

Fellow Plan Commissioners: I will not be able to attend the Zoning Code Rewrite Special Meeting on August 2nd, so here are some thoughts for your consideration. Nan Fey

Lakefront Development (Memo #1)

Items #53-54 of Plan Commission Informal Suggestions (p. 32):

In February of this year, the Common Council passed a waterfront setback ordinance that requires additions to non-residential, lakefront properties to be either 75 feet away from the waterfront or as far back from the waterfront as the original building. This may have been an adequate response at the time, but other issues have been raised about non-residential waterfront development that were not addressed by this ordinance. While it may not be strictly necessary to do so given that any waterfront development requires a CUP, it would still be worth specifying some of these other issues; in my view, this is best done by the Plan Commission and I regret missing this discussion, but I'll do my best to make a contribution here.

During our Zoning Code Rewrite Working Session on February 4th, we recognized the potential need to have some different standards for non-residential waterfront development. One of the fundamental questions the community was asked at the beginning of the Zoning Code Rewrite process was which special places in the City would we want to be able to build again, to which the best lakefront example -- for me and many others I'm sure -- is the Union Terrace. If Madison had an ordinance for non-residential development that placed a value on public access and/or public purpose, and required the mitigation of water quality impact from development near the shoreline, we could encourage the kind of development, both public and private, we as a community would like to see along our lakes.

Item #45 of Plan Commission Questions (p.43):

Here are some preliminary responses:

- a. Yes, to more specifically require public access/purpose and stormwater runoff mitigation measures.
- b. Yes, and if underlying lot coverage standards are inadequate close to the lake(s), provide ability to set other standards.
- c. No change needed, but add riparian standards to the list of issues for future discussion.
- d. Consider including in statement of purpose.
- e. Depends. The CUP process should take care of this.

- f. Question for the Zoning Administrator and City Attorney.
- g. Surely there must be places where it does.
- h. Governed by state of Wisconsin's "public trust doctrine"
- i. Wasn't there a challenge to this for a building on Monroe Street?
Where does this stand?
- j. Develop % of the lot coverage standards with possible flexibility if stormwater management measures are exemplary.
- k. Interesting idea if it would achieve more of our goals.
- l. Yes.
- m. Yes (see j above).
- n. Clear communication is always an important goal.
- o. If it would help policy-makers, it might be worth doing.
- p. Not necessarily, if run-off is managed adequately. Think of the need for piers, boat launches, etc.
- q. Needs clarification.
- r. OK.

Procedures (Item #75, page 35)

Consider requiring a pre-application meeting on certain projects. In response to the Economic Development Division's review of the development process, staff's memo dated 7/22/10 notes a number of factors that might be considered when deciding which projects might warrant this, including the size and complexity of the proposal, its consistency with adopted plans and underlying zoning, notice and public hearing scheduling requirements, and the willingness of the Applicant to work with City staff, neighborhoods and interest parties to resolve issues.

Plan Commissioner Questions (beginning on page 37)

It appears that staff is asking for commission input on only a handful of these questions, besides those that involve waiver issues which we'll be discussing as a group at another meeting.

18. Prefer staff response (b). The conditional use approach to allow for potentially more locations of this higher density residential option in mixed use areas.

20. Yes, they should be possible if meet conditional use standards.

24. Prefer staff response (b). Given the requirement of a Master Plan in MXC districts, there should be ample opportunity to address this issue for each individual district.

42. Agree with exploring the potential for different requirements for larger and corner lots, and perhaps these could be permitted without an overlay district if requirements were sufficiently specific.

45. Lakefront Development (see above)

58. As the commissioner responsible for introducing this quotation from the Mayor as a way of thinking about the concept of “general welfare”, it was meant not to be a statement with legal implications. Perhaps we should ask the City Attorney’s office for ways of phrasing certain concepts in our standards so that they can be more easily understood and applied.

Plan Commission/Urban Design Commission Comments and Questions
(pp. 50-53 of the green memo)

#1-3 don’t seem to invite action by the Plan Commission.

#4 should be tabled for the discussion of waiver and conditional uses.

#5-6 need clarification by staff to UDC.

#7-14 don’t seem to invite action by the Plan Commission.

#15-16 more relevant to review of the development process.

#17-19 seem to be answered, no action needed.