



# Planning Commission Retreat

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*Friday, September 23, 2016*  
*Walnut Creek Wetlands Center*  
*950 Peterson Street*  
*9-12*

**1. Comprehensive Plan and Unified Development Ordinance**

Staff will give a short presentation that highlights the difference between the two documents, and the role of each in the rezoning process.

Considerations: Receive as information

**2. Planning Commission Bylaws**

The Planning Commission bylaws contain information and guidance related to Commission roles and responsibilities. These bylaws have not been updated since 1997. The bylaws are provided as an attachment. If the Planning Commission wishes to amend the bylaws, it will require approval of the City Council.

Considerations: Review and discuss possible revisions to the bylaws. The discussion could include how the review is conducted. The Commission can also consider the public input process.

**3. Committee Roles and Responsibilities**

The Planning Commission has four subcommittees: the Committee of the Whole, the Text Change Committee, the Strategic Planning Committee, and the Transportation Committee. The Committees meet independent of the Planning Commission, with items referred.



## *City of Raleigh* *North Carolina*

To: Eric Braun, Chairperson  
Members of the Planning Commission

From: Travis R. Crane, Assistant Planning Director

Date: 15 September 2016

Re: Planning Commission Retreat Topics

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The Planning Commission will conduct a retreat on Friday, September 23, 2016. The purpose of this retreat is to discuss several topics, as listed below. Staff has provided some preliminary information for each topic and included pertinent background information to assist the discussion. Staff will be available at the retreat; however, the intent is that the Commission members lead the discussion.

### **Topic 1: Comprehensive Plan and Unified Development Ordinance.**

Staff will provide a presentation on the two documents and highlight the difference and intent of each. The Comprehensive Plan and the UDO serve a separate purpose. Each document is the product of a multi-year public input process. Staff worked with a consultant to draft both documents. Both the Comprehensive Plan and the UDO have received a Marvin Collins Award from the North Carolina American Planning Association.

The Comprehensive Plan was adopted in 2009 and provides the primary policy guidance related to growth and development in the City. The Comprehensive Plan contains several key components that are used when reviewing a request to rezone property. The future land use map provides specific land use guidance for every property located within the City of Raleigh urban service area. The urban service area extends beyond the city limits; it represents land that may eventually be annexed into the city limits.

The future land use map is supplemented by the urban form map, which provides policy guidance related designated centers and corridors. This map informs the appropriate locations for mixed use development and application of certain frontages; from a 50-foot wide tree lined parkway to a zero-foot setback in an urban area.

The Raleigh Streets map identifies the street classifications for all major streets in the city, including future roadway connections. Also contained in the Comprehensive Plan are a collection of policies that provide ongoing guidance. While the document contains hundreds of policies, staff has identified the most common policies which are typically cited during a rezoning request review. Staff uses a guidance document that highlights these commonly-used policies.

The language in the Comprehensive Plan is intended to be general and guiding in nature. This is in contrast to the language contained within the Unified Development Ordinance. Where the Comprehensive Plan is a policy document, the UDO is the law. The UDO contains standards for development. If a property owner wishes to deviate from the development standard, a variance is required from the Board of Adjustment. Staff cannot selectively apply the law; it must be applied in a consistent and even manner.

Planning Commission Action: None. This is presented as information.

### **Topic 2: Planning Commission Bylaws**

The general statutes (160A-381) provide the framework for municipal planning boards. This statute establishes the ability and general purpose for planning boards. The city has adopted bylaws for the Planning Commission, which provide more specific guidance and structure related to the rules and procedures for the Commission. The bylaws were last updated in 1997. The bylaws contain rules of composition and organization for the Planning Commission. They establish the officers (chairperson and vice chairperson), specify rules for meetings, records, minutes, voting, budget, ethics and amendment. Any amendment to these bylaws requires an affirmative vote of at least seven Planning Commission members. The bylaws are included as Attachment 1.

Last year, staff was asked to draft a policy related to public comment. This policy is included as Attachment 2. The policy provides general guidance for public interaction at the Commission meetings. The City Council currently allows three minutes for public comment and a total of eight minutes per side for rezoning requests. This is implemented using a timer in the Council chambers, which is also available to the Planning Commission. If the Commission would like to incorporate language related to public comment, an amendment to the bylaws would be appropriate.

#### Planning Commission considerations:

- If the Planning Commission wishes to amend the bylaws, staff should be instructed to draft changes as identified and schedule a discussion at a future Planning Commission meeting.

### **Topic 3: Committee Roles and Responsibilities**

The Planning Commission has four subcommittees: the Committee of the Whole, the Text Change Committee, the Strategic Planning Committee and the Transportation Committee. Commissioners serve on at least two of the subcommittees. A roster is included as Attachment 3. Items can be referred to a subcommittee by the chairperson, by the Commission or by request of an applicant. The chairperson reserves the right to refer an item directly to a subcommittee, as stated in the bylaws.

The Committee of the Whole is comprised of all members. This committee meets once a month. Traditionally, this subcommittee is used to discuss particularly complex or inconsistent rezoning requests. The discussion at the committee is generally focused on a set of specific issues. In years past, staff would develop a list of “key issues” to focus the discussion. This list was comprised of major outstanding issues as requested by Planning Commission members or as identified in the staff report. The committee makes a recommendation to the full commission.

The Text Change Committee typically reviews pending or potential alterations to the UDO. This committee meets once a month. Most of the requests to amend the UDO emanate from staff, although a request can come from City Council or a citizen. Requests to amend the UDO are typically referred directly to this committee, without much discussion during a full Commission meeting. This allows the committee to have a focused and detailed discussion on the potential change. The committee makes a recommendation to the full Commission.

The Strategic Planning Committee typically reviews amendments to the Comprehensive Plan, which can include an alteration to a map, the text, policy, or action item. Staff produces an annual report each January, which includes suggested amendments to the Comprehensive Plan. This committee meets once a month.

The Transportation Committee typically reviews policy or regulatory changes related to transportation. This committee meets once a month and is managed by the Transportation Department. This committee has experienced the most fluidity in recent years; prior to 2014, the committee was named the "Transit and Land Use" committee and rarely met.

Planning Commission considerations:

- Often times, the Planning Commission will discuss an item, which is then referred to a subcommittee. The subcommittee will meet, discuss the item and make a recommendation. When the item returns to the Planning Commission, there is another discussion. Is this process desirable? Do the Commissioners believe this to be efficient?

Section 99(b) of the City Charter provides as follows:

"During the month of July each year the City Planning Commission shall elect a Chairman and Secretary, each of whom shall serve for a term of one year and until his successor has been elected and qualified."

"The City Planning Commission may establish its own rules governing meetings and procedures, subject to the legislative control of the City Council;..."

#### RULES OF PROCEDURE OF THE PLANNING COMMISSION

##### I. General

The City of Raleigh Planning Commission shall be governed by the State Laws relating to planning in Raleigh, the City Charter, the City Ordinances and other policies established by the City council as they relate to planning for Raleigh.

##### II. Membership

The membership shall be made up of those officially appointed by the City Council and the County Commissioners. The Commission shall act as one body on all matters considered, whether within the City's territorial area or extra-territorial area.

##### III. Officers and Duties

A. A Chairman and a Vice-Chairman shall be elected at a regular meeting of the Planning Commission in the month of July of each year. The officers shall hold office for one year or until their successors are elected. All officers shall be eligible for re-election. In the event of death, retirement or resignation of any officer, a successor shall be elected at the next regular meeting of the Commission, or at a special meeting called for that purpose. The Planning Director shall serve as Secretary.

IV. B. The Chairman shall supervise the affairs of the Planning Commission and preside at the meetings. The Chairman shall appoint committees and sub-committees as may be necessary to carry out the purposes of the Commission. Membership on these committees may include persons not members of the Planning Commission. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.

The Chairman shall approve the agenda for each meeting and decide all points of order and procedure, subject to these rules unless directed otherwise by a majority of the Commission in session at the time.

The Chairman without first placing an item on a Planning Commission's agenda for consideration by the full Commission, may directly, refer items to any Commission Committee. The Chairman shall report such referrals to the Commission.

C. The Vice-Chairman shall serve as acting Chairman in the

absence of the Chairman, and at such time shall have the same powers and duties as the Chairman.

V. Records and Minutes

The records and minutes of the Planning Commission shall be maintained by the Secretary or a designated member of the Planning staff. The Secretary or designee shall keep the minutes of every meeting of the Commission. A draft of the unofficial minutes shall be transmitted by the Secretary to the next regularly scheduled City Council meeting following the Planning Commission meeting. The unofficial minutes shall be available to the public, however, only the approved minutes shall be a public record of the Planning Commission actions. The minutes of the Planning Commission shall not be official until they are approved by the Commission. The official minutes shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Commission, and all votes of the Commission members upon any resolution or upon the final determination of any question, indicating the names of the members present, absent, excused from, or failing to vote.

The Secretary shall keep a list of pending agenda items and make status reports periodically. A copy of the agenda and all other information needed by the Commission in their consideration will be delivered to the Commission members by 5 P.M. on the Friday before the day of the Commission meetings and shall be available to the public at that time.

VI. Meetings:

A. Regular Meetings: Regular meetings of the Commission shall be held in the City Municipal Building on a date and time determined according to a mutually agreed upon schedule approved by the Commission. Copies of this schedule shall be placed on file for public inspection in both the Planning Department and in the office of the City Clerk. Public notice of all Commission meetings shall comply with the open meetings laws of the State of North Carolina.

The agenda for the regularly scheduled meetings shall have the order of business designated. The order of the agenda may be altered by a majority vote of the Commission. The meeting can only be extended beyond a three hour meeting time with a majority vote of the Commission. While all regular meetings are open to the public, only members and staff may participate in discussions except that a specific and appropriate question, ruled on by the Chairman, may be asked by a Commission member or a member of the audience at the meeting, provided, however, any citizen may suggest an agenda item as provided in Paragraph E below.

B. Special Meetings: Special meetings of the Commission may be called at any time by the Chairman or on the request of three (3) members of the Commission. Public notice of all special meetings shall comply with the open meetings laws of the State of North Carolina.

- C. Cancellation of Meetings: The Chairman may cancel or reschedule a regular meeting by stating reason for such cancellation or rescheduling, to all the members and the secretary, not less than twenty-four (24) hours prior to the time set for the meeting. Notice of the canceled meeting shall also be given to the Public Affairs Office of the City and to the public and news media who were notified of the meeting.
- D. Committee Meetings: All committee meetings of the Planning Commission involving two or more members shall conform to the open meetings laws of the state of the North Carolina.
- E. Conduct of Meetings: All meetings shall be open to the public. Any question concerning parliamentary procedure at meetings shall be determined by referral to Robert's Rules of Order and/or advice of the City Attorney. Any citizen may request an item be added to the agenda by notifying the Secretary two full workdays prior to the day of the regular Commission meeting. The Chairman shall rule on the appropriateness of the item and, the amount of time, if any, that will be given to a citizen's request.
- F. Recommendations to Council: The Planning Commission shall make its recommendation to the City Council in writing in the form of Certified Recommendation of the Planning Commission to the City Council. The Certified Recommendation shall show the votes of the Commission members upon all recommendations and shall include findings and reasons upon which the recommendation is based.

The Chairman or his designee shall present the Certified Recommendation to the Council and shall fairly answer all questions of the Council, including, when asked by the Council, reasons for dissenting votes.

## VII. Voting

- A. Quorum: A quorum shall consist of six (6) members of the Commission, except meetings held exclusively for the purpose of writing Certified Recommendations of the Planning Commission may be held by the Chairman and at least two other members of the Commission or any three members appointed by the Chairman.
- B. Voting Classifications: There shall be two voting classifications.
  - 1. Aye
  - 2. Nay

(Not voting allowed only as stated in Article VII, Section E, of these procedures.)

- C. In order for the Commission to take official action on an agenda item, a majority of the members voting must vote "aye", or "nay". A members failure to vote on a matter before the Commission, unless said member is excused from

participation by the Chairman or the Commission, shall be an affirmative vote. If any member has an unreadiness to make a decision on an item before the Commission, the Commission member may move deferral of the item.

At any time the motion is made, the time of deferral and the reasons for deferral must be stated and made part of the motion so they also become part of the deferral action.

D. All members shall have equal voting rights.

E. Ethics Clause: The Planning Commission shall be governed by Resolution No. (1988)-955A, as attached, which is herein made part of these Rules of Procedure.

#### VIII. Budget

A. An appropriate Planning Commission budget shall be adopted by the Commission in January and forwarded to the City Council and the City Manager for consideration in the following year's budget. This budget shall be used at the discretion of the Commission.

B. The Planning Commission may review the Planning Department's proposed budget and make recommendations. The budget is to include all funds used by the department, local, state and federal.

#### IX. Amendments

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than seven (7) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.

PLANNING COMMISSION PROCEDURES

- A. Special items to be considered by the Planning Commission should be referred to the City Council outlining the objectives of the item along with a staff estimate of time and cost for the study of the item. The item should then be referred back or determined not to be worthwhile.
- B. The Secretary of the Planning Commission should be responsible for coordination of items being considered by the Planning Commission and other Commissions, Boards and Committees so simultaneous consideration will not be occurring except by joint member or other coordination.
- C. The City Attorney should provide a policy for determining if an item should be readvertised or not.
- D. The City Attorney should advise the Planning Commission so items would not be sent to the City Council with legal questions.
- E. The Planning Commission reports by staff shall be complete and accurate and the information furnished the Planning Commission for consideration should be the same as that furnished the City Council.

ADOPTED: November 27, 1978

AMENDED THROUGH APRIL 26, 1982

AMENDED THROUGH OCTOBER 27, 1986

AMENDED THROUGH MAY 17, 1988

AMENDED THROUGH MARCH 16, 1994

AMENDED THROUGH JANUARY 24, 1995

AMENDED THROUGH FEBRUARY 4, 1997

A RESOLUTION TO CLARIFY THE ETHICAL RESPONSIBILITIES OF CERTAIN BOARDS AND COMMISSIONS APPOINTED BY THE RALEIGH CITY COUNCIL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. Declaration of Policy. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policies be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, a code of ethics is hereby adopted. The purpose of this ordinance is to establish absolute minimum guidelines for ethical standards of conduct for all officials covered by this ordinance by setting forth those acts or actions that are incompatible with the best interests of the city.

Section 2. Definitions. As used in this article, the following terms shall have the meanings indicated:

Advisory board member means any member of any board or commission appointed by the Raleigh City Council except the Housing Appeals Board, the Board of Adjustment, the Convention and Visitors' Bureau, the Historic Properties Commission and the Historic District Commission. The Raleigh Civil Service Commission shall not be considered a city advisory board for the purposes of this resolution.

Business entity means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation which is organized for financial gain or for profit.

Interest means direct or indirect pecuniary or material benefit accruing to an advisory board member as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city. For the purpose of this article, a city official shall be deemed to have an interest in the affairs of:

- (1) Any business entity in which the advisory board member is an officer, partner or director;
- (2) Any business entity in which in excess of one (1) percent of the stock of, or legal or beneficial ownership of, is controlled or owned directly or indirectly by the city official;

- (3) Interest of employer. A city official who is an employee of an entity involved in a contract or undertaking with the City or which seeks the benefit of an official action of the City, may have a conflict of interest if the city official's participation or vote in the matter would provide the city official a direct or indirect pecuniary or material benefit which would otherwise not be received by the city official.

The relationship of employer-employee does not automatically create an interest which is prohibited by this ethics code. Any city official who believes such a conflict may exist shall disclose the nature of the conflict to the City Council. After receiving the disclosure the City Council shall, by recorded vote, either excuse the member from voting or make a finding that no conflict exists. The definition of employer shall include professional relationships where the city official is employed in connection with the matter before the Council or is generally employed by the client who has the matter before the Council.

Official act or action means any legislative, administrative, appointive or discretionary act of any advisory board member.

### Section 3. Standards of conduct.

- (a) Scope. All advisory board members as defined in this article shall be subject to and abide by the following standards of conduct.
- (b) Interest in contract or agreement. No advisory board member, as herein defined, shall have or thereafter acquire an interest in any contract or agreement with the city when such contract has been a matter of consideration before that member's committee.
- (c) Use of official position. No advisory board member shall use his official position or the city's facilities for his private gain. The provisions of this paragraph (c) are not intended to prohibit a city official or advisory board member's use of parking permits and are not intended to prohibit his speaking before neighborhood groups and other nonprofit organizations.
- (d) Disclosure of information. No advisory board member shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing:
- (1) His financial or personal interest;

- (2) A business entity of which he is an owner (in part or in whole), an officer or a director; or
- (3) The financial or personal interest of a member of his immediate household or that of any other person.
- (e) Incompatible service. No advisory board member shall engage in, or accept private employment or render service for private interest, when such employment or service is incompatible with the proper discharge of his official duties unless otherwise permitted by law and unless disclosure is made as provided in this article.
- (f) Gifts. No city official or member of his immediate household shall directly or indirectly solicit, accept or receive any gift having a value exceeding \$50.00 whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence him in the performance of his official duties, or was intended as a reward for an official action on his part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph. This section is not intended to prohibit customary gifts or favors between city officials or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. This section does not prohibit meals consumed at a function in which the entire membership of the City Council is invited.
- (g) Special treatment. No advisory board member shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

Section 4. Disclosure of interest. Any advisory board member who has an interest in any official act or action before his committee shall publicly disclose on the record of the respective body such interest, and shall withdraw from any consideration of the matter if excused by the body.

Section 5. Investigations.

- (a) The city council may direct the city attorney to investigate any apparent violation of this article, as it applies to advisory board members and to report the findings of his investigation to the city council.

- (b) Any person who believes that a violation of this article has occurred may file a complaint in writing with the city council.

Section 6. Sanctions. If the city council, after receipt of an investigation by the city attorney, has cause to believe a violation has occurred, the city council shall schedule a hearing on this matter. The board member who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If, upon the conclusion of the hearing, the council finds that a violation has occurred, the council may adopt a resolution of censure which shall be placed as a matter of record in the minutes of the official meeting. Any such vote shall be adopted by at least a 3/4 vote of the membership of the Council. Should the resolution of censure be adopted, the violation shall be referred to the District Attorney for disposition as appropriate.

Section 7. Advisory opinions. When any advisory board member has a doubt as to the applicability of any provision of this article to a particular situation, or as to the definition of terms used in this article, he may apply to the city attorney for an advisory opinion. The advisory board member shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before such advisory opinion is made.

ADOPTED: 5/17/88

EFFECTIVE: 5/17/88

DISTRIBUTION: City Council  
City Manager  
City Attorney



*City of Raleigh*  
*North Carolina*

To: Steve Schuster, Chairperson  
Members of the Planning Commission

From: Travis R. Crane, Planning and Zoning Administrator

Date: 4 March 2015

Re: Procedure for Receiving Public Comment

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The Planning Commission adopted a public comment policy at the February 24, 2015 meeting. This policy provides guidance for receiving public input during Planning Commission meetings.

- Public comment shall be delivered from the podium. The speaker shall identify his or her name and address for the record.
- Public comment should be limited to ten minutes for proponents and ten minutes for opponents of the request. If requested by a proponent or opponent, the chairperson may grant additional time based on the chairperson's determination if there is a need for clarification or questions raised during public comment. If additional time is granted, both opponents and proponents shall be granted the same amount of additional time. The chairperson shall indicate when additional time is granted.
- Public comment should not be redundant or repetitive. Where large groups wish to comment, a spokesperson should be designated for the group. Members of the group can be recognized by the spokesperson as supporting the position conveyed. The chairperson shall determine the redundancy and relevancy of comments.

Staff has also included a section at the top of the meeting agenda entitled "Public Comment." This is an opportunity for anyone to speak on an item that does not appear on the agenda. A speaker may provide comment on any non-agenda item for up to three minutes.

## Planning Commission

Name	Contact Information			Term			Committees		
	Address	Phone	Email	1st expires	2nd expires	3rd expires	Text Change	Strategic	Transportation
Veronica Alcine	301 MLK Blvd. Raleigh NC 27601	919-539-7408	<a href="mailto:veronica.alcine@shiftclinical.com">veronica.alcine@shiftclinical.com</a>	5/5/2017	5/5/2019	5/5/2021		•	•
Eric Braun (Chair)	2707 Royster Street Raleigh, NC 27608	919-306-4455	<a href="mailto:ericbraun@me.com">ericbraun@me.com</a>	4/18/2015	4/18/2017	4/18/2019	•		
Mitch Fluhrer	305 Duncan Street Raleigh NC 27608	919-395-9949	<a href="mailto:mafluhrer@fluhrerreed.com">mafluhrer@fluhrerreed.com</a>	3/21/2014	3/21/2016	3/21/2018		Chair	•
Tika Hicks	117 W. Park Drive Raleigh NC 27604	919-926-8308	<a href="mailto:tikalhicks@gmail.com">tikalhicks@gmail.com</a>	3/4/2017	3/4/2019	3/4/2021		•	
Joe Lyle	3609 Willow Bluff Raleigh NC 27604	919-210-9516	<a href="mailto:jjl@millridgeco.com">jjl@millridgeco.com</a>	7/1/2015	7/1/2017	7/1/2019	•		
Steve Schuster	311-200 W. Martin St. Raleigh NC 27601	919-821-2775	<a href="mailto:sschuster@clearscapes.com">sschuster@clearscapes.com</a>	2/6/2013	2/6/2015	2/6/2017	•		
Rodney Swink (Vice Chair)	825 Babcock Court Raleigh NC 27609	919-389-2299	<a href="mailto:rswink825@gmail.com">rswink825@gmail.com</a>	7/3/2015	7/3/2017	7/3/2019	Chair		
Adam Terando	617 Dorothea Drive Raleigh NC 27603	919-744-5799	<a href="mailto:adam.terando@gmail.com">adam.terando@gmail.com</a>	10/5/2013	10/5/2015	10/5/2017		•	Chair
Matt Tomasulo	215 Haywood Street Raleigh, NC 27601-1525	919-289-9944	<a href="mailto:matt.tomasulo@gmail.com">matt.tomasulo@gmail.com</a>	11/17/2017	11/19/2019	11/19/2021		•	•
Eddie Jeffreys	1619 Sunrise Avenue Raleigh NC 27608	919-417-3556	<a href="mailto:edieraleighplanningcommission@gmail.com">edieraleighplanningcommission@gmail.com</a>	6/6/2018	6/6/2020	6/6/2022	•		•

Attachment 3