

Plan Commission
Meeting of June 9, 2025
Legistar 88003

The Drafter's Analysis claims the proposal makes "clear that conditional uses that are approved for alterations are also eligible for extensions." It does more than that – it can be interpreted to invest staff with authority to approve major alterations that currently can only be approved by Plan Commission.

MGO 28.183(8), Alterations, provides:

No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the standards in sub. (6), above. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission ...

While the proposed extension language tracks the minor alteration language of sub. (8), the proposed language is not limited to minor alterations. A CU could expire, the developer could ask for major alterations, those alterations could be approved by staff and then the CU extended for one year.

Further, extensions do not require Alder approval. During the 2-year validity period of a CU, the Alder must approve any minor alteration to a CU. An extension after CU expiration only requires consultation with the Alder, not approval. Thus, minor alterations or additions could be approved by staff prior to the granting of an extension without any Alder approval.

The same requirements should apply to a CU during the 2-year validity period and the 1-year extension period and to any gap between the validity period and the extension being granted. This could be accomplished using language such as:

"Where the plans have not been altered from the Plan Commission's approval, other than minor alterations approved under sub. (8) above, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to one (1) year from the expiration date."

This language would accomplish the intent as stated in the drafter's analysis:

- (1) Major alterations approved by Plan Commission would come under "plans have not been altered from the Plan Commission's approval."
- (2) Minor alterations would come under the new language.
- (3) If a developer was seeking minor alteration approval in conjunction with an extension, the extension could be approved and then the minor alteration could be approved by staff (assuming Alder approval).

Ordinance language should be clear – it should not depend upon staff processes or explanation.

Respectfully Submitted,
Linda Lehnertz