

**AGENDA # IV.A.**

City of Madison, Wisconsin

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**REPORT OF:** URBAN DESIGN COMMISSION

**PRESENTED:** February 16, 2005

**TITLE:** Resolution, I.D. 37321, requesting a review by the Plan Commission, Urban Design Commission and the Common Council Organizational Committee of the Economic Development Commission's recommendations from their report entitled "Opportunities to Make Madison City Government More Friendly to Business" dated December 2004.

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

**AUTHOR:** Alan J. Martin, Secretary

**ADOPTED:**

**POF:**

**DATED:** February 16, 2005

**ID NUMBER:**

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Members present were: Paul Wagner, Chair; Todd Barnett, Bruce Woods, Michael Barrett, Lisa Geer, Robert March, and Lou Host-Jablonski.

**SUMMARY:**

At its meeting of February 16, 2005, the Urban Design Commission **REVIEWED AND PROVIDED COMMENTS** on the recommendations within the Economic Development Commission's Report as requested within Resolution I.D. 37321. Ald. Zach Brandon appeared on behalf of the EDC report to answer questions and to provide the Commission with information about the report. Ald. Brandon's appearance was to provide a continued dialogue with the Commission on the recommendations within the EDC's report and as is referenced in Resolution I.D. 37321 requiring formal review and comment by the Urban Design Commission. Ald. Brandon spoke to the rationale behind each of the recommendations. Ald. Brandon noted that one of the functions of the report was to find a way to include people in the process and allow for input, resulting in the recommendations in the report. Ald. Brandon elaborated on several initiatives as a result of the recommendations in the report currently under way, such as:

- An on-going initiative with City staff to eliminate obsolete, conflicting and inconsistent provisions within existing ordinances and regulations.
- The departure from title-only ordinance introductions in addition to review of ordinance amendments by a subcommittee of the Common Council.

Following discussions between the Commission and Ald. Brandon, the Commission expressed concerns with several elements of the report as previously stated and as contained within the written responses from individual Commission members on the report as forwarded to staff from Wagner, Geer, Host-Jablonski, and March. Although varying in their structure and format, the individual comments by the Commissioners provided details on the collective Commission's concern with the inadequacy of the report as issued as well as its recommendations.

Continued discussions on the report by the Commission emphasized the following:

- Concerns with public process and input in following up to the EDC report, not established or clarified.
- Questioned efforts by the EDC to solicit feedback from other industries, such as Pacific Cycle, Planet Bike, GeoAnalytics and other area companies on the need to provide a quality of environment to compete with other markets.
- Elaborate within the report the tie between the growth of the economy and the growth of communities.
- Examine the impact of bicycling on economic growth and in providing quality places.
- The report contains comparisons to other communities that are not on par with our community and its standards.

Following the discussion, Host-Jablonski recommended that the individual bullet points relevant to the Economic Development Commission's recommendations contained both within its report and within the resolution request for review be numbered sequentially in the same order as they appear in both documents, so that the Commission could make comments on each of the recommendations.

### **ACTION:**

On a motion by Geer, seconded by Host-Jablonski, the Urban Design Commission **REVIEWED AND PROVIDED COMMENTS** on the EDC report, as requested within Resolution I.D. 37321. The motion was passed on a unanimous vote of (7-0). The motion established the following:

- Corresponding numbers were assigned to each of the recommendations referred to in the EDC report and as identified within the resolution.
- The Urban Design Commission supports the recommendations Nos. 3, 4, 7 and 8.
- The Urban Design Commission doesn't support the recommendations in Nos. 1, 5 and 6.
- The Urban Design Commission stated that it was inappropriate to comment on No. 2; it felt that the recommendation was beyond its scope.

The support, non-support, and non-comment on the recommendations within the report and resolution are described and qualified in the individual comments by the Commissioners appended to the motion.

After the Commission acts on an application, individual Commissioners rate the overall design on a scale of 1 to 10, including any changes required by the Commission. The ratings are for information only. They are not used to decide whether the project should be approved. The scale is 1 = complete failure; 2 = critically bad; 3 = very poor; 4 = poor; 5 = fair; 6 = good; 7 = very good; 8 = excellent; 9 = superior; and 10 = outstanding. There were no overall ratings for this agenda item.

***ATTACHED COMMENTS FROM:*** Paul W. Wagner, Lisa J. Geer, Robert March and Lou Host-Jablonski

February 9, 2005

Paul W. Wagner  
Urban Design Commission

**Personal Response to Madison Economic Development Commission Report:  
Opportunities to Make Madison City Government More Friendly to Business  
December 2004**

1. Page 11, last paragraph:  
The use of the term “war stories” in the text, exemplifies the unprofessional character of this report. Given that this report is a “Report to the Mayor”, care should have been taken by the author to follow professional standards of report composition and language. This term also strongly suggests that the author purposely composed the text of this report to convey a negative biased image.
2. Page 13, last paragraph:  
Regarding the phrase “...those who do business in a number of communities consider Madison to be the most difficult community with which they work”: This paragraph appears to embellish on actual testimony, again for the purpose of conveying a negative image. I find it hard to believe that there are not communities that are more difficult to work with than Madison, or at least on a par with Madison. The report should have included more research of examples to substantiate this claim.
3. Page 14, 3<sup>rd</sup> paragraph:  
Regarding the phrase “..., the reason for delays were due to reasons beyond the city’s control.”: Examples of reasons for delays should have been included, such as applicants choosing to delay a project, or insufficient or incomplete submittals on the part of the applicant.
4. Page 16, 1. b):  
“Create cabinet-level office of economic development to increase the capacity of the city to grow its economy.”: Sounds to me like the Economic Development Commission could be dissolved if this recommendation is implemented (???)
5. Page 19, 3. a., first paragraph:  
“Consolidate existing Commissions, such as the Urban Design Commission and the Plan Commission,...”: Should not say “such as” unless other examples can be given. Sounds like the author is focused on this one intent, but trying to fool us into thinking other possibilities were considered. If there are other possible consolidations, I’d like to know what they are.

Page 19, 3. a., second paragraph, regarding adding two design oriented members to the Plan Commission and dissolving the UDC:

Have the EDC commissioners been to Plan Commission meetings? Have they witnessed how lengthy Plan Commission meetings are? This idea would only make Plan Commission meetings unbearably long by adding this additional level of review and discussion. The design aspect of projects would not receive adequate attention due to time constraints, and would not benefit from the rich diversity of knowledge and insight that is currently afforded by the Urban Design Commission as it exists.

6. Page 20, 3<sup>rd</sup> bullet:

The suggestion of “carrots” of “...expedited reviews, reduced fees,...”: These suggestions sound very dangerous, in that they could lead to abuse, and/or would not be fair to all applicants. And, on who’s shoulders would it fall to make the judgements as to which proposals would receive such “rewards”?

7. Page 34, regarding Adams Advertising testimony:  
Per previous City determination, Billboards are to be eliminated from the City as the possibility arises.  
End of story.
8. Page 35, Former Verona Mayor testimony:  
Sounds like ideas that would only add more commissions/committees. Does Madison need that? Some think we already have too many.
9. Page 36, regarding Meriter testimony:  
Agreed, the Fire Dept. and Planning Dept. need to improve coordination.
10. Page 38, John Martens testimony:  
2<sup>nd</sup> to last paragraph, regarding Zoning Board of Appeals:  
I believe they had/have time to discuss streamlining due to having much shorter agendas than UDC or Plan Commission.  
  
Page 39, 2<sup>nd</sup> paragraph:  
Speaker is totally incorrect in thinking that “it’s mandated to imitate historical structures”, or that “we’re getting a design by committee”. The UDC only tries to make improvements where and when improvements are needed. The UDC doesn’t have the time to “design”, and frequently tells applicants to go back and devise solutions to the shortcomings the UDC sees. The UDC prefers to not dictate how the applicant solves the issue or issues, but will offer possible suggestions to consider.
11. Appendix B:  
The examples of other cities is a good start, but more examples should have been included, particularly of cities of similar size to Madison, and of cities particularly well know as attractive and good urban environments. I expect this would reveal examples where the setup is similar to Madison.

Response to the Economic Development Commission Report to the Mayor  
Lisa J. Geer

The need to improve communication with the development community and its representatives permeates throughout the report. The business community may lack an understanding of why the ordinances and commissions were instituted and how they contribute to the vitality and integrity of our community. An understanding of the monetary implications for developers of delayed or restrictive processes by the City of Madison would be helpful in addressing their needs.

It is important that the city of Madison is compared accurately with its surrounding communities when business opportunities are discussed. There may be some development types that may no longer be suited to an urban community such as Madison. The best and most intense use of our limited available land resource may determine which types of development are encouraged in different areas of the city. Downtown Madison is obviously not the place for large single story developments with no orientation to the street. Multilevel multiuse developments complimentary of the surrounding architecture and uses are the most appropriate here. Other concerns for an urban environment are more site orient and include storm water, light glare, and heat from pavement. These may seem 'subjective' to developers but continue to be increasing problems. We have seen flood events occurring on a regular basis. These are appropriate areas to be looked at and regulated if our city is to be an inviting environment to live in.

I agree with many of the recommendations listed in the report but have concerns with a few that I will discuss.

Presumptive Approval: This could be more harmful than helpful. The projects that become delayed often fall under two areas. The first being unfamiliar or unresponsive to the process and its requirements before application. Projects are referred because of insufficient information to determine the merit of a project. The second is lack of contact with the community or the projects neighbors. Often projects are introduced with little or no communication with the neighbors and its community organizations for their input and concerns. Again these projects may be referred until these communications are begun. Setting a time limit in these situations would pass along projects, which may not integrate well with the community or are insufficiently developed or designed. It may promote a developer to stall and wait out the time limit with a design in which the neighborhood doesn't like or has an inferior design.

Consolidation of the Urban Design and the Plan Commission to reduce the submittal process would not be in the best interest of the public. The two commissions have distinct purposes and benefits to the community. The idea that the process would be faster and more efficient is a falsehood. If all the issues of both commissions are still addressed the meetings would either be longer or it would take longer to get projects slated for review. With time being a concern by the consolidated commission many issues would probably go unaddressed with the public to ultimate loser.

## **Response to Economic Development Commission**

Robert March, Urban Design Commission

The Economic Development Commission's (EDC) *Report to the Mayor*, while acknowledging that Madison has a nationally recognized reputation as a good place to do business, notes that it is sometimes more difficult to do business in Madison than in other cities of its size. One of the principal reasons for this is that Madison enjoys a high level of participatory democracy, through its boards, commissions, and neighborhood associations. Dealing with all of these bodies can engender delays and require additional effort and expense. We regard this as part of the price we pay for the high quality of life for which Madison is famous.

At present, Madison is experiencing an unprecedented building boom. We on the Urban Design Commission (UDC) consider this an opportunity to further upgrade the physical environment of the City. We try to approve projects that will serve the city well not just when newly constructed, but for decades to come.

It is important to remember that it is our responsibility not only to ensure the quality of new development, but also to guard the value of the City's existing assets and its potential for future development. Thus we are frequently called upon to weigh the impact of a proposal on its neighborhood, on established businesses in the vicinity, and upon prospects for subsequent development in the area.

Accordingly, we would like to take this occasion to respond to those of the EDC proposals that fall within the purview of the UDC.

### *Creation of an ombudsman / project manager and a first point of contact . . .*

This is an excellent suggestion, but these services will not always be required. The vast majority of proposals we review come from experienced local developers who understand Madison's system thoroughly. Such proposals are usually approved with little or no delay. But an ombudsman would prove useful for developers with little experience in Madison.

### *Undertake a total evaluation and redesign of the current system of development review and approval.*

This is probably called for at this time, given the accelerated pace of the City's development.

### *Adopt presumptive approval as a basic operating principle . . .*

This could be create more problems than it solves. In our experience, the very few proposals not approved well within the suggested time limit are those that are first presented with insufficient information for the Commission to fulfill its mandate, which fail to consult with all legitimate stakeholders before presentation, or are delayed by factors other than the approval process, such as financing and commercial arrangements. This provision might invite dilatory tactics by developers who hope to evade compliance with the standards the City imposes.

### *Consolidate existing commissions, such as the Urban Design Commission and the Plan Commission . . .*

At present, both Commissions have heavy workloads that make it difficult to get through their agendas by a reasonable hour. Adding members to a single combined body would only exacerbate this problem. When discussion becomes too protracted, the temptation to move the meeting along by the device of referral can become overwhelming.

The UDC relies on design professionals (six of its nine members) to provide expertise not just in architecture but in landscaping, and in such environmental considerations as storm water management, light pollution, and energy efficiency. It is hard to imagine how adding two members to the Plan Commission could meet this need. It should also be remembered that Commission members are volunteers who serve without compensation, and increasing the workload for a few new members of an expanded body would make it more difficult to recruit qualified people.

*Clearly define the role and limits of boards and commissions . . .*

This is important, and should be addressed in the proposed comprehensive review. Part of the problem is that volunteer members are not always fully aware of the existing rules. Staff can (and does) help to remedy this ignorance. We do acknowledge that UDC commissioners unfortunately do sometimes succumb to the temptation to micromanage. We feel that the best remedy for this problem would be vigorous intervention by the Commission chair.

## Response to the Economic Development Commission Report to the Mayor Lou Host-Jablonski

### Reading the EDC report

I set aside a part of an afternoon to pore over the EDC report. It needed only a fraction of that, however. I'd expected to read actual data: carefully researched findings; charts and graphs that analyze the business climate, past and current; comparisons between Madison and other municipalities it's size, and so on. Something, well, business-like.

Instead, this is more of a brief opinion paper, with some comments recast as recommendations. The few outside "facts" cited, from notable business-oriented publications such as Forbes, Careers, Inc. and Entrepreneur Magazine, which rate Madison's business climate very highly, don't support the report authors' opinions and are thereafter ignored without explanation.

Oddly, the report focuses most of it's attention on a rather narrow subset of economic development concerns, primarily those relating to building permits and planning department approvals for development and expansion projects. This is far from a comprehensive list of business concerns, although I personally can relate to the topic because of my own work. It seems that these were the primary topics of listening sessions which the report authors faithfully transcribed.

Early in the report, the portrait is painted of the business community as fearful, non-involved and reactive, a too-often bewildered victim in a hostile environment. Reading the report it's easy to conclude that all business owners feel that it is - or should be-- someone's job to provide them a smooth and easy environment to do their thing. As someone who has helped operate a successful business in Madison for the last 28-some years\*, I find this assessment disturbing and even offensive.

Don't get me wrong -- I've done plenty of whining myself. One of my jobs is to design projects and help people get them through the regulatory labyrinth. For every story of dunderheaded elected City officials, high-handed City commissions, power-hungry, foot-dragging City staff, impotent shrugs and lousy communication, I can see you and raise you two.

No doubt about it, a good kvetch session gets the juices flowing. And there's PLENTY that needs fixing in City Hall. But to make constructive improvements to a flawed system takes digging in. It starts with a thoroughgoing understanding of that system. I don't see evidence, however, that the effort to do so was made for this report.

Here's a few pieces of the evidence:

### Presumptive approval

"Presumptive approval" is one of those simple, seductive, sound bite-ready ideas. It's also wrong-headed and unworkable.

First, it's unnecessary. As the EDC's report points out, the vast majority of projects proceed through the approval process relatively smoothly. Then, there's the implied sense of entitlement that is staggering, and which would engender much -- and loud-- public outrage and with plenty of opportunities for further polarization.

Finally, it wouldn't work. There would be dozens of ways to circumvent the time limit anyway, from any side of a given project. If passed as an ordinance, this would be one of those useless pieces of legislation that Madison is regularly derided for, a triumph of "perception" over practicality.

One is tempted to propose that it makes more sense, should a project be so problematic that it's taking 180 days to be approved, that it should be presumptively denied. Of course, this is equally silly, for all the same reasons.

A better answer than this one-size-fits-all suggestion of course is one that the EDC report already suggests: work to make incremental improvements to the process so that it is more clear and effective, with better-informed applicants, better-educated citizens, and better-systematized staff procedures.



Consolidation of Plan Commission & Urban Design Commission (full disclosure: I've served on the UDC for the past 8+ years)

Consolidation of commissions is one of those efficient-sounding ideas that seem smart until you actually understand what the commissions do. Here's why the notion isn't so smart:

- 1) There's a great deal of development happening in Madison, with currently no break on the horizon.
- 2) We have reasonably high standards of expectation for development projects -- not world-class by any means, but certainly higher than many of the surrounding small burgs. Most feel that this is appropriate for a State Capital city, and there seems to be general agreement that Madison is reasonably well-planned, attractive and a good place to live and that we'd like to keep it that way.
- 3) Together, lots of projects and reasonably high standards means a lot of work for City staff and often long agendas for the reviewing commissions. Plan Commission and Urban Design Commission divide up the work, although the areas of expertise overlap somewhat.
- 4) All commissioners in Madison are unpaid volunteer appointees. Plan Commission and UDC meetings twice monthly are regularly in excess of 4 to 6 hours long; they are open to (sometimes lengthy) public participation and comments.
- 5) Even if these two commissions were combined, the work would not go away. (The EDC is NOT proposing, for example, to limit public participation, nor to abandon our standards and make our city badly-planned and ugly.) To get the same amount of work done with fewer commissioners then, some or all of the following would happen:
  - a) meetings would get considerably longer -- a depressing and ultimately dysfunctional prospect for commissioners, applicants and the public alike; or
  - b) the work would be referred to sub-committees (by some additional process, yet to be invented), adding another layer of review where it would likely take even longer and be even less transparent to business owners and the public; or
  - c) things would get overlooked, crucial expertise would go missing, consistency would suffer and so standards WOULD effectively be lowered out of sheer overwork, to the detriment of the city in the long term.

Could these two commissions be more efficient, more consistent, better informed, less windy and more concise in their actions? Absolutely. Could the projects and applications be of uniformly high quality, thoughtfully appropriate to their urban context, complete and concisely presented? Lots of room for improvement there, too.

#### Reducing Standards

From verbal public testimony of EDC members, I have to suspect that, despite the careful language of it's report, the EDC in fact entertains the notion that both standards for project review and for public participation in the review process ought to be reduced. If this is what is being contemplated, let's have it out in the open, and debate the pros and cons specifically.

#### Improvements

Despite the limited nature of the EDC report, it does identify some things ripe for change:

An improved, web-based information and tracking system for development projects. Apparently this welcome change is already in the works;

Single-point and/or staff person 'ombudsman' to help guide new projects. Great idea; I've been saying this for, like, two decades. EDC doesn't say how the extra staff positions would be paid for however. Higher application fees?

Ongoing self-examination of ordinances, clarification of review practices, reducing duplication and routine reviews, eliminate out-of-date standards and open up rigid practices that tie the hands of City staff and project design teams. Again,

long overdue. ZTAST, a staff-only committee has been doing similar things behind closed doors for years. Let's make it public, regular and sweeping.

#### Missing Links

The EDC's report is notable for important economic development concerns that are missing. A thoughtful and concerned business owner cares about such issues as: decent quality housing for our workers that they can afford and is located in the right places; out-of-control health care costs; improving our transportation system to get customers and employees to and from our businesses, keeping our child care and schools systems vital and first-rate; planning for the supply of our growing energy needs and doing it in a way that is sustainable into the future.

These are the some of the things that define the environment of Madison businesses, and provide opportunities to do business. None of these important issues made it into the EDC's report.

Another thing that I hoped to see in the report but failed to find, is a call to action on the part of less-involved business owners and entrepreneurs to become more active in the public processes that shape our city, our regional planning, our ordinances and review practices. A great environment, for business and for living, is unfortunately not an entitlement; it must be created with a lot of hard work and diverse voices. Civic involvement is a great way for business owners to empower themselves, contribute to positive change, earn community trust and support, and learn the ropes. The not-so-secret benefit is the great visibility and business-advancement opportunities that come with civic involvement.

The EDC report says that the business community wants and expects to be notified about all City doings that affect it, and each time to be invited to the table to consult and advise. Countless times I've heard neighborhood groups say that they want and expect exactly the same things. I guess neighbors and businesses are not so far apart after all.

#### Afterthought

Since it's clear that the EDC's report is all about perception, not facts, I'll venture a perception of my own: this report has as it's foundation an unexamined fear. Fear in this case, for example, that Madison will "lose out" on "it's share" of development in the region.

This fear takes the form of unexamined assumptions, such as: Sprawl is acceptable, or in any case, inevitable, because that's the only way retailers develop now; unlimited growth is essential and good; Madison only benefits when it "wins" and others in the region "lose"; Madison has to accept whatever developers choose to offer it, because someday "they'll all go away, and then where will we be?"

Let me opine that a business model that is based in fear may be a strong motivator in the short run, but it is not well suited as policy for the long term strength and vitality of a city.

Madison can afford to be picky about how and where it grows; in fact I would argue that, especially at the current stage of it's growth, Madison can't afford NOT to be picky.

It's a classic business myopia to take the environment around you for granted. What follows is anger when you begin to feel that it's not supporting you the way you feel that you have a right to expect, anger and fear that you won't be taken care of. After you get beyond that comes the will to shape the environment.

Wal-Mart is working the dark side of that, reshaping small-town America so that it conforms to their business model. There's a much better way however. Our current bright development lights are bringing Madison far more innovative and hopeful things: smart, city-shaping projects at Union Corners and Hilldale Mall that are building consensus and excitement (read: plain good marketing).

Here in enlightened Madison, home of the Wisconsin Idea, we ought to be able to devise something better than business-as-usual. In fact, we already have. We've got an urban environment that is better and more beautiful than any other city our size. We've got people -- and businesses-- moving here in droves. Unlike just about everywhere else in the nation, this area has not seen a slackening of the economic boom times in over a decade. Maybe I'm the glass-half-full guy to the EDC's glass-half-empty. Forbes magazine and the Wall Street Journal seem to be pretty clear about us, though.

\* I have some sense of the kind of work it takes. I've worked on numerous City commissions of topics ranging from zoning, project planning, parks and energy policy. I've worked for years alongside city business owners and residents who meet regularly, who work hard to understand complex processes, balance public and private interests and slowly effect positive change. I've had 8+ years of experience on Madison's Urban Design Commission, and that gives me some insight into the regulatory side of things.