

Common Council  
Meeting of January 13, 2026  
Legistar 90908, Agenda #13

When a Commissioner asked staff what problem this ordinance change was intended to resolve, staff replied with two reasons. First that the ordinance is intended to provide some greater consistency since currently development setbacks can vary widely. Sometimes the side abutting the path is a side yard with a shallower setback, or the property could be in a Planned Development which also may have reduced setbacks, or it could be a rear yard that requires deeper setbacks. Second, it is intended to help recognize that development next to these paths can provide for some activation of the path.

Greater Consistency

This change would not provide greater consistency.

In the 600-1000 blocks of Williamson/E Wilson right-of-way, many buildings are close to the lot line at about 5 feet. (This is the old industrial railroad area). This area has been fully developed and is unlikely to see further redevelopment, other than the 600 block. Thus, the 600-1000 blocks with buildings close to bike path is already consistent. Outside of 600-1000 blocks, there is only one building, 404 Division, which has a 7 foot side lot abutting the bike path.

Going forward, there are few locations that can make use of this ordinance change. Attachment A is a map of MNA and SASY areas that abut the bike path. The path is outlined in bright blue, and lots which potentially could make use of this ordinance change are outlined in bright green. At most, 4 lots could use the ordinance change (and redevelopment of Mickey's Tavern is unlikely).

If anything, the proposed change would provide an opportunity for more variation. For example, look at the mid-block property on the 1400 block (second map of Attachment A). This is a lovely tree-lined stretch of the path with barely a glimpse of a building. Allowing redevelopment at 5 feet from the right-of-way would clearly disrupt this unusual vista and would create inconsistency with properties on that block.



Google Street View

One redevelopment that could make use of this ordinance change is 2066 Helena. This proposed Hovde redevelopment came before the MNA P&D Committee last July to seek support from MNA for PD zoning in order to reduce the rear lot line. Since then, there has been no public news of this redevelopment until today when a notice was sent that Hovde plans to apply for a demolition permit around February 2<sup>nd</sup>. (Perhaps Hovde is anticipating Council approving this ordinance change.) While a 5 foot rear setback would be close to the 7 foot setback of 404 Division, it would not be consistent with the rest of the 500 feet of the block (single-family homes with most set back about 60 feet from the bike path).

#### Activation of the bike path

One might wonder why the bike path needs to be activated – it already has a lot of foot and bike traffic. Further, the three newest buildings (722 Williamson, 306 S Paterson and 306 S Brearly) do nothing to activate the bike path since the first floor is a parking garage. (306 S Brearly does plan to have a small corner at the bike path with something like a coffee shop.)

#### Tree Protection

Another Commissioner asked about tree protection and whether those trees would be subject to the new tree protection ordinance. Staff replied yes, and added that the right-of-way trees I mentioned in my comment letter may have been removed due to the storm sewer project. (The developer removed two trees clearly in the right-of-way within the first days of construction – before the storm sewer contract was even approved. A third, a large cottonwood, was likely on the right-of-way but it is not 100% clear.)

What the new tree protection ordinance will not fix is the care of existing trees. The developer is entitled to dig out the development lot, so if a tree is located close to the property line its roots will be cut, as will its canopy. 306 S Brearly dug a hole for the foundation right to the lot line, hacked the remaining cottonwood's roots and lopped off limbs.



One could also question why a few developers should be allowed to build a building with a bigger footprint -20 more feet at the rear – than other developers. Or why public land can be mowed for the residents benefit and dog 'walking.' Or what counts as a "publicly-owned multi-use path."

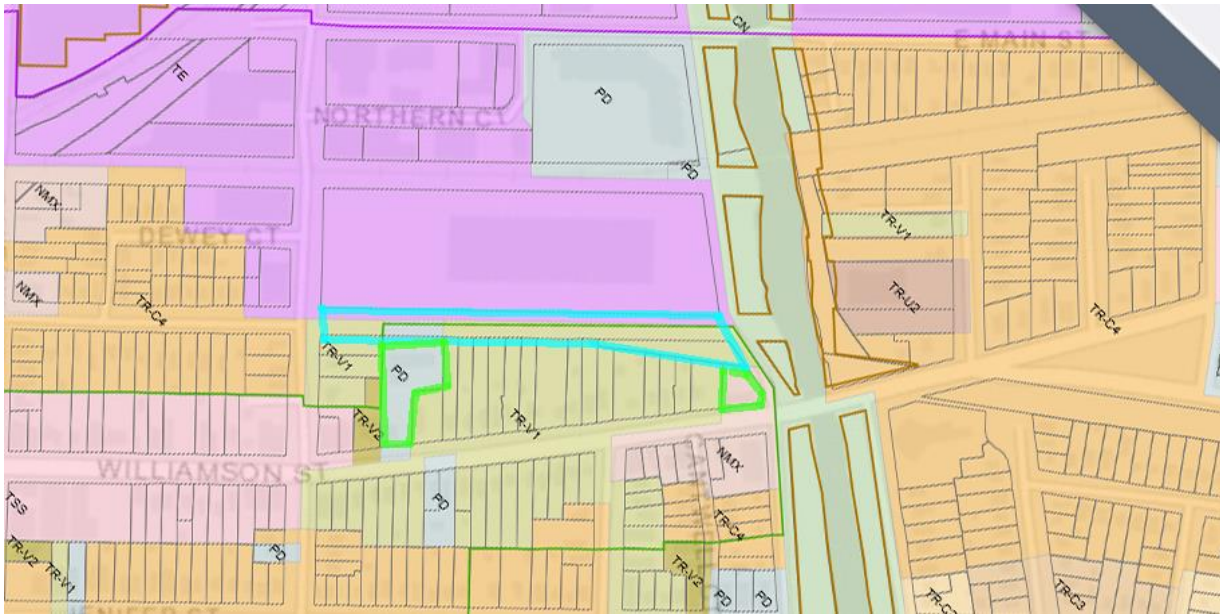
Respectfully Submitted,  
Linda Lehnertz



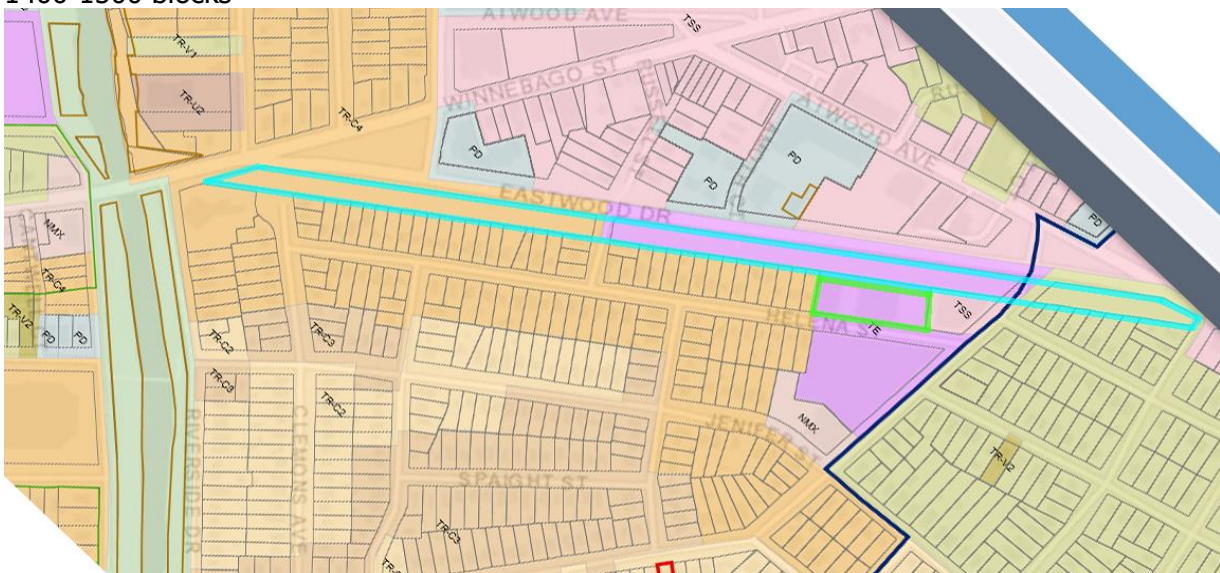
### Sites along the Cap City trail that could make use of this ordinance



600-900 blocks



1400-1500 blocks



## Eastwood blocks