land use reforms in China & environmentalism, development & British Policy in Middle East will be explored.

Week 2 Local Case Law for Land Control

Topical coverage of recent land use legislation will be explored, along with several case studies of lawsuits resulting in new legislation. The public’s role in influencing development will be introduced, along with controversial topics & terms such as annexation, condemnation, quick take, eminent domain & legal precedents. The enforceability of jurisdictional rights will also be explored.

Week 3 Supply & Demand Urban Economics

A high-level overview of market economics & their influence on land use controls will be shared. Data mining from Census reports, MSA’s, & other resources.

Week 4 Meeting Occupancy Needs- Defining Space Needs & Site Attributes

The fundamentals of how various businesses evaluate sites for their particular product type “use” will be described and discussed. The set of criteria is both a reflection of market drivers & functional attributes that are meaningful to the particular product category. The importance of certain market metrics being present is examined for specific commercial uses & sub-uses within the category such as:

- 1. Office-** MOB’s; Corporate & Regional Headquarters, Suburban vs. Urban vs. Ex-urban office space; Back-office Operations, Live/Work Space
- 2. Retail & Hospitality-** Shopping Centers: Convenience/Neighborhood, Community, Regional, Super-Regional. Restaurants & Lodging.
- 3. Industrial-** Manufacturing Plants, Energy Production, Light Industrial, Flex Space, Assembly, High-Tech, JIT Distribution, Warehouses
- 4. Institutional-** Educational, Civic-Governmental, Libraries, Cultural

5. Multi-Family - Rental Apartments, Condominiums, Transit Oriented Developments (TOD's)

6. Hybrids- Mixed-Use Developments (MUD's).

Different formats, niche products & newer trends will be explored, along with some of the necessary site attributes within each category:

Retail: Enclosed vs. Open Air centers, Off-Price, Lifestyle, Destination, Entertainment Centers

Hospitality: SRO's; Smaller urban hotel rooms

Offices: Open office plans; telecommuting & offices;

Industrial: Data Centers

Multi-Family: Campus Housing

Sustainability will be introduced.

Week 5 Selecting a Site

The process of establishing site selection criteria for different products & evaluating sites for suitability will be highlighted. Various site attributes will be emphasized such as site orientation, access & egress, topography, traffic, lighting, & soils suitability. Site investigation & the due diligence process as a key component of final decision making will be discussed.

Week 6 The Public Sector: Organizational Framework & Community Development

The value imperative: what matters most to municipalities-their bottom line: Job creation & tax revenue. How municipalities evaluate their land resources & create policy to meet their objectives. The organization of municipal community development departments & related agencies & commissions such as the ZBA & Plan Commission will be described. The distinction between the public planning process vs. the private developer's plan approval process will be highlighted.

Also covered will be approval timelines, legal notice, public hearings & permitting procedures.

Week 7 Zoning, Subdivision & Landscape Ordinances- The Holy Grail of Control

The week will cover the regulation of land through development controls. A comprehensive examination of these ordinances for various product types & their influence on development projects will be shared. Also discussed will be the concept of New Urbanism & Sustainability as municipal goals & how civic planning processes are changing to account for it. A distinction is made between Permitted Uses, Non-Permitted Uses & Uses with Special Approval. Sustainability initiatives & their influence on regulatory policy is examined. Finding relevant regulatory information: at local municipality & online.

Week 8 Facilitating Municipal & Community Relationships by Aligning Goals

This week will focus on building community relationships to garner support for a project.

- How to align objectives & build consensus with staff.
- Assessing the political climate & outreach to civic leaders.
- Anticipating NIMBY and managing the message.
- Building community support.
- The cost of changes later vs. sooner.

Supplemental reading from text: "Breaking the Development Logjam"

Week 9 Group Discussion from Assigned Text

The group will explore the primary themes from assigned reading which will serve as the basis for a discussion on best practices associated with aligning objectives & building community support. An outline of several local plan approval processes will be shared, in preparation for next week's material.

Week 10 Navigating the Plan Approval Process

An illustration of a common Midwestern municipal planning process will be used as the basis for discussing procedures for securing entitlements & project plan approval. The process for seeking relief under a system will be addressed. The distinction between Home Rule & Non-Home Rule forms of government is drawn. A Case Study of a successful entitlements/approval process built from the top down will be shared. The use of Planned Unit Developments as a means of creating a customized regulatory scheme will be detailed.