



PLANNING COMMISSION

Wednesday, October 13, 2021

7:00 PM

Meeting No. 17-2021

AGENDA

Suzan Pitman, Chair

Anne Goodman
Charles Littlefield
:ydOE/

Andrea Nuñez
Sam Pearson

Jim Wasilak, Staff Liaison
Nicholas Dumais, Assistant City Attorney

Virtual meeting via WebEx

Watch LIVE on Comcast Cable Rockville Channel 11

and online at www.rockvillemd.gov

See page 3 for more information

- 1. Convene**

 - 2. Adjournment into Closed Session pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice regarding the Planning Commission Rules of Procedure**

 - 3. Reconvene in Open Session**

 - 4. Review of Planning Commission Rules of Procedure**
 - 1. Review of Planning Commission Rules of Procedure and Operations**

 - 5. Commission Items**
 - A. Staff Liaison Report**

 - B. Old Business**
-

C. New Business

D. Minutes Approval

1. September 22, 2021

E. FYI/Correspondence

6. Adjourn

PLANNING COMMISSION ONLINE MEETING and PUBLIC HEARING PROCEDURES

I. Meeting Platform: Webex

A. Applicant Access: Provided by Planning and Development Services/IT

B. Access for Oral Testimony and Comment: Provided by PDS/IT (see below)

II. Pre-Meeting Preparations/Requirements:

A. Written Testimony and Exhibits –

Written testimony and exhibits may be submitted by email to Jim Wasilak, Staff Liaison to the Planning Commission, at jwasilak@rockvillemd.gov , or by mail to:

Suzan Pitman, Chair

Rockville Planning Commission

111 Maryland Avenue

Rockville, MD 20850

and must be received no later than nine (9) days in advance of the hearing in order to be distributed with the Planning Commission briefing materials.

Written testimony and exhibits received after this date until 4:00 pm on the day before the hearing will be provided to the Planning Commission by e-mail.

B. Webex Orientation for Applicants

Applicants must contact the planning case manager assigned to the Application no later than five (5) days in advance of the hearing in order to schedule Webex orientation, which must be completed prior to the hearing.

C. Oral Testimony by Applicants and the Public

i. Applicants – Applicants must provide to the planning case manager a list of presenters and witnesses who will testify on behalf of the Application. The list must be provided to the PDS Staff project manager no later than five (5) days prior to the date of the hearing.

ii. Public Testimony/Comment on an Application – Any member of the public who wishes to comment on an Application must submit their name and email address to the Staff Liaison to the Planning Commission Jim Wasilak (by email at jwasilak@rockvillemd.gov) no later than 9:00 am on the day of the hearing to be placed on the testimony list. Members of the public who seek technical assistance from City staff must submit their name and email address to Jim Wasilak no later than two (2) days in advance of the hearing so that an orientation session may be scheduled.

If a member of the public is unable to meet the deadline to be placed on the testimony list, they can submit written testimony to the Staff Liaison to the Planning Commission by email to jwasilak@rockvillemd.gov.

III. Conduct of Online Meeting and Public Hearing:

A. Rules of Procedure –

The Meeting and Public Hearing will be held in accord with the Planning Commission Rules of Procedure, including the order of testimony and applicable time limits on testimony. The Rules may be viewed here:

<https://www.rockvillemd.gov/DocumentCenter/View/2023/Planning-Commission--Rules-of-Procedure?bidId=>

B. Oral Testimony –

During the hearing, the Chair will sequentially recognize each person on the testimony list and ask the host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Chair before speaking.

If during the hearing a party wishes to speak or a speaker wishes to request the opportunity to engage in cross-examination following specific testimony, the party must contact the Staff Liaison/Host by email at jwasilak@rockvillemd.gov or by text at (202) 839-0305 with the specific request. The Host/Staff Liaison will inform the Commission. The Chair will determine if the party may be heard.

C. Continuance of Hearing –

The Planning Commission, at its discretion, reserves the right to continue the hearing until another date.

HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS**I. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS**

1. Staff presentation
2. City Board or Commission comment
3. Applicant presentation (10 min.)
4. Public comment (3 min, or 5 min for the representative of an association)
5. Planning Commission Discussion and Deliberation
6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

II. PLANNING COMMISSION BROADCAST

- Watch LIVE on Comcast Cable Rockville Channel 11 and online at: www.rockvillemd.gov
- Replay on Comcast Cable Channel 11:
 - Wednesdays at 7:00 pm (if no live meeting)
 - Sundays at 7:00 pm
 - Mondays, Thursdays and Saturdays at 1:00 pm
 - Saturdays and Sundays at 12:00 am (midnight)
- Video on Demand (within 48 hours of meeting) at: www.rockvillemd.gov/VideoOnDemand.

III. NEW DEVELOPMENT APPLICATIONS

- For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

VI. ADDITIONAL INFORMATION RESOURCES

- Additional resources are available to anyone who would like more information about the planning and development review process on the City's web site at: www.rockvillemd.gov/cpds.

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.



Agenda Item #:	<u>1</u>
Meeting Date:	<u>October 13, 2021</u>
Responsible Staff:	<u>Jim Wasilak</u>

SUBJECT: Review of Planning Commission Rules of Procedure and Operations

RECOMMENDATION
(Include change in law or Policy if appropriate in this section):

Staff recommends that the Planning Commission receive legal advice from the City Attorney's office on the Rules of Procedure and then discuss them in open session as needed, including potential changes. Discussion may include other aspects of the Commission's operations as determined by the Commission.



City of
Rockville
Get Into It

Planning Commission Staff Report

MEETING DATE: October 13, 2021

REPORT DATE: October 6, 2021

RESPONSIBLE STAFF: Jim Wasilak, AICP, Chief of Zoning
240.314.8211
jwasilak@rockvillemd.gov

SUBJECT: Review of Planning Commission
Rules of Procedure and Operations

DISCUSSION:

The Planning Commission periodically reviews its Rules of Procedure to ensure that the document meets its needs in conducting meetings. The Commission last reviewed the Rules and ultimately made changes to them in 2018. With new members on the Commission, the timing is right for commissioner questions and potential consideration of additional changes.

Senior Assistant City Attorney Nick Dumais will provide a tutorial of the legal framework of the Rules in Closed session.

Following the Closed session, the Commission will have the opportunity to discuss the Rules and other aspects of Commission operations, including staff reports and presentations. With

many new staff members as well as new software that will be producing staff reports, this is an opportunity for a check-in to make sure staff is providing the Commission what is necessary to perform its role.

Resources

Attached to this memo are the 2018 Rules of Procedure, the Planning Commission Operating Improvements from 2018, as well as guidance on making motions.

Staff is always available to answer questions and provide support, but there are also good sources of information for Maryland planning commissioners at the Maryland Department of Planning website: [Maryland Department of Planning](#).

Of particular interest are the sites for the Commissioner Education Course: [Education Welcome \(maryland.gov\)](#) and the Maryland Planning Commissioners Association: [Maryland Planning Commissioners Association \(MPCA\)](#). MPCA has an upcoming virtual conference beginning on October 25 that may be of interest to commissioners.

Attachments

- Attachment 4.1.A: Adopted Rules of Procedure (PDF)
- Attachment 4.1.B: Planning Commission Operational Improvements 10/10/2018 (PDF)
- Attachment 4.1.C: Guidance on Making Motions(PDF)

Jim Wasilak
 Jim Wasilak, Zoning and Development Manager 10/6/2021

PLANNING COMMISSION
City of Rockville, Maryland

RULES OF PROCEDURE
 May 9, 2018

I. Powers and Duties

The powers and duties of the Commission are set forth in the Land Use Article, Annotated Code of Maryland, and the Laws of Rockville.

II. Chair

The Commission shall elect a Chair from one of its appointed members to serve a term of one (1) year. The election shall be by a majority of the members, and take place at the first meeting in December, or such other time as designated by a majority of the members.

The Chair shall preside at hearings and meetings of the Commission, may freely participate in debate, and shall call special meetings as needed. The Chair shall designate a member of the Commission to serve in their absence; or in the absence of such designee, a member selected by the Commission shall preside.

III. Staff

The Planning Division serves as staff to the Commission, and provides professional and clerical support. The staff shall prepare and maintain written minutes of all public meetings and hearings for approval by the Commission. The minutes shall record the outcome of each vote; and where a vote is by roll call, the vote of each member, upon each question, shall be recorded. Any Commissioner voting in the minority may choose to have the reason for their vote indicated in the minutes, and must state such reason immediately after the vote.

The Commission Secretary prepares the minutes for the approval of the Commission. Any audio or video recording will not be the official record of the meeting, but if available can serve as documentation of detailed meeting discussion. Minutes shall be submitted for approval within one month of the meeting date, and shall include a list of the Parties of Record (as defined in the Zoning Ordinance), a brief summary of items discussed and contain an accurate recording of the motions made and actions taken. A quorum of the Commission is required for approval of the minutes, but such quorum does not need to be made up of the same Commissioners present for the action taken that is the subject of the minutes to be approved.

IV. Filing and Application

Applications to be reviewed by the Planning Commission may be filed at any time during normal business hours with the City Clerk or Planning Division as required by the Laws of Rockville.

V. Meetings

- A. Time and Place – Generally, the Planning Commission holds two regular meetings on the second and fourth Wednesday of every month. Worksessions are generally scheduled for the second Wednesday as needed. Schedule adjustments are made regularly to avoid conflict with common public holidays. The meetings are held in City Hall or such other public place as determined by the Commission, and begin promptly at 7:00 p.m. Agendas should be planned such that no scheduled agenda items will be taken up after 10:00 p.m. All meetings are public and open except that closed sessions may be held for the purposes set forth in Article 76A, Sections 7-15 of the Annotated Code of Maryland, and for certain deliberations as permitted by law.
- B. Special Meetings – Following at least twenty-four (24) hours notice (if possible) to each member of the Commission and reasonable public notice, as needed, special meetings may be called by the Chair, by a majority of the members of the Commission or upon request of the Mayor and Council.
- C. Scheduling – The number of meetings per month may vary depending upon the workload of the Commission. The Chair and the staff shall determine if a meeting will take place based on the number of applications, review items, or other business that may come before the Commission.
- D. Agenda – The staff shall, with the concurrence of the Chair, prepare a draft agenda, which shall be available to the Commission and the public on the Wednesday seven (7) days prior to the next meeting. Applications shall be placed on the agenda within a reasonable period following staff review. Items may be placed on future agendas by the Chair or at the request of two Commissioners.
- E. Public Notice – The agenda shall be available in City Hall and on the City’s web site on the Wednesday seven (7) days prior to the next meeting. Notice will be posted at City Hall on the day of each meeting.
- F. Briefing Materials – The staff shall furnish the Commission with briefing materials seven (7) days prior to the next meeting. Copies of staff reports shall be available to the public at the same time. In order for correspondence to be included in the Commission’s briefing material, it must be received by the

Department of Community Planning and Development Services no later than nine (9) days prior to the scheduled meeting.

- G. Quorum – A majority of the members of the Commission constitutes a quorum for the transaction of business.
- H. Absences – Each member of the Commission who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Planning Commission shall notify the Staff Liaison and the Chair, at the earliest possible opportunity. Excessive absences will be addressed by the provisions of Section 2-220 of the City Code.
- I. Voting Order – At the discretion of the Chair, voting will be by verbal vote, show of hands, or roll call, in which case the Chair will vote last.
- J. General Order of Business
1. The general order of business is as follows, but may vary from time to time at the discretion of the Chair.

Consent Agenda

Scheduled Matters (order may vary)

- Public Hearings and Forums
- Preliminary Subdivisions, Record and Ownership Plats
- Site Plans
- Recommendations to Board of Appeals or Mayor and Council (including project plans, special exceptions and appeals)
- Worksessions

Other Matters

- Planning Department Staff Report
- FYI and Correspondence
- Old Business
- New Business
- Minutes

Adjournment

- K. Rules of Order – Unless otherwise specified herein, Robert's Rules of Order is generally followed.

- L. Consent Agenda – Items may be placed on a consent agenda for adoption as a group with a single motion to endorse the recommendation in the staff report and any recommended conditions. An item may be removed from the consent agenda at the request of any Commissioner, and will then be considered as a separate agenda item by the Commission. The types of review items to be placed on the consent agenda shall be agreed upon by the majority of the Commission.
- M. Public Hearings – In addition to those required by law or directed by the Mayor and Council, the Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest. The Commission may adopt such rules as are reasonably necessary for the orderly conduct of the hearing. Notice of public hearings shall be as required by law and City policy and practice.
- N. Conduct of Business – Applications and Review Items. Business will be conducted in the following manner.
1. Staff presents the staff report, providing a brief summary of the application as proposed as well as a summary of the important issues addressed during the Development Review Committee (DRC) review. Staff should also highlight specific conditions of approval related to the application, and provide any relevant additional information that has become available since the staff report was issued. The Commission may ask pertinent questions regarding the staff presentation and recommendations.
 2. A representative of another City Board or Commission may present the official position or recommendation of that Commission, and be limited to five (5) minutes. The Commission may ask pertinent questions regarding the presentation and recommendations.
 3. The applicant and/or designated representatives should present the rationale for the application, highlight important details not touched on by staff, and whether the conditions of approval are agreeable. Applicants are generally limited to fifteen (15) minutes. If additional time is needed, it should be coordinated with staff in advance. At his or her discretion, the Chair may grant additional time at the meeting. The Commission may ask pertinent questions regarding the application and presentation.
 4. Parties interested in addressing the Commission shall be given an opportunity to do so. The Commission may impose a time limitation on comments, and may otherwise regulate the time and manner in which comments are made. A representative, speaking on behalf of an organization, including but not limited to, a: civic association,

homeowners association, chamber of commerce, or governmental entity, shall be given five (5) minutes, while individuals and business entities shall be given three (3) minutes. Only one person will be allowed 5 minutes to speak as a representative of a given organization. Speakers may cede speaking time to another speaker, at the discretion of the Chair. The Chair, upon request, shall permit any party to a case to cross-examine a witness at the conclusion of that witness' testimony. In the event that cross-examination is allowed, the questions on cross-examination must (a) be brief, (b) pertain only to the witness' testimony, (c) be interrogatory in nature (and not argumentative), and (d) not be preceded by statement. The Chair may place additional terms and conditions on cross-examination to ensure the orderly administration of the hearing.

5. The Commission may ask pertinent questions it may have of applicants, members of the public or staff during this time.
 6. The Commission engages in discussion among the members, and then takes a vote. At the discretion of the Chair, the Commission may take straw votes on certain issues. Straw votes are unofficial, and should be announced as such.
- O. Decision – The Commission shall approve or deny an application. Failure to receive a majority vote for approval constitutes denial; failure to receive a majority vote for denial does not, however, constitute approval. Abstentions are not counted in the total number of votes that are cast. An approved application may also be subject to conditions the Commission deems necessary.
1. Recommendation – On those items which the Commission acts in an advisory capacity to another decision-making body, the recommendation will be sent to the appropriate decision-making body in the form of a memo from the Commission. The memo will report the vote of the Commission, any conditions the Commission would recommend for the approval of the application, and, any discussion that the Commission deems important to explain the application or the vote. Recommendations are drafted by staff and circulated among Commission members. The Commission may review its recommendation prior to submission to the Board of Appeals or Mayor and Council.
 2. Notice of Decision – The Commission shall provide written notice of its decision to the applicant in the form of a letter signed by the Chief of Planning or his/her designee. This letter shall be signed and returned to the Planning and Zoning Division by the applicant to indicate agreement with any conditions attached to the approval.

3. Withdrawal – An applicant may withdraw an application over which the Commission has final authority at any time prior to the agenda item being called and the presentation of the application has begun.
 4. Postponement – The Commission may postpone an item of business or consideration thereof for consideration at a subsequent meeting at the discretion of the Chair.
 5. Deferral – The Commission may defer action on an application by a vote of a majority of the members present.
 6. Continuation – The Commission may continue any item on the agenda by a vote of a majority of the members present.
- P. On-site Inspection – Commissioners are encouraged to visit the sites of applications that are on the agenda. Applicants should facilitate access to the degree possible.
- Q. Recusal – Commissioners shall comply with Chapter 16 of the Rockville City Code entitled, “Public Ethics.”
- R. Reconsideration
1. Request to Reconsider - A request to reconsider the decision of the Commission must be received by the Chief of Planning or his/her designee within seven (7) days after the date upon which the original decision was issued in writing by the Commission. Such request must be made in writing and must state fully all grounds for reconsideration including mistake of fact or law, inadvertence, surprise, fraud, or other good cause. The filing of a request to reconsider does not toll the period for appeal allowed pursuant to the Maryland Rules.

The party or agent submitting a request for reconsideration (“Requestor”) shall also give written notice to all Parties of Record on the same day it files its request for reconsideration with the City. Within five (5) days of filing the request for reconsideration, a copy of the notice and a certification that the notice was provided to all Parties of Record must be filed with the Chief of Planning of his/her designee. Any written comments to be submitted by the Parties of Record must be received by the Chief of Planning or his/her designee within seven (7) days of the notice provided by the Requestor.

At the next possible regular meeting, the Commission shall either grant or deny the request. Parties of Record need not be present at such meeting. The Commission may, however, question staff or any party then present to clarify points raised in the written request, otherwise testimony will not be

heard. The Commission may grant a request for reconsideration if it finds mistake of fact or law, inadvertence, surprise, fraud, or other good cause, and must state its reasons for such approval on the record. If the Commission grants the request, it shall schedule a hearing on the matters to be reconsidered. It shall set the date of such hearing during the meeting at which it grants the request, and Planning staff shall notify the Requestor within five (5) days thereafter of the date of the hearing. The Requestor shall notice all Parties of Record within fifteen (15) days of the date of the hearing.

2. Motion to Reconsider - The Commission may also reconsider a decision on its own motion, provided that such motion is made no later than the Commission's next meeting following the date when the original decision was made. In considering a motion to reconsider, no public hearing is required. The Commission may grant a motion for reconsideration if it finds mistake of fact or law, inadvertence, surprise, fraud, or other good cause, and must state its reasons for such approval on the record.

If the Commission approves such a motion, it shall schedule a hearing on the matters to be reconsidered. It shall set the date of such hearing during the meeting at which it granted the motion. Planning staff shall notice all Parties of Record within fifteen (15) days of the date of the hearing.

3. Effect of the Commission's Decision on a Request to Reconsider or Motion to Reconsider – If the Commission approves a request to reconsider or a motion to reconsider, such approval shall deem the original decision void. If the Commission denies a request to reconsider or a motion to reconsider, the original decision shall remain in full force and effect.
4. Hearing on Matters Reconsidered – If the Commission grants a request to reconsider or approves a motion to reconsider, it shall conduct a hearing on the matters reconsidered. The scope of the hearing must be limited to the reason the Commission cited for reconsideration of the decision and any other issues that the Commission deems to be relevant. At least ten (10) days before the hearing, planning staff shall post the following in accordance with Paragraph V.E above; (a) the Commission's decision to reconsider its decision; (b) the date of the hearing on the reconsideration; and (c) a summary of the reasons for the reconsideration.
5. Effect of the Commission's Decision After Hearing: If after a hearing, the Commission determines that it will not change its original decision, the original decision shall be reissued and the appeal period shall run from the date of the reissuance. If after a hearing, the Commission determines that it will change the original decision, the original decision shall be revised based on such change, and reissued.

VI. Committees

The Commission may appoint committees made up of Commission members for specific purposes and advisory committees to the Commission to advise on specific issues such as master planning, urban design, zoning, neighborhood planning, subdivision regulations, or other issues that a majority of the Commission feels are necessary for further study. The advisory committee shall be appointed in the following manner.

- A. Notice – In the case of advisory committees, the Commission shall print a notice in the City newsletter of its intent to form a committee to allow interested citizens and/or professionals the opportunity to apply.
- B. Appointment – The Chair shall appoint the Chair and members of the committee with the concurrence of a majority of the Planning Commission.
- C. Staff support – A member of the Planning Division staff shall attend each meeting of the committee in an advisory capacity.
- D. Dissolution – The Committee can be dissolved at any time at the discretion of a majority of the members of the Commission.
- E. Rules – Neighborhood Planning Advisory Groups (NPAG) shall be governed by the rules for such bodies as may be adopted by the Planning Commission. Other advisory committees shall adopt procedural rules for conduct of business.

VII. Amending the Rules of Procedure

The rules of procedure may be amended at any meeting of the Commission by a majority vote of the Commission, provided that notice of said proposed amendment is given to each member in writing at least two weeks prior to said meeting.

VIII. Rules Not Jurisdictional

These Rules of Procedure serve as guide to the operation of the Commission. They do not constitute jurisdictional requirements, and do not confer rights or impose obligations not otherwise conferred or imposed by law. Failure of the Commission, its staff, or any party to comply with any provision of these Rules shall not invalidate any otherwise valid decision or action of the Commission

IX. Severability

The provisions of these Rules are severable, and if any court of competent jurisdiction holds any of their provisions invalid, the decision of such court shall not affect or impair any of the remaining provisions.

X. Conflict

Whenever any conflict occurs between these Rules, the Annotated Code of Maryland and the Laws of Rockville, the Annotated Code of Maryland and the Laws of Rockville shall prevail.

XI. Appeals

Unless another method of review is provided in Chapter 25 (Zoning Ordinance) of the “Laws of Rockville”, any person aggrieved by any decision of the Commission may appeal the same to the Circuit Court for Montgomery County. Such appeals shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

XII. Effective Date

These Rules shall be effective after adoption by a majority of the full Commission and filing with the City Clerk and Secretary of Planning for the State of Maryland.

Adopted June 1, 1988
Section III Amended September 26, 1990
Amended March 1997
Amended February 24, 2010
Amended July 14, 2010
Amended April 13, 2011
Amended July 27, 2011
Amended March 20, 2013
Amended May 9, 2018

Planning Commission Operational Improvements
10/10/2018

1. That Commission minutes will be presented for review and approval by the Commission within one month of the subject meeting. Information requests will also be presented within one month of the request.
2. That staff reports include an Executive Summary, to include what is proposed, significant issues that were raised and addressed during the review, the staff recommendation, and the incorporation of any judgement factors.
3. That the appropriate staff members be present at the meeting to answer questions as needed.
4. That the Commission chair will read a preamble to open the meeting that explains the meeting procedure to the audience.
5. That the staff report provide a summary of the reviews of other Boards and Commissions, to include the recorded vote, and why members voted for or against a motion, including a minority report if possible.
6. That Commission agendas should be planned so that very long meetings can be avoided. The Commission also agree to allow Final Record Plat applications to be on a Consent Agenda.
7. Staff presentations: staff will make 5-minute presentations, (ten minutes on more complex applications such as Project Plans and Text Amendments) and assume that Commission members have read the material. Staff is developing an improved standard format for the verbal and powerpoint presentations.
8. Clarifying Questions: Commissioners will ask clarifying questions of staff and the applicant but will not engage in deliberation at this stage. Commissioners are encouraged to forward questions to staff in advance of the meeting.
9. Public testimony will be taken in accordance with the Rules of Procedure – 3 minutes for speakers; 5 minutes for one representative of an organization; ten minutes for the applicant. Staff is empowered to provide corrections to testimony as necessary.
10. Staff reports will include as attachments meeting summaries of pre and post application area meetings, as well as any Board and Commission meetings related to the application.
11. That the Planning Commission minutes reflect dissenting comments as requested.
12. That sample motions be provided to the Commission, based on potential actions that can be taken.

**CITY OF ROCKVILLE – PLANNING COMMISSION
GUIDANCE FOR MAKING MOTIONS
February, 2012**

Following is guidance for making motions on applications that come before the Planning Commission. In summary, a motion must serve to approve or deny an application, and then either adopt the findings of fact, waivers and conditions as presented in the staff report, or modify them. This guidance is also helpful for motions on applications that come before the Planning Commission only for recommendations of approval or denial.

When making a motion, a Commissioner should state the following: I move that the Planning Commission:

- 1) approves/denies/recommends for approval/recommends for denial
- 2) insert site plan, project plan, etc. number
- 3) insert description of item from staff report agenda item
- 4) insert either adoption of findings of fact as presented in the staff report or modifications to such findings of fact
- 5) insert either approval of any waivers as presented in staff report, or changes to such waivers
- 6) insert either adoption of conditions as presented in the staff report, or modification of such conditions
- 7) insert additional items, if any, required by the Planning Commission that are not in the staff report.

Example #1:

I move that the Planning Commission:

- 1) recommends for approval
- 2) Special Exception Application STP2010-00555
- 3) to allow the establishment of a 3 bedroom two story accessory apartment at 100 Main Street
- 4) based on the findings of fact provided in the staff report.

Example #2:

I move that the Planning Commission:

- 1) approves
- 2) Site Plan Application STP2007-00555
- 3) for a 222 unit multifamily residential building with structured parking, in the Mixed-Use Transit District (MXTD) Zone at 10000 Frederick Road
- 4) based on the findings of fact provided in the staff report, except that finding #3 is amended to include additional language regarding the APFS standards in a document entitled, "APFO Schools Standard Finding" which was placed into the record
- 5) including the approval of the parking waiver provided in the staff report except that the Commission approves a reduction in parking of 20 spaces instead of a reduction of 40 parking spaces as requested by the applicant
- 6) including the conditions provided in the staff report except that condition #4 should be amended to require the owner/applicant to obtain written approval from tenants regarding the surrounding areas prior to execution of a lease
- 7) including the Planning Commission's additional requirement that the applicant have 8 foot sidewalks to accommodate bikers, and well as signage for biker safety along Rockville Pike.