

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
January 14, 2013

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Call to order and roll call.

Chairperson Meyer called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

Present: Greg Meyer, Lynn Binnie, Karen Coburn, Bruce Parker, Jacob Henley, Cort Hartman, Donna Henry (Alternate).

Absent: Rod Dalee.

Others: Wallace McDonell (City Attorney), Latisha Birkeland (Neighborhood Services Manager/City Planner).

Hearing of Citizen Comments. There were no citizen comments.

Approval of the Plan Commission Minutes. Moved by Binnie and seconded by Coburn to approve the Plan Commission minutes of October 8, 2012, October 22, 2012 and November 12, 2012 meetings. Motion was approved by unanimous voice vote.

Plan Commission Training Session. Latisha Birkeland, City Planner, explained that this training session will be recorded, but will not be broadcast live. Birkeland had researched the previous Plan Commission training sessions and found that the latest one was done in 2009 by Vandewalle and Associates.

Chrome Books were provided for the use of the Boards and Commissions that meet in the Community Room. The Plan Commission was given the opportunity to play with them during the training so they could learn to use them. The Plan Commission will still receive paper copies of the packets.

City Attorney McDonell explained his memo which touched on the main areas Plan Commission will be addressing. The City of Whitewater Master Plans are still in effect. Plan Commission can draw on them if needed. They are used more for reference. The Comprehensive Plan is much broader and draws in the features of the Master Plans. If there is a difference between the Master Plan and the Comprehensive Plan, the Comprehensive Plan must be followed. Zoning must be consistent with the Comprehensive Plan. If a zoning request is not consistent with the Comprehensive Plan, the Comprehensive Plan would need to be amended also. There are many items that the Plan Commission reviews or does the study and planning for, and then makes a recommendation to the City Council for their decision. These would include rezones, new roads, sale or purchase of land, public buildings, etc. There are three major types of requests: 1) a permitted use that comes to the Plan Commission even if it doesn't need to. (This is totally appropriate.); 2) a conditional use, which is built into the zoning ordinance. This is generally an

allowed use, but should have a higher standard of scrutiny. Conditions can be put on a conditional use permit. 3) Rezone or amendment to the zoning ordinance. In the case of a rezone, the Plan Commission holds the public hearing, takes in all the information and then makes a recommendation to the City Council. (All the heavy lifting is normally done at the Plan Commission level.) Rezones can be a major undertaking. A rezone to a PCD (Planned Community Development) Zoning District, Plan Commission is creating a zoning district for a particular development project. A PCD can have different allowances and limitations. A PCD no longer has a zoning district. Standards are put into place as a PCD Zoning District. All these things are governed by State Statutes.

City Attorney McDonell explained that the final area the Plan Commission works with is the review of plats and subdivisions. This includes certified survey maps. This is covered in Chapter 18 of the Whitewater Municipal Code. Plan Commission can approve certified survey maps if there is no public dedication (street, park etc.). If there is a public dedication, Plan Commission reviews and makes recommendation to the City Council.

McDonell stated that 95% of what the Plan Commission does is in these categories. Fiscal considerations are for City Council.

Plan Commission Member Bruce Parker requested that the City Council and City Staff receive a copy of the memo from City Attorney McDonell. People don't always realize what the Plan Commission is responsible for.

City Planner Birkeland provided the Plan Commission with the first two chapters of a Plan Commission Handbook for the training session. The first chapter was on the general role of the Plan Commission. Latisha went over the highlights. The second chapter was on procedural responsibility, understanding Open Meeting Law, and ethics.

City Attorney McDonell indicated that Commissioners need to be cautious in the way that they respond to comments received from the public outside of Plan Commission meetings. Particularly in the case of quasi-judicial considerations (applications for conditional use permits or subdivision plats), "ex parte" communications should either be disregarded in one's decision-making, or disclosed to the public and the other commissioners in the public hearing. Commissioners should not express their opinions outside of the meeting. The best thing to do is to encourage concerned citizens to attend the public hearing in order to express their opinions directly to the Commission.

City Planner Birkeland explained that according to the AICP Code of Ethics and Professional Conduct, there are three principles to which City Planners aspire: 1) Responsibility to the Public; 2) Responsibility to Our Clients and Employers; 3) Responsibility to Our Profession and Colleagues. City Planner Birkeland explained that Paul Zucker in his *ABZ's of Planning Management*, the City Planner is considered the "Gate Keeper" or regulator who gives realistic expectations to customers, enforces deadlines and requirements, and creates consistency. The middle of the continuum is problem solvers and the other end is community builder. Birkeland explained the procedure that happens before the Plan Commission meeting and the procedure after a Plan Commission meeting.

City Planner Birkeland asked where the Plan Commission wanted to go from here.

Plan Commission Member Bruce Parker indicated that he would prefer that in the City Planner's report on proposals, she include her recommendations, rather than just giving options. He also explained that sometimes the plans that are submitted to the City are not 100 % accurate. Can we approve the plan subject to City Ordinances? Conditional approval?

City Attorney McDonell explained that general language could be used. Approving subject to all City Ordinances and/or State Statutes is a good idea.

Where is Whitewater going?

Plan Commissioner Henry stated it is a year by year process. Five different people have five different ideas.

Plan Commissioner Parker thought that some time should be spent on getting to know the Comprehensive Plan. Each group has their own idea of where the importance is, such as neighborhood preservation or zoning. If Plan Commission reviews the Comprehensive Plan, they will know what the City's goal is. Residents will get better and clearer information at the meetings.

Birkeland explained that there will be three joint meetings for Plan Commission and City Council for review of the Zoning Re-Write and the vision for the community.

Informational Items:

Zoning Rewrite. City Planner Latisha Birkeland announced that the next meeting for the Zoning Rewrite Committee will be held on February 6, 2013 at 6:00 p.m.

Future agenda items. City Planner Latisha Birkeland stated that the Plan Commission will have two items for the February 11, 2013 Plan Commission meeting. One is a conditional use permit for a detached garage which would be larger than 800 sq. ft. to be located at 826 W. Walworth Ave. The second is a request from Trostel Ltd. for a 9000 sq. ft. addition which requires a site plan review and for a detached accessory structure which would be larger than 800 sq. ft. which requires a conditional use permit.

Next regular Plan Commission meeting – February 11, 2013.

Moved by Coburn and seconded by Henley to adjourn the meeting. Motion approved by unanimous voice vote. The meeting adjourned at approximately 7:35 p.m.

Chairperson Greg Meyer