



Department of Planning & Community & Economic Development

Planning Division

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To: Plan Commission

From: Urvashi Martin, Ben Zellers (SW Area Plan); Rebecca Cnare, Jeff Greger (SE Area Plan)

Re: Area Plan Land Use Mapping

As City staff develops initial public review drafts of Actions and Generalized Future Land Use (GFLU) maps for the Southwest and Southeast Area Plans, staff seeks feedback from the Plan Commission on two topics related to GFLU maps:

1. A staff proposal to improve clarity regarding what is referred to as the “escalator clause” within the Comprehensive Plan (see the footnotes in the chart later in this memo).
2. How to address where residential may not be appropriate in areas designated as Employment or General Commercial on the Generalized Future Land Use (GFLU) Map.

Background is provided below, with a question for the Plan Commission at the end of the memo.

Select Conditions in LR and LMR, often referred to as “The Escalator Clause”

During the 2018 Comprehensive Plan process, the “Low-Medium Residential” (LMR) future land use category was created for current or planned future “Missing Middle” housing. LMR was mapped from areas that had previously either been Low Residential (LR) or Medium Residential (MR). The then Plan Commission also directed staff to add conditions that would allow some additional development intensity in some situations within the LR and LMR categories. This included a provision where large and courtyard multi-family dwellings could be allowed in LMR “at up to 70DU/ac and four stories, generally along arterial streets,” compared to the up to three stories and 30 units an acre otherwise recommended. When originally conceived, there were a limited number of sites the Plan Commission discussed as locations where flexibility to consider greater intensity could be particularly relevant.

Planning is intended to increase certainty and establish shared expectations. However, the “escalator clause” results in uncertainty, and in some cases mistrust, for all stakeholders. Staff proposed the clause either be removed or not apply to areas with an adopted Area Plan during the 2023 Comprehensive Plan Interim Update. The rationale for the proposed change was that the detailed future land use review that takes place as part of the Area Plan process should determine the appropriate land use category. At the time the Plan Commission opted not to proceed with either of those options, and the clause language was instead modified to increase the number of criteria for utilizing the clause. Whereas the 2018 language allowed higher densities in LMR “generally along arterial streets,” the language in the 2023 update

expanded the criteria to also include “relationships between proposed buildings and their surroundings, natural features, lot and block characteristics, and access to urban services, transit, parks, and amenities” to the factors to be considered. However, these subjective criteria are interpreted differently by stakeholders on different sides of a development proposal.

Residential Future Land Use Categories

| Residential Building Form | Low Residential (LR) | Low-Medium Residential (LMR) | Medium Residential (MR) | High Residential (HR) |
|---------------------------------|----------------------|------------------------------|-------------------------|-----------------------|
| Single-Family Detached Building | | | | |
| Civic/Institutional Building | | | | |
| Two-Family, Two-Unit | | | | |
| Two-Family – Twin | | | | |
| Three-Unit Building | * | | | |
| Single-Family Attached | * | | | |
| Small Multifamily Building | * | ** | | |
| Large Multifamily Building | | ** | | |
| Courtyard Multifamily Building | | ** | | |
| Podium Building | | | | |
| Number of Stories | 1-2' | 1-3 | 2-5 | 4-12~ |
| General Density Range (DU/acre) | ≤15 | 7-30 | 20-90 | 70+ |

* Permitted in select conditions at up to 30 DU/ac and three stories, generally along arterial streets or where these types of buildings are already present or planned within an adopted sub-area plan as part of a pattern of mixed residential development.

** Appropriate in select conditions at up to 70 DU/ac and four stories. Factors to be considered include relationships between proposed buildings and their surroundings, natural features, lot and block characteristics, and access to urban services, transit, arterial streets, parks, and amenities.

~ Or taller, if specified by an approved sub-area plan or PD zoning.

' Dormers or partial third floors are permitted.

The select conditions clause made more sense when the Comprehensive Plan GFLU map was updated every 10 years, but now that the map is updated with the adoption of each area plan staff continues to feel that there should be more clarity around this issue as the next set of Area Plans are developed. The City has continued to make substantial changes in policy and ordinances since the 2023 Comprehensive Plan update through the [Housing Forward initiative](#). These changes have made the development process more predictable, made it easier to build housing, and allowed property owners and developers to do more development by right (without needing Plan Commission review and approval). Additionally, the first two area plans included detailed review of areas that could be appropriate for additional or more intensively developed housing and/or mixed use, informing changes to GFLU maps. In light of the continuing Housing Forward progress and the Area Planning process, staff feels it is even more appropriate to eliminate the select conditions in LR and LMR (the asterisks and footnotes in the chart above) for **adopted** area plans. The detailed GFLU analysis done during area plans provide an opportunity to map land use into the appropriate category without relying on footnotes in a chart. This is critical because:

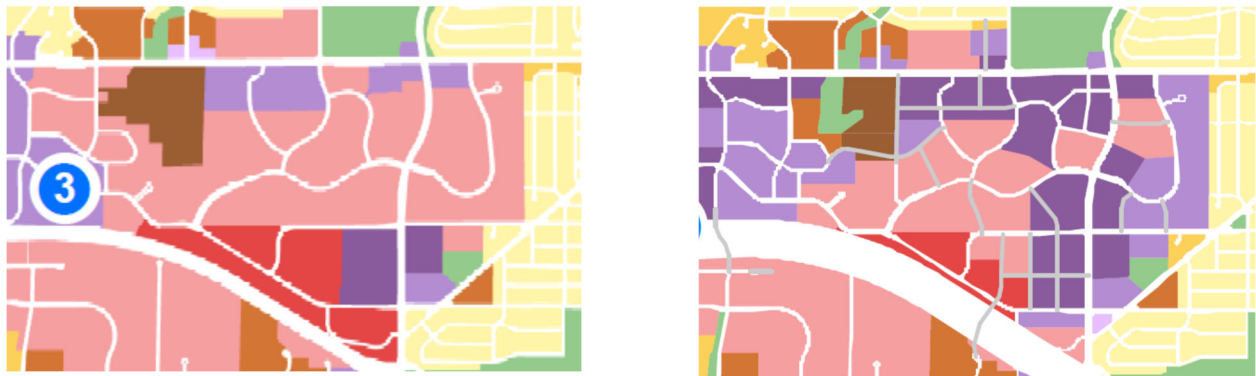
1. It provides more transparency and certainty to landowners, residents, staff, developers, and the Plan Commission;
2. It will reestablish a meaningful “Missing Middle” GFLU category as Missing Middle housing continues to be a focus for the City;
3. It focuses discussion of appropriate land use/development intensity at the planning level, not at the individual development proposal review level.

The Plan Commission will have an opportunity to review draft GFLU maps for the SW and SE Area Plans. If, at that time, the Commission feels there are some areas shown for LR development that are appropriate for LMR development, or areas shown for LMR development that are appropriate for MR development, it can recommend changes to the map.

Employment and General Commercial on the GFLU Map

The 2018 Comprehensive Plan defines the General Commercial (GC) and Employment (E) categories as areas that were largely intended to not include residential development. The primary purpose for these future uses includes retail goods, services, offices, laboratories, and clinics/hospitals. A limited amount of flexibility was allowed for mixed-use development. The flexibility was further restricted in the 2023 Interim Update, which specified that both categories “are not generally recommended for residential uses, especially those that are adjacent to highways due to noise impacts, though such uses may be considered as part of a conditional use under relevant zoning districts when there is adequate access to parks, transit, and a walkable street network.”

In the recent West and Northeast area planning processes, areas identified for GC & E in the GFLU map were closely evaluated and adjustments were made—both to change some of these areas to mixed use districts and, in select cases, to change areas from mixed use to these land use categories. For example, the West Area Plan made changes to GFLU Map in the UW Research Park (URP) area to allow for mixed-use development along Mineral Point, Whitney Way, and Yellowstone Dr. However, portions of URP closer to Odana Road were maintained in GC & E categories due to the lack of access to park space, lower level of transit service, and proximity to the Beltline. Similar assessments were made in the Northeast Area Plan for small parcels, with some areas that were previously proposed for mixed-use changing to recommended GC or E due to their proximity to limited access highways or industrial uses.



Left: GFLU map prior to the West Area Plan; Right: GFLU map updates in West Area Plan. Note: purple denotes mixed-use, pink is employment, red is general commercial.

When working with other agencies, the GFLU map is the foundation for future planning around the impacts/demands on other city services—including Engineering, Streets, Parks, Fire, Police, and others. There can be some flexibility regarding the relative intensity of resulting developments within areas planned for residential and mixed use, and regarding the location of these types of developments particularly when they are along the boundaries of future land use areas. Transitioning larger areas of current or former commercial development to complete mixed-use neighborhoods is a central part of the Comprehensive Plan’s future land use vision, and the City has taken many proactive steps to support this.

Doing so is not without challenges; for example, acquiring much-needed park land to support residential growth in the area above.

Large mixed-use developments within areas largely planned for GC & E can cause challenges with service provision, particularly when the transition is not on the horizon for agencies. Conversion of an area from an employment or commercial use to mixed-use or residential development greatly increases sanitary sewer service demand in ways that may be inconsistent with planned growth estimates. In some cases, these areas may be located such that there are not clear ways to acquire or improve parkland to support additional residents, make connections to essential services and mobility options, and may be more difficult to mitigate the impacts of noise and sources of pollution that can lead to negative health outcomes. In some parts of the city, these areas overlap with school district boundaries that were created based on existing and planned non-residential development. These boundaries become ineffective in situations where residential development is introduced. And finally, there is a need to consider the balance of sites preserved for employment and commercial uses to support the city's residents in the long term. Growth inconsistent with the city plans and agencies' capacities can lead to poor outcomes.

Staff is seeking to provide clarity in plan recommendations for GC & E areas, particularly regarding locations where residential uses are not appropriate. Staff will evaluate GC & E areas that could be appropriate for mixed use via area plan processes. With that, staff feels that is also appropriate to specify E and GC areas within adopted area plans are not appropriate for residential or mixed-use development.

Zoning

A unique challenge to implementing future land use recommendations is that the corresponding zoning districts for CG & E areas allow residential uses as a Conditional Use. The Zoning Code does not have an employment or commercial zoning district that prohibits residential development. The only employment/commercial zoning districts that do not allow residential are the IL (Industrial-Limited) and IG (Industrial-General) districts. While having zoning districts that allow for a range of uses is often beneficial, this can make it more difficult to implement plan recommendations when development proposals are inconsistent with the GFLU categories, particularly where residential uses may be incompatible. The Plan Commission's recent approval of a mixed-use project with 93 homes and 324 square feet of commercial space at 4506-4515 Verona Rd illustrates this challenge.

Specifying that GC and E areas in adopted area plans are not appropriate for residential or mixed-use development will require accompanying updates to the zoning code. Under state statute, rezoning land and updating zoning text requires a finding of consistency with the Comprehensive Plan. However, as noted above, the primary districts that would logically implement GC & E recommendations enable residential uses to be considered. Staff has identified that it may be necessary to either tweak the uses allowed in certain zoning districts and/or proactively rezone high priority sites to better implement plan recommendations.

Question for the Plan Commission:

Does the Plan Commission support staff's proposed approach for addressing existing uncertainty around LR/LMR/E/GC land uses? Specifically:

1. That select conditions for LR and LMR be eliminated for parts of the city with an **adopted** area plan; and
2. GC and E land uses are not appropriate for residential or mixed-use development for parts of the city with an **adopted** area plan.

Staff will develop a public review draft of Actions and GFLU maps for the Southwest and Southeast areas based on feedback from the Plan Commission. Draft Actions and GFLU maps will be then be released for public review and comment, with Plan Commission review following.