

**MINUTES
PLANNING BOARD MEETING
WEDNESDAY, February 18, 2015
6:00PM**

DRAFT

Call to Order: Chair Rick Roach

Invocation and Pledge of Allegiance

Roll Call: Those in attendance were Chair Rick Roach, Vice Chair Irving Spokony, John Dame, Bette Biggar, Deborah Hoffman, Karen Abdul-Hameed, Judy Schelfo (late), Joe Hults, Administrative Assistant Mamie Drane, and Community Development Director Valerie Ferrell.

APPROVAL OF MINUTES: December 17 2014 MEETING

Vice Chair Spokony moved to approve the Planning Board Meeting minutes for the December 17, 2014 regular meeting; seconded by **Board Member Biggar** and motion was approved by unanimous voice call vote:

CHAIR ROACH	AYE
VICE CHAIR SPOKONY	AYE
BOARD MEMBER BIGGAR	AYE
BOARD MEMBER HOFFMAN	AYE
BOARD MEMBER DAME	AYE
BOARD MEMBER ABDUL-HAMEED	AYE
ALTERNATE MEMBER HULTS	AYE

BUSINESS ITEMS

After Chairman Roach called the meeting to order, the meeting was turned over to **Community Development Director Ferrell**. **Director Ferrell** explained that the Board would start a training session from the 2013 American Planning Association Conference held in Chicago. The topics for the February 18th meeting were: Overview of the Planning Process and Defensible, Ethical Decision Making. This is the first two of six training sessions the Planning Board will be viewing. A Copy of the session is attached.

Chair Roach adjourned the meeting at 8:30pm.

Respectfully Submitted,

Mamie Drane
Administrative Assistant

American Planning Association

Overview of the Planning Process



Benjamin A. Herman, FAICP

Anne F. McBride, FAICP

Session Overview

1. Roles and Responsibilities of a Planning Commissioner
2. Long-Range Planning: Imagining the Future
3. Tools and Building Blocks for Planning Commissioners
4. Development Review
5. Putting the Pieces Together

1. Roles and Responsibilities



Roles of a Planning Commissioner

Two Primary Roles:

- Long-Range Planning
- Development Review

Long Range Planning



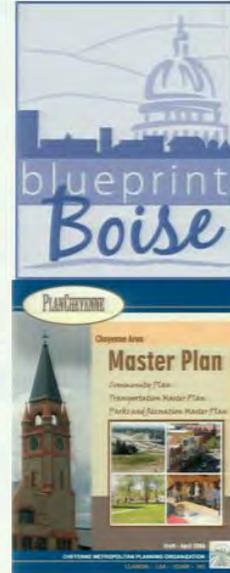
Source: Santa Monica Office Of Pier Management

Roles of a Planning Commissioner

Two Primary Roles:

- Long-Range Planning
- Development Review

The Comprehensive Plan

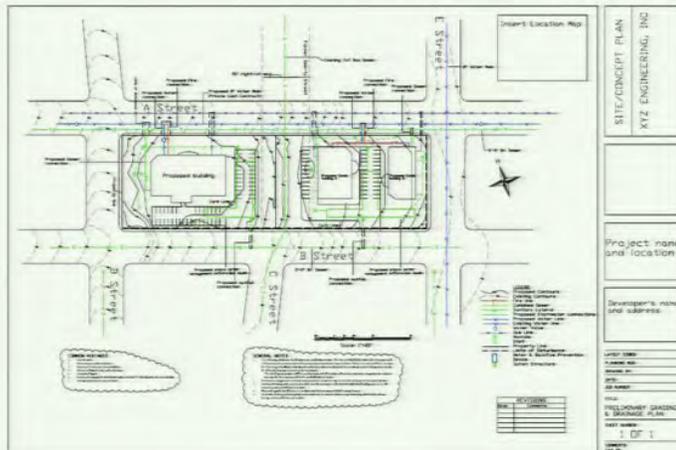


Source: Clarion Associates LLC

PC Role in Plan-Making

- Oversight
- Plan Development
- Adoption and/or Recommendation to Governing Body
- Review of other Plans (your community or others)

Development Review



Source: Philadelphia Water Department

Development Review Topics

Technical Review

- Transportation
- Utilities
- Landscaping

Legal Matters

- Zoning
- Easements

Procedural

- Testimony
- Findings of fact
- Record of decision

Planning Commission Roles

Plan-Making

- Oversight of plan development process
- Adoption and/or recommendation to governing body
- Review of other Plans (your community or others)

Development Review

- Recommendation to governing body (in most instances)

Staff Roles and Responsibilities

Planning Staff

- Preparing plans
- Processing development applications and preparing staff reports
- Support staff to Planning Commission

Public Works/Engineering

- Technical reviews of development applications
- Capital facilities plans and programs

Other Departments/Staff

- State/County agencies
- Police/Fire/EMS
- Legal (procedural, findings, code interpretations)

Governing Body Roles in Planning

- Adopt the comprehensive plan and other plans
- Adopt zoning and subdivision regulations
- Amend or make changes to plans or regulations
- Approve development applications
- Appoint members of boards and commissions, including the planning commission; and
- Ability to delegate at least some of their authority on planning and zoning decisions

2. Long-Range Planning: Imagining the Future



*"If you don't know where you're going,
any road will get you there."*

-- Lewis Carroll, *Alice In Wonderland*

Long-Range Planning Overview

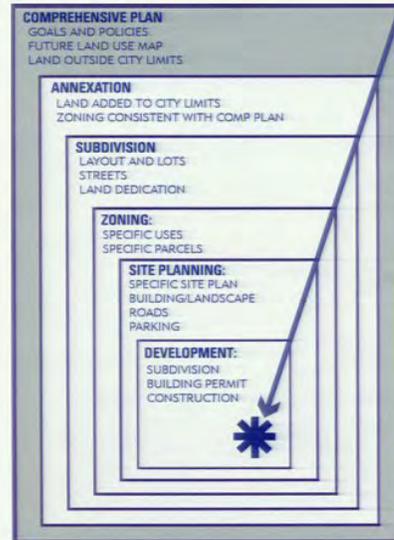
- Why do we plan?
- What do we hope to accomplish when we plan?
- What is a comprehensive plan, and how is it used?
- What are the steps in preparing a plan?
- What should a plan contain?
- What other types of plans are there?

Primary Reasons Why We Plan

1. Prepare for the future
2. Develop policies
3. Move forward with needed changes

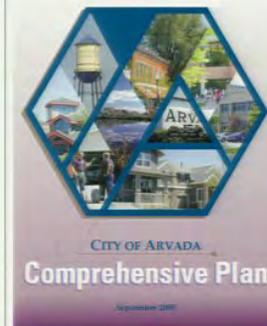
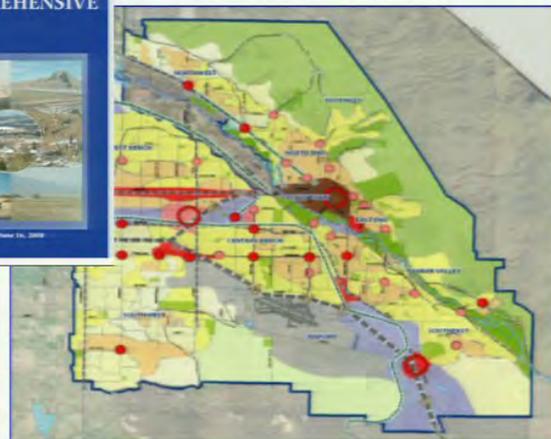
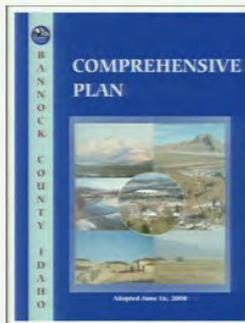


What Do We Hope to Accomplish?



Source: Clarion Associates LLC

What is a Comprehensive Plan?



Contents May Vary.....

- State statutes set out requirements
- May be known as General Plan, Master Plan, Comprehensive Plan, Community Plan

More Than Just a Map!

- Community Vision
- Goals and Policies
- Implementation Strategies & Actions

How Are Plans To Be Used?

1. Establish a Vision
2. Serve as basis for review
3. Set the foundation for regulations and actions

VISION

- ❖ A sustainable community
- ❖ A predictable development pattern
- ❖ A community of stable neighborhoods and vibrant mixed-use activity centers
- ❖ A connected community
- ❖ A community that values culture, education, and the arts
- ❖ A strong, diverse economy

How is a Plan Used?

1. Prepare for the future
2. Develop policies
3. Move forward with needed changes

Planning Jargon 101

Vision: Desired future for your community

Goal: Long term desired outcome

Objective: Measurable, specific result

Policy: A principle or rule to guide decisions

Strategy: Actions to be taken to implement plans

Preparing the Plan

Initiate - Project work plan & community participation strategy

Inventory – Prepare issues, trends, analysis

Vision – Prepare vision

Plan Recommendations– Prepare plan elements and goals and policies

Implement – Prepare implementation strategy and action plan

Document – Adopt final document

Other Types of Plans

Wide Range of Other Plan Types:

- Special Area or “Subarea”
- Transportation
- Open Space
- Parks and Recreation
- Climate Action
- Economic Development
- Public Facilities
- Housing
- Redevelopment

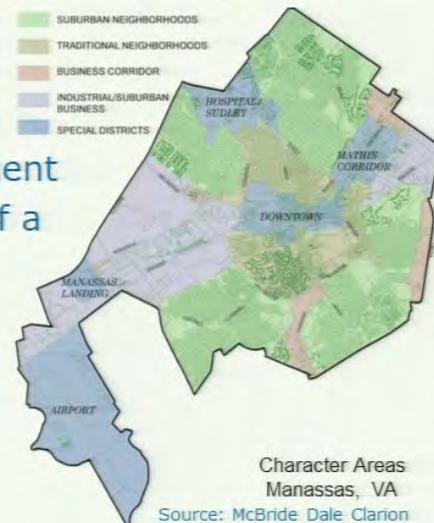
3. Tools and Building Blocks for Planning Commissions

- Plans
- Zoning Regulations
- Subdivision Regulations
- Design Standards



Comprehensive Plans

- Primary function to commission:
 - Provide guidance on land use decisions
 - Create bigger picture of where community is going
- Land use plans
 - Provide guidance on the location and character of future development
 - Often included as a component of a comprehensive plan
 - Used as basis for decisions on zoning cases and proposed development



Thoroughfare Plans

- Primary function to commission:
 - Provide understanding of transportation network
 - Thoroughfare designation may impact development

- Roadway Classification Plan
 - Serves as the guide to roadway functional classification
 - Arterial
 - Local
 - Collector
 - Establishes right-of-way and access management requirements



Source: McBride Dale Clarion

Redevelopment Plans

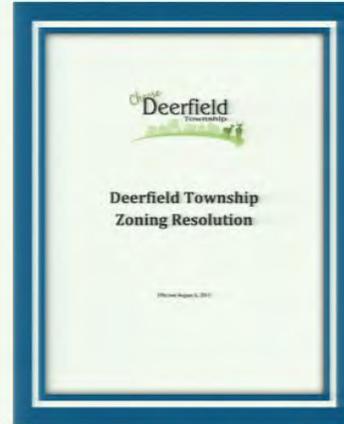
- Primary function to commission:
 - Create a vision of what redevelopment could be
 - Community marketing tool



Source: McBride Dale Clarion

Zoning Regulations

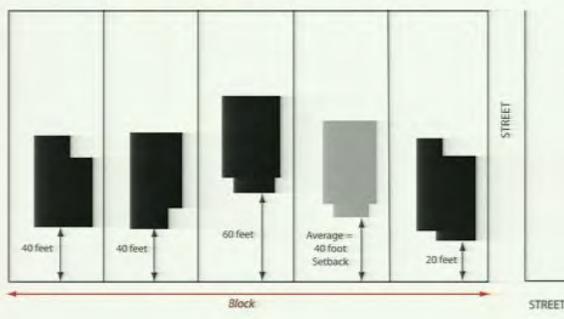
- Laws that regulate how land may be used and developed
- Typically divide an area into residential, commercial, industrial, institutional, and mixed-use districts
- Sets development standards
 - Intensity of development
 - Setbacks
 - Parking requirements
 - Signage standards
 - Landscape requirements
 - Use standards
- Establishes processes and powers



Source: McBride Dale Clarion

Types of Zoning Regulations

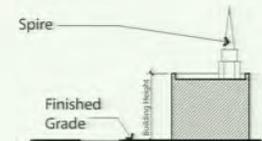
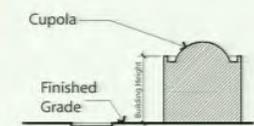
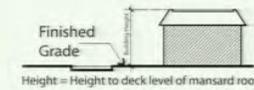
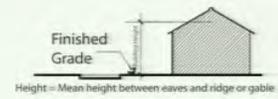
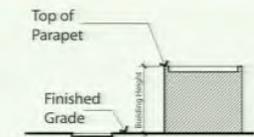
- Euclidean/traditional
- Form-based
- Performance
- Hybrid



Source: McBride Dale Clarion

Successful Zoning Codes

- Based on a comprehensive plan
- Comprehensive
- Legally defensible
- User-friendly
- Produce quality, compatible developments
- Nature friendly
- Tailored to community and staff resources
- Attuned to political and market realities



Source: McBride Dale Clarion

Subdivision Regulations

- Establish standards for how property can be subdivided
- Set standards for streets, sidewalks, storm water management, utilities, lot design, and other aspects of public welfare
- Leave little room for interpretation, other than variance requests
- Types of subdivisions:
 - Minor subdivision
 - Major subdivision



Source: McBride Dale Clarion

Design Standards

- Can be incorporated into zoning and subdivision regulations and/or plans
- Can be applied to all developments or targeted areas through overlay zones and design review districts
- Common standards regulate:
 - Access design
 - Site design
 - Building design
 - Building materials
 - Colors
 - Landscaping



Source: Anchor Properties

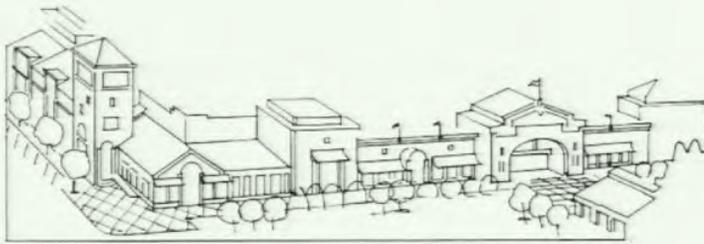
4. Development Review



Source: McBride Dale Clarion

Development Review Topics

- How the process works
- Role of the planning commission
- Role of staff and other participants
- Unraveling the development application



Source: McBride Dale Clarion

How the Process Works: What Happens Before the Planning Commission Meeting? (or Behind the Scenes of the Planning Commission)

- Pre-application meeting with applicant/agent
- Application packet filed with planning staff
- Application reviewed for completeness and forwarded to commission
- Project is placed on the agenda for upcoming meeting
- If a public hearing is required, published and mailed notice is sent per community regulations
- Commission packets delivered to members for review

How the Process Works: The Planning Commission Meeting

- Planning staff delivers staff report to introduce project
- Questions from planning commission
- Applicant/agent speaks on behalf of the project
- Questions from planning commission
- Public comment
 - Opponents and proponents
 - Public hearing
- Applicant/agent final comments
- Planning commission discussion
- Planning commission recommendation/decision

How the Process Works: The Planning Commission Decision

The planning commission can recommend/decide:

- Approval
- Approval with some modifications/conditions
- Disapproval



Source: McBride Dale Clarion

How the Process Works: After the Planning Commission Meeting

- If final action by a legislative body is required:
 - Planning commission recommendation is forwarded with application packet
 - Application is placed on a meeting agenda
 - Public notice of meeting is distributed as required
- If planning commission decision is final:
 - Applicant is notified of the decision
 - Approved project continues development review process
 - Plans may be modified to account for conditions of approval
- Commission decision can be appealed

Role of the Planning Commission

- Review application packet prior to meeting
- Visit the site and vicinity
- Arrive at the meeting on time in a professional manner
- Listen to staff presentation, applicant/agent testimony, and any comments for/against proposed development
- Assess proposed development in relation to regulations and plans
- Provide recommendations on development

Role of Staff and Other Players

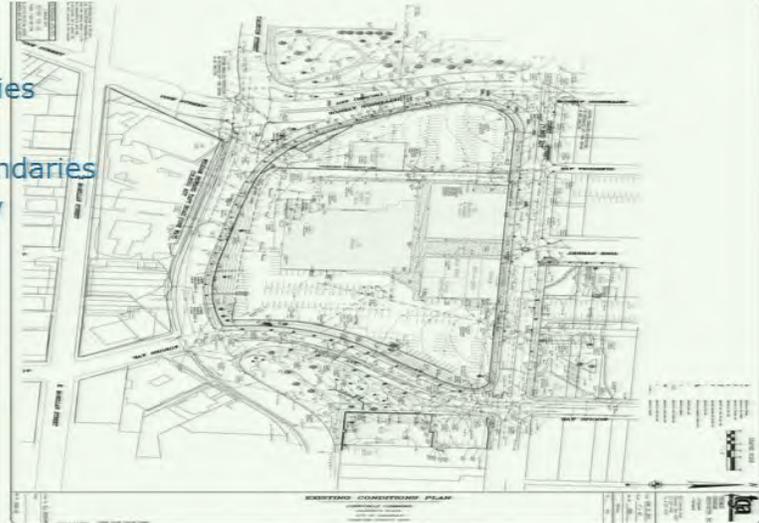
- Staff
 - Meet with applicant/agent at pre-application meeting
 - Perform a thorough review of development application
 - Compile staff report and present case to planning commission
- Applicant/Agent
 - Submit a complete application that meets community requirements
 - Present/speak on behalf of project to planning commission
 - Property owner/applicant/developer
 - Attorney
 - Planner
 - Civil engineer
 - Traffic engineer
 - Landscape architect
 - Architect
 - Specialist

Unraveling the Development Application

- Application package is submitted by applicant for proposed project
- Application should:
 - Assess the existing conditions of a site
 - Present the proposed development
 - Include detailed information about the development and how any impacts will be mitigated
 - Address how the request relates to adopted plans and regulations

Existing Conditions Plan

- How the property exists today
- Details:
 - Roadways
 - Property boundaries
 - Buildings
 - Right-of-way boundaries
 - Adjacent property
 - Boundaries
 - Structures
 - Zoning
 - Utilities
 - Natural features
 - Topography



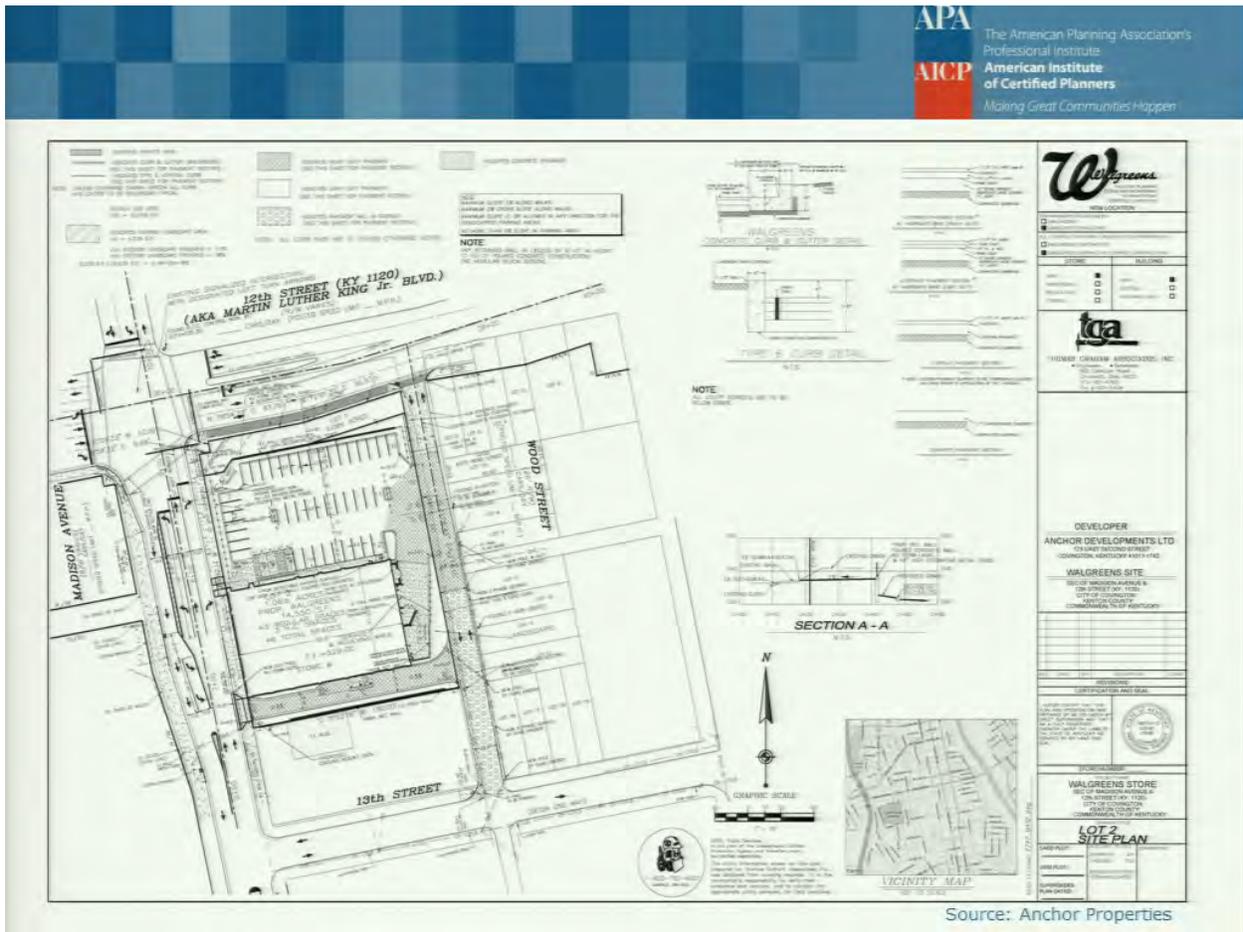
Source: Thomas Graham Associates

Site Plan

- Blueprint for future development
- Details:
 - Access
 - Existing and proposed buildings
 - Paved surfaces/parking areas
 - Site details
 - Development summary



Source: Anchor Properties



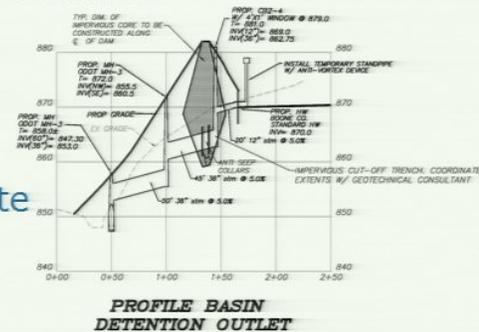
Grading and Utilities Plans

- Grading Plan
 - How the topography will be altered to make the development fit the site
 - Areas to be "cut" and "filled"
- Utilities Plan

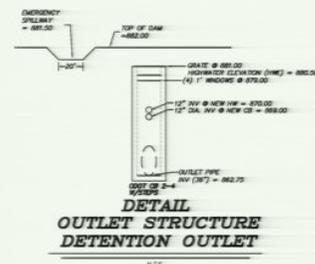


Stormwater Management and Sedimentation Control Plans

- Stormwater Management Plan
 - Describes how stormwater will be managed
 - Additional flow often held on site
- Sedimentation Control Plan



Source: McBride Dale Clarion



Source: Thomas Graham Associates

Landscape Plan

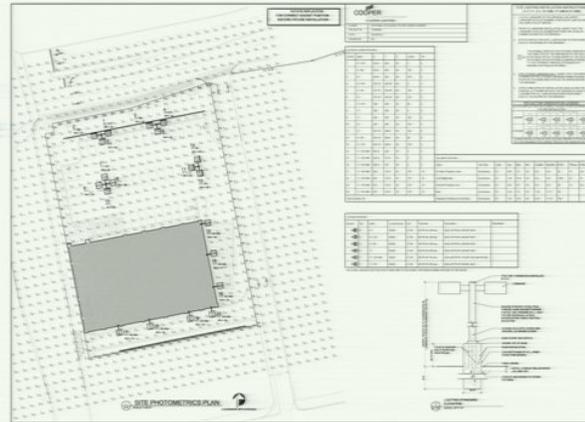
- Depicts development with proposed plantings
- Should include plant schedule with following information for each plant:
 - Symbol used on plans
 - Latin name for the plant
 - Common name of the plant
 - Size of material at planting
 - Quantity of the plant material being installed
- Additional information:
 - Irrigation
 - Planting details
 - Bed coverage



Source: Anchor Properties

Lighting (Photometric) Plan

- Indicates location of proposed light fixtures and levels of light on site
- Should include information for:
 - Type of lights used
 - Mounting height
 - Shielding information
 - Light levels at property lines
 - Minimum/Maximum/Average site level



Source: Anchor Properties

Building Elevations

- Prepared by the architect to show what each side of the building will look like
- Items to look for:
 - Level of finish
 - Mechanical equipment screening
 - Sample materials or color chart



Source: Kroger

Sign Plan

- Site plan shows location and specifications of proposed signage
- Signage includes:
 - Building/wall signage
 - Freestanding signage
 - Pylon
 - Ground mounted
 - Ground mounted signage
 - Directional signage
 - Enter
 - Exit
 - Drive-thru
 - Informational signage
 - Menu boards



Source: Kroger

Additional Information

- Computer renderings
- Video fly-through
- Virtual Tours



Source: Anchor Properties

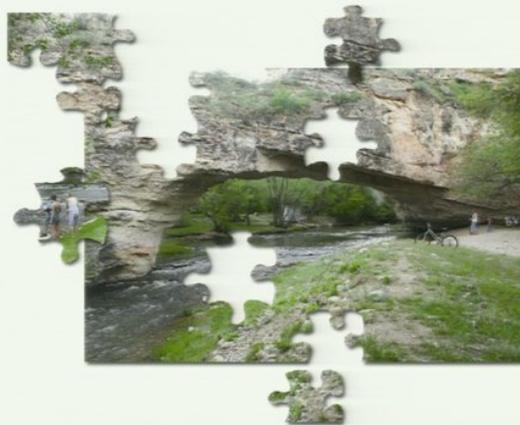
What to Consider...

- Legal foundation
- Development regulations
- Comprehensive plan recommendations
- Well-being of community



Source: McBride Dale Clarion

5. Putting the Pieces Together



Source: Clarion Associates

Doing it Well

- Understand your role and what is expected
- Learn how to prepare for meetings
- Be aware of and take advantage of resources
- Know what makes meetings effective



Source: Office.com

APA American Planning Association
 Making Great Communities Happen

American Planning Association

National Planning Conference
 Chicago - April 12, 2013

Defensible, Ethical Decision Making

(S410)

Robert P. Mitchell FAICP Planning Consultant Boston MA	W. Shedrick Coleman AIA Commissioner, Chatham Co. - Savannah GA MPC	Laurie Marston AICP Laurie Marston & Assoc. Highland Park IL
--	---	--





APA American Planning Association
 Making Great Communities Happen

Ethical, Defensible Decision Making

Ethical, Defensible Decision making does not start when you are making the decision or writing the decision.

You must have the proper procedures in place and you must have knowledge and understanding of the rules that will guide your decision making.

Today's session will cover a number of topics important to ensure the entire process is ethical & defensible

Ethical, Defensible Decision Making Issues for Public Officials

Commissioners may encounter a variety of situations that must be addressed in order to make ethical, defensible decisions. They might include:

- Avoiding conflict of interest
- Decisions that are made too soon/take too long/based on too little information
- "Avoiding" difficult vote
- Conflict between Comprehensive plan and zoning
- Ex parte communications
- Your relatives or neighbors are applicants
- Bias issues
- Political pressure from above
- How to be "fair" in seemingly unfair situations
- Public official's "public" demeanor

APA Ethical Principles in Planning

- A guide to ethical conduct for all who participate in the planning process
- Pursue & faithfully serve the public interest (7 actions listed)
- Strive to achieve high standards of integrity & proficiency to maintain public respect for the planning process (13 actions listed)

<http://www.planning.org/ethics/ethicalprinciples.htm>

Chatham County-Savannah MPC Statement of Ethical Principles in Planning

Two Overarching Principles

- Planning process must pursue & serve the public interest (Seven underlying principles)
- Planning Process must strive to achieve high standards of integrity & proficiency so that public respect is maintained (Twelve underlying principles)

<http://www.thempc.org/documents/MPC/Other/MPC%20PROCEDURAL%20MANUAL%20AND%20BYLAWS%2012-18-2012.pdf>

Chatham County-Savannah MPC Planning Commissioners - Creed

- Place competence & effectiveness of service to the public above other interests
- Represent the best interests of the community as a whole
- Assimilate all information prior to committing to a decision
- Prepare myself for all items before the Commission
- Abstain from participation when I have a conflict of interest
- Avoid unilateral action that does not comply with the Commission policy
- Work with staff & others to achieve the most desired results

Ethical, Transparent, Defensible Decision Making

- Decisions are well-reasoned & based on facts & findings– build a record
- Decision making is impartial
- Decisions are based on the law (federal, state & local) & the Plan (if applicable)
- But ... more is required.

Ethical, Transparent, Defensible Meetings

- A fair process with adequate notice
- Meetings are free from conflict of interest
- Transparent proceedings that inspire public confidence
- The public is invited to participate
- Information is available to all

Ethics

- Know what state ethics laws apply to your board or commission
- Know if your board or commission is subject to local ethics rules & regulations or local ethics codes
- Know who is available to you or your commission to answer any ethical questions before you take action

Preparation & Knowledge

- Know and review the applicable laws, regulations and criteria you will be using before hand
- Review the application before the public hearing
- Pay attention to the procedural requirements of the application before you
- Do not exceed your statutory authority
- Consider the use of checklists for the proceedings

Role of the Chair

Run an efficient, effective meeting

- Manager of the meeting - meeting decorum
- Introduces meeting/hearing topic and meeting procedures of the commission
- Ensures all public comments made to the Chair
- Ensures that all interested parties have input
- Focuses discussion on the topic
- Sticks to the agenda
- Expedites action
- Votes
- Seeks assistance of staff, Counsel
- Meetings need not be long, but input should not be unduly limited

Role of Members of the Commission

- ❑ Be prepared
 - Read the packet before meeting
 - Visit the site
 - Read and understand the Comp Plan and Zoning Ordinance
 - Know the Commission's Rules & Regulations
- ❑ Be an active part of the process
 - Listen attentively
 - Ask questions
 - Understand the proposal
 - Consider the project's relation to the Plan
 - Dialogue with other Commissioners

Role of Members of the Commission

- ❑ Vote based on testimony and standards
 - Understand what can be required as conditions
 - Use best judgment
 - Be consistent and impartial
 - Avoid deciding based on personal relationship, bias, or feeling

- ❑ Perform duties in a professional manner
 - Be patient, civil and respectful
 - Establish bylaws
 - Stay informed on local planning and development issues
 - Stay current on planning tools and techniques

Conflicts of Interest

Examples:

- ❑ Have a business or financial relationship as a client or customer with an applicant

- ❑ Have a financial interest in the property or are a business partner with applicant

- ❑ "Close relative" has a financial interest

Conflicts of Interest

Appearance of Impropriety

- No formal conflict of interest based on local or state standards
- A relationship exists between applicant and commissioner that would lead a reasonable person to believe a conflict may exist.

Conflicts: Recuse or Disclose

Decision based on state & local ethics laws & standards, but typically:

- Recuse when a formal conflict exists - should leave the room during deliberation
- Disclose a relationship when there may be an appearance of impropriety

When is it not a conflict of interest?

- Voting on general laws such as zoning text amendments or map amendments which affect all citizens including you
- Request from religious or civic organization in which you are a member
- Commissioner is related by blood or marriage to applicant, but has no financial connection or potential of experiencing financial gain or loss
- Commissioner is next door neighbor of applicant
- Commissioner and applicant are friends, are members of the same group, play golf together, like each other or hate each other

Ex Parte Contacts

- Contact with either the applicant, opponents or supporters outside public hearings.
- Should be avoided to ensure "Due Process".
- Could invalidate ultimate determination.
- Includes written materials provided by applicant or interested party.

Ex Parte Contacts

- If approached by interested party suggest raising the matter during the hearing or providing written comment to the commission.
- If practice allows outside discussions, include staff member in discussion.
- Should ex parte conversations take place, disclose and describe the discussion at the hearing.
- When visiting a site avoid contact – information or a tour is ex parte contact and must be disclosed at the hearing.

Reasons for Open Meetings Laws

Open Meeting Laws supports the principle that the democratic process depends on the public having knowledge about the considerations underlying governmental action. They:

- Hold government accountable
- Strengthen transparency
- Allow public access to information
- Allow the public to understand the decision making process

Open Meetings Laws

- ❑ Know & understand the Open Meeting laws of your state.
- ❑ Laws generally apply to all public commissions, boards, and committees
- ❑ Gathering of a majority of the commission (quorum) to discuss public business
 - meetings, conference calls
 - audio conferences, video conferences
 - email, instant messaging
 - any type of contemporaneous interactive communication
 - excludes gatherings that are strictly social (but be careful of the appearance!)
- ❑ Notice required for all meetings and usually must be posted 48 hours prior: time, date, place of meeting, agenda

Conducting a Public Hearing

Taking testimony – Goal is a fair hearing.

- Explain the rules at the outset
- Ensure that all have the right to speak
- Refrain from asking for those in favor/those opposed to speak in sequence
- Ask questions to obtain the evidence you require to make a defensible decision
- Limit repetitive testimony
- Decision is not a popularity contest – number of people for and/or against is not a reason for decision
- Continue hearing if necessary to hear all testimony

Conducting a Public Hearing

At the start of the hearing, identify the subject of the hearing and explain the commission's hearing procedures and order of presentation

- Make sure everyone can see and hear the entire proceeding
- It is the chair's responsibility to keep order
- Commissioners should refrain from whispering or texting or other distracting behaviors during the hearing

Conducting a Public Hearing

Taking testimony – Goal is a fair hearing.

- Explain the rules at the outset
- Ensure that all have the right to speak
- Refrain from asking for those in favor/those opposed to speak in sequence
- Ask questions to obtain the evidence you require to make a defensible decision
- Limit repetitive testimony
- Decision is not a popularity contest – number of people for and/or against is not a reason for decision
- Continue hearing if necessary to hear all testimony

Conducting a Public Hearing

At the start of the hearing, identify the subject of the hearing and explain the commission's hearing procedures and order of presentation

- Make sure everyone can see and hear the entire proceeding
- It is the chair's responsibility to keep order
- Commissioners should refrain from whispering or texting or other distracting behaviors during the hearing

Conducting a Public Hearing

- The commission's integrity and impartiality are critical for a defensible decision
- Commissioners should not sit on a case in which they have a conflict of interest
- If the commission has associate members, the chair should seat an associate who has no such conflict
- Commissioners sitting on the case must avoid *ex parte* contacts

Conducting a Public Hearing

- Give all interested parties a fair, reasonable opportunity to present their position
- Board may place reasonable time restrictions on presentations and testimony
- Each side should be allowed to rebut the other side's arguments and evidence

Conducting a Public Hearing

The chair should not permit:

- Unruly/disrespectful behavior
- Argumentative debate
- Repetitive testimony
- Racial or ethnic slurs
- Abusive, insulting language
- Threats

The chair should:

- Be the conductor of the hearing
- Explain the procedure to be followed
- Ensure everyone is heard
- Use the gavel when necessary
- Recess the meeting if it gets out of hand

The Written Decision - Structure & Format

Use a standard format for decisions, modified as necessary. Items to include:

- Title, Case Number and similar
- Introductory Matters
- Participating Members
- Evidence introduced and reviewed
- Findings of Fact
 - General
 - Specific
- Decision and Conditions
- Signature Block
- Use proper English grammar and style.

Decision Criteria

- Determine the applicable standards and criteria for the application based on your Zoning, Plan, Rules & Regulations or other documents.
- Make specific findings as to whether and how the application, based on the evidence submitted to the board, meets the criteria.

Findings of Fact

- The centerpiece of any land use decision!
- Standards are the fundamental basis to ensure fair, defensible decisions.

The Commission must determine:

- What the actual facts are. What evidence & testimony that is entered in the record is credible?
- Which facts relate to and support the conclusions and findings of the Commission.
- How do those facts reasonably lead to the required findings and conditions of approval, if applicable.

Findings of Fact

General findings:

- Property description
- Description of abutting properties and neighborhood
- Description of the applicant's proposal
- A list of exhibits & evidence received before the close of the public hearing

Findings of Fact

Specific findings:

- Summarize the evidence and include specific, detailed findings that address all of the applicable decision criteria & standards based on that evidence
- Specific findings represent the commission's conclusions, not those of the applicant, people who testified at the public hearing, staff, or others
- The commission must "own" its decision
- If applicable, consistency with the Plan should be a finding

Conditions of Approval

- Identify the conditions of approval you intend to impose
- Spell out – in detail - conditions agreed to by the applicant or imposed by the commission
- Conditions of approval must be reasonable in relation to the criteria
- Conditions cannot impose requirements that go beyond the control of the applicant

Conditions of Approval, cont'd

- Conditions must address some identified deficiency in the project that would, but for the conditions, make the project unacceptable
- Negotiate with an applicant to obtain conditions favorable to the community or neighborhood
- Avoid exacting concessions from the applicant - monetary or otherwise - that have no relevant nexus to the project
- Conditions with no relevant nexus to project could result in liability assessed upon the city or town, including money damages