

# SMART GROWTH GREATER MADISON

## MEMO

To: City of Madison Alders, Economic Development Committee members, Urban Design Committee Members and staff, Plan Commission members and staff

From: Smart Growth Greater Madison, Inc.

Date: December 21, 2011

Re: Downtown Plan Draft Comments

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Smart Growth Greater Madison, an organization representing over 40 companies affiliated with the Real Estate Development Industry, supports many of the Key Recommendations of the Downtown Plan. However, we are concerned that the subsequent recommendations within the Plan do not appropriately enable the implementation of goals laid out in the Keys, particularly as it relates to the Strengthening the Economic Engine and Ensuring a Quality Urban Environment. We are also concerned with the extensive requirements pertaining to additional historic districts, potential landmarks, and conservation districts.

This memo does not attempt to address all of the minutia within the Plan, however, there are three major themes that have emerged in the three plus years this Plan has been developing. We have recommended some specific actions related to those themes. These issues have been absolutely consistent throughout the entire process in the feedback from the professionals directly responsible for implementing many of the recommendations within this Plan: The downtown developers, builders, financial institutions, architects, engineers, and property owners.

### 1) Flexibility

The phrase “Developers want predictability” is used frequently as rationale for the strict and inflexible restrictions on development. Smart Growth is comprised of a large number of developers, and the overwhelming sentiment is that there should be predictability in the process, but flexibility in the code and ability to do feasible projects. We don’t necessarily know what the landmarks of tomorrow are going to look like, and the myriad of potential obstacles to implementation of the Plan unduly tie the hands of future decision makers.

- The text of the Zoning Code passed in April 2011, included a provision that precludes using the Planned Development District to exceed heights specifically in downtown districts. Without this language being removed from the zoning code text, we strongly oppose the use of a prescriptive height map in the Plan. *Action: Repeal “28.097 (3)(c) Downtown Height Regulations. All Planned Developments within the Downtown Districts shall comply with the height limits of those districts” in the section Planned District Development of Zoning Code Text adopted in April 2011.*
- The use of very specific setbacks and stepbacks on buildings exceeding particular heights may stifle architectural creativity and in some cases render a project impossible due to lot

size, building configuration, and fiscal feasibility issues. *Action: Remove reference to specific numbers, such as 15 and 30 foot setbacks and rather allow the appropriate setback or setbacks to be determined as projects come forward: Examples: Bonus Areas D and E (Langdon) page 129 Eliminate 30 ft requirement for setbacks. "Maximum Building Heights." page 42 Eliminate "15" from setbacks and leave as "Setbacks above 4 stories as appropriate or consistent with district character."*

- Bonus stories should not be restricted to carved-out areas, but should be applicable across downtown. Eligibility criteria should be consistent and tied to architectural excellence or innovation. *Action: Expand bonus stories to all downtown, excepting parcels already designated as Capitol View Limit on the page 42 height map. Create uniform criteria tied to architectural excellence, innovation, or design.*

## 2) Balancing preservation with innovation

This Plan had a very heavy emphasis on increasing the number and scope of historic districts, and preservation of landmarks, potential landmarks, and older structures. If all of historic and conservation districts came to fruition, an estimated 2/3<sup>rd</sup> of the downtown would be in a Historic District or a Conservation District, and that doesn't include university and government buildings off the tax rolls, recent developments that are unlikely to be redeveloped in the next 20 years, or the parcels including landmarks and potential landmarks. It is highly likely that 2/3<sup>rd</sup> of downtown property is a very conservative estimate of the percent of land downtown that falls into those categories. Whereas preservation is important, it is also important to balance it with the ability to support urban redevelopment, including the creation of new landmarks and historic buildings through the form based elements of the new Madison zoning code.

- ❏ Historic Districts: Madison currently has local historic districts, and if the majority of property owners want to explore additional historic districts, those tools already exist. The Plan should focus on how to make the existing districts vibrant and unique and leave future historic designation to a separate process.
- ❏ Landmarks: This plan incorporates not only "landmarks" but "potential landmarks" into various requirements for redevelopment. Whereas there are strict criteria for dealing with existing landmarks, treating potential landmarks with the same significance is an unfairly obstructionist approach to forcing the implementation of the 1998 Landmarks report. The landmarks process is a separate process; potential landmarks should not be treated with the same clout as those that have gone through the proper designation process. *Action: Eliminate "potential landmark" references from current plan, and make a recommendation that the 1998 Landmark Plan be revisited to determine which potential landmarks should be designated as such, and which should be removed from consideration.*
- ❏ Conservation Districts: Neighborhood Conservation Districts are proposed for both the Mifflin and Bassett neighborhoods. A Conservation District is a tool that is in place as a bottom-up, resident driven tool. Conservation Districts trump any other underlying zoning once adopted, and require that any future construction or redevelopment in the district incorporate whatever features are identified as unique features that give it the designation of a Neighborhood Conservation District. These districts ideally would be triggered by a percentage of the property owners as well, although current law does not require the actual property owners to agree with the designation. It is not something that should be generated in a top down plan. *Action: Eliminate language calling for NCDs: Recommendation 66 (page 51) Mifflin district; Recommendation 70 (page 53) Bassett*

*district.*

### **3) Strengthening the Downtown's Economic Engine**

We strongly support Key 2 that calls for Strengthening the downtown's Economic Engine. The recommendations of the Plan should then tie back to this goal. Because this is a broader topic, the Economic Development Committee may want consider a work group that would more closely look at this critical component of the Plan. *Action: Recommend a subcommittee of EDC be formed to address the Economic Engine key of the plan and how it relates to other recommendations throughout the Plan.*

Thank you for your consideration of our comments on the Downtown Plan. Because it is a part of the Comprehensive Plan, and therefore carries more significant legal weight than an advisory plan, we are concerned about leaving language in that would legally obstruct what is allowable in the zoning code, and therefore future redevelopment downtown.

It is especially critical that the Downtown Plan enables flexibility, creativity and a vision of what can be possible for future Madison.