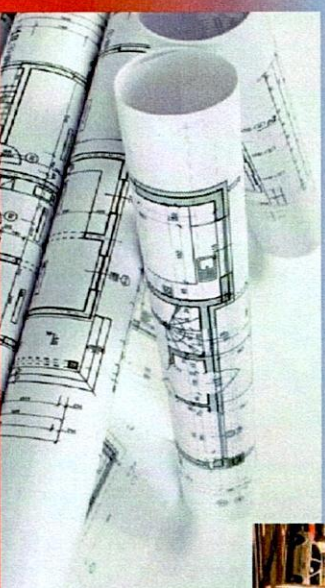
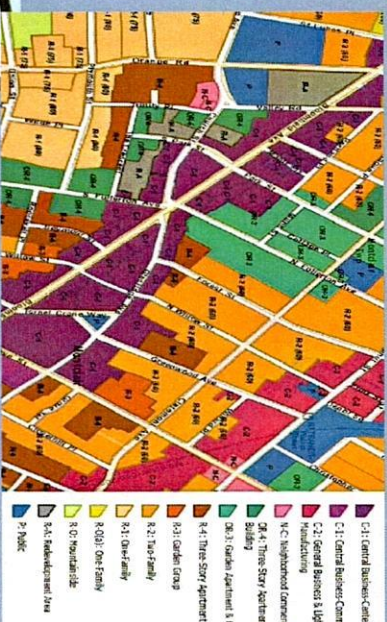
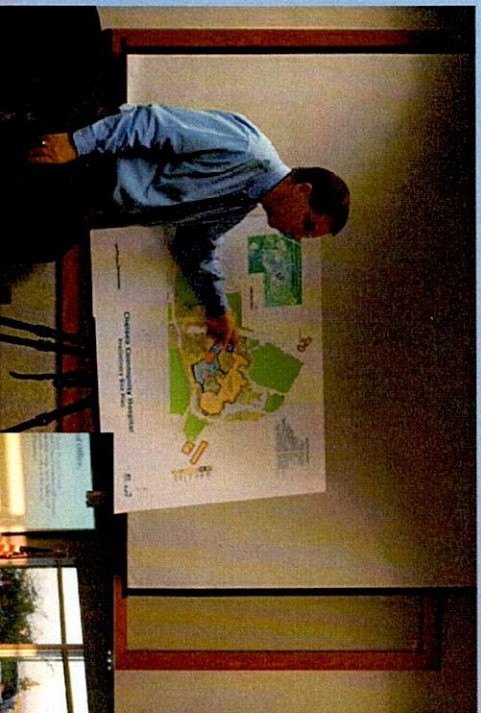
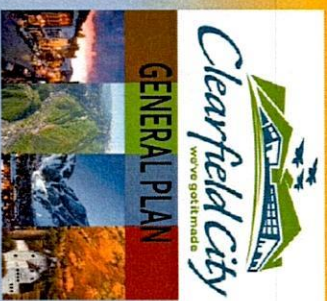


How's this “land use” thing supposed to work?



Land Use Process

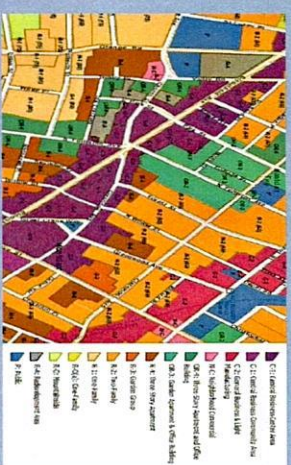
- General Plan



- Ordinances



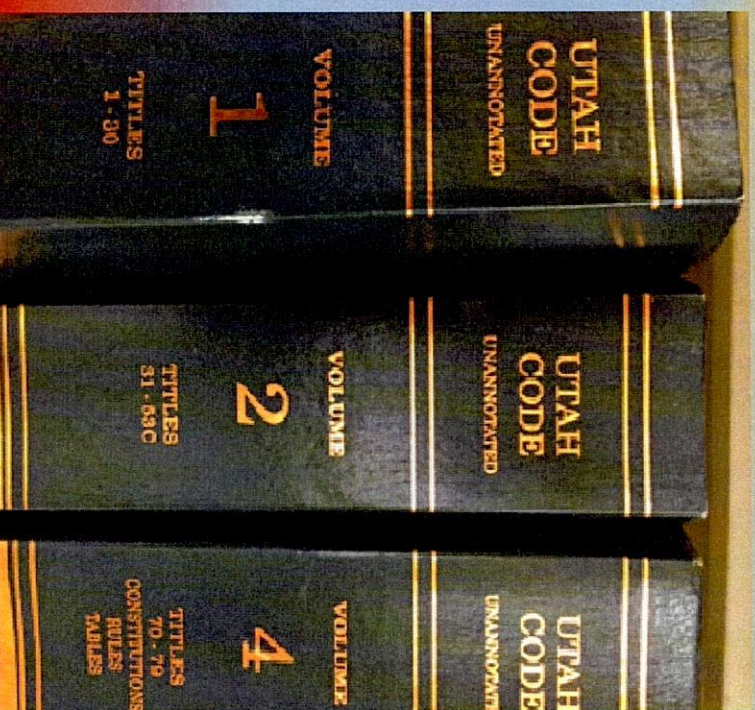
- Application

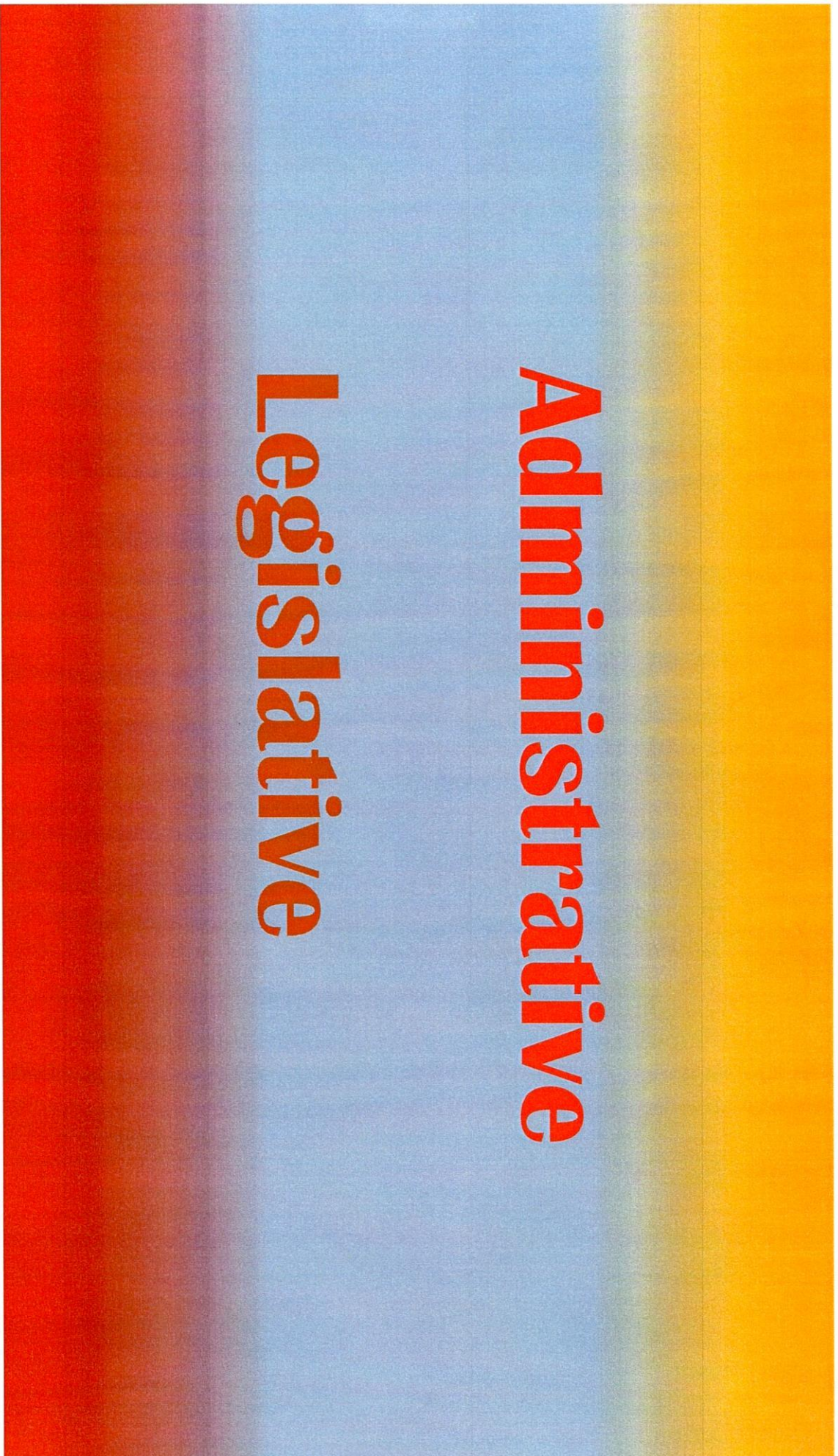


- Permits



Land Use Development and Management Act (LUDMA)

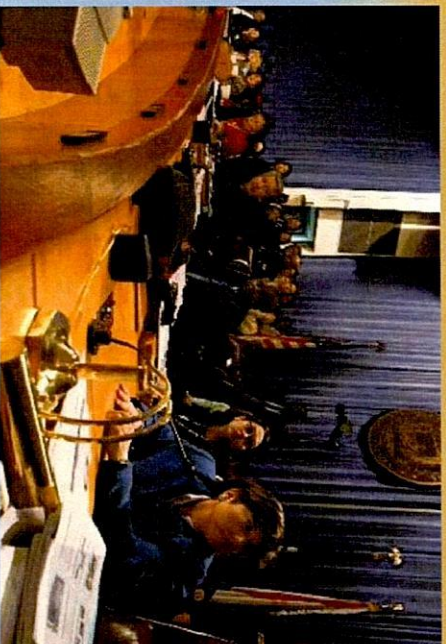




Administrative

Legislative

Legislative Actions



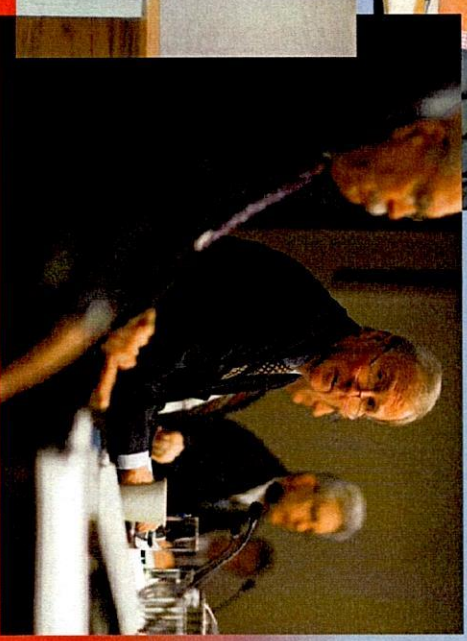
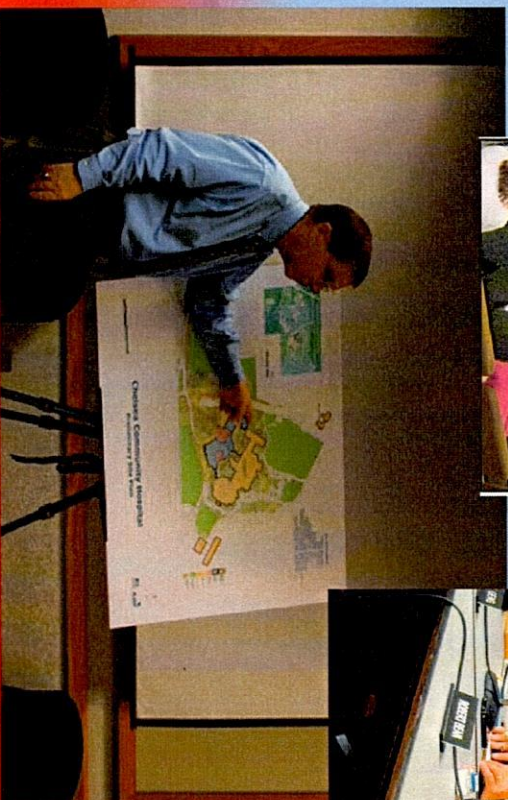
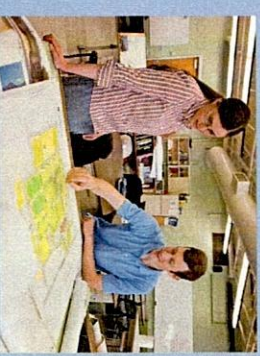
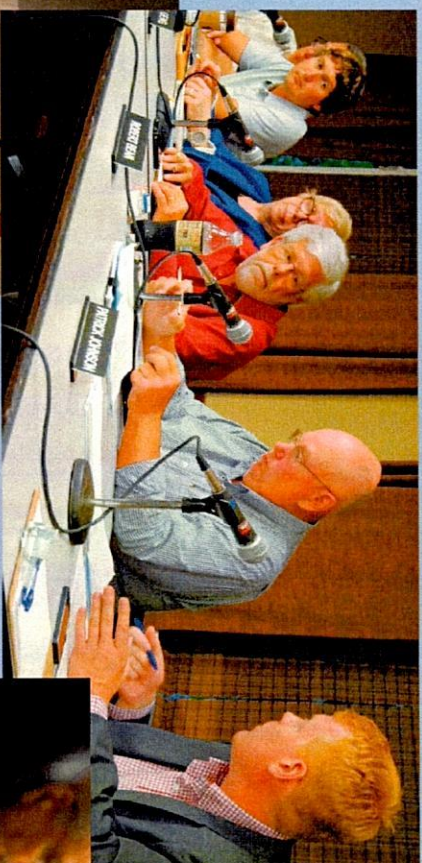
- Adoption/amendment of General Plan
- Adoption/amendment of Land Use Ordinances
- Zonings/rezones
- Annexations

Administrative Actions



- Issuance of building permits
- Site plan reviews
- Conditional use permits
- Subdivision plats
- Land use application approvals

So how does this work? Who does what?



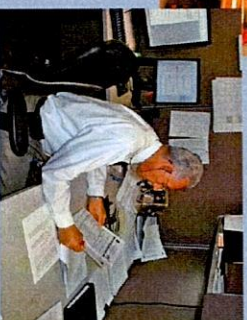
Council



Planning Commission



Land Use Authority



Appeal Authority



Staff

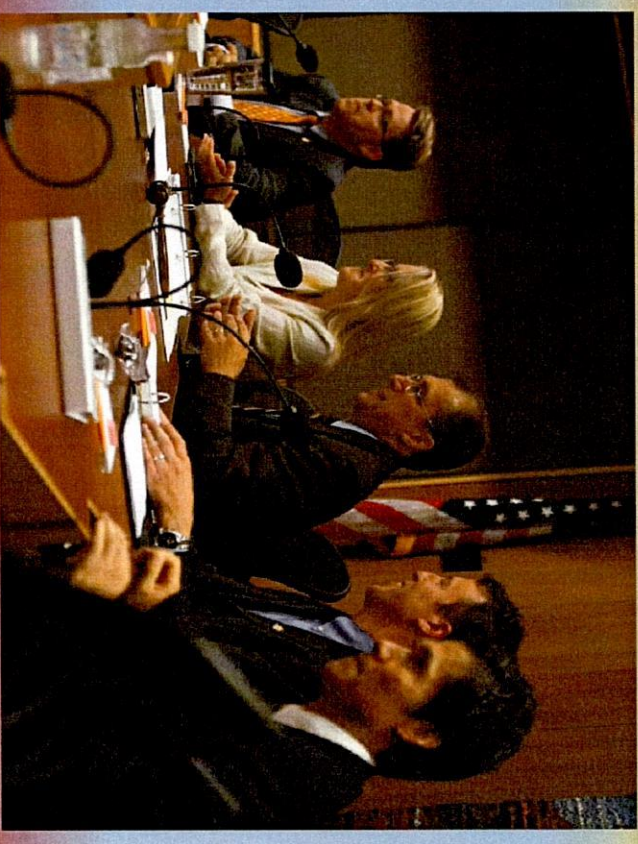


**Who are
the
players?**



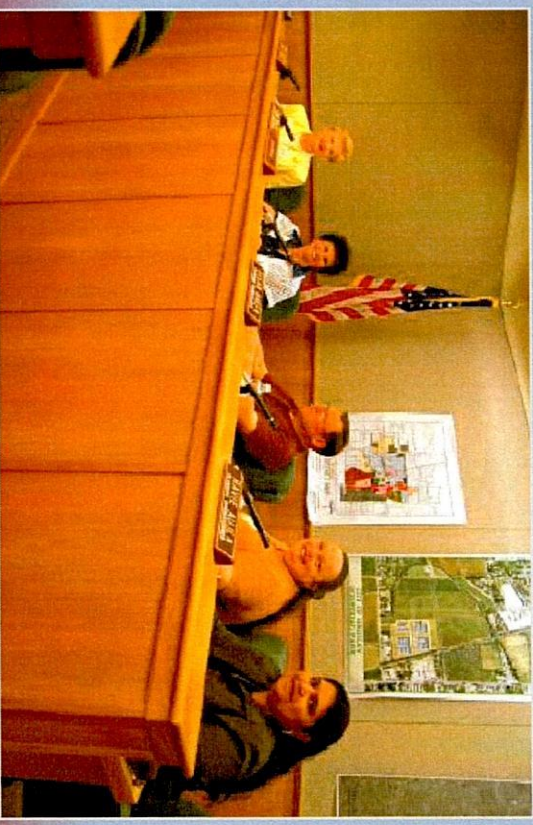
Council

- Set the tone
- Policy/Legislative
- Adopt plan, ordinances
- Appoints the other players
- Only body that can do all this!
- Actions can be “referended”



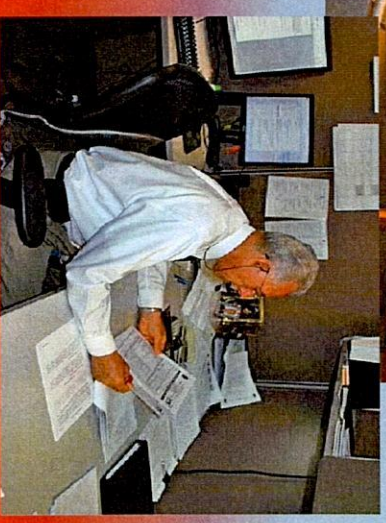
Planning Commission

- Required by LUDMA
- Policy/legislative – ADVISORY
- Prepare, recommend
 - General Plan
 - Land Use Regulations
 - Amendments/rezones
 - Public hearing required
 - Council cannot act without
- Required land use training (2021)



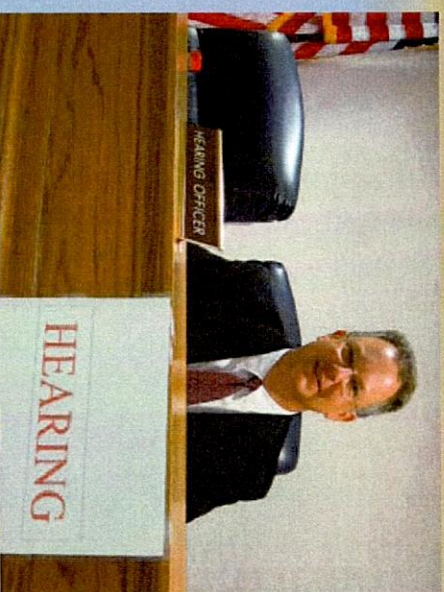
Land Use Authority

- Council designates
 - Can be more than one
 - Planning Commission
 - Staff
 - Council (NOT RECOMMENDED)
 - Make land use “decisions”
 - Administrative actions
 - Decisions based on evidence
 - Public hearing not required
 - Decisions subject to appeal



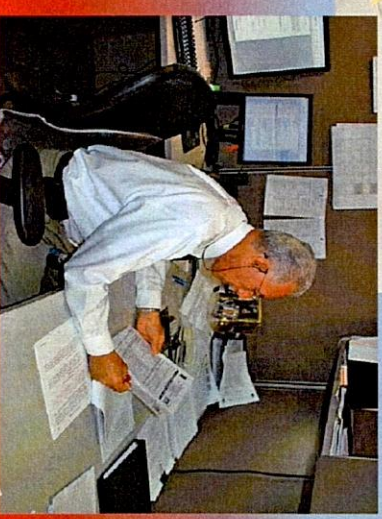
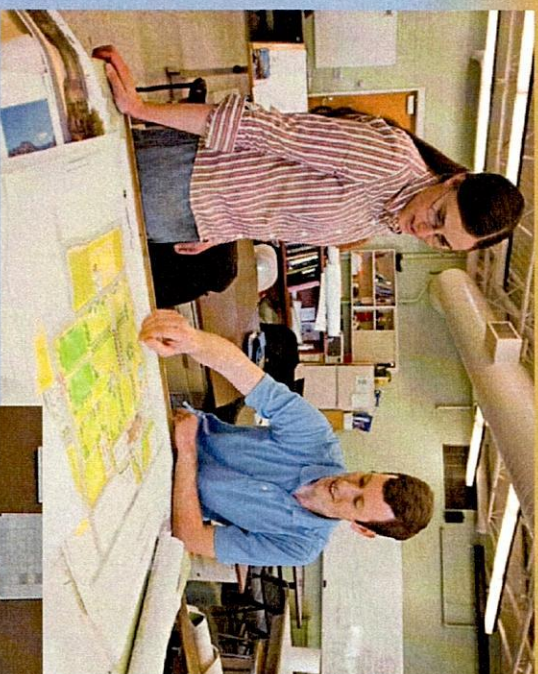
Appeal Authority

- Council designates
- Can be more than one
 - Hearing officer
 - Board
 - Council or PC (NOT RECOMMENDED)
- Hear appeals of land use “decisions”
- Hear variance requests
- Quasi-judicial process
- Decisions can be appealed to the courts



Staff

- Not mentioned in LUDMA
- So what's their role?



10-9a-403. Plan preparation.

(1) (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of its intent to make a recommendation to the municipal legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the municipality.

(c) The plan may include areas outside the boundaries of the municipality if, in the planning commission's judgment, those areas are related to the planning of the municipality's territory.

(d) Except as otherwise provided by law or with respect to a municipality's power of eminent domain, when the plan of a municipality involves territory outside the boundaries of the municipality, the municipality may not take action affecting that territory without the concurrence of the county or other municipalities affected.

10-9a-502. Preparation and adoption of land use ordinance or zoning map.

(1) **The planning commission shall:**

(a) provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4);

(b) hold a public hearing on a proposed land use ordinance or zoning map;

(c) if applicable, consider each written objection filed in accordance with Subsection 10-9a-205(4) prior to the public hearing; and

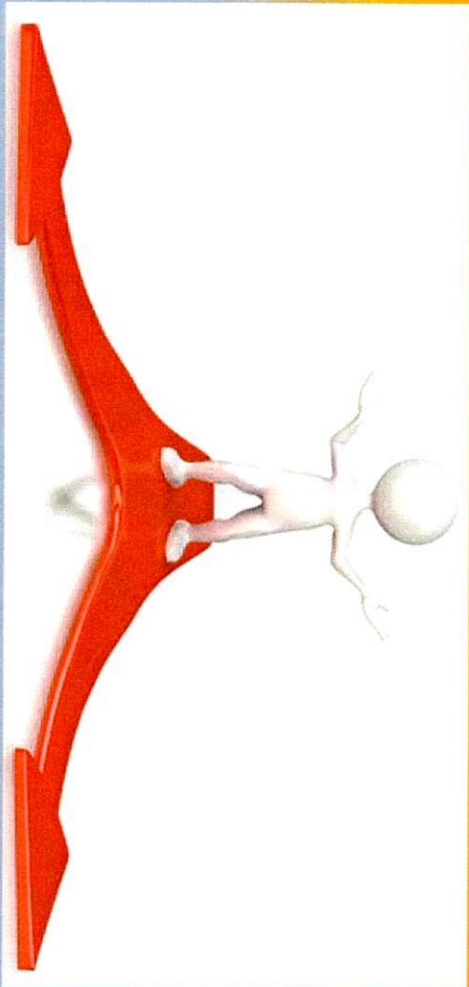
(d)

(i) **prepare and recommend** to the legislative body **a proposed land use ordinance or ordinances and zoning map** that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality; and

(ii) forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).

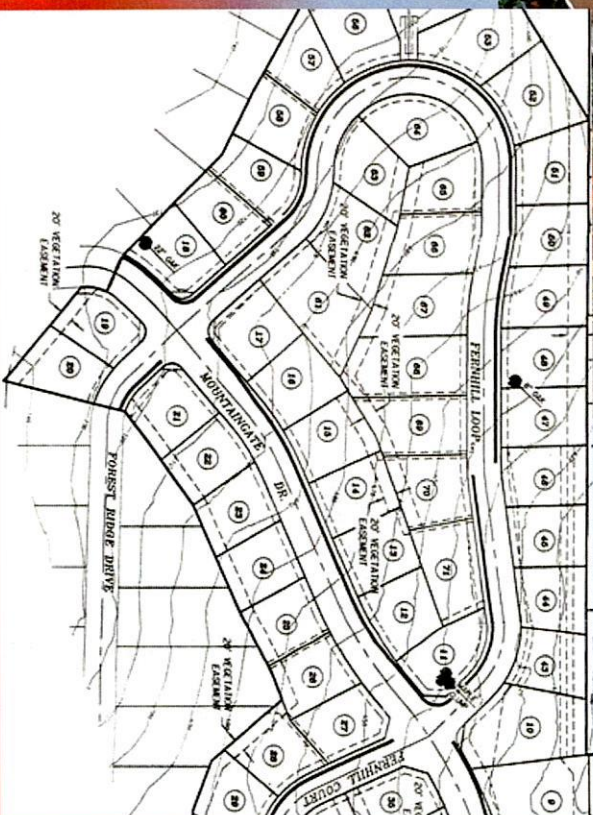








YELDMAN MORGAN
The Boston City Club, 1, Avenue 196, Brookline, or 2001





DEPARTMENT OF PLANNING
AND ZONING STAFF REPORT

Date of Hearing: December 10, 2014

11

BOARD OF SUPERVISORS PUBLIC HEARING

SUBJECT:

ZMAP-2012-0013, ZCPA-2012-0009
Brambleton Land Bays 1, 3, and 5

ELECTION DISTRICT:

Blue Ridge

CRITICAL ACTION DATE:

March 19, 2015

STAFF CONTACTS:

Marbiant Schneider, Project Manager, Planning & Zoning
Julie Pastor, FAICP, Director, Planning and Zoning

APPLICANT:

Stephen Schulte, PE, Brambleton Group, LLC

PURPOSE: Amend the concept development plan and proffers for the planned Brambleton community in order to: (1) permit the development of 458 additional residential units; (2) replace previously proffered single-family detached units for single-family attached units; (3) proffer additional schools sites (middle school and high school); (4) relocate a previously proffered elementary school site; (5) replace a previously proffered public library site within Brambleton; (6) replace previously proffered religious facility sites with a community center site; (7) delete previously proffered community recreation sites, community facilities, and associated cash contributions in lieu of existing or other planned sites, facilities, and cash contributions; (8) convert proffered golf course uses to community open space; and (9) replace previously proffered transportation improvements. The amendments also rezone approximately 78 acres from the TR-10 (Transitional Residential-10), PD-H4 (Planned Development-Housing), and PD-G1 (Planned Development-General Industry) zoning districts to the TR-3UBF (Transitional Residential-3) and PD-CC-CC (Planned Development-Community Center) zoning districts. Additional Zoning Ordinance Modifications (ZMODs) are also requested which reduce perimeter buffer yard requirements for PD-H and TR-3 districts, reduce minimum lot requirements for single-family detached homes, and increase maximum lot coverage for single-family detached homes.

RECOMMENDATIONS: At its November 13, 2014 worksession, the Planning Commission voted 7-0-2 (Klanchar, School absent) to forward the applications to the Board of Supervisors with a recommendation of approval, subject to amendments to the applications to rezone Public Use Site #2 to the TR-3 zoning district and the "Brambleton Center" to the PD-CC-CC zoning district, and based on the enclosed Findings.

CONTENTS OF THIS STAFF REPORT					
Section	Page	Section	Page	Section	Page
Motions	2	Outstanding Issues	15	Capital Improvs	22
Application Information	3	Review Criteria	16	Utilities/Public Safety	26
PC Review	4	Land Use	16	Zoning Analysis	26
Findings for Approval	6	Compatibility	18	Zoning Modifications	27
Context	7	Environmental/Heritage	19	Attachments	31
Proposal	11	Transportation	19		







“...the Staff Report included more than findings. It included maps and photographs of the neighborhood, detailed descriptions and plans for the project, including architect’s...drawings forecasting how the proposed building will look in place. This record was sufficient for the Commission to reach its own conclusions regarding the size of the building and its compatibility with the neighborhood. All that is required by law is that the Planning Commission gives a reason for its decision. By citing the staff report, that standard is met.

Appellants have failed to show that there is not sufficient and substantial evidence on the record to support the action of the Planning Commission and have demonstrated no error in the Motion to approve the petition.”

designated **land use authority** to hear and
act on a land use application

