

22ND ANNUAL NORTH TEXAS ELECTED & APPOINTED OFFICIALS PLANNING WORKSHOP

HOSTED BY THE AMERICAN PLANNING ASSOCIATION - MIDWEST TEXAS CHAPTER

WORKSHOP DESCRIPTION

Over the past two decades, thousands of elected and appointed officials have attended the Annual North Texas Elected & Appointed Officials Workshop. This program continues to be an asset for North Texas communities by providing a full day forum specifically tailored to elected and appointed officials. The focus of this workshop is to provide training on the municipal planning process and present the latest issues for city council, board and commission members. Both new and experienced officials have benefited from this workshop. Planning professionals will present and discuss various planning and development related issues across North Texas.

WHEN

Friday, July 31, 2015
9:30 a.m. - 5:00 p.m.

A post workshop social will take place at the museum from 5-6pm.

WHERE

International Bowling Museum
& Hall of Fame
621 Six Flags Drive
Arlington, Texas 76011

REGISTRATION FEE

\$50.00

Registration fee includes the seminar, a catered lunch from Babe's Chicken, and presentation materials.

REGISTER ONLINE (LINK)

REGISTRATION ENDS MONDAY, JULY 27, 2015

For questions, contact Texas APA Midwest Section Director Doug McDonald at dougmc@plano.gov

TENTATIVE WORKSHOP SCHEDULE		
TIME	TOPIC	SPEAKERS
9:30 A.M.	Registration	
10:00 A.M.	Welcome & Introductions	Jeff Whitacre, Director-Elect of Midwest Section
10:15 A.M.	Basics of Planning & Development Review	Dave Gattis, Benbrook Deputy City Manager
11:45 P.M.	Catered Lunch and Presentation: The Importance of Regionalism	North Central Texas Council of Governments
1:15 P.M.	Ethics for Decision Makers	Ann Bagley, Dallas Plan Commissioner
2:30 P.M.	Break-Refreshments	
2:45 P.M.	Quick Course! The Old Town Plan: From Planning to Implementation	Laura Melton, Burleson Director of Engineering Services Bradley Ford, Burleson Director of Development Services
3:15 P.M.	Quick Course! Developing Codes From a Private Development Perspective	Gateway Planning
3:45 P.M.	Planning Director Panel	Theresa O'Donnell, Dallas Planning Director Christina Day, Plano Planning Director Ken Baker, Southlake Planning Director Kevin Lasher, Midlothian Planning Director
4:45 P.M.	Closing Remarks	Doug McDonald, Director of Midwest Section
5:00 P.M.	Post Workshop Social in Bowling Museum & Hall of Fame	

APA 22nd Annual Elected & Appointed
Officials Workshop

Codes for Private Development
July 31, 2015

GATEWAY PLANNING 

1. Start with Why

2. Ensure Code is Clear

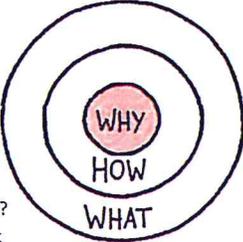
3. Collaboration is Vital

GATEWAY PLANNING 

Start with Why

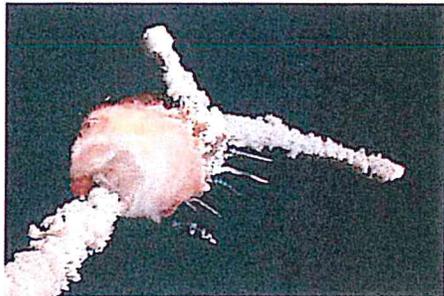
What is the underlying purpose?

- Existing Zoning insufficient?
- Ensure a high level of quality?
- Part of larger financing strategy?
- Work with the city across property owners for continuity?
- Flexibility to respond to market shifts...



GATEWAY PLANNING 

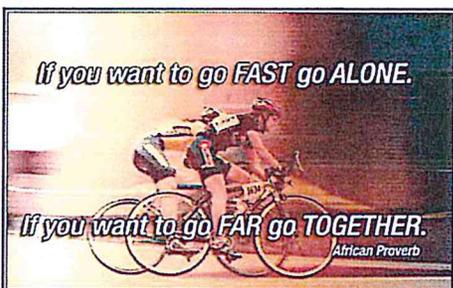
Ensure Code is **Clear**



GATEWAY
PLANNING



Collaboration is **Vital**



GATEWAY
PLANNING



RPC Heritage 190, LLC
156.31 Acres

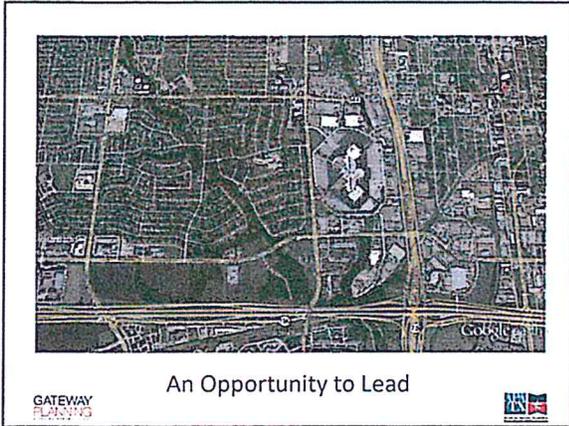
Plano, Texas

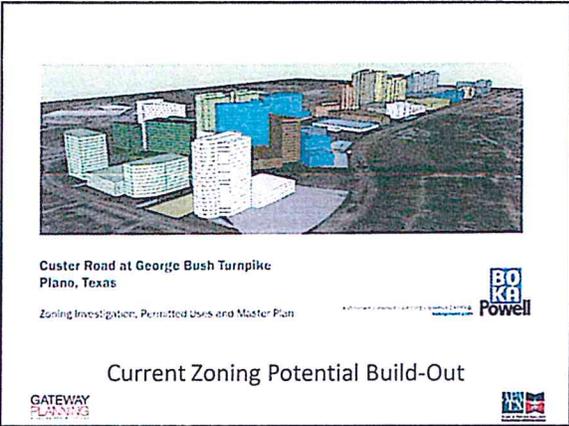


ROSEWOOD PROPERTY COMPANY ctd. * GATEWAY PLANNING

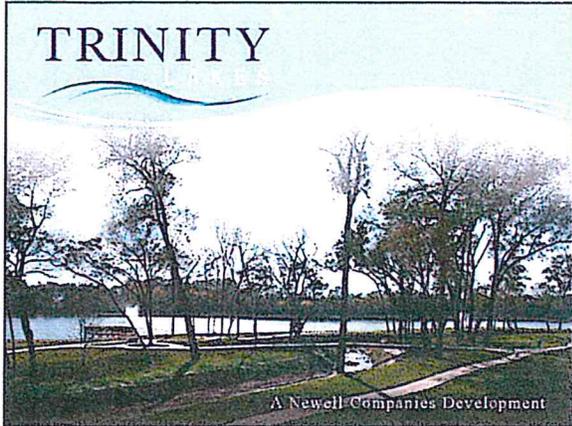
GATEWAY
PLANNING

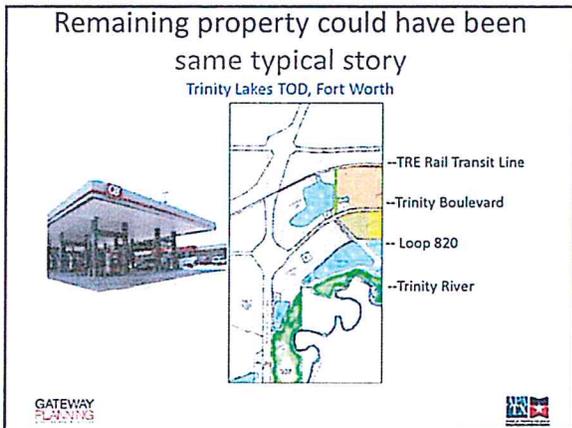


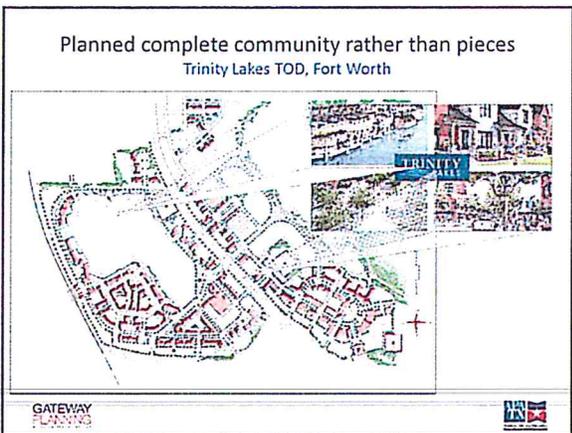


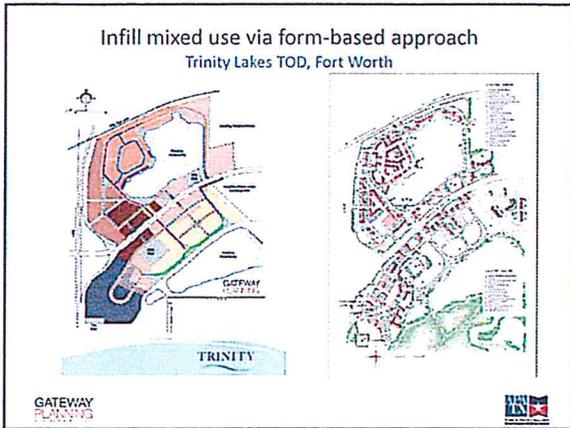


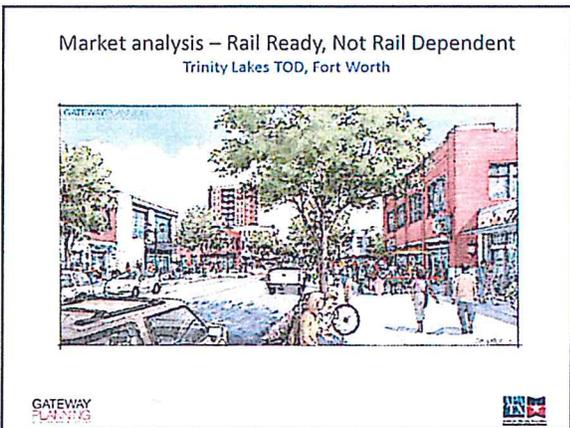


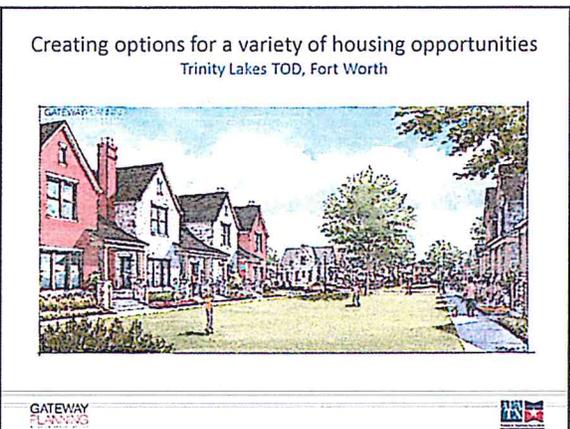


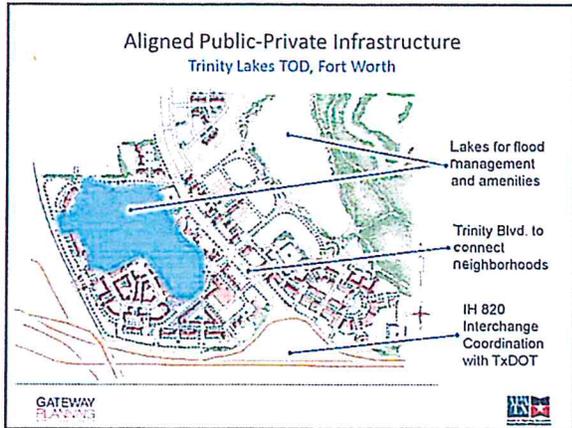


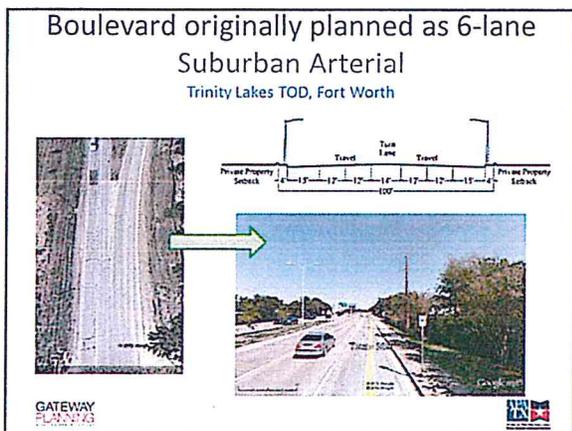


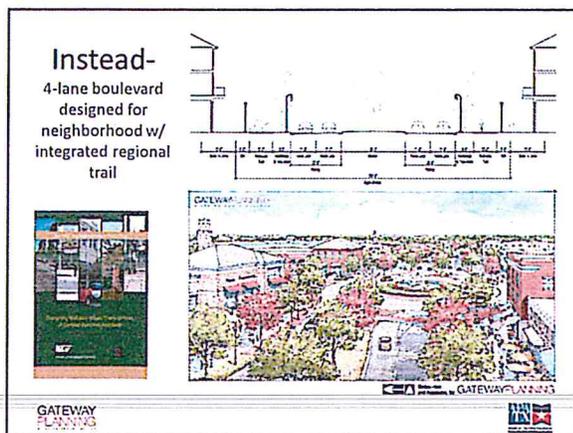








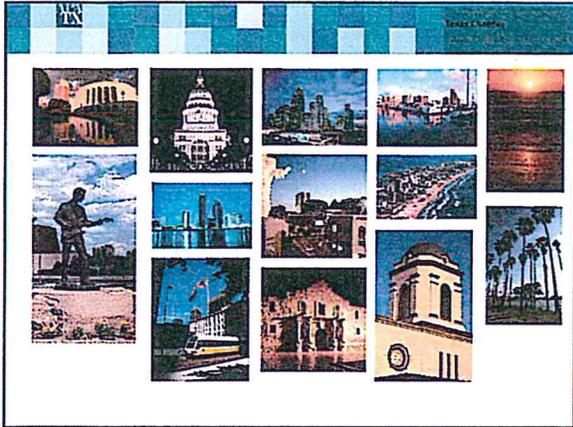




Questions ?

GATEWAY
RUNNING





Basics of Planning and Development Review

2015 North Texas Elected & Appointed Officials Planning Workshop

Sponsored By
Texas Chapter of American Planning Association

Speaker:
Dave Gattis, FAICP
Benbrook Deputy City Manager
dgattis@benbrook-tx.gov

Based on a Guide to Urban Planning in Texas Communities of the Texas Chapter of American Planning Association.

"If you don't have a plan for where you are going, you might end up somewhere else"
—attributed to Casey Stengel

"If you want to predict the future, create it."
— Peter Drucker

"The will to win is nothing without the will to prepare."
— Runners World, April, 1991

"A vision without a plan, is a hallucination."
— Former Dallas Mayor Ron Kirk, November, 2000

What is Planning?

Planning as a design activity (maps etc.)



Planning as a decision-making process (selection from alternatives)



Types of Planning & Development Regulation

Types of Planning (vision)

- Comprehensive Planning
- Strategic Planning
- Special Area Planning

Types of Development Regulation (tools)

- Proactive approaches
 - Capital Improvements
 - Public-Private partnerships
- Reactive approaches
 - Zoning
 - Subdivision Approval
 - Other regulations

Conformity between plans and development regulations

Why Planning is Important

National Survey (APA, 2000)

Likely voters want:

- Professional planners in their community (81%)
- Adequate schools and educational facilities (76%)
- Availability of public services (74%)
- Create and protect parks and recreation areas (67%)
- Preserve farmland and open space (67%)
- Protect wetlands and other natural areas (65%)
- Create affordable housing options (64%)

Statewide Survey (TXAPA, 2002)

Likely voters want:

- Important to have community planner (85%)
- Protect open spaces, coastal areas and parkland (88%)
- Provide incentives for affordable housing (85%)
- Create transportation options like light rail, bus transit and bicycle trails (81%)
- Support right of local communities to make decisions for private property (81%)

These are all planning issues!

**Planning in America:
Perceptions and Priorities, June 2012**

1300 respondents nationwide interviewed by Harris for American Planning Association and Collective Strength

Prepared to update 2000 survey, to measure support for planning, and determine strength of attacks on planning, such as Agenda 21

Summary report available at <http://www.planning.org/policy/economicrecovery/>

QUESTION
Some people believe that community planning is a necessary part of improving the U.S. economy and encouraging job growth, while others believe that "market forces" alone will help the economy and bring more jobs. Which of the following statements comes closest to your belief?

ANSWER
66% believe that both community planning and market forces are necessary for economic growth and job creation

SEGMENT	SUB-SEGMENT	% MARKET FORCES ALONE ENOUGH
Political Affiliation	Democrat	6%
	Republican	22%
	Independent	14%
Race/Ethnicity	White	15%
	African American	8%
	Hispanic	15%
Type of Community	Urban	13%
	Suburban	14%
	Rural	23%
	Small Town	9%

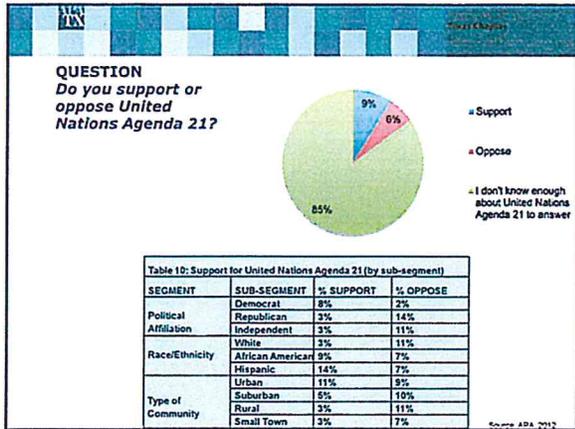
Source: APA, 2012

QUESTION
Generally, do you agree or disagree that your community could benefit from a community plan as defined as "Community planning is a process that seeks to engage all members of a community to create more prosperous, convenient, equitable, healthy and attractive places for present and future generations"?

ANSWER
79% agree that their community could benefit from planning as defined
9% disagree (12% don't know)

88% of Democrats agree
77% of Republicans agree
81% of Independents agree

Source: APA, 2012







Comprehensive Planning Statute

Purposes

- Promote sound development
- Promote public health, safety and welfare

Chapter 213 of Local Government Code

Adoption by ordinance

- After review by Planning Commission
- After public hearing

Conformity Requirements

Zoning disclaimer "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries"

The Rational Planning Process

The Rational Planning Process is a decision-making process of evaluating alternatives.

Strategic Planning – 1960s

More focused short-term planning effort that identifies:

- Mission of organization
- Internal strengths and weaknesses
- External opportunities and threats
- Future possible scenarios over next three to five years
- Specific goals and objectives to achieve mission.

Objectives should be "SMART"

- Specific
- Measurable
- Attainable
- Results-based
- Time bound



Comprehensive Planning versus **Strategic Planning**

<ul style="list-style-type: none"> • Long range, 10-20 years • Comprehensive (geographical) • Comprehensive (physical, economic, social) • Value oriented • A policy guide • Designates future land use • Implementation tools (regulations, funding) • Continuous 	<ul style="list-style-type: none"> • Mission directed • Short range, 1- 5 years • Realistically targeted • Market oriented • Action oriented • Identifies strengths, weaknesses, opportunities, and threats
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Comprehensive Planning

Purposes of Planning

- Design process and/or decision-making process
- Means to a future
- Evaluation of alternatives
- Means of reaching consensus

Jurisdiction



Comprehensive Planning

Planning perspectives

- Time Span (long-range vs. short term)
- Geographic extent (regional vs. citywide vs. neighborhood)
- Topical coverage (comprehensive vs. strategic)

Plans should be:

- Visionary
- Focus on 10-20 year horizon
- Updated every 5 years or so
- Dynamic
- A guide to every day decisions

Comprehensive Planning

Types of Plans

- Traditional map-based comprehensive plans
- Functional plans
- Policy plans
- Strategic plans
- Integrated plans
- Format: Book, Poster, Web-based

Comprehensive Plan Contents

Historical background
 Environmental and Social setting

- Environmental constraints
- Demographic and socioeconomic trends

Vision of the Future

- Goals and Objectives

Population Projections
 City of Benicrossa

Map Excerpts

Comprehensive Plan Contents

Land Use Plan*
 Transportation Plan*
 Community Facilities*

- Buildings (fire stations, libraries)
- Parks
- Schools

Drainage

Comprehensive Planning

Who should be involved in preparation?

- Elected officials
- Appointed officials
- City staff
- Consultants
- Neighborhood associations & interest groups
- Chamber of Commerce
- Supporters and detractors
- In short, everybody

Importance of Public Participation

Planning is a political process.

Opportunity for consensus building.

Common techniques:

- Surveys
- Public meetings
- Citizens advisory committees
- Charrette

Using the Comprehensive Plan

Basis of zoning and subdivision decisions

- **Conformance with State law (LGC 211.004)**
- **Change plan before changing zoning**
- **Development review checklists**
- **Growth management**
- **Annexations**

Basis for Capital and Annual Budget decisions

- **Impact fees**
- **Park dedication exactions**

Basis for economic development decisions

Basis for communication and consensus building

Reviewing Comprehensive Plan Amendments

Administrative review

- Have they given you everything that you require to make decision?

Planning Review

- Look at the big picture
- Does the proposed change meet your planning goals?



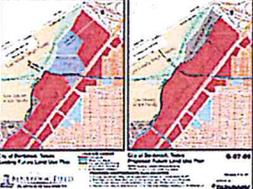
Land Use Plan Amendments

Is this the best ultimate land use for this area, rather than the existing Land Use Plan designation?

- Be careful not to react to cyclical market demands. Change when change is the right thing to do in the long term.

Are there any environmental constraints? (e.g. floodplains, noise, landfill issues)

Does the proposed land use make sense for that location? (land use conflicts, relationship to other uses, access, utility service, etc.)

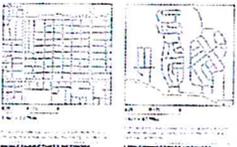


Thoroughfare Plan Amendments

Most requests will be to delete, relocate, or reduce size of streets

Is circulation maintained?

- Street connectivity



Will a change in Thoroughfare Plan and/or Land Use Plan affect traffic volumes?

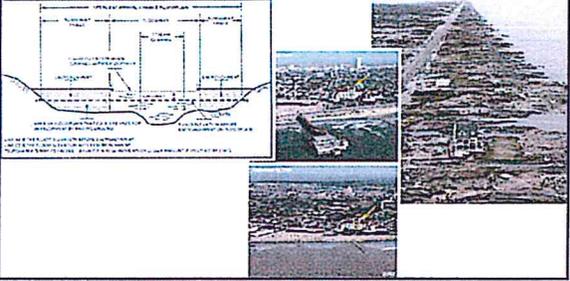
Be careful to avoid choosing short-term gains over long-term benefits.

Capital Improvements Planning

CIP is a plan for the investment of public funds in public infrastructure. It identifies construction projects (typically streets, drainage, water, sewer, parks, and public buildings) that will be built over the next one year, five years, 10 years and beyond. It also guides the budgeting of funds for capital expenses, debt service, and bonding capacity.



Disaster Mitigation Planning



What is Zoning?

Zoning regulations govern the use of land, and the location, size and height of buildings. Zoning divides a jurisdiction into multiple districts, with each district containing a distinct set of regulations that are uniformly applied to all property within the district. Zoning ordinances consist of a text specifying the regulations and a map defining the location of the districts.



Zoning

History of Zoning Authority in U.S.

- New York City zoning ordinance (1916)
- Standard Zoning Enabling Act (1922)
- City of Euclid v. Amber Realty (1926)
 - Police power under Constitution

Limits on Zoning

- Federal (5th and 14th Amendments)
 - Procedural due process
 - Substantive due process (regulatory takings)
- State
 - Taking statute (current applies to State and County, not City)
 - Vesting Statute (LGC 245)
 - Zoning Compensation bills
- Is Zoning a property right or a development regulation?



Zoning

Texas Zoning Enabling Legislation (Chap. 211, Local Gov. Code)

- Purposes
 - Protect health safety and morals
 - Protect historical, cultural and architectural areas
- Jurisdiction
- Authority to Regulate Private Property through Zoning
- Creation of Board of Adjustment (§ 211.008) as "safety valve"

Elements of a Zoning Ordinance

- Text and Map
- Purpose
- District regulations
 - Uses, density, heights, setbacks, building bulk
- Other regulations
 - Parking, landscaping, architectural, etc.
- Amendment Procedures
 - Notice requirements
 - Public hearings

Zoning

Relationship to Comprehensive Plan:

- Which comes first, planning or zoning?



Relationship to Subdivision Regulation

- Zoning regulates use, lot size, setbacks and heights
- Plats regulate street and lot layout, infrastructure, etc.

Different Types of Zoning

- Euclidean Zoning**
 - Regulate uses by district
 - Most common
- Form-based Zoning**
 - Regulate building type by Transect zones
- Performance-based zoning**
 - Uses allowed that meet performance standards



Zoning regulations

- Permitted Uses
- Heights
- Minimum lot size and dimensions
- Minimum setbacks
- Parking requirements
- Sign regulations
- Landscaping
- Architectural standards



Use Chart

OFFICE USES	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	RECREATION	UTILITIES	TRANSPORTATION	INSTITUTIONAL	AGRICULTURE	UNDESIRABLE
Office									
Residential									
Commercial									
Industrial									
Recreation									
Utilities									
Transportation									
Institutional									
Agriculture									
Undesirable									

Height Regulations



Zoning

Zoning districts

- Cumulative vs. Noncumulative

Pyramidal or Cumulative Zoning

Lot and Setback Regulations

MINIMUM DIMENSIONS

1. LOT AREA

2. LOT AREA & SHAPE

LOT COVERAGE IS A FUNCTION OF LOT AREA AND SHAPE AND REGULATIONS SET MAXIMUM PERCENTAGE BUILDING AREA AND SETBACKS

LOT AREA MAY AFFECT BUILDING'S ON LOT

3. SHAPE

20'-Front Yard 20'-Rear Yard
10'-Side Yard 20'-Rear Yard

Landscaping Requirements

Two Approaches:

- Percentage of lot coverage
 - Landscaped area
 - Tree canopy
- Specific bufferyard standards
 - Bufferyards (front, sides, rear, etc.)
 - Vary depending on districts
 - Parking lot landscaping (e.g. 10 SF/stall)
 - Interior landscaping (e.g. 10% of building footprint)

Sign Regulations

Goals of sign regulations:

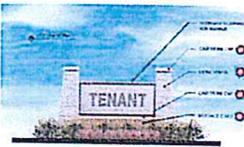
- Aesthetics, traffic safety

May regulate the number, size (area and height), setbacks, illumination, animation of commercial signage

Limitations on ability to regulate content

- Free speech issues, right to advertise, equal protection issues

Off-premise advertising
Signs on public property

Architectural Standards

Two Approaches:

- Specify Style, Pattern Book, etc., or
- Specify minimum standards
 - Materials
 - Colors
 - Façade Articulation
 - Entryway treatments
 - Repetitive ornamentation
 - Pedestrian features (e.g. walkways, display windows)



Parking Regulations

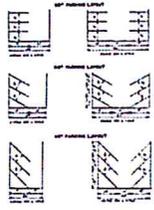
Requirement for provision of off-street parking (minimums, maximums)

Standards vary by land use, examples:

- retail store (1/250 SF GLA)
- restaurant (1/100 SF or 1/3 seats)
- Medical office (1/100 SF, or 1/examining room)
- Manufacturing (1/1000 SF, or 1/2 employees)
- Parking dimensions

Data Sources (Parking Generation, ITE; PAS Reports; parking demand study, etc.)

Unintended effects of parking standards
Shared parking, flexible parking

Sexually-Oriented Businesses

Free Speech Rights, cannot prohibit entirely

Two approaches:

- Concentrate (limit to specific area, "combat zone")
- Disperse (establish minimum separations between SOB and residence, church, school, park, and other SOB)

To be valid, City must demonstrate:

- That SOBs increase crime and adversely affect adjacent properties, and
- That at time of adoption, there are suitable areas for SOBs to locate.

Regulation by Specific Use Permit

- Must establish reasonable standards for decisions
- Limits on alcohol, separation from dancers, etc.

Historic Preservation

National Register of Historic Places

- National Park Service, State Historic Preservation Officer)
- 50 years old, significant building or associated with significant person, etc.)
- Section 106 review regarding federal actions
- Federal tax credits

Local Historic Preservation

- Historic landmark commission
- Procedure to add properties
- Review changes to properties

Certificate of Appropriateness

- Appeal

Incentives

- Tax benefits
- Grants

Zoning Change Process

Developer application request

Public Notice Requirements

- Written notice prior to P&Z
- Newspaper notice prior to City Council
- Signs, Internet

Staff review

P&Z hearing and recommendation

City Council hearing and ordinance adoption

9 week process?



Zoning Changes

Administrative Review

- Who is the applicant?
- Who is the owner?
- Is property properly described?
- What is current zoning classification? Allowed uses?
- What is proposed zoning classification? Allowed uses?
- Does proposed zoning conform to comprehensive plan?

Planning Review

- Does proposed zoning achieve goals of comprehensive plan?
- Do proposed uses make sense for that location?
- Does proposed use conflict with adjacent uses? Can conflicts be mitigated?
- Is infrastructure sufficient to support proposed uses and density?



Factors To Consider In Making Zoning Decisions

- Compliance with Comprehensive Plan
 - Is application consistent with Plan?
 - If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning & Land Use
- Infrastructure Impacts
- Size and Location of Parcel - Is land large enough & in proper location for proposed use?
- Reasonable Use of Property - Does proposed change provide reasonable use of property?
- Zoning has great discretion – deny if applicant has not proven it is in the best interests of City to rezone



Zoning Changes

- What questions are not appropriate?
 - How are the lots and streets going to be arranged?
 - This is a platting issue
 - How big will the houses be? What will they sell for?
 - City only enforces minimums
- Is anyone entitled to a zoning change?
 - Ripeness issue
 - Who can apply?
- Can area subject to zoning change be increased at public hearing? Decreased?
- Can area subject to zoning change be zoned to more intense use than advertised? Less intense?

Variations to Zoning

Zoning is an ordinance, not a guide
 Variations must be approved by ZBA

- Must demonstrate hardship (i.e. inability to use property)
- Must obtain 4/5 vote to approve

Appeals are to District Court, not City Council
 Who Decides: Zoning Board of Adjustment

- Appeals
- Special Exceptions
- Interpretation of Ordinance
- Variations
 - Types: Area, Setbacks, Not Use
 - Hardship
- Voting requirements
 - 4 out of 5 to approve

Appeals of ZBA decisions



Site Plan Review

Why is Site Plan required?

- i.e. under what authority are you regulating site design? (PD, general requirement)

What can you regulate? What are City's goals?

- Building placement
- Building appearance, architectural standards
- Landscaping, bufferyards
- Circulation – vehicular, pedestrian
- Parking location
- Signage
- Dumpster location and access

Avoid design by committee, or redesigning the project for the applicant
 Establish site design standards

- Allow creativity

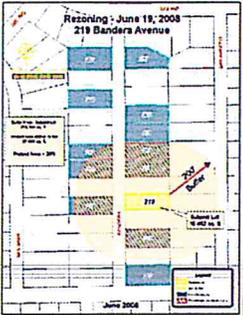
Zoning

Zoning Commission

- Home rule, appointment mandatory
- General law, appointment permissive

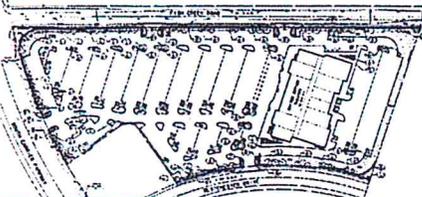
Voting requirements for City Council (Ordinance adoption)

- Simple majority
- 4/5 if protest by landowners (20 percent rule)
- 4/5 if recommended denial by Zoning Commission (if in ordinance)



Planned Unit Developments

- Should be used for unique developments, not routinely
- Site plan or special regulations attached to ordinance to be amended by public hearing process



Specific Use Permits

- Also called special use permit or conditional use permit
- Allows use to be established within certain zoning district only after public hearing
- Allows conditions to be placed on operation which may be unique to that use at that location



Overlay Districts

A district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements in addition to those applicable in the underlying base zoning district.

Examples:

- Historic districts
- Airports
- Corridors
- Hospitals
- Environmentally sensitive areas (floodplains, wetlands)



Frequently Asked Questions

- Who can request rezoning of property?
- What are notice requirements?
- What is the 20% Rule?
- Can area subject to zoning change be increased at public hearing? Decreased?
- Can area subject to zoning change be zoned to more intense use than advertised? Less intense?
- Ex-Parte Contacts – Check w/attorney
 - But never commit before hearing &
 - Share any information learned

Common Developer Complaints and Issues regarding Zoning

“City needs to give me what I want...”

- No one is entitled to a zoning change. City must act for good of all

“Process takes too long, time is money”

- Most of process is governed by State law notice requirements

“No other city makes us do that”

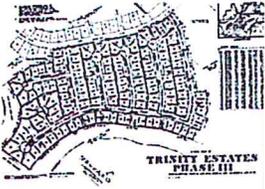
- Standards may vary from city to city to reflect local values, or are necessary to assure quality development

Developer is not obligated to develop site if zoning does not reflect market

- Short term vs. Long term

Subdivision Regulations

Subdivision regulations govern the division of land into two or more parts. The regulations specify the standards for drawing and recording a plat, and requirements for public improvements necessary to make the property suitable for development.



Subdivision Regulations

Brief History of subdivision regulation in U.S.

- Law of the Indies, Colonial townsites
- Jefferson and L'Enfant (1791)
- Railroad townsites (19th Century)
- New Jersey (1913)
- Los Angeles, Cincinnati (1920s)
- Standard City Planning Enabling Act (1928)

Subdivision Regulations

Texas Subdivision statute (Chap 212)

- Purposes
- Relationship to Comprehensive Plan
- Jurisdiction
- Plat required?
 - Municipal discretion
 - Five-acre exemption
 - Major vs. Minor subdivisions
 - One-lot plats
- 30-day rule
- Approval body
 - Planning commission
 - City council
 - Staff (minor plats)



Platting Approval Process

Ministerial act

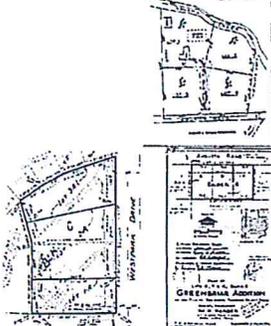
P&Z may approve plat, if delegated by Council

- In Benbrook, P&Z approves preliminary plat, staff approves final if it conforms to preliminary plat
- Appeal is to Council to remand back to P&Z for reconsideration

Waivers and exceptions by P&Z, not variances

Types of Plats?

- Sketch plat, concept plan
- Preliminary Plat
- Final Plat
- Short Form Plat
- Minor Plat (4 lots or less)
- Amending Plat, Correction Plat
- Replat
- Development Plat (Chap. 212, Subchapter B)
- Survey Plat
- One lot Plat



Application and Review Process

Minor Plat

- Approval by staff

Replats

- Public notice requirements (§ 212.015(b))
- Protest procedures

Initial application

- Preliminary conference
- Sketch plat/concept plan

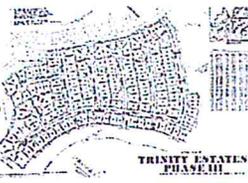
Preliminary Plat

- Staff review
- Review by others
 - City engineer
 - Franchised utilities
 - Fire marshal
 - Public notice? Public hearing?
 - Planning Commission
 - City Council

Application and Review Process

Final Plat

- Application acceptance
- Staff review
- Planning Commission
- City Council
- 30-day clock
- No Discretionary Authority
 - Must approve if it complies with regulations



Application and Approval Process

Final Plat continued

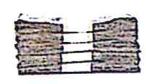
- Dedication Instrument or statement
- City approval signature block
- Other required notes on face of plat
- Public Improvements
 - Financial assurance
- File at County Courthouse



Public Improvements

Financial Assurance

- Build before filing
- Post bond and developer builds
- Post cash and city builds
- Deferred construction
- Form of Instrument (cash, performance bond, letter of credit, deed covenant, promise)



Administrative Review of Plat

Review checklists

Conformance with:

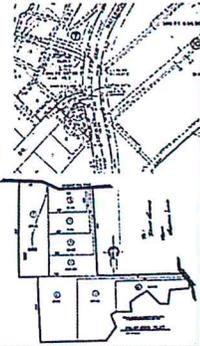
- Comprehensive Plan (land use, thoroughfares, drainage, utility extensions)
- Zoning regulations(minimum lot sizes and dimensions)
- Subdivision regulations (appropriate info provided, size, scale)
- Other adopted development policies



Planning Review of Plat

Lot configuration

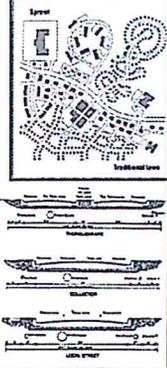
- Adequate size and shape for intended use
- Buildable area
- Street access
- Flag lots
- Future subdivision precluded?
- Reserve strips



Planning Review

Street pattern

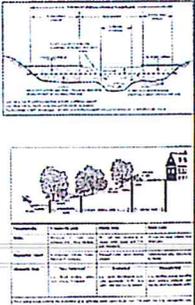
- Extension and connection of streets
- Adequate right-of-way width
- Adequate street width
- Street geometry
- Street intersections and jogs
- Dead-end streets and cul-de-sacs
- Adequate ingress and egress
- Curvilinear vs. straight streets



Planning Review of Plat

Drainage

- Floodplain
- Channel Improvements
- Detention Requirements
- Interior drainage
 - Street capacity
 - Curb inlets and storm drains
- Lot-to-lot drainage
- Drainage easements
- Water quality



Planning Review of Plat

Easements

- Utilities
- Adequate width
- Ability to serve future lots
- Access easements and fire lanes
- Utilities
- Water
 - Fire hydrants
- Sanitary sewer
- Electric
- Natural gas
- Telephone
- Cable TV

- Public spaces and common areas
- Deed restrictions and covenants

Construction Issues

Public Improvements

- Acceptance requirements

Building permits

- Lot must be platted

Erosion control

Coordination with other agencies:

- TxDOT, Utilities, etc.



Exactions

An exaction is a requirement to dedicate land (including rights-of-way and easements), construct public improvements, and payments of fees in lieu as a condition of development approval. The ability to require exactions is derived from general police powers and specific statutory authority.




Exactions

Types of Subdivision exactions

- On-site improvements
- Oversizing facilities and municipal participation
- Adjacent streets (perimeter streets)
- Off-site improvements and adequacy of public facilities
- Pro-rata agreements

Exactions

Impact Fees (Chapter 395)

- Water, sewer, drainage and streets only
- Process
 - Land use assumptions
 - Capital improvements program
 - Fee calculation
 - Accounting and segregation of funds
 - Refund provisions

Parkland Dedication

- Turtle Rock v. College Station
- Methodology
- Fee-in-lieu



Two Tests for Exactions

Rational Nexus

Rough Proportionality

- Required Certification by City Engineer
 - LGC § 212.904
- How much is too much?
- Calculations



Crime Prevention Through Environmental Design (CPTED)

Design can affect behavior

Jane Jacobs, "The Death and Life of Great American Cities" 1961

Oscar Newman, "Defensible Space: Crime Prevention Through Urban Design" 1972



Crime Prevention Through Environmental Design (CPTED)

Natural surveillance

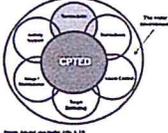
- Eyes on the street
- Avoid blind spots

Natural access control

- Delineate public and private space
- Clearly defined entrances

Territorial behavior

- Sense of ownership



Crime Triangle



All three variables must be present. Eliminate at least one and the crime can be prevented.

New Urbanism

Congress for the New Urbanism

- Ahwahnee Principles (1991)

Charter for the New Urbanism

- Design based on scale
 - Metropolitan, City and Town goals
 - Block, street and Building goals

AKA Traditional Neighborhood Design

- New urbanism at neighborhood scale

Reject Euclidean Zoning in favor of Form-based Design Codes

- Mixed uses
- Regulate form rather than use
- Human-scale design

Respect street grid, connectivity



Source: DPZ and Associates

Form-based Codes -The Transect

Form-Based Regulating Plans

Human-Scale Streets

Figure 4.2. Cross-section of a street with human-scale elements. An 8-foot sidewalk is preferred for sidewalks and a 10-foot sidewalk for a 12-foot sidewalk. A 12-foot sidewalk is preferred for a 14-foot sidewalk. A 14-foot sidewalk is preferred for a 16-foot sidewalk. A 16-foot sidewalk is preferred for a 18-foot sidewalk. A 18-foot sidewalk is preferred for a 20-foot sidewalk. A 20-foot sidewalk is preferred for a 22-foot sidewalk. A 22-foot sidewalk is preferred for a 24-foot sidewalk. A 24-foot sidewalk is preferred for a 26-foot sidewalk. A 26-foot sidewalk is preferred for a 28-foot sidewalk. A 28-foot sidewalk is preferred for a 30-foot sidewalk. A 30-foot sidewalk is preferred for a 32-foot sidewalk. A 32-foot sidewalk is preferred for a 34-foot sidewalk. A 34-foot sidewalk is preferred for a 36-foot sidewalk. A 36-foot sidewalk is preferred for a 38-foot sidewalk. A 38-foot sidewalk is preferred for a 40-foot sidewalk. A 40-foot sidewalk is preferred for a 42-foot sidewalk. A 42-foot sidewalk is preferred for a 44-foot sidewalk. A 44-foot sidewalk is preferred for a 46-foot sidewalk. A 46-foot sidewalk is preferred for a 48-foot sidewalk. A 48-foot sidewalk is preferred for a 50-foot sidewalk. A 50-foot sidewalk is preferred for a 52-foot sidewalk. A 52-foot sidewalk is preferred for a 54-foot sidewalk. A 54-foot sidewalk is preferred for a 56-foot sidewalk. A 56-foot sidewalk is preferred for a 58-foot sidewalk. A 58-foot sidewalk is preferred for a 60-foot sidewalk. A 60-foot sidewalk is preferred for a 62-foot sidewalk. A 62-foot sidewalk is preferred for a 64-foot sidewalk. A 64-foot sidewalk is preferred for a 66-foot sidewalk. A 66-foot sidewalk is preferred for a 68-foot sidewalk. A 68-foot sidewalk is preferred for a 70-foot sidewalk. A 70-foot sidewalk is preferred for a 72-foot sidewalk. A 72-foot sidewalk is preferred for a 74-foot sidewalk. A 74-foot sidewalk is preferred for a 76-foot sidewalk. A 76-foot sidewalk is preferred for a 78-foot sidewalk. A 78-foot sidewalk is preferred for a 80-foot sidewalk. A 80-foot sidewalk is preferred for a 82-foot sidewalk. A 82-foot sidewalk is preferred for a 84-foot sidewalk. A 84-foot sidewalk is preferred for a 86-foot sidewalk. A 86-foot sidewalk is preferred for a 88-foot sidewalk. A 88-foot sidewalk is preferred for a 90-foot sidewalk. A 90-foot sidewalk is preferred for a 92-foot sidewalk. A 92-foot sidewalk is preferred for a 94-foot sidewalk. A 94-foot sidewalk is preferred for a 96-foot sidewalk. A 96-foot sidewalk is preferred for a 98-foot sidewalk. A 98-foot sidewalk is preferred for a 100-foot sidewalk.

Technology

Geographic Information Systems – 1990s

- Intelligent maps (location and tabular)
- ArcGIS (ESRI), MapInfo, others

Map Layers

Associated Data

Visioning Software

Smart Growth

Term attributed to Maryland Governor Parris Glendening
 Scale: Regional vs. Local
 Features of Smart Growth:

- Compact development
- Mixed uses
- Mobility choice (pedestrian orientation)
- Open space preservation
- Infill development

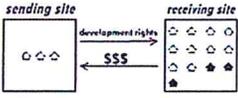


The Domain, Austin

Regional vs. Local Scale Smart Growth

Regional Programs include growth management that directs the timing and location of development

- Urban growth boundaries
- Adequate public facilities ordinances
- Cluster or conservation developments
- Transfer of development rights

○ units of base zoning
 ★ transferred dwelling units

Regional vs. Local Scale Smart Growth

Local Programs are projects that incorporate principles of smart growth

- Mixed uses
- Pedestrian orientation
- Transportation alternatives
- Preservation of public open space
- Compact development



Maximum density vs. minimum density
 Set-back lines vs. build-to lines

Smart Growth Programs in Texas

Austin

- Smart Growth Matrix
- Envision Central Texas

Flower Mound

- Adequate Public Facilities Ordinance

North Central Texas Council of Governments

- Center for Development Excellence
- Vision North Texas



Smart Growth Projects Examples

Addison Circle
Southlake Town Center
Plano Transit Village
The Domain - Austin



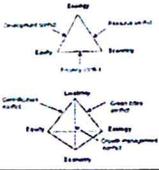
Sustainable Development

Intergenerational and intragenerational equity
Protecting and living within the natural carrying capacity of the natural environment
Minimization of natural resource use
Satisfaction of basic human needs

Sustainable Development versus Consumptive Development

Three "E"s of sustainability

- Economy
- Environment
- Equity

Sustainability Indicators

Sustainability Indicators Project of Central Texas

Indicators of

- Public Safety
- Education and Children
- Opportunity
- Civic Engagement
- Economy
- Health
- Natural Environment



Important Terms

Bungalow Bill – tract house architect
 Comprehensive Plan – bland, custard-like filling in many comprehensive plans
 Custard Development – bland clustered development
 DeJavenue – Impression of having seen the same street before
 Disneyfication – architectural fad on a community scale
 Generica – stores and strip malls you can see in any town in America
 Landscraper – landscape architect (also Bandscape Architect – a minimalist landscape architect)
 Litter on a Stick – billboard
 McPlace – standardized sense of place
 Placebo – a place that has the appearance, but none of the value of a real place
 Privatopia – gated community run by homeowners association
 Ranchburger – one-story, generic southwestern tract house

Important Terms cont.

Scents of place – odors, smells, aromas and fragrances associated with a place
 Sense of Immunity – mistaken belief that a regulation doesn't apply
 Snout House – home dominated by garage door



Starter Castle – also knows as a McMansion, Big Hair House and Tract Mansion
 Powerpoint Poisoning – nauseous state of mind and body induced by presentations

Hierarchy of Planning

The Mayor
 Leaps tall buildings in a single bound,
 Is more powerful than a locomotive,
 Is faster than a speeding bullet,
 Walks on water,
 Gives policy to God.

The Planning & Zoning Commission Chair
 Leaps short buildings in a single bound,
 Is more powerful than a switch engine,
 Is just as fast as a speeding bullet,
 Talks to God.

The City Manager
 Leaps short buildings with a running start and favorable winds,
 Is almost as powerful as a switch engine,
 Is faster than a speeding BB,
 Walks on water in an indoor swimming pool,
 Talks with God if special request is granted.

The Assistant City Manager
Barely clears a Quonset hut,
Loses tug-of-war with locomotive,
Can fire a speeding bullet,
Swims well,
Is occasionally addressed by God.

The Planning Director
Makes high marks on walls when trying to leap tall buildings,
Is run over by locomotives,
Can sometimes handle a gun without inflicting self-injury,
Treads water,
Talks to animals.

The Chief Planner
Climbs the walls continually,
Rides the rails,
Plays Russian Roulette,
Walks on thin ice,
Prays a lot.

The Assistant Planner
Runs into buildings,
Recognizes locomotives two out of three times,
Is not issued ammunition,
Can stay afloat with a life jacket,
Talks to walls.

The Planning Student Intern
Falls over doorstep when trying to enter buildings,
Says "Look at the choo-choo,"
Wets himself with a water pistol,
Plays in mud puddles,
Mumbles to himself.

The Planning Department Secretary
Lifts buildings and walks under them,
Kicks locomotives off the tracks,
Catches speeding bullets in her teeth and eats them,
Freezes water with a single glance,
She IS God.

The Importance of Regionalism

22nd Annual North Texas Elected & Appointed Officials Planning Workshop

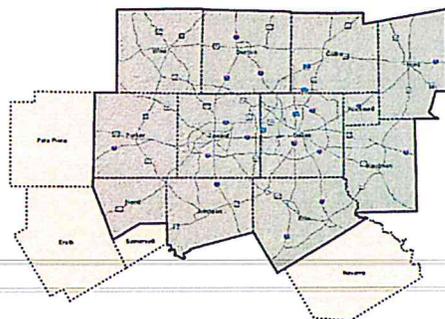
July 31, 2015



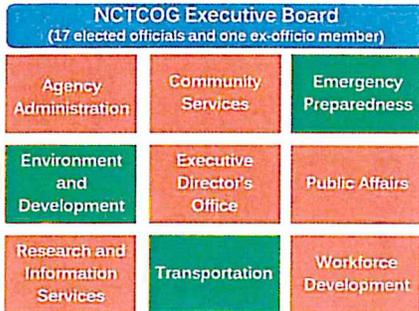
What is NCTCOG?

- Voluntary association of local governments
 - 238 Member Governments
 - 16 Counties
 - 169 Cities
 - 22 School Districts
 - 31 Special Districts
- Established in 1966
- Assists local governments in:
 - Planning for common needs
 - Cooperating for mutual benefit
 - Recognizing regional opportunities
 - Resolving regional problems
 - Making joint decisions
- One of 25 COGs in Texas

Metropolitan Planning Area and 16-County NCTCOG Region



What is NCTCOG?

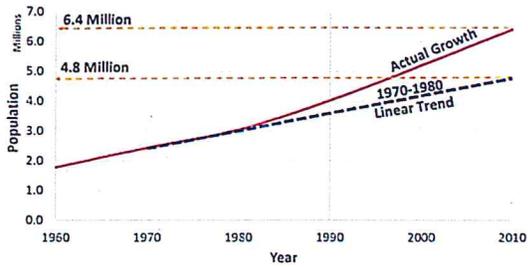


Forecast 2040

Demographic Forecasts

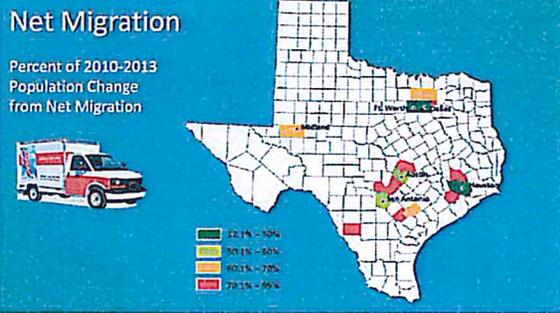
Demographic forecasting at NCTCOG is a data-driven process with consideration of stakeholders' feedback both in the aggregate and disaggregate forecast stages.

Dallas-Fort Worth Metropolitan Area Population Growth Trend



Source : Decennial Census, NCTCOG

Texas Net Migration (2010-2013)



Texas Job Growth (2004-2014)



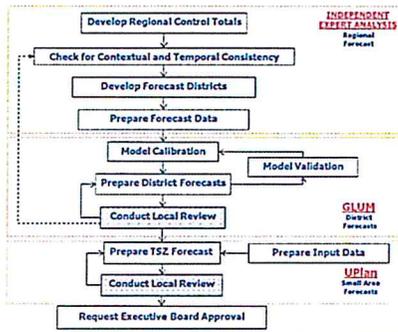
Texas Population Projections by County (2010-2050)

Projected Population Growth Rate by County, 2010-2050

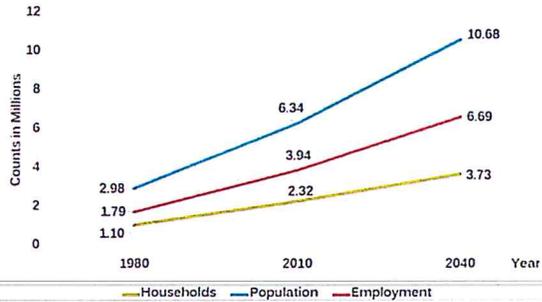


Source: Dr. Lloyd Potter, Texas State Demographer

2040 Forecasting Process

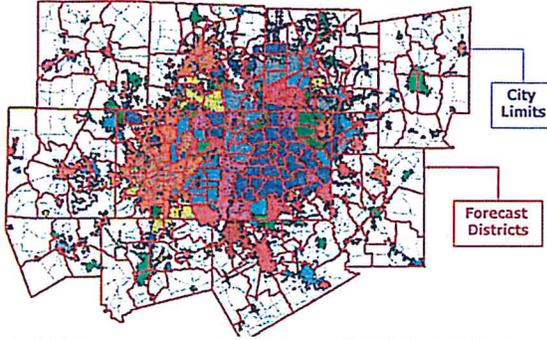


Dallas-Fort Worth Metropolitan Area Growth Trends



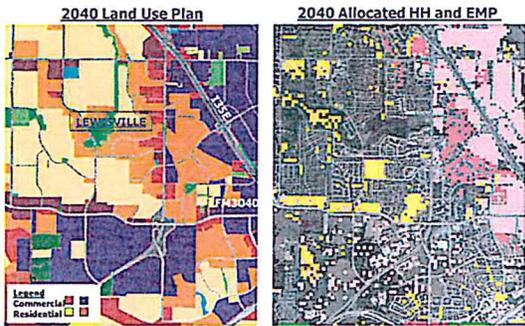
Source: Decennial Census, NCTCOG

GLUM 232 Forecast Districts

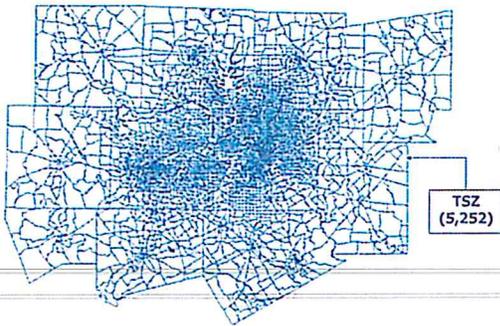


Activity Allocation to 5,252 TSZ's

Assignment is Done at 50m x 50m tiles (9.7 Million Tiles)



Traffic Survey Zones (TSZ)



Top Cities in Employment Growth

City	2010 Employment	2040 Employment	2010 - 2040 Change
Dallas	1,036,119	1,789,713	753,594
Fort Worth	448,844	848,623	399,779
Irving	252,379	421,711	169,332
Arlington	183,860	302,664	118,804
Plano	235,983	327,269	91,286
Garland	80,870	155,326	74,456
Richardson	130,309	195,655	65,346
Mesquite	60,515	116,320	55,805
Grapevine	52,953	107,612	54,659
Carrollton	88,243	139,318	51,075

Source: NCTCOG
 Figures are city approximations using T52 forecasts and current city limits.

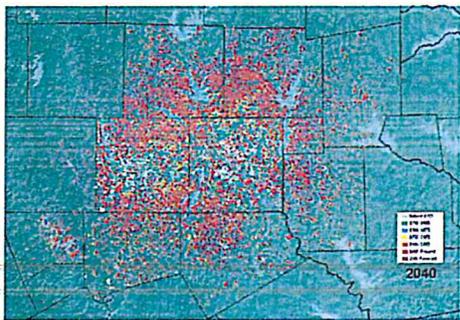
How to Use 2040 Forecast

To support long-range regional, area-wide, and corridor planning.

Near-term planning should rely more heavily on Census and local data (known information).

Mid-range planning should rely on a blend of long-range forecasts and known information.

1950-2040 Growth Pattern

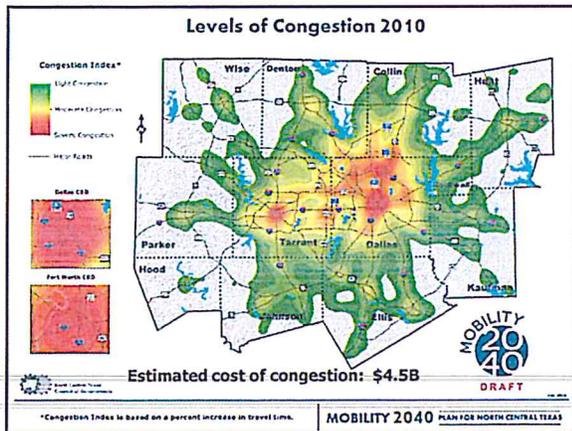


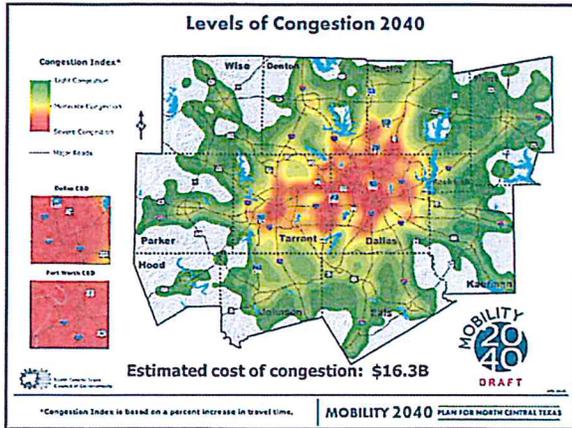
Importance of Regionalism

Addressing Regional Challenges in
Transportation
Environment & Development
Emergency Preparedness

Transportation Department

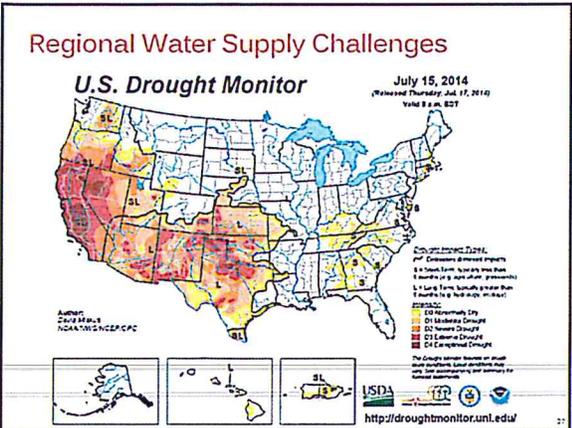
- NCTCOG Transportation Department and the Regional Transportation Council (RTC) form the Metropolitan Planning Organization (MPO) for the Dallas-Fort Worth area.
- Federally designated as MPO in 1974.
- Work with transportation providers to address complex transportation needs.
- RTC, the 43-member independent transportation policy body of the MPO, oversees planning and allocates federal, state, and regional funding.





Environment and Development Department

- Works with a diverse set of stakeholders (e.g. local governments, water districts, state and federal agencies) to address regional challenges and infrastructure concerns associated with water resource management, watershed protection, solid waste management, energy and water conservation, land development and conservation, and public works.
- Has various committees that work to find solutions to regional and common challenges.
- Grants and community/partners cost-share models fund work activities.



Program Focus Areas

Mission Statement: Promoting whole community emergency preparedness to the North Central Texas Region

- Preparedness
- Training/Exercise
- Mitigation
- Recovery



Regional Working Groups

- HazMat
- Explosive Ordnance Device (EOD)
- SWAT
- Fusion
- Interop Communications
- Public Education
- Citizen Corps
- Training and Exercise
- Urban Search & Rescue (Technical Rescue)
- Public Works Emergency Response Team
- Emergency Management Working Group

Public Education

- Assisted in the development, funding and implementation of a regional public education program for citizen preparedness called "Knowwhat2do"
- Received state, national and even international awards and recognition
- Cache of material available for local events
- www.knowwhat2do.com



KnowWhat2Do
Think. Prepare. Act.

Radio Communications

- Radio Communications was developed in 1987
- Coordinate and support regional committees to develop and maintain multi-regional plans assigning selected radio frequencies to public safety agencies.
- Plans for and provides training and exercise opportunities for enhanced Interoperable Communications among first responders.

Committees:

- Region 40 Regional Review Committee
- Regional Public Safety Communications Governance Committee



Questions/Comments

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APA TX

ROLES, RESPONSIBILITIES, AND ETHICS FOR PLANNING COMMISSIONERS

Presented by
Ann Cooke Bagley, FAICP
Dallas, Texas
APA Texas Planning Officials Development Officer
Dallas City Plan Commissioner, District 7
APA Board Member Elected at Large

Midwest Section APA Texas
Arlington, Texas
July 31, 2015

Excerpted from "Ethics and the Planning Commissioner", A Guide to Local Planning in Texas Commission published by the Texas Chapter of American Planning Association, *Journal of the American Planning Association*, and APA Ethics Tools including *Ethical Principles in Planning*.

1

APA TX

PLANNING PROCESS

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

Whether a professional or a volunteer, we are all planners.

2

APA TX

ETHICS?

Ethics: the principles of conduct governing an individual or a group
-*Merriam Webster*

There are standards for ethical conduct:

- Your city's Code of Ethics
- State Guidelines
- APA Statement of Ethical Planning Principles and AICP Code of Ethics
- Your own moral compass

Ethical behavior is not always easy to achieve, but the Statement of Ethical Principles is a good place to start

3

APA TX

ETHICAL PRINCIPLES IN PLANNING

The American Planning Association has guidelines for ethics: *Ethical Principles in Planning*.*

Two parts of these principles apply directly to appointed and elected officials

1. The planning process must continuously pursue and faithfully serve the public interest.
2. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

*www.planning.org

4

APA TX

Serve the Public Interest

As a Planning Process Participant you should:

1. Recognize the rights of citizens to participate in planning decisions.
2. Give citizens full, clear, and accurate information.
3. Expand choice and opportunity for all persons.
4. Assist in the clarification of community goals.
5. Ensure that information available to decision makers is also available to the public.
6. Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

5

APA TX

Strive to Achieve High Standards of Integrity and Proficiency

As a Planning Process Participant you should:

1. Exercise fair, independent, and honest judgment.
2. Publicly disclose any personal interests.
3. Define personal interest broadly.
4. Abstain from participation in a matter in which you have a personal interest and leave the chamber when the matter is being deliberated.
5. Not seek (nor accept) gifts or favors.
6. Abstain from participating as an advisor or decision maker on any plan or project in which you have previously participated as an advocate.
7. Serve as advocate only when the objectives are legal and serve the public interest.

MA TX

Strive to Achieve High Standards of Integrity and Proficiency
(continued)

8. Not participate as an advocate on any plan or program in which you have previously served as an advisory or decision maker, except after full disclosure and in no circumstance earlier than one year following termination of the role as advisory or decision maker.
9. Not use confidential information to further a personal interest.
10. Not disclose confidential information.
11. Not misrepresent facts or distort information.
12. Not participate in any matter unless prepared.
13. Respect the rights of all persons.

7

MA TX

LOCAL ETHICS ORDINANCES

Prohibited conduct:

- Solicitation/acceptance of gifts
- Misuse of position
- Conflict of interest (generally financial)
- Ex parte communications
- Serial meetings (attended by less than a quorum of members to discuss a public issue in private.
- Open Meetings

Disclosure:

- Forms and/or procedure provided by the City - does not have to be very detailed

8

MA TX

PLANNING COMMISSIONS IN TEXAS

In Texas, a *Planning Commission* is:

- A group of citizens appointed by the legislative body that performs both required and discretionary functions in land use matters.*
- May also include zoning matters and be called *Planning and Zoning Commission*.
- There may even be separate commissions for zoning and planning
- Generally a recommending body, except may have final approval of plats



*Texas Local Government Code 211.007

9

ALA TX

ROLES OF THE PLANNING AND ZONING COMMISSION

- Develop and update the comprehensive plan
- Implement land use patterns
- Monitor current zoning ordinance
- Make recommendations on zoning changes
- Recommend approval of (or approve) subdivisions
- Make recommendations for annexation
- Interface with public on community vision through public meetings, focus groups, and neighborhood organizations

10

ALA TX

ROLES OF THE PLANNING COMMISSION (continued)

Use base data on population, land use, utilities, and topography in decision making

Recommend a Capital Improvements Program



Coordinate with economic development activities

Adopt an annual work program and prepare an annual report

Encourage and monitor the "visual image" through urban design

11

ALA TX

HOW THE COMMISSION WORKS

- Creation of the Commission
 - Usually by city charter or ordinance
- Responsibilities and Purpose Established
- Rules and Policies
 - If not in the ordinance, these should establish a schedule for meeting dates, time, and place
- Officers
- Voting Procedures
- Committees
- Relationship to City Council
- Code of Ethics/Ethical Principles

12

ALA TX

HOW THE COUNCIL PLANS

Generally,

- As part of the legislative process and fiduciary responsibilities, the City Council is the final approving body for zoning/land use changes and sometimes for the final approval of subdivision plats.
- The City Council is also the final approval for the adoption of the Comprehensive Plan.
- The City Council has final approval of annexations.
- Approval of any additional plans for the development and infrastructure in the City is the purview of the City Council.

13

ALA TX

UNDERSTANDING THE JOB

- Become familiar with your responsibilities/expectations both on and off the Commission/Council
- Orientation - begin to grasp:
 - Legal issues - Open Meetings Act, Conflicts
 - Basic elements of Planning
 - Comprehensive Planning
 - Zoning Ordinance
 - Subdivision Regulations
 - Enabling statutes in state law for planning/zoning
- Review local resources
 - Charter
 - Code of Ordinances
 - By-laws or rules of procedure

14

ALA TX

WORKING EFFECTIVELY

- Use rules of procedure and operate accordingly
- Comply with Open Meeting requirements
- Conduct fair public hearings
- Hear the facts and assess their accuracy
- Consider concerns of all who testify
- Assess the request against the standards in the ordinance
- Render a decision

15

TX

YOU ARE NOT IN THIS ALONE!

City Council	Public Safety (Police and Fire)
City Manager	Citizens/Property Owners
Planning and Zoning Commission	Utilities (water, gas, electricity, telephone, cable)
Zoning Board of Adjustment	Representatives and Facilitators
Other Boards and Commissions	Planning Consultants
Planning Staff	Developers and Builders
Engineering	Neighborhood Organizations
Transportation	State DOT
Building Inspections and Permitting	School District
Code Compliance/Enforcement	Post Office
City Attorney	Neighboring Cities
City Secretary	County
Public Works	The Whole City
Parks and Recreation	

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TX

EXPECTATIONS

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TX

WHAT COMMISSIONERS SHOULD EXPECT OF STAFF

- Review and report on facts of the case as related to codes and ordinances
- Reports should be reasonably easy to read, jargon-free (as much as possible)
- Identify the relationship between adopted planning documents
- Advocate for good planning
- Protect your commissioners
- Provide training (commissioners need to understand the process, their roles and responsibilities, as well as the terminology)—don't assume they always do.

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ALA TX

WHAT COMMISSIONERS SHOULD EXPECT OF EACH OTHER

- Be prepared for meeting
- Don't read your case for the first time at the meeting
- Ask questions!
- Assist other commissioner by asking what may seem obvious—educational moment.
- Stay on topic.
- Work together for the good of the City.

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ALA TX

WHAT STAFF EXPECTS OF COMMISSIONERS

- Read and study the materials in advance of meeting
- Ask questions
- Give forewarning of concerns
- No blindsiding, limit criticism in public meeting
- Show respect for staff—they are your friends. Really!

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ALA TX

EXPECTATION OF APPLICANTS

By Staff and Commissioners

- Present an honest representation in request
- Answer questions (the one asked)
- Reach out to neighborhoods and stakeholders
- Meet together (if allowed and appropriate) to resolve questions and differences.
- Keep it professional
- Show up and bring the necessary team to meetings

By Applicants:

- To be treated respectfully and in a timely manner.

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ALA TX

WHAT CITY COUNCIL EXPECTS OF COMMISSIONERS AND STAFF

- Staff: Recommendations based on ordinances and procedures
- Planning and Zoning Commission: Solid recommendations based on staff recommendation, public input, and consideration of the impact on the city, including thoughtful vetting of the issues.

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ALA TX

DECISIONS, DECISIONS, DECISIONS

What should be considered in making decisions?
 For Zoning:
 What is the applicant actually asking for?
 What effect will it have on the site?
 What effect will it have on the surrounding land uses?
 Is it in accordance with the Comprehensive Plan?

For Subdivisions:
 Does it meet the requirements of the Regulations?

What should not play a part in the decision.
 The identity of the applicant
 The financial capability of the applicant
 (unless they are asking for incentives at the City Council)
 What the structures will look like?
 (If you like pictures, they should be looked at only as a guide.)

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ALA TX

THINGS YOU SHOULD KNOW AND WATCH OUT FOR

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TX

WHAT IS EX PARTE?

A discussion where only one side is presented

Ex Parte is any oral or written communication outside the record of the hearing with either proponents or opponents of a pending proceeding:

This covers all discussions, however...

- there is a difference between discussion on matters whether they are about legislative or quasi-judicial.

Unless otherwise within city policy it is best to refrain from outside discussion. Why?

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TX

MORE EX PARTE

Ex Parte communications are discouraged or prohibited for a variety of reasons. It is not fair to the other parties because:

- because the decision maker may be inaccurately informed;
- The **perception** that the commission can be susceptible to improper influence;
- Improper *ex parte* communications can invalidate the actions of the commission.

Caveat: Community meetings, neighborhood (pro or con) meetings and with applicants are different situations if within City policy, however it is best to just listen or inform as to process.

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SERIAL MEETING

- A **serial meeting** need not be a face-to-face meeting. It can be a series of communications (direct communication, technological methods such as email, telephone calls, or social media).
- A **serial meeting** can occur when there are systematic communications on a particular matter involving a quorum of the body acquiring information, engaging in debate, discussion, lobbying, or any other aspect of the deliberative process.
- Realize that all your correspondence could be subject to discovery if there is legal action.
- Continuing discussion** after the meeting is adjourned is another kind of serial meeting.
- Forward all applicable correspondence to designated staff for distribution and file.

Also called a "walking quorum"

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ALA TX

CONFLICT OF INTEREST

You have a potential a conflict of interest if you...

- Live in the notification area.
- Or you or close family member has a financial interest (determined by your city).
- Have financial interest in real estate involved in case.
- Have financial investments that exceed the local cap.
- Work for someone that has financial involvement in the case.
- Have oversight of client accounts.
- Sit on Board connected to the case.

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ALA TX

COI: WHAT TO DO?

- Recognize that you might have a conflict.
- Get advice from staff or city attorney, if not sure.
- State at the meeting that you have a conflict.
- Recuse yourself and **LEAVE THE ROOM.**
- The Chair/Mayor should state for the record that you have left and when you return
- Fill out the appropriate form
- Do not engage in any discussion or action on the case in or outside the meeting.

This relates to most all cases, zoning, plats etc.

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ALA TX

FINANCIAL CONFLICT OF INTEREST

In Texas, Business Entity Conflicts are conflicts due to an official's substantial interest in a "business entity" that has an issue before the City.

- Stock Interest
- Business Ownership
- Interest Income
- Real Property
- Close Family Member with any of the Above Interests

Close relatives are those persons within the first degree by consanguinity (blood) or within the first degree by affinity (marriage).

Or whatever your city determines!

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TX

CONFLICT OF INTEREST

You are considered to have a substantial interest if a person is related to you in the first degree by consanguinity (blood) or affinity (marriage).
 Affinity relationships continue after divorce or death if there is a living child of the marriage.

Who is kin?

- Fathers
- Mothers
- Sons
- Daughters
- Brothers
- Sisters
- Spouse
- Father-in-law
- Mother-in-law
- Son-in-law
- Daughter-in-law
- Brother-in-law
- Sister-in-law

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SAMPLE FORM

The sample form includes a header with the 'TX' logo, a title 'SAMPLE FORM', and a section titled 'STATEMENT OF CONFLICT OF INTEREST'. It contains several checkboxes and text boxes for providing personal information and disclosing potential conflicts of interest.

TX

QUASI-JUDICIAL

Definition of QUASI-JUDICIAL:
 "having a partly judicial character by possession of the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of rules and regulations and to make decisions in the general manner of courts." -*Merriman Webster*

Boards of Adjustments are quasi-judicial

Like a court, there is no ex parte communications between the applicant or members of the panel or any other member of the Commission or the public.

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TX

BOARD OF ADJUSTMENT**

A quasi-judicial board can be a separate board or a portion of the Planning and Zoning Commission.

It can:

1. hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;
2. authorize in specific cases a variance/waiver from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;
3. hear and decide other matters authorized by an ordinance.
4. hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official.

Any appeal of the Board of Adjustment goes to District Court.

*Texas Local Government Code 211.008

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TX

OPEN MEETINGS ACT**

- General Rule: Every regular, special, or called meeting of a governmental body **MUST** be open to the public, and the public must be given adequate notice of the topics to be discussed. Think "sunshine."
- There are **NO** informal meetings!
- Applies to:
city councils, planning and zoning commissions, boards of adjustment, and economic development corporations.
when a quorum is present and discusses public business...but not to purely social gatherings or attendance of public official at conferences or training.

FOLLOW THE POSTED AGENDA!

*Texas Local Government Code Chapter 201

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TX

TRAITS FOR SUCCESSFUL COUNCIL MEMBERS, PLANNING COMMISSIONERS AND BOARD MEMBERS

- Have a feel for the assets, problems and potential of the city
- Can see the big picture without missing the details
- Recognize conflicts of interest
- Understands obligations
 - Come to meetings prepared
 - Balance commitments

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TX

OTHER CONSIDERATIONS AND ADVICE

- When there is a social event where a quorum may be present, it is generally OK as long as cases or issues are not discussed.
- Do not use position title to request special treatment by city employees or private interests.
- Have a designated separate email for your commission correspondence.
- Follow the relationship to the Comprehensive Plan!

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TX

SCENARIO 1 - HOW ABOUT LUNCH?

Through the course of your duties you form a friendship with a local landowner who periodically calls with questions about planning and zoning. He invites you to eat lunch and he buys—is this okay?

You have not suggested that an actual application over which you have some control is pending.

- If that were the case, the answer would be “no.” It is always best to keep such relationships at arms-length.
- Take great care to not permit public or private perception of favored action.
- If you meet, each should pay for own meal.
- Equally, care must be taken to not discuss matters that are better suited for staff or open meetings.

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TX

**SCENARIO 2 - BEHIND THE SCENES
ADVOCACY**

A potentially controversial development is being proposed near several exclusive residential developments and a local school. You have several friends associated with each.

To encourage more public input, should you “tip off” your friends to give them time to prepare?

You

- Should **not** work behind the scenes to provide info to one group while withholding from another
- Imply that a position has been taken
- Cause potential to harm your greatest asset – Credibility
- While nothing wrong with encouraging public input, it may be best for the Planning Director or Staff to give notice the public!

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SCENARIO 3 - THE HELPFUL COMMISSIONER

Someone from church is asking you to provide help or guidance and even a favorable decision on a re-zoning case.

How can you help without violating pure objectivity?

- It is completely appropriate to provide guidance to an applicant regarding the procedural and submittal requirements for an application.
- Inform that you will hear the facts of the case in the public arena (and not before).
- It is also appropriate to explain that you can't pre-judge or promise any favorable action.
- If you believe that your objectivity is compromised, then the decision on the application should be delegated to another, if possible.

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ALA TX

SCENARIO 4 - LET'S HIT THE LINKS!

You are invited to plan golf by an applicant. No business whatsoever was discussed? Is it appropriate?

- Getting the outing as a gift is the issue, not just playing golf.
- Must guard against perception of unfair access.
- Pay your way.

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ALA TX

SCENARIO 5 - THE ESTATE SALE

A developer has purchased a tract of land from a second owner of a prominent previous owner and wants to develop a new single-family subdivision within an area of large lot (.5-1.0 ac.) homes.

Access to this property is through the large lot homes. A deed restriction called for large lot homes if/when the property sold. That deed restriction expired and a developer is bringing in plans for a PD with generally 12,000sf to half-acre lots. The developer is also asking for variance to lot size, alleys and sidewalks.

The area residents are in an uproar and have a strong public campaign going and have packed the chambers for the public hearing.

What would you need to know?

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SCENARIO 6 - GO STATE!

You are an engineer, surveyor, or planner and also serve your community on the planning commission. Your firm has done work in the community and surrounding cities. Unbeknownst to you, a recent acquisition by your firm (from another state) prepared development plans for a quasi-public entity that will be considered by your Commission.

Even though you may not have been involved whatsoever, your firm stands to receive a financial benefit.

Make it a point of separating work and the your community's best interest.

What should be your action?

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ALA TX

SCENARIO 7 - HELLO-GOODBYE

A fellow commissioner calls you to discuss a case and says he has talked to other commissioners. What do you say to him?

- Good-bye!
- What's the problem?
Ex parte? Serial meeting?
- What about emails? Text? Twitter? Facebook?

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ALA TX

SCENARIO 8 - CHARITABLE CONTRIBUTION

A park is being redeveloped via a public/private partnership. Could you attend a charity fundraising gala as a guest of

- (a) a private individual who is supporting the capital campaign; or
- (b) the city's table purchased by an employee; or
- (c) a "free" city table?

Think about it...

- (a) is okay if private individual does not have an application before the city.
- (b) and (c) better options; and be sure to mingle/network!

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ALA TX

SCENARIO 9 - CAN YOU RECOMMEND SOMEBODY?

A long time family friend and large property owner wants to divide and sell off parcels . She is inexperienced, overwhelmed and has no idea what to do or where to look for help. You inform her of the planning process and also that a licensed professional surveyor is needed to prepare the plat. She asks who you might recommend. You want to help her as you know that how smooth the platting process will go depends on who she hires. Should you recommend a particular surveyor? Or what are your options?

- Yellow pages?
- Surveyors Association?
- Refer to staff who should have a long list
- Suggest talking with neighbors, family, other related professionals.

Rumors, innuendos could come back thus damaging your credibility.

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ALA TX

SCENARIO 10 – WHAT’S IN THE AIR?

A developer wants to build a BBQ restaurant in an area shown as single family on the land use map. What steps would need to be taken to approve it?

- Zoning change request.
- Public noticing.
- Applicant should support the submittal with documentation/analysis that the health, safety and welfare of the adjacent area will not be harmed.
 - Traffic studies
 - Nuisance issues (light, sound, vibration, odor, hours of operation)
 - Direct and cumulative effects
- Public Hearing
- Decision based on staff report, public input and your own judgment of all of those considerations.

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ALA TX

SCENARIO 11 - POLITICAL ASPIRATIONS

What do you do, as a planning commissioner, if another planning commissioner wants to politicize their position on the planning commission?

- Continue professional approach; stick to the issues in the case-nothing else.
- Avoid appearance of favoritism/disfavor.
- Discuss limitations; avoid involvement.
- Inform the planning director.
- Involve others in the discussion

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SCENARIO 12 - RED ALERT....CODE E (ENFORCEMENT)!

You, the commissioner, owns a home in a planned unit development (PUD) and notices that several neighbors have erected fences that extend their backyard into the shared greenway – essentially privatizing public land. How should you handle this situation?

- Address the issue with City Staff
- There is a responsibility for code enforcement
- Handle through clear, open communication and disclosure

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TX

What More Can You Do?

- A church wants to locate in the middle of a single family neighborhood. Do you need to approve it? What are the requirements?
- A video shop wants to locate on a small lot at the intersection in a single family neighborhood. What would you consider?
- Your company or family owns property next to a tract whose owners are requesting a zoning change. What should happen?
- Your family is submitting a plat to be approved. What is your role?
- A property is annexed into the city and the land use is not permitted in the new zoning district. What is the situation for that property and use?

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TX

THE PROCESS OF PROCESS

The planning process is aimed at implementing the comprehensive plan and/or achieving the desired vision of the community. What may appear straight forward to you, may not to the general public.

Internal Plan Process: Pre-application, plan submittal, work session, preparation for public hearings

What the Public Sees: Notice of Application, Neighborhood Meeting, Public Hearings

Perception: Applicant has met with the city several times, modified/convinced staff of proposal, without meaningful comment

While sometimes impossible to involve all parties, you must remember that public participation is more than something to satisfy public process.

You have an ethical obligation of fairness to the public

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APA TX

OTHER SOURCES OF INFORMATION

<p>APA Texas www.texasplanning.org</p> <ul style="list-style-type: none"> ▪ Regional and Local Workshops for Planning Commissioners ▪ Annual Short Course for Elected and Appointed Officials ▪ <i>The Guide to Urban Planning in Texas Communities</i> ▪ State Planning Conference ▪ City orientation and training for new Commissioners 	<p>American Planning Association www.planning.org</p> <ul style="list-style-type: none"> ▪ <i>Planning Magazine</i> ▪ National Planning Conference ▪ <i>The Commissioner</i> quarterly newsletter - now in <i>Planning</i> ▪ Ethics Toolkit - on website ▪ CD-ROM training packages www.planningbooks.com ▪ <i>Planning Commissioner's Journal</i> - online subscription
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APA TX

Thank you!



Take the High Road, there is less traffic!
Any Questions?

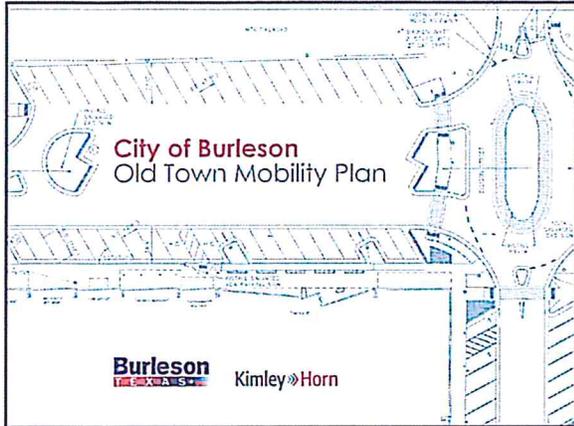
53

APA TX

CONTACT INFORMATION

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Bagley Associates
8139 Barbaree Blvd, Dallas, Texas 75228
ann@bagleyworks.com
214.660.8377

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Old Town Mobility Study Recap

The Old Town Mobility Study analyzed potential transportation solutions within Old Town for both vehicular and non-vehicular travel.

Transportation issues studied included:

- Parking
- Vehicle circulation
- Pedestrian access and safety
- Bicycle facilities in and around Old Town

Old Town Pedestrian Improvements Project

- Changes to Main Street Parking Area between Renfro and Eldred
- Widen Sidewalk on Main Street between Renfro and Bufford
- Re-work parking islands on Ellison between Main and Wilson
- Corners and Crosswalks at Ellison/Wilson Intersection
- Add trashcans, benches and landscaping
- Minor improvements in the alley – including trashcans, benches, landscaping and lighting

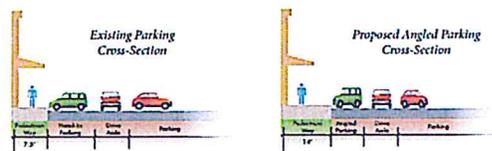
Main Street Parking Lot Circulation



Redesign the existing Main Street parking to single direction parking aisles and angled parking to better accommodate traffic flow and create pedestrian crossing zones

- By changing Main Street to one-way with a park-to-go lot, additional street frontages available that will allow sidewalk widening along storefronts.

Old Town Sidewalk Improvements



Widen the sidewalks along Main Street from Renfro to Buford

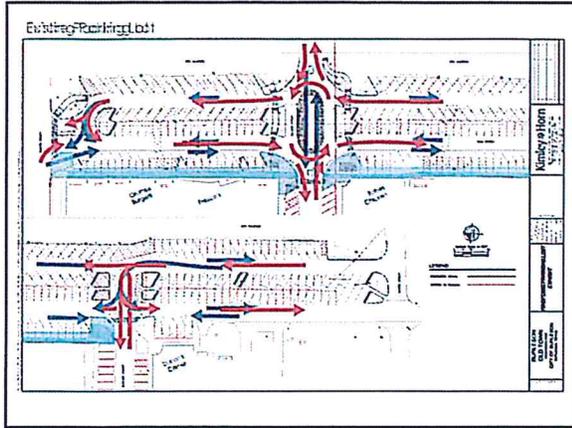
- By changing Main Street to one-way parking aisles, drive lanes become more narrow, leaving room to widen the sidewalk
- Wider pedestrian way accommodates street furniture, landscaping, lighting, and sidewalk cafes.
- Sidewalk bulb-outs at intersection corners creates shorter and safer pedestrian crossings.

Main Street & Ellison Street Intersection



Install an elliptical roundabout to allow free-flowing traffic on Ellison Street and predictable circulation through the parking area.

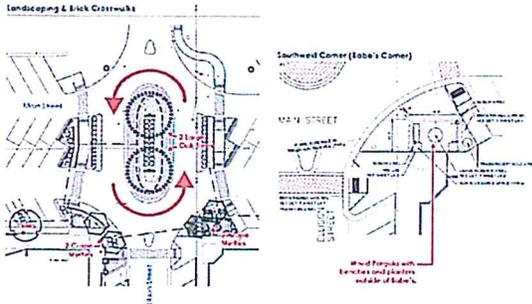
- Will allow removal of the 3-way stop
- Most table roundabouts will accommodate fire trucks and other large vehicles.
- Intersection will be landscaped, including large plantings and lighting





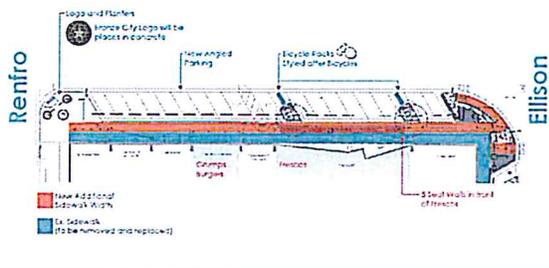


Main Street & Ellison Street Intersection

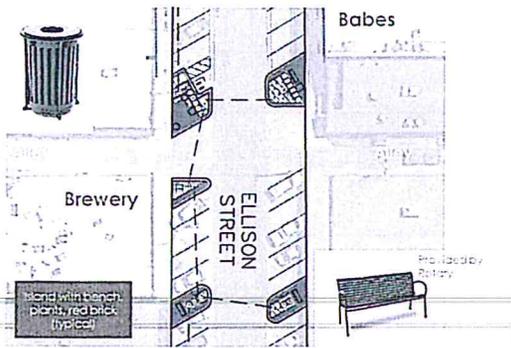


Main Street Sidewalk

Example of Widened Sidewalk – Renfro to Ellison
Widen existing 7 foot sidewalk to approximately 14 feet



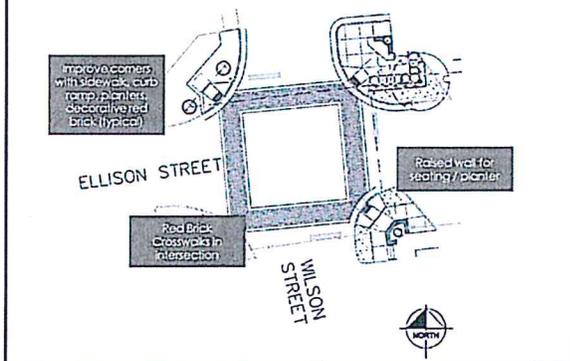
Ellison Street Island Improvements

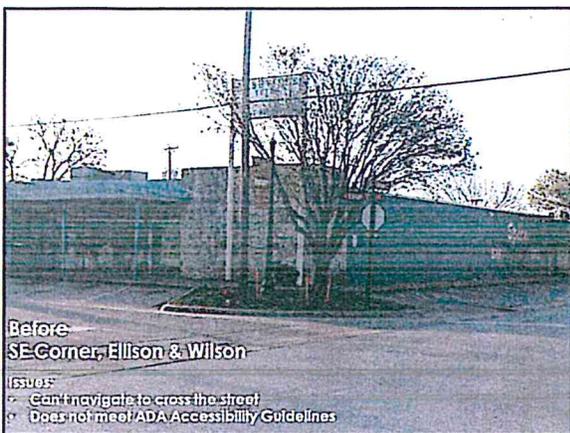


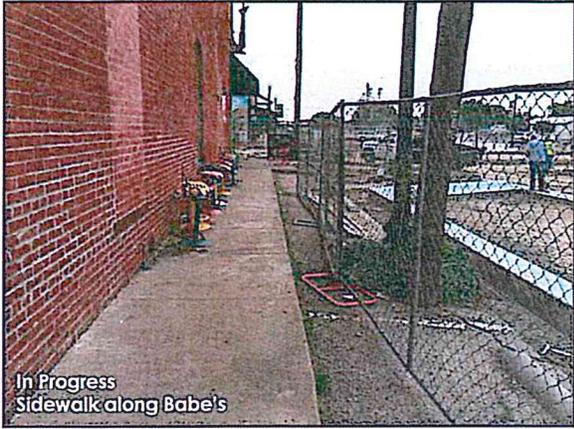
Ellison Street Island Improvements – In Progress

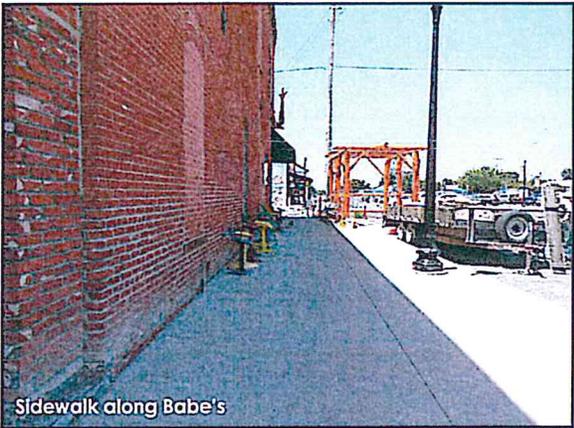


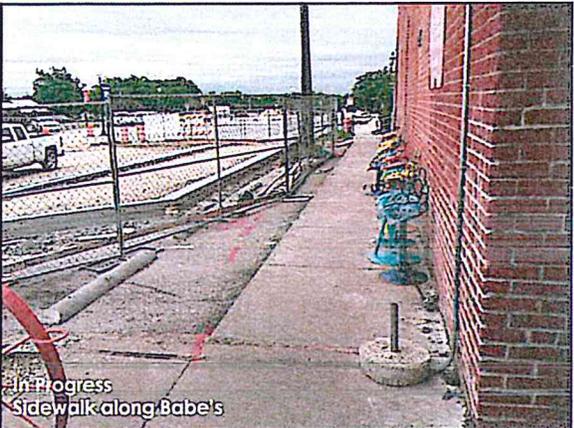
Wilson Street and Ellison Street Intersection

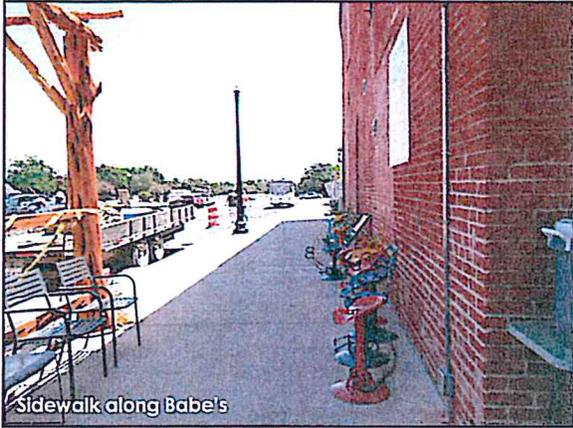


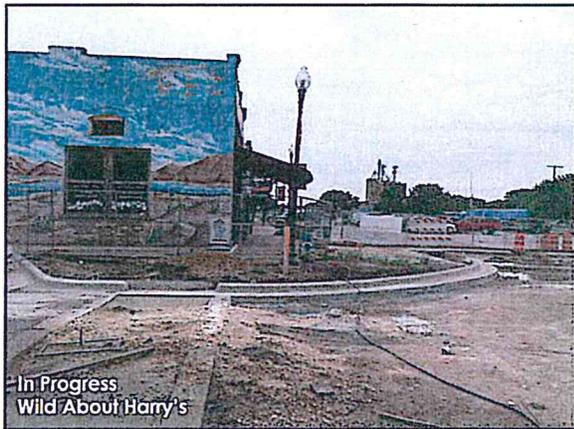


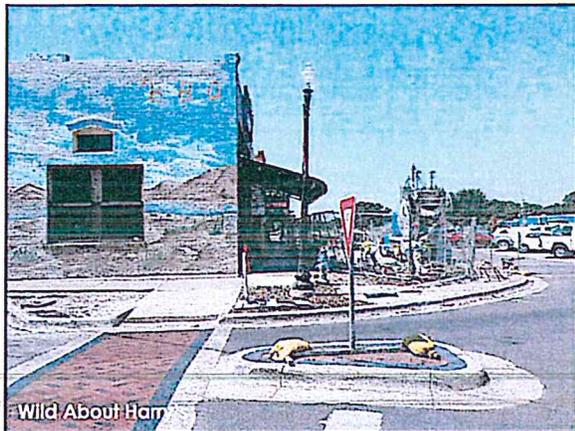


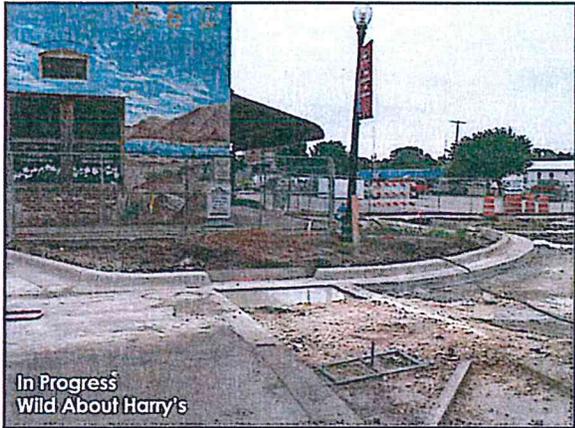


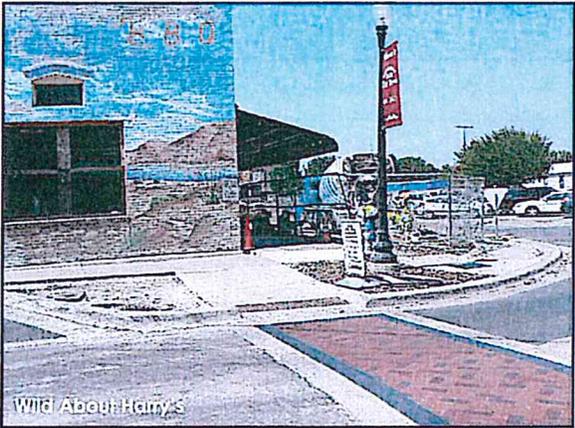














Minor Alley Improvements (Included in Current Project)

Include: Planters, Benches, Trashcans and Lighting

Enhanced Alley Improvements

Alley improvements for the two sections of alley shown are under design.

If possible, this work will be added to the current Old Town Mobility project contract and completed in late 2015.

What's Next? Get an Outsider's Perspective: Legacy Charrette with *Congress for New Urbanism*

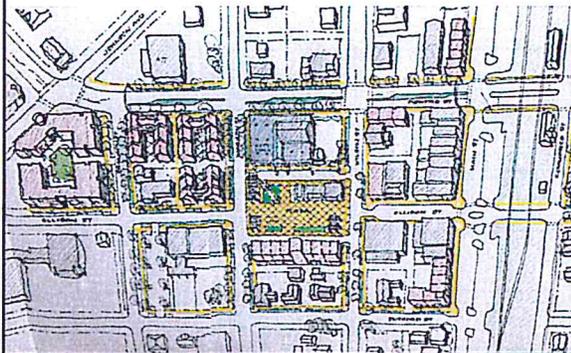
- Held 3/27 - 3/28 in Old Town Burlington
- Purpose was to collect feedback from a diverse group of Old Town parties with the goal to integrate feedback into a design solution
- Event also served as the starting point for the Old Town Plan update
- Nicely attended with quality feedback
- Consultant teams produced high quality sketches and mockups of potential development scenarios in 24 hour period

Report from CNU Legacy Charrette

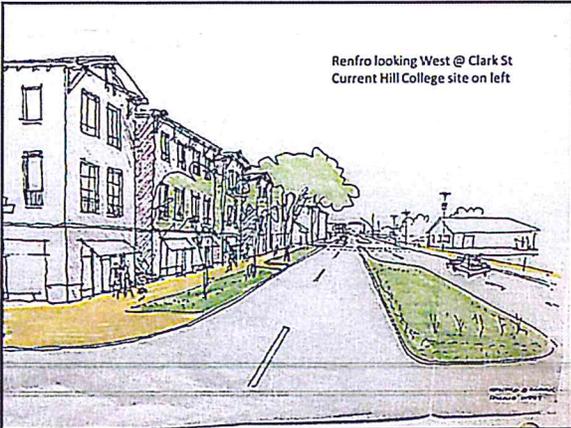
- Keep Old Town's diversity
- Needs of the neighborhood people don't change (walk and roads through district)
- Walkability in all quadrants of Old Town
- Mixed density housing to cover all needs
- Provide entrance markers / gateways to district
- Improve retail mix in Old Town...not just bars and restaurants
- Find a site for higher education to grow
- Create design quality public space (plaza) on the west side of the tracks

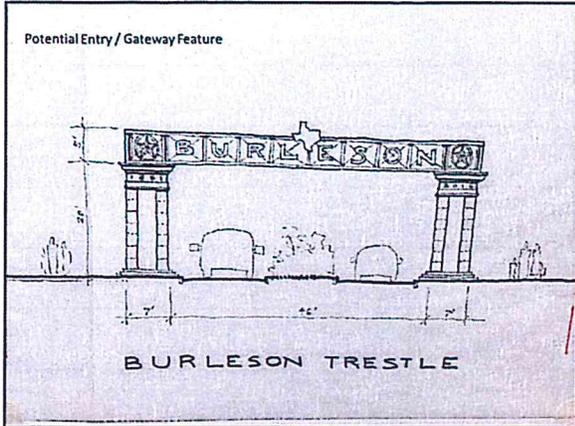


Sketch of Old Town



Renfro looking West @ Clark St
Current Hill College site on left





Takeaways for Planning in Your City

- Build on the brainstorm as quickly as possible
 - Kick off a plan update
 - Incorporate ideas into an existing project
 - Try it out - go with the "Better Blocks" approach
- Set expectations
 - Some things can be accomplished quickly - but not ALL things
- Begin the planning of a new project with the implementation of another

The collage includes three images: a photograph of a street with large planters and people walking; a photograph of a public square with people sitting at tables; and a technical architectural drawing of a building's structural framework.
