

City Plan Commission Training Workshops

CITY OF RACINE

JANUARY 31ST 2018 AND FEBRUARY 14TH 2018

FACILITATOR – MICHAEL BLUE, FAICP – TESKA ASSOCIATES

Agenda

Welcome + Introductions

Planning 101

Managing Change – Plans and Codes

Roles in the Development Review Process

Essential Concepts – Running an Effective Meeting

Topics in Planning and Development

- Economic Development
- Design Review
- Site Plan Review
- Historic Preservation
- Sustainability
- Complete Streets (Transportation)
- Resources



Planning 101

A SHORT HISTORY OF AMERICAN CITY PLANNING



The (Grand)Father of Modern City Planning

“Make no little plans;
they have no magic to
stir men’s blood.”

Daniel Burnham



A Brief History of Planning

- 1893 Chicago Worlds Fair (Burnham)
 - White City – Vision of what cities could be
 - City Beautiful Movement
- 1905: Burnham Plan for San Francisco
- 1907: First Planning Board: Hartford, CT
- 1909: First National Planning Conference
- 1916: New York passes 1st zoning laws
- 1926: US Supreme Court upholds
 Ambler Realty v. Euclid, OH
- 1926: Federal Standard Zoning Enabling Legislation



GENERAL ARTS BUILDING — WEST ENTRANCE

Where are planning and zoning today?

- Authority derived through state via the Police Power – health, safety and welfare of community
- Regulations must be clear and understandable
- Fair and consistent codes
- Objective and predictable planning and zoning processes
- Balance community character and economic development

Managing Change

PLANS AND CODES



General Concepts

- Every community and plan is different.
- There is more than one approach to addressing a proposed plan, code or development.
- No right answer to a land use policy or development approval question.
- The answer isn't no, it's "yes, but...."



Comprehensive Plans

- Concepts that implement the community's vision for future
- Establishes policies to guide future development despite unanticipated events impacting use of land
- Designates future use of land and supportive transportation and utility systems
- Zoning and subdivision regulations must comply with comprehensive plan
- Planning and zoning designations are not the same, one sets general future policy and the other sets specific current regulation
- Planning Commission hears the plan and recommends to Common Council

Comprehensive Plan Topics – by State Law

1. Issues and opportunities
2. Housing
3. Transportation
4. Utilities and community facilities
5. Agricultural, natural and cultural resources
6. Economic development
7. Intergovernmental cooperation
8. Land use
9. Implementation



Other City of Racine Plans

- Back to the Root - An Urban River Revitalization Plan
- Citizen Participation Plan 2017
- Douglas Avenue Plan
- Downtown Plan
- Live Towerview Plan
- RootWorks Plan
- RootWorks Areawide Plan
- Southside Plan
- State Street Plan
- Uptown Area Strategic Development Plan
- Uptown Improvement Plan
- West Racine Plan

Rational Planning Model

1. Verify, define, and detail the vision
2. Generate multiple possible solutions
3. Generate objective assessment criteria
4. Choose the best solution generated
5. Implement the preferred alternative
6. Monitor and evaluate outcomes
7. Feedback

Public Participation in the Plan

- Involves residents, businesses, institutions, staff, boards, commissions and other public agencies
- Informs public
- Encourages “ownership” of the Plan
- Supports implementation
- Can be hard to secure public input



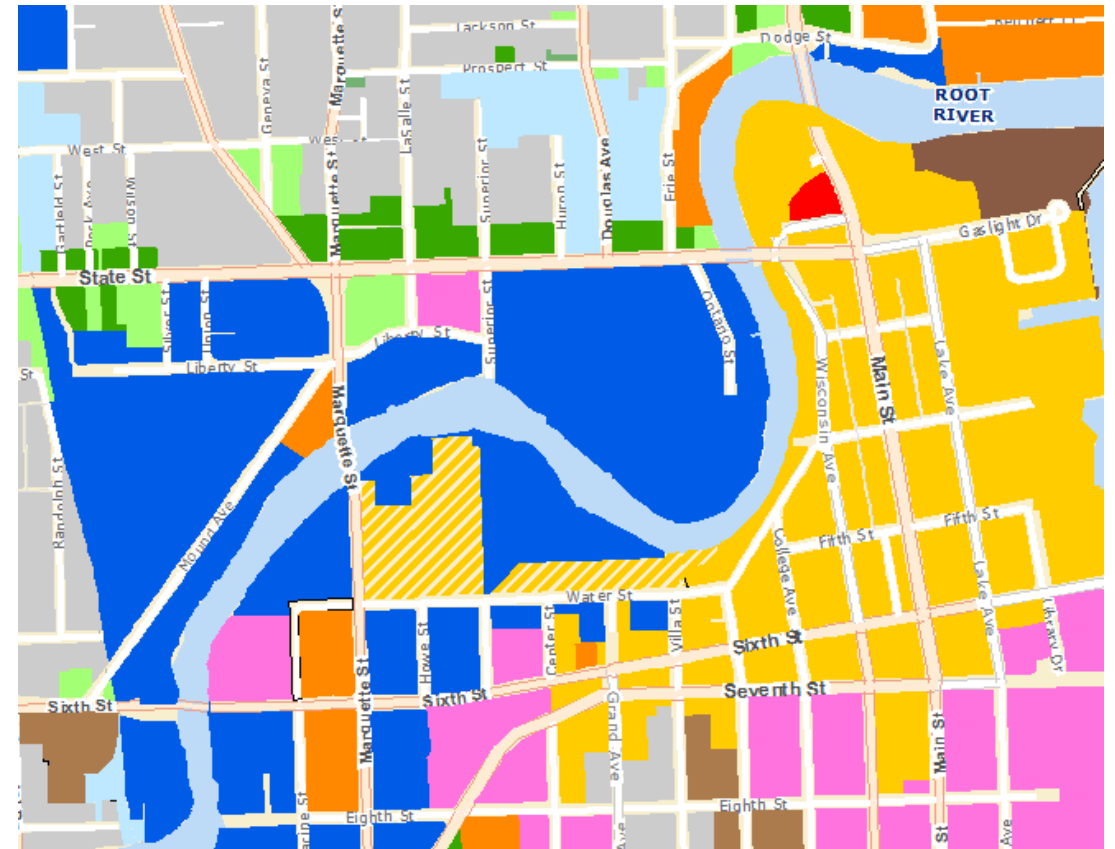
Plan Implementation

- Regulations
- Infrastructure / Roads
- Economic development
- Downtown and business districts
- Neighborhood enhancements
- Recreation
- Intergovernmental involvement
- Development quality and character
- Review and refine plan



Zoning Ordinance (Chapter 114)

- Zoning's primary function is to provide predictability for property owners and neighbors.
- Zoning buffers property owners, businesses, and residents from non-compatible activities
 - It is not just to limit an owners use of land
- State statutes authorize local governments to zone
- Case law refines how zoning is used



City of Racine Districts

Residence districts:

- R1 Single-Family Residence District
- R2 Single-Family Residence District
- R3 Limited General Residence District
- R4 General Residence District
- R5 General Residence District
- R6 General Residence District

Business districts:

- O Restricted Office District
- O-I Office/Institutional District
- B1 Neighborhood Convenience District
- B2 Community Shopping District
- B3 General Commercial District
- B4 Central Business District
- B5 Central Service District

Industrial districts:

- I-1 Restricted Industrial District
- I-2 General Industrial District

Overlay districts:

- Access Corridor Overlay District
- H Historic Property Districts
- I-P Industrial Park District
- FD Flex Development Overlay District
- Downtown Design Guidelines
- Flood Regulations

Types of Zoning Approvals

- Permitted Use: Requires a Building Permit
 - Permitted Accessory Uses
 - Site Plan Review
 - Certificate of Compliance
- Administrative Approvals: Conducted by City Staff.
- Conditional Use – Permitted through Plan Commission / Common Council approval with appropriate conditions. Conditions to be related to development request.
 - Conditional Use Exceptions - 114-154 (7): Conditional use will conform to district regulations, except as may be modified pursuant to PC recommendations.
- Temporary Use – A use not intended to be permanent (less than 12 months)
- Map Amendment – Rezoning: Applies to a specific property or properties
 - Typically accompanied by a Comprehensive Plan Amendment
- Text Amendment – Applies to all property in that zoning district (may add a type of use or bulk standard)
- Variance – Relief from a specific zoning standards based on a unique circumstance or hardship.
- Planned Development – Higher level of review and flexibility

Subdivision of Land (Chapter 86)

- **PURPOSE** regulate and control the subdivision of land... to further the orderly layout and use of land The regulations in this chapter are formulated to facilitate the enforcement of development standards as outlined in the zoning ordinances and the master plan of the city.
- A technical process for division of land – separate from, but works in concert with zoning
- Defines character and appearance of community with standards for items like:
 - Roads
 - Sidewalks
 - Curbs / Rural cross sections
 - Stormwater
 - Streetlights

Other Types of Plan Review

Site Plan Review

- Building location on site, orientation to street
- Parking lot circulation, access for cars and pedestrians
- Landscaping, lighting, signage, fences, dumpsters, drainage, utilities

Design Review (Downtown Design Review)

Environmental Review (stormwater, steep slopes, etc.)

Historic Preservation

Public Safety Review by Police and Fire

Capital Improvement Plan - while not a regulation – impacts infrastructure and may constrain development

Roles in the Development Review Process

COMMISSIONERS, THE CHAIR, OTHERS...

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Role of the Commission

Prepare future plans for the community
(Comprehensive Plan)

Review and update Comprehensive Plan (10
year cycle)

Regulate development with zoning and
subdivision controls

Advise elected officials

Serve as public venue for discussion on plans
and development



Role of the Commissioner

Stay informed on local planning and development issues

Stay current on planning tools and techniques

Visit developments after construction and occupancy.

Be prepared

- Read the packet before meeting
- Visit the site to understand request (avoid discussing project)
- Understand the Comp Plan and Zoning Ordinance
- Contact staff with questions before hearing

Be an active part of the process

- Listen attentively to petitioner and objectors
- Ask questions and request clarifications
- Understand the proposal
- Do not debate applicant or public
- Consider project's relation to the Plan
- Discuss with the other members at hearing

Be aware of the “Ethical Principles in Planning”, and the State of Wisconsin “Code of Ethics for Public Officials and Employees”

Be attentive to insights from staff and attorney so as to avoid legal concerns

Role of Chair

Run an efficient, effective meeting

- Manager of the meeting - meeting decorum
- Ensures all public comments made to the Chair
- Ensures that all interested parties have input
- Focuses discussion on the topic
- Sticks to the agenda
- Expedites action and votes
- Seeks assistance of staff
- Meetings need not be long, but input should not be unduly limited

Role of Elected Officials

- Numerous non-land use responsibilities
- Provide broad public policy direction
- Consider recommendations from City Plan Commission
- Final authority on most land use matters
- Appoint qualified Commission members

Role of Planner / Staff

- City employee
- Assists Commissions and Council with planning (and other) issues
- Informs citizens about purpose and process of good planning
- Guides applicant and public regarding codes and process
- Works with both supporters and objectors; fair and consistent
- *Explains* the request; applicant *advocates* for request
- Enforces conditions post approval
- Stays current on latest planning principals and laws

Roles of Applicant and Public

Petitioner / Applicant

- Submit complete, current, accurate information
- Answer questions about proposal
- Conform to requirements of approval

Public

- Listen
- Ask questions and comment
- Be courteous to all

Other Racine Boards and Commissions

- Board of Zoning Appeals
- Downtown Area Design Review
- Landmarks Preservation Commission
- Traffic Commission
- Board of Park, Recreation and Cultural Services
- Redevelopment Authority of Racine



Other Agencies

- Racine County
- Racine County Economic Development Corporation
- Southeast Wisconsin Regional Planning Commission (SEWRPC): (Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington & Waukesha Counties).
 - Regional Planning Issues
 - Vision 2050 Plan
- Neighboring Communities: Village of Mount Pleasant, Village of Elmwood Park, Village of North Bay, Village of Wind Point
- Business Associations: Downtown, Uptown, Douglas, West Racine

Essential Topics

RUNNING AN EFFECTIVE MEETING

Taking Testimony

Public Hearing Goal is a fair meeting where all views are heard

- Explain process at the beginning
- Suggest speakers don't repeat prior testimony, control repetitive testimony
- Ensure that all have the chance to speak (for and against the application)
- Err on the side of allowing more testimony
- Consider all the testimony and evidence in voting
- Number of people for or against the application is not criteria for decision

Findings of Fact *

- Standards ensure fair decisions
- Compare testimony / evidence against those standards (essential if legal challenge)
- Be consistent with the Comprehensive Plan
- Summarize the evidence and relate it to the zoning standards when voting as needed
- Setting precedent should be a consideration, but not a concern
 - Each proposal considered independently on its merits
 - Note reason and new circumstances if taking the opposite action for a subsequent case

**More on this later*

Ex Parte Communications

What is it? Contact outside the public hearings between the commissioner and the applicant or interested parties.

Why avoid it? To ensure “Due Process” and maintain transparent process

What to do? If approached, suggest raising the issue at the hearing, contacting staff, or providing written comments. Disclose ex parte communications at the hearing



Ethics

What are the rules?

Accepting items

- A local public official may not accept items or services of substantial value for private benefit, or for the benefit of the official's immediate family or associated organizations, if offered because of public position.
- A local public official may not accept (and no one may offer or give) anything of value that could reasonably be expected to influence the official's vote, official actions or judgment.
- A local public official may not accept (and no one may offer or give) anything of value that could reasonably be considered a reward for any official action or inaction.

Conflicts of Interest.....

Conflict of Interest

The law (per WI Statutes)*:

- Personal Financial Gain – the official, an immediate family member or an associated organization may not have or gain a substantial financial interest as a result of the action.
- Private Interests in Public Contracts – the official may not engage in work or other activities if they have an interest in a group related to public service contracts; cannot work for a company that secures work or zoning approvals from the commission.

The perception:

- No formal conflict but independent judgment may be impaired
- Appearance of impropriety exists due to close relationship

What to do?

- Talk with staff
- Disclose
- Recuse

* Source: Plan Commission Handbook: Center for Land use Education

Open Meetings Regulations *

Gathering of commissioners to act on authorized responsibilities when:

- Meeting for decision, discussing, or taking information on a matter within its jurisdiction, even if there is no vote (*the Purpose Test*); and
- Enough commissioners are present to determine or block an outcome (*the Numbers Test*).

A “meeting” can include:

- Phone calls
- Social gatherings
- Conferences
- Emails
- Texts
- Site Inspections

Model Public Hearing Process *

1. Open the public hearing portion of the meeting. [chair]
2. Introduce petition or application. [staff]
3. Note any site inspection, communications, ex parte contacts. [commission]
4. Presentation of the staff report and questions from commission. [staff and commission]
5. Comments / clarifications by the applicant. [chair with questions by commission]
6. Comments and questions from the public (pro/con/information). [chair with clarifications by commission]
7. Clarifications and responses by staff. [staff with questions by commission]
8. Clarifications and responses by applicant [chair with questions by commission]
9. Final questions by commissioners. [commission]
10. Close public hearing portion of the meeting. [chair]
11. Deliberation on Zoning Standards [chair]
12. Vote [chair]

Conditional Use Standards (Sec. 114-154)

No conditional use shall be recommended by the plan commission unless such commission shall find that:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare;
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

Conditional Use Standards (Sec. 114-154)

No conditional use shall be recommended by the plan commission unless such commission shall find that:

(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;

(6) The proposed conditional use is not contrary to the objectives of the current land use plan for the city; and

(7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the plan commission.

(Code 1973, § 16.03.110(h))

Zoning Amendments - Sec. 114-82

Findings of fact and recommendations of plan commission

(a) The plan commission shall submit recommendations to the common council Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the plan commission shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following matters:

- (1) Existing uses of property within the general area of the property in question;
- (2) The zoning classification of property within the general area of the property in question;
- (3) The suitability of the property in question to the uses permitted under the existing zoning classification;

Zoning Amendments - Sec. 114-82

Findings of fact and recommendations of plan commission

(4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification; and

(5) The objectives of the current land use plan for the city.

(b) The plan commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is not detrimental to the public interest. The plan commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this subsection, the R1 district shall be considered the lowest classification.

Topics in Planning and Development

Economic Development

- The primary goals of economic development is the creation of wealth, economic diversity and employment
- The secondary goal of Economic Development is the increase in tax base to support community quality of life
- Need to be market based in decisions
- Some factors community can't control:
 - Global economic trends
 - Corporate decision making
 - All actions by State
- Some factors communities can control:
 - Condition of local infrastructure
 - Level of community services
 - Development review process
- Balanced with overall quality of life expectations

Design Review – What is it and why do it?

- Design Guidelines for appearance of buildings, landscapes and streetscapes
 - Implemented by staff and commissions
- Create a place where people choose to live and work
- Promote attractive development
- Authorized as part of the community's Police Power
- Standards vary to reflect community and individual business areas
- Review of single family homes is possible (but rarely done)

Site Plan Review – Questions to Consider

Start with the big picture, consider goals and policies, assess details.....

What does the Comprehensive Plan (and any neighborhood plans) note about use and character?

How does the site plan reflect the neighborhood and its character?

How does the site plan reflect goals related to sustainability, transportation, walkability, biking etc.

How does the site plan impact / address adjacent properties?



Site Plan Review – Questions to Consider

Start with the big picture, consider goals and policies, assess details.....

Does the site plan carry forward design objectives of the area (consider setbacks and buffer areas)?

How does the pedestrian interact with the building?

Is there too much, not enough parking?

How do we handle trash and snow?

What impact does the design have on neighboring properties?



Historic Preservation

*Whereas, historical, architectural, archeological and cultural heritage are among our most important assets,promote the use and conservation of historic property for **education, welfare, inspiration, pleasure and enrichment** of the people and **foster civic pride** in the beauty and accomplishments of the past. (emphasis added -- Racine City Code: Chapter 58.)*

*Historic preservation is a conversation with our past about our future. It provides us with opportunities to ask, "**What is important in our history?**" and "**What parts of our past can we preserve for the future?**" ...Historic preservation is an important way for us to transmit our understanding of the past to future generations. (emphasis added - -National Park Service)*



Sustainability

Energy (Efficiency, Solar/ Wind/ Geothermal)

Transportation

- Transit oriented development
- Transit supportive development
- Travel demand management
- Safe routes to schools

Natural Resources

Water Quality/Conservation

Stormwater Management

Materials / Resource Conservation

Indoor Air Quality/ Healthy Buildings



Complete Streets

“A street that is planned, designed, and operated for all modes of transportation and all users, regardless of age or ability” (National Complete Streets Coalition).

Implements transportation improvements that balance needs of all transportation system users.

Adds pedestrian and bicycle enhancements to make an area safer and more attractive for all users.

Helps City plan, design, and implement a variety of transportation improvements.



Resources

Plan Commission Handbook and/or Zoning Board Handbook from the UW-Stevens Point Center for Land Use Education. www.uwsp.edu/cnr-ap/clue/Pages/default.aspx

Kenosha County Planning and Development: www.kenoshacounty.org/656/Planning-and-Development

Southeastern Wisconsin Regional Planning Commission: www.sewrpc.org

Wisconsin Chapter of the American Planning Association: www.wisconsinplanner.org

The American Planning Association: www.planning.org

Planetizen (on line planning magazine) www.planetizen.com

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