



American Planning Association  
**Wisconsin Chapter**

*Making Great Communities Happen*



## Summer-Fall 2018 Newsletter

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## Placemaking Takes Hold in Wisconsin

**By Forrest Elliott, APA - WI Student Editor  
University of Wisconsin - Milwaukee**

*Communities across the state have embraced placemaking as a method of enlivening their public spaces. This article explores the concept and some examples across Wisconsin.*

What makes a place special? Its design? Its location? When does a plaza, park, or street become something more? The idea of place can be somewhat nebulous, and while two great places are never exactly the same, they often share a couple key characteristics. For one, they serve an essential function as a third place, meaning a realm outside of home and work where the community can meet and play. Secondly, they are used. Spaces only become places when people utilize them. As the famous urbanist

William H. Whyte once said, "what attracts people most, it would appear, is other people."



Downtown Milwaukee's Parking Day creates a diversity of pop-up "third places," from cafes to lifesize checker board games. On Parking Day, community participants take over parking spots on downtown streets to create temporary destinations that are fun and that bring people together. Image courtesy of Downtown Milwaukee, Inc.

I became aware of the awesome potential of public spaces when traveling in Korea. Hidden amongst the dense urban fabric of Seoul are dynamic public arenas where the city comes alive. Captivated by the electricity of it all, I sat and watched buskers, artists, merchants, young lovers, and families intermingle long into the warm summer nights.

The space that made the greatest impression on me in Korea was Cheonggyecheon, a ten-kilometer public park stretched along an urban stream, reclaimed from an elevated expressway that had once torn through the heart of downtown Seoul. Dotted with art, water features, and historical markers, Cheonggyecheon possessed a bustle and energy I had not yet experienced.

Trying to recreate these characteristics in our public spaces, towns, and regions is known as placemaking. The [Project for Public Spaces](#) (PPS) is a well-known New York based non-profit group at the forefront of the movement. Founded in the tradition of urbanists such as Whyte and Jane Jacobs, PPS strives to improve the experience of cities at the "human scale." Instead of relying on top-down technocratic theories of urban design, PPS places the emphasis on developing a collaborative and community-driven approach to the planning process. Jacobs encapsulates this philosophy succinctly in one of her most iconic quotes from *The Death and Life of Great American Cities*, "Cities have the capability of providing something for everybody, only because, and only when, they are created by everybody."

Steve Grabow, one Wisconsin's preeminent placemaking experts, understands the idea in similar terms. Now a professor emeritus with the University of Wisconsin-Extension, Grabow has spent the latter half of his career promoting placemaking as a framework for achieving community vitality. After the passage of the Comprehensive Planning Act in 1999, Grabow and his expertise were in high demand across the state. Years of interaction with citizens, planners, and officials throughout Wisconsin culminated in his 2016 book, [\*Principles and Practice of Community Placemaking\*](#).

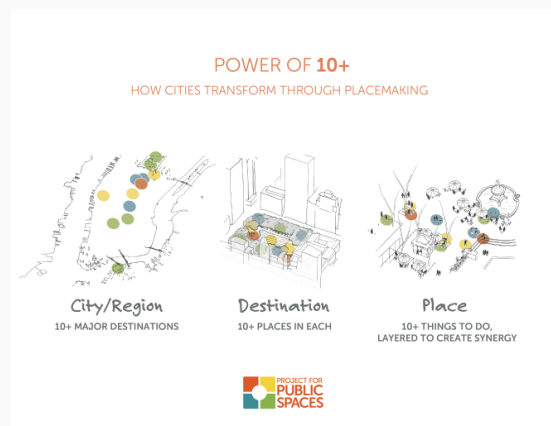
In *Principles*, Grabow outlines a set of "user-friendly" guidelines and "research-based" tools for communities interested in, as PPS puts it, the "[process and philosophy](#)" of placemaking. Altoona, Wisconsin is just such a community. After attending a West Central Wisconsin Regional Planning Committee (WCWRPC) workshop facilitated by PPS, Altoona City Administrator Mike Golat recognized its potential to help engage residents about a recently acquired parcel of undeveloped land on the banks of the Eau Claire River.

Working with PPS and WCWRPC, Golat and his team held a workshop in the fall of 2012 that introduced the concept of placemaking to Altoona. According to Grabow, this sort of "community learning is an

important prerequisite for meaningful community planning” ([The Municipality](#)). Following a presentation on placemaking, attendees were asked, “In 10 years what will draw you to this location, make you want to stay, and make you want to return?” By explicitly stating their hopes for the space, the citizens of Altoona in attendance became active participants in the planning process.

The site, now known as River Prairie, is a walk-able mixed-use development with a park, river-walk, community center, and amphitheatre. According to Altoona city planner Joshua Clements, the designers “paid attention to clustering amenities,” inspired by another PPS concept —[The Power of 10](#)— that says a place is more likely to succeed when it has at least ten activities or “things to do.” In fact, in June of this year, the city held its inaugural “[P10 Festival](#)” in the new River Prairie Park. According to Clements, the name of the festival made sense, as its “purpose was to highlight the public spaces” and serve an introduction to the space.

Just down the river in Eau Claire, another project based



in placemaking is taking shape. Haymarket Plaza, constructed on an old parking lot where the Eau Claire meets the Chippewa, is slated to open this fall in conjunction with a new arts center. Just as in Altoona, city officials and the WCWRPC held workshops using the Power of 10 as a framework for visualizing place. Designs for the plaza include interactive water features, bike and pedestrian paths, plenty of seating and gathering spaces, and steps down to the riverfront for fishing. City engineer, David Solberg, said that it was designed to have an “open and flowing feel” that reflected its position as a meeting place of the rivers and

the future meeting place of the citizens of Eau Claire ([Leader Telegram](#)).

Just to build a public space is not enough. As Fred Kent, founder of PPS, once said “ninety percent of success in public spaces is about management” ([Shelter Force](#)). Maximizing the shared value in existing spaces is an essential part of placemaking.

A city that understands this is Appleton, whose placemaking strategy has emphasized the role of the arts in enriching the public sphere. According to Lynn Schemm, Marketing Director for [Appleton Downtown, Inc.](#) (whose motto is fittingly “One Great Place”), “public art activates the imagination, encourages people to pay attention, and perceive more deeply the environment they occupy.” “Art brings people together to inspire creativity and elevate a community’s sense of place,” says Schemm.

An example of Appleton’s public art push was their ‘Out of the Box’ initiative. The project, championed by Appleton Downtown Inc., wrapped 16 downtown traffic control boxes in the artwork of local middle and high school students. As Grabow told me during our interview, “When they [the youth] get excited, the parents get excited, and then you’re really building and mobilizing a community.” And mobilize they did. Just this year the Appleton Common Council approved a new Art in Public Places Policy.

Small acts of beautification such as the traffic box art are just one part of Appleton’s plan to enliven the downtown core. Events throughout the year, such as the Farm Market, Chalk on the Town, and Mile of Music, have brought people into the streets of downtown Appleton and bolstered the economic outlook of the neighborhood. Schemm believes that “while attendees may come down for the music, they end up falling in love with all the boutiques, specialty stores, small business dining and more.”

Other business districts around the state have taken similar approaches. Gabriel Yeager, Environment Specialist with the [Milwaukee Downtown Business Improvement District](#), says their goal is to create “an extraordinary third space for the greater Milwaukee community.” Sculptures along Wisconsin Avenue, decorative lighting on Old World Third Street, and the Go! Kart (a mobile board game kiosk), are all ways



that Yeager and his team are trying to reintroduce Milwaukeeans to their own downtown.

Just to the north, Shorewood's "Ghost Train" is an impressive celebration of a place and its history. Spanning a rail-to-trail bike and pedestrian bridge, the award-winning light show recreates the experience of a famous

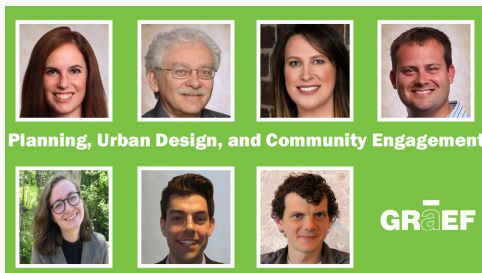
passenger train that once passed through the village on its journey from Chicago to the Twin Cities. This [YouTube video](#) gives you a small sample of the simulation of the Ghost Train crossing the bridge.

According to PPS, spaces develop identities when they reflect the "culture and history of the surrounding community." Appleton incorporates this concept explicitly in their new public art policy. As one of the criteria for the selection of public art, Appleton's newly established Public Arts Committee must consider a site's "architectural, historical, geographical, geological and socio-cultural context" ([Appleton Art in Public Places Policy](#)).



This sort of citizen-driven and authentically local approach is fueling the interest in placemaking across the state. Steve Grabow predicts that placemaking will continue to grow. "We are at the point where the design professionals in Wisconsin are more and more understanding of the importance of placemaking." Though now retired, he stays intimately involved in the work of [UW-Extension's Community Vitality & Placemaking](#) team.

When I asked him about the trajectory of the practice in Wisconsin, he remained optimistic. "I believe they [planners] are now trying to figure out to incorporate placemaking into comprehensive plans. But we'll see how that goes in this second round of smart growth plans since the law was passed."



## Looking to learn more about placemaking?

Check these events around the state which feature speakers and experts on the topic:

Wisconsin Economic Development Association, Fall Conference – September

26-28 – Green Bay (AICP CM)

American Planning Association – Wisconsin Chapter Conference – October 8-9 – Madison (AICP CM)



## APA - Wisconsin Conference, October 8-9

### Still time to register

## "Growing Inclusive Communities"

### Conference Highlights

### Plenary Sessions

**Monday opening session:** The Art of Inclusive Communities

**Monday lunch session:** Appleton Mayor Tim Hanna and his Diversity and Inclusion Coordinator, Karen Nelson, describe Appleton's proactive, community-wide approach to inclusion

**Bus and Walking Tour,** Memorial Union and Alumni Park, 1:30 - 3:30

**Bus and Walking Tour,** Madison's Capitol East District, 4 - 6 pm

### Monday evening activities:

**Planning with a Twist,** Cooper's Tavern, 6:30 pm -- conviviality and Pecha Kucha presentations, organized by the Wisconsin Student Planning Association.

**Planning Trivia,** Fundraiser for the Wisconsin Student Planning Association, Rigby Pub. Trivia begins at 8:30.

### Tuesday morning eye-opener meetings:

**Planning Directors,** 7:15 - 8:15 am

APA - WI Annual Membership Meeting, 8:15 - 8:45 am

**Tuesday morning plenary:** Housing Inequality and the Future of Neighborhoods

**Walking tour:** Ensuring Vibrant Downtown Retail, 10 am - Noon

**Bike and Walking Tour,** Monroe Street Corridor, 1:45 - 4 pm

## AICP CM essentials

Ethics Case of the Year (1.5 ethics CM): Monday, 4 - 5:30

Law session (1.5 law CM): Tuesday, 3 - 4:30



## AICP Exam Study Groups

By Nancy Frank, APA-WI Professional Development Officer

If you missed the email about connecting with other November exam-takers, it is not too late.

Email me at [frankn@uwm.edu](mailto:frankn@uwm.edu) to get on the email distribution list.

Remember that AICP offers one exam fee scholarship for a Wisconsin planner each year. If you think you have a good case for receiving the scholarship, contact me at the email address above.

Stay tuned and stay connected.



## Submitting Planning Job Announcements

With our new APA sponsored website, employers will submit their job announcements online. Navigate to Career Center / Jobs / [Post your job here](#)

This is a **FREE service** of APA - Wisconsin. If you also want to post to the APA National site, you need to do that as a separate transaction. Go to the [Career Center](#) on [planning.org](http://planning.org).

**Suggestion for posting:** in the first form field, Job Title, we suggest that you add

some other information so that this informatoin appears in the Jobs List for your listing, rather than job searchers seeing only the job title.

**Job Title, Agency/Organization, Location [e.g., Verona], Deadline**

If you experience any difficult posting your job, Nancy Frank and her web team are ready to step in and help get your job posted. Contact [frankn@uwm.edu](mailto:frankn@uwm.edu).



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## Law Update

**By Brian W. Ohm, JD  
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For questions or comments about these cases, please contact:

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Visit the [Law and Legislation](#) page any time to access the current and past issues of the Case Law Update.

## July and August Case Law Updates

August 31, 2018

A summary of Wisconsin court opinions decided during the month of August related to planning

A summary of Wisconsin court opinions decided during the month of July related to planning

## Wisconsin Court of Appeals Opinions

### What is a “Final Determination” For Judicial Review of Conditional Use Permit Approval?

Zelman v. Town of Erin involved a neighbor's challenge to the approval of a conditional use permit (CUP) for a wine business. One of the issues in the case was whether the complaint was filed in time under Chapter 68 of the Wisconsin Statutes, the municipal administrative procedures law. Section 68.13(1) states that a party to a proceeding resulting in a final determination may seek judicial review of the decision within 30 days of receipt of the final determination. The zoning ordinance for the Town of Erin in Washington County delegates the authority to approve CUPs to the plan commission with a right to appeal to the Town Board. The plan commission approved the CUP. Zelman then appealed the decision to the Town Board. At the hearing before the Town Board, two members of the Board voted in favor of a motion to deny the CUP and two members voted against the motion, resulting in a failure of the motion. According to Zelman, the Town informed her that the CUP was not final until it is signed by all parties and recorded with the County Register of Deeds. It took almost a month for the CUP to be signed and recorded with the Register of Deeds. After Zelman went to the Register of Deeds office and requested a copy of the CUP, she imitated this lawsuit for judicial review of the approval of the CUP.

In response to the lawsuit, the Town argued that Zelman's lawsuit was untimely because it was not brought within 30 days of the Town Board's hearing on the appeal of the plan commission's approval of the CUP. The Court of Appeals disagreed. According to the Court, the final determination on the CUP did not occur until the CUP was recorded with the Register of Deeds. Since Zelman initiated her lawsuit within 30 days of the recording of the CUP with the register of deeds, the Court of Appeals held that the lawsuit was timely and remanded the case to the circuit court for further proceedings on the Town's approval of the CUP.

A concurring opinion in the case agrees the lawsuit is timely but questions if the 30 day period under Chapter 68 has even begun since Zelman never received a written determination of the Town Board's action on her appeal.

The case is recommended for publication.

## U.S. Court of Appeals for the 7th Circuit Opinions

### Adoption of Ordinance Did Not Result in a Regulatory Taking

Squires-Cannon v. Forest Preserve District of Cook County is one of six lawsuits related to the acquisition of a 400-acre estate by the Forest Preserve District of Cook County, Illinois, at a foreclosure auction. Prior to purchasing the property, the Forest Preserve passed an ordinance creating a forest preserve district including the 400-acre estate. The ordinance stated that the Forest Preserve would acquire the property. One of the claims raised by the plaintiffs in the case was that the enactment of the ordinance designating the property a forest preserve district and authorizing the Forest Preserve to acquire the property was a regulatory taking because it reduced the value of the property. The U.S. Court of Appeals for the 7th Circuit disagreed. According to the Court, changes in value due to the enactment of the ordinance are incidents of ownership and are not a regulatory taking.

### Court Acknowledges Anticipatory Private Nuisance as Part of Wisconsin Common Law

Nuisance has its origins as part of the common law developed centuries ago in England and subsequently incorporated by the states as a foundation of their law. Common law private nuisance provides that a property owner cannot use their land in a manner that harms (injures) the property of a neighboring property owner. In Krueger v. AllEnergy Hixton, LLC, the Wisconsin Court of Appeals acknowledged that Wisconsin allows "anticipatory nuisance." The concept of anticipatory private nuisance means the harm to neighboring property has not yet occurred but is anticipated in the future.

The *Krueger* case involved a challenge to a proposed frac sand mine in the Town of Hixton in Jackson County by a group of neighboring property owners. The neighbors argued that if the mine were allowed it would cause harm to their property. A panel of 3 Court of Appeals judges heard the appeal. Two judges interpreted Wisconsin law as allowing anticipatory nuisance but concluded that the complaint filed by the plaintiffs failed to state a claim for anticipatory private nuisance. The dissenting judge interpreted Wisconsin law as not recognizing anticipatory private nuisance. He cited other nuisance cases that deal with harm to neighboring property that has not yet occurred. These cases determined the future harm was a nuisance but not adopt the private anticipatory nuisance doctrine. Private anticipatory nuisance is recognized in other states though it is not widely used because it establishes a higher burden of proof than required in other nuisance cases. This issue was raised by the dissent who argues that other Wisconsin nuisance cases dealing with future harm do not require such a high burden of proof. Based on these cases the dissent would not have dismissed the plaintiffs' case.

As a Court of Appeals decision, the *Krueger* case does not make new law. Only the Wis. Supreme Court can do that. The function of the Court of Appeals is to interpret the law and correct mistakes of the circuit courts. The plaintiffs may petition the Wisconsin Supreme Court to review the case and clarify the status of anticipatory private nuisance in Wisconsin.

The case is recommended for publication in the official reports.

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