

Nuts and Bolts & Nuance of being a Planning Commissioner

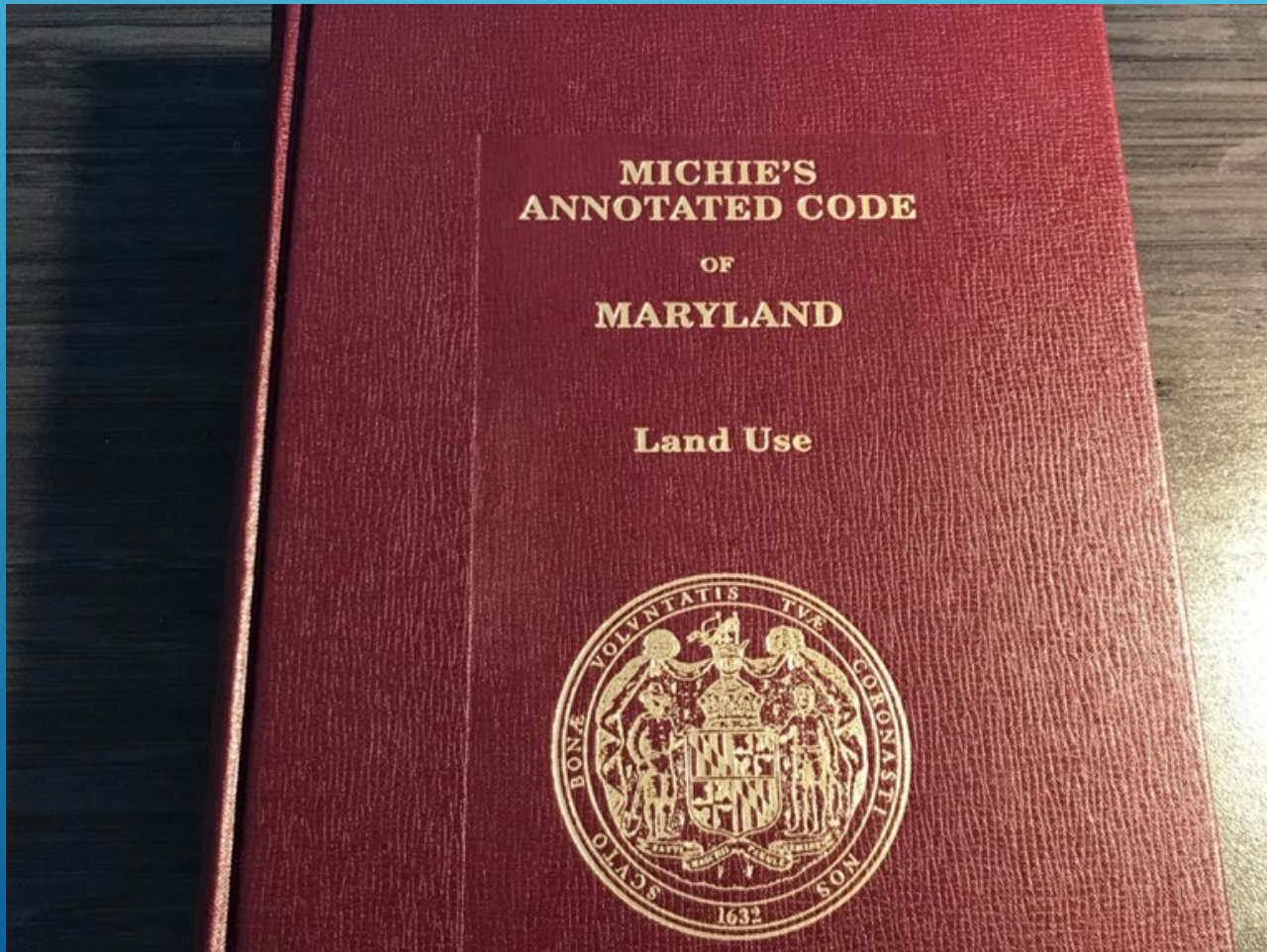
Roxanne Hemphill,

Secretary – MPCA

Chair, Town of Mount Airy, MD Planning Commission

*With Generous Input from Helen M. Spinelli, AICP,
Principal Planner, Queen Anne's County; and
Trudy M. W. Schwarz, CFM Planning Division Chief, Planning
and Code Administration, City of Gaithersburg, MD*

How we got here...
Start with the LAW.



What Does It Say?

Title 2. of the Land Use Article outlines the:

Who – legislative body member or citizen of the jurisdiction

How – by appointment of legislative body

How long – five years or until a member or successor takes office

Removal from Office – inefficiency, neglect or malfeasance in office

The Law allows for alternates for municipal corporations

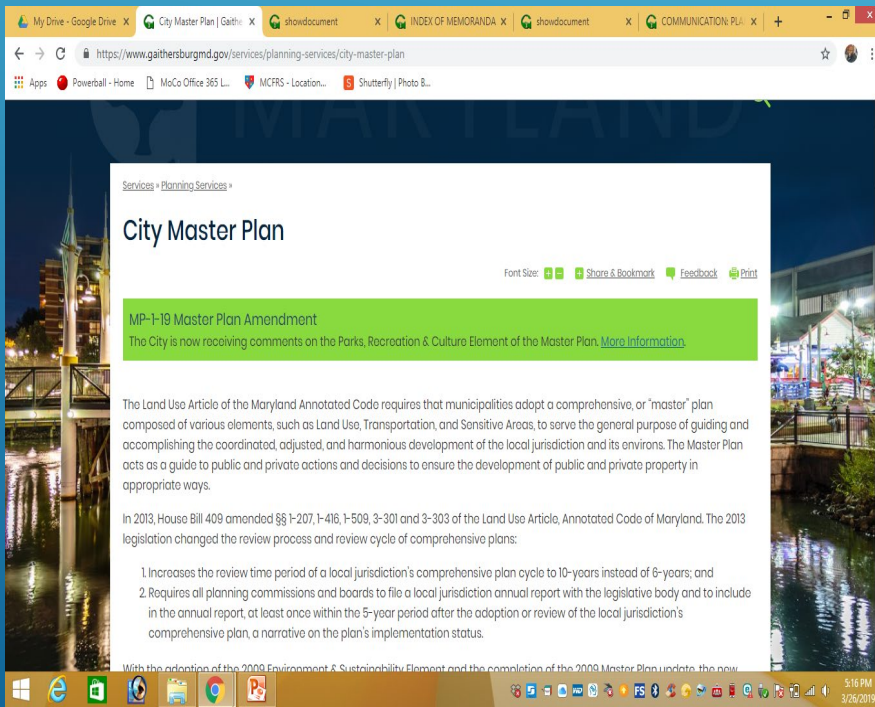
What Does It Mean?

Elected Officials as Ex-Officio members of the Planning Commission can vote, but if an item is being reviewed and voted on by the legislative body, then the Ex-Officio member can only vote on it once; either at the Planning Commission level or at the Council or Town/County/City Commission level.

Planning Commission Rules

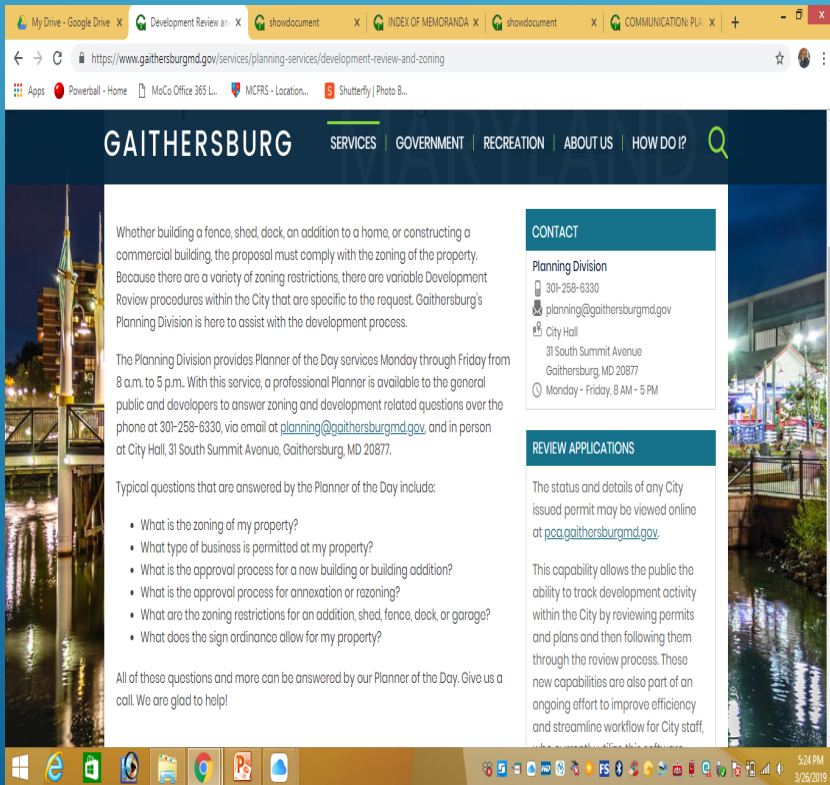
- ❑ §2-105 Miscellaneous Powers and Duties – Land Use Article
- ❑ (c) (1) A Planning Commission Shall:
 - ❑ (i) adopt rules for the conduct of its business: and
 - ❑ (ii) keep records of its resolutions, transactions, findings of facts and determinations.
- ❑ (2) The records require under paragraph (1) of this subsection – *A Planning Commission meeting shall be open to the public.*

WHAT ARE THE RESPONSIBILITIES OF A PLANNING COMMISSION MEMBER?



- ❑ The Planning Commission is solely responsible for drafting and approving a long range plan for a jurisdiction.
- ❑ An elected body can make changes to an approved PC plan before adoption.

PLANNING COMMISSION RESPONSIBILITIES CONTINUED



- ❑ Subdivision Approval
- ❑ Site Plan Approval
- ❑ Review and Findings for Rezoning Requests
- ❑ Recommendations for Text Amendments

NUANCE ON THESE RESPONSIBILITIES

- When the Planning Commission approves a Site Plan or Subdivision Plan there needs to be a finding of fact(s).
- Cite where in the code the plan has met the code provisions.
- A *Disapproval* of a Site or Subdivision Plan **MUST** specifically cite the reasons for *Disapproval*.

ADDITIONAL NUANCE

❑ If a plan meets all the provision of the code the Planning Commission “MUST” approve the plan.

❑ *Gem from Danny & Roxie...*

“If a Developer’s Project or Plan meets all the proper criteria, including all zoning and code regulations, it MUST be approved!”

(Whether you like it or not.)

MAKING MOTIONS THAT MOVE YOU!

- ❑ Motions need to be specific and include a “Finding of Fact” which identifies the code’s “legal” basis for the approval.
- ❑ Remember: Cite where in the code the plan has met the code provisions.
- ❑ Motions to disapprove need to detail the reasons for not approving the project and need to reference where the plan/project has failed to meet the law.
- ❑ Note to Self... “And not just because I personally don’t like the project or plan!”

GAITHERSBURG COVER SHEET OF STAFF REPORT:

Snapshot of the whole report:

- Dates
- Responsible Staff
- Summary of the request,
- Staff Recommendation
- Enclosure/Exhibit List

SECOND PAGE:
Location Map

STAFF ANALYSIS FOR PLANNING COMMISSION

REPORT DATE:

RESPONSIBLE STAFF:

PUBLIC MEETING DATE

APPLICATION NUMBER

SUMMARY OF REQUEST

APPLICANT

SUBJECT PROPERTY ADDRESS

ZONE

EXISTING LAND USE

STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE APPLICANT'S TESTIMONY AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT AFP-1234-2017, AMENDMENT TO FINAL SITE PLAN, FINDING IT IN COMPLIANCE WITH §§ 24-170 and 24-172A OF THE CITY CODE WITH TWO (2) CONDITIONS.**

(See attached Staff Comments for all recommended conditions)

Approve

Approve With Conditions

Deny

Defer

Enclosures:

Staff Comments and Location Map
Exhibits

Exhibit 1:

STAFF COMMENTS FOR PLANNING COMMISSION

REPORT DATE: July 20, 2017

RESPONSIBLE STAFF: Gregory Mann,
Planner III

PUBLIC MEETING DATE

July 30, 2017

APPLICATION NUMBER

AFP-1234-2017

SUMMARY OF REQUEST

The Applicant is requesting approval for the development of nineteen (19) townhome lots within the Crown 2 neighborhood. This request includes final siting, architecture, landscaping, and color schemes.

APPLICANT

Gregory Mann, Best Design Inc.

SUBJECT PROPERTY ADDRESS

123 Crown Park Avenue

ZONE

MXD (Mixed Use Development)

EXISTING LAND USE

Undeveloped

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Approve Approve With Conditions Deny

Enclosures:

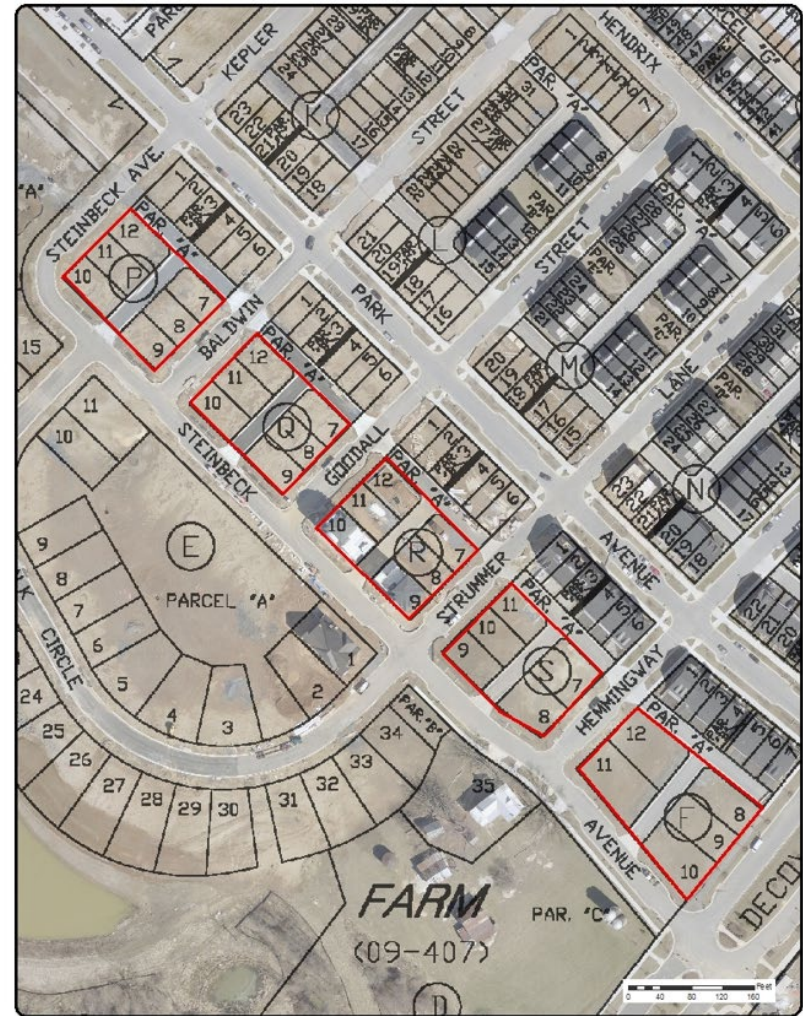
Staff Comments and Location Map
Exhibits

Exhibit 1: Application
Exhibit 2: Proposed Architecture
Exhibit 3: Potential Street Views
Exhibit 4: Typical Roof Plan
Exhibit 5: Rendered Elevations

Exhibit 6: Color Schemes
Exhibit 7: Typical Lot Siting
Exhibit 8: Applicant Statement
Exhibit 9: Landscape Plan
Exhibit 10: Fence location

Exhibit 11: Car Turning
Exhibit 12: Town Architect Approval
Exhibit 13: Notifications
Exhibit 14: Roofing Shingles

LOCATION MAP



Danny & Roxie's Planning Commissioner's Gems...

- Know your role, purview of the Planning Commission by reading your jurisdiction's and State regulations for the Planning Commission.
- Have lunch with the Chair of the Planning Commission and Staff Liaison and pick their brains.
- Review the Planning Commission Rules of Procedures
- Read the zoning code regulations for your own property. Learn about how your property was developed. Learn what the Jurisdiction's Master Plan says about your property.
- Before meetings, read the staff reports (Don't get caught "Flat-Footed" at a meeting by being unprepared!)

Danny & Roxie's Planning Commissioner's Gems...

- At meetings, if possible for the first couple of months observe, don't speak; glean from listening to fellow commissioners, staff and attorneys; and even the presenters.
- For each application read the zoning code related to the development.
- Remember the law is the law of the jurisdiction's code, the State of Maryland Code as well as court case decisions at a local, state and federal level. Depending on the jurisdiction, it may not be the Planning Commission's responsibility to change the law, but approve in accordance with the law.
- For instance, many folks state that something will affect property values; however, they may have no empirical evidence from a professional real estate appraiser to support the statement.

Danny & Roxie's Planning Commissioner's Gems...

- Ask the staff liaison to the Commission to assign a staff mentor to you. Before the meeting, call that person after you have reviewed the materials. Ask questions about the staff report.
- The next day after the meeting, talk with staff about what went on during the meeting and ask questions.
- If you do not understand something, ask questions to gain a better understanding.
- Learn how to objectively state your opinion using exhibits and reports to support your reasoning.
- Learn how to listen, let people express themselves. You do not need to agree with what they say but acknowledge that you heard what was said.

Danny & Roxie's Planning Commissioner's Gems...

- Learn to control facial expressions, eye rolls, exasperated breaths, etc.
- Do smile at people and be congenial to everyone and thank them for stating their opinions.
- Learn to stay in control of your emotions and do not get emotional.
- Maintain decorum, professionalism and control.
- Planning Commissions are chartered by the State, not by the Local Jurisdictions.
- Note: If someone you know is interested in the Planning Commission, invite him/her to attend meetings to observe and learn the process.

Modified Reverse Brainstorming

*Review of experiences
as a
Planning Commissioner
and
Board of Zoning Appeals
member*

QUESTIONS?

THANK YOU

*Roxanne Hemphill,
Secretary – MPCA*

*Chair, Town of Mount Airy, MD Planning Commission
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