



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 21454

File ID: 21454

File Type: Resolution

Status: Unfinished
Business

Version: 1

Reference:

Controlling Body: COMMON
COUNCIL

File Created Date : 02/17/2011

File Name: Development Review Process Resolution

Final Action:

Title: Accepting the Development Process Initiative Report dated January 31, 2011 as amended and approved by the Economic Development Committee on February 16, 2011; and, directing the City Attorney and responsible department/division directors to begin immediate implementation of the recommendations contained therein, including the formulation of ordinance modifications and budget proposals where necessary.

Notes:

Sponsors: Chris Schmidt, Joseph R. Clausius and Mark Clear

Effective Date:

Attachments: Process Flow Chart 7-19-10.pdf, May 9 BOE Recommendations on Dev Report.pdf, New Process Reform Intro Draft 4-13-11.pdf, CNI review of EDC 2-16-11 report - redline version .pdf, Memo to EDC 040811.pdf, Matrix with Amendments Development Process Improvement Initiative Report.pdf, EDC DEV PROCESS IMPROVEMENT INITIATIVE Redline Version for EDC 4-13-11.pdf, New Zoning Codeand Development Review Process.pdf, DevReviewProcessDraftReport031611.pdf, CNI review of EDC final report-Plan Comm_02-16-11.pdf, UDC Report-Dev Process Initiative_03-16-11.pdf, Landmarks Comm Minutes re Dev Process Initiative_03-14-11.pdf, Harrington (UDC) Dev Review Process Comments_03-16-11.pdf, MTHP Comments_Landmarks Commission agenda_03-14-11.pdf, Dev Review Report_08-04-10.pdf, DevelopmentReviewProcessReport_11-10-10.pdf, OKroley (UDC) Comments_08-03-10.pdf, Harrington (UDC) Comments_08-02-10.pdf, UDC All Years Total.pdf, UDC Procedural Comments to EDC_07-21-10.pdf, Development Process Initiative Report_02-16-11.pdf, CNI review of EDC final report-Landmarks_02-16-11.pdf, Dev Review Report STAFF NOTE 3-7-11.pdf, CNI review of EDC final report-BOE_02-16-11.doc, EDC DEV PROCESS IMPROVEMENT INITIATIVE Jan 31 2011- EDC Approved Feb 16 2011.pdf, EDC DEV PROCESS

Enactment Number:

IMPROVEMENT INITIATIVE 5-19-11.pdf

Author: Matthew B. Mikolajewski, Office of Business Resources Manager

Hearing Date:

Entered by: afreedman@cityofmadison.com

Published Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Economic Development Division	02/17/2011	Referred for Introduction				
	Action Text:		This Resolution was Referred for Introduction				
	Notes:		Referred to Economic Development Committee, Board of Estimates, Plan Commission, Landmarks Commission, Urban Design Commission.				
1	COMMON COUNCIL	02/22/2011	Referred	ECONOMIC DEVELOPMENT COMMITTEE			
	Action Text:		This Resolution was Referred to the ECONOMIC DEVELOPMENT COMMITTEE				
	Notes:		Additional Referrals to: Board of Estimates, Plan Commission, Landmarks Commission, Urban Design Commission.				
1	ECONOMIC DEVELOPMENT COMMITTEE	02/22/2011	Refer	BOARD OF ESTIMATES		05/09/2011	
	Action Text:		This Resolution was Refer to the BOARD OF ESTIMATES				
	Notes:						
1	ECONOMIC DEVELOPMENT COMMITTEE	02/22/2011	Refer	PLAN COMMISSION			
	Action Text:		This Resolution was Refer to the PLAN COMMISSION				
	Notes:						
1	ECONOMIC DEVELOPMENT COMMITTEE	02/22/2011	Refer	LANDMARKS COMMISSION		03/14/2011	
	Action Text:		This Resolution was Refer to the LANDMARKS COMMISSION				
	Notes:						
1	ECONOMIC DEVELOPMENT COMMITTEE	02/22/2011	Refer	URBAN DESIGN COMMISSION		03/16/2011	
	Action Text:		This Resolution was Refer to the URBAN DESIGN COMMISSION				
	Notes:						
1	BOARD OF ESTIMATES	03/07/2011	Refer	BOARD OF ESTIMATES		05/09/2011	Pass
	Action Text:		A motion was made by Bruer, seconded by Clear, to Refer to the 4-11-2011 BOARD OF ESTIMATES meeting. The motion passed by voice vote/other.				
	Notes:						
1	LANDMARKS COMMISSION	03/14/2011	Return to Lead with the Following Recommendation(s)				Pass

Action Text: A motion was made by Levitan, seconded by Slattery, to recommend approval of the report with Amendment 1 (for specific wording, refer to discussion above).
The motion passed by a voice vote/other.

A motion was made by Levitan, seconded by Taylor, to recommend approval of the report with Amendment 2 (for specific wording, refer to discussion above).
The motion passed by a voice vote/other.

A motion was made by Levitan, seconded by Rosenblum, to recommend approval of aspects of the report related to the Landmarks Commission as amended.
The motion passed by a voice vote/other.

Notes: Steven Cover, Aaron Olver, Brad Murphy, Matt Mikolajewski, and Mark Clear briefly presented the recommendations in the report. There was general discussion about the report and the following amendments were drafted:

AMENDMENT 1

F. GOAL: Reduce development approvals required and overlapping jurisdictions authority and conflicts among development approval entities.

1. **Identify and eliminate overlapping jurisdictions of boards and commissions where possible. Clarify respective authority of respective Boards and Commissions and eliminate potential overlaps.**

~~For example, for projects involving landmark properties or projects within historic districts, consider review only by the Landmarks Commission rather than by both the Landmarks Commission and the Urban Design Commission. For projects within the Downtown core, mixed-use commercial district (currently the C\$ District) require review of additions and alterations by just the Urban Design Commission rather than by both the Plan Commission and Urban Design Commission. For demolitions of landmark buildings or buildings on historic districts, require approval by only Landmarks Commission instead of both Landmarks and Plan Commission.~~

2. **Redefine super majority requirement for Common Council to be 2/3 of Alders present or eleven Alders, whichever is greater, to reverse decisions of boards and commissions.**

~~The Common Council will need to decide if ordinance amendments are appropriate. The following decisions currently require a super majority vote:~~

- ~~a. Certificates of appropriateness by the Landmarks Commission.~~
- ~~b. Conditional Use permits by the Plan Commission.~~
- ~~c. Demolition permits by the Plan Commission.~~

AMENDMENT 2

- G. 10. **For advisory boards/commissions, including, but not limited to such as Landmarks and UDC, acting in an advisory capacity, require that, unless otherwise requested by the applicant, a recommendations be made at a single meeting, of the body unless the applicant requests referral.**

1	URBAN DESIGN COMMISSION	03/16/2011	Return to Lead with the Following Recommendation(s)	ECONOMIC DEVELOPMENT COMMITTEE	Pass
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Action Text: A motion was made by Barnett, seconded by Rummel, to Return to Lead with the Following Recommendation(s). to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other.

Notes:

1	ECONOMIC DEVELOPMENT COMMITTEE	03/16/2011
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Notes: Alder Clear noted the final action on the report would occur at the April 13th EDC meeting.

Mr. Olver said the report had been referred by the Council to other commissions and boards. This past Monday it went before the Landmarks Commission and they made a few recommendations on Goals F1 and F2.
The Report is at the Urban Design Commission (UDC) tonight and at the Plan Commission next week.

Mr. Clarke reminded the EDC about the discrepancy on neighborhood plans on pages 12 and 38. Is the neighborhood plan a part of the Comprehensive plan or a supplement to it? He thinks the language on page 38 is correct and the EDC needs to address this.

Mr. Olver said he had spoken with Mr. Murphy, Planning Division Director, and has a suggested language change for this.

Mr. Cover gave a brief summary of what the UDC said about the report. He mentioned the UDC was not in favor of a staff only review of Façade Improvement Grant applications and suggested goals F1 and F7 be deleted.

Alder Clear asked about goal G7?

Mr. Cover said yes G7c was suggested to be deleted.

Ms. Selkove asked how the EDC would get these recommendations?

Mr. Olver said staff would collate all the recommendations for the EDC for the next meeting.

1	PLAN COMMISSION	03/21/2011	Return to Lead with the Following Recommendation(s)	ECONOMIC DEVELOPMENT COMMITTEE	Pass
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Action Text: A motion was made by Sundquist, seconded by Gruber, to Return to Lead with the Following Recommendation(s) to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other.

Notes: The Plan Commission recommended that the February 16, 2011 report be accepted with the following revisions or additions:

- Elimination of the second and third paragraphs in the "Case For Improvement" section on page 7;
- The Commission recommended that pages 7-9 be rewritten to eliminate the negative tone and to be less focused on development and developers;
- Elimination of the phrase "special interest group" on page 10;
- Include an appendix with the Comprehensive Plan amendment process;
- Include a guide identifying which commission is advisory to whom after the Commission missions on page 13;
- Add "Neighborhood Association Designee" and "Neighborhood Business Association Designee" to section A2.a. on page 18;
- Add section A.3., promoting the Best Practices Guide "Participating in the Development Process" (June 2005) in the Pre-Application Phase section on page 20;
- Add condominium and homeowner associations in section A2.a. on page 19;
- Replace "meeting notices" with "information" in the first paragraph on page 20;
- Replace "Require" in the headers for sections B.1., B.3. and B.4. with "Encourage" on pages 21-22;
- Replace "neighborhood associations" in the headers for sections B.3. and B.4. with "stakeholders" on pages 21-22;
- Add a section B.5. on page 22, which states "**Encourage developers to engage neighborhood stakeholders early in the process, even before plans are fully developed.** Input into the program of a developer and early input on design can be productive, can save developers cost, and can result in a better final product."
- Re-title section D.2. to clarify the intent on page 25 by removing the phrase "not specifically requiring commission review.";
- Eliminate the facade grant example at the top of page 26;
- Revise section E.2.c. on page 28 to call for only an annual review, and revise "board or commission or committee" in the same header to "boards or commissions or committees";
- Revise the title of section F.1. on page 29 to add a request for staff to review any standards lost through the proposed elimination of overlapping jurisdictions and reviews.
- Eliminate section F.2. on page 29;
- Remove the statistics in section G.7.a. on page 31;
- Add a subsection iv. in sections G.7.e, G.8.e. and G.9.a on pages 31-33 entitled "Single referral with reasons" and a subsection v. in the same sections entitled "Rejection of development plan with

- recommended conditions of approval";
- Remove the second paragraph of G.8.e. on page 32 and request that staff clarify the meaning and intent of "initial" and "final" review by the Urban Design Commission;
- Add to section G.9. on page 33 the option of appointing a Plan Commission member to the Urban Design Commission;
- Remove section G.10. on page 33;
- The Commission recommended that the third paragraph in section K.2. on page 38 be rewritten to be less onerous for neighborhood associations and include a provision that staff should work with associations to develop a guide for staff and neighborhoods to follow.

The recommendation to accept the report with all of the above revisions or additions passed by voice vote/ other.

1	BOARD OF ESTIMATES	04/11/2011	Refer	BOARD OF ESTIMATES	05/09/2011	Pass
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Action Text: A motion was made by Verveer, seconded by Bruer, to Refer to the May 9th BOARD OF ESTIMATES meeting. The motion passed by voice vote/other.

Notes:

1	ECONOMIC DEVELOPMENT COMMITTEE	04/13/2011	Re-refer	ECONOMIC DEVELOPMENT COMMITTEE	05/11/2011	Pass
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Action Text: A motion was made by Alder Schmidt, seconded by Mr. Clarke, to re-refer the redlined version, the matrix, and the CNI letter recommendations for discussion at the May 18th EDC meeting. The motion passed by voice vote.

Notes:

1		05/09/2011	Return to Lead with the Recommendation for Approval			
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Action Text: A motion was made by Ald. Cnare, seconded by Ald. Verveer, to Return to Lead with the Recommendations for Approval - change the Development Process Improvement Initiative report as follows:. Sent to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other.

Add the new introduction;

p. 26, clarify what constitutes a complete application;

p. 29, strike all of F;

p. 33, strike 10;

p. 34, H.3.—consider other impact statements (e.g., traffic, environmental, public health);

p. 38, K.1.—update neighborhood plans every 5 years; and

p. 38, K.2.—strike the first paragraph or find a better way to state the intent.”

Notes:

1	BOARD OF ESTIMATES	05/09/2011	Return to Lead with the Following Recommendation(s)	ECONOMIC DEVELOPMENT COMMITTEE		Pass
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Action Text: A motion was made by Ald. Cnare, seconded by Ald. Verveer, to Return to Lead with the Following Recommendations - Sent to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other. Change the Development Process Improvement Initiative report as follows:

Add the new introduction; p. 26, clarify what constitutes a complete application; p. 29, strike all of F; p. 33, strike 10; p. 34, H.3.—consider other impact statements (e.g., traffic, environmental, public health); p. 38, K.1.—update neighborhood plans every 5 years; and p. 38, K.2.—strike the first paragraph or find a better way to state the intent.

Notes: A motion was made by Ald. Cnare, seconded by Ald. Verveer, to Return to Lead with the Following Recommendations - Sent to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other. Change the Development Process Improvement Initiative report as follows:

Add the new introduction; p. 26, clarify what constitutes a complete application; p. 29, strike all of F; p. 33,

strike 10; p. 34, H.3.-consider other impact statements (e.g., traffic, environmental, public health); p. 38, K.1. -update neighborhood plans every 5 years; and p. 38, K.2.-strike the first paragraph or find a better way to state the intent.

1	ECONOMIC DEVELOPMENT COMMITTEE	05/11/2011			
1	COMMON COUNCIL	05/17/2011	Adopt the Following Friendly Amendment(s)		Fail
	Action Text:	A motion was made by Ald. Maniaci, seconded by Ald. Johnson, to Adopt the Following Friendly Amendment: convene a meeting of the committee of the whole prior to consideration of this matter at the June 7, 2011, Common Council Organizational Committee and Common Council meetings. The motion failed by the following vote:			
	Notes:				
		Ayes: 7	Shiva Bidar-Sielaff; Marsha A. Rummel; Brian L. Solomon; Chris Schmidt; Satya V. Rhodes-Conway; Jill Johnson and Michael E. Verveer		
		Noes: 13	Steve King; Scott J. Resnick; Paul E. Skidmore; Susan A. Ellingson; Tim Bruer; Larry Palm; Joseph R. Clausius; Anita Weier; Mark Clear; Matthew J. Phair; Lisa Subeck; Lauren Cnare and Bridget R. Maniaci		
		Non Voting: 1	Paul R. Soglin		
1	COMMON COUNCIL	05/17/2011	Refer	COMMON COUNCIL ORGANIZATIONAL COMMITTEE	Fail
	Action Text:	A motion was made by Ald. Rummel, seconded by Ald. King, to Refer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE June 7 meeting and the Common Council meeting on June 7, 2011. The motion failed by the following vote:			
	Notes:				
		Ayes: 9	Shiva Bidar-Sielaff; Marsha A. Rummel; Brian L. Solomon; Chris Schmidt; Satya V. Rhodes-Conway; Susan A. Ellingson; Jill Johnson; Michael E. Verveer and Bridget R. Maniaci		
		Noes: 11	Steve King; Scott J. Resnick; Paul E. Skidmore; Tim Bruer; Larry Palm; Joseph R. Clausius; Anita Weier; Mark Clear; Matthew J. Phair; Lisa Subeck and Lauren Cnare		
		Non Voting: 1	Paul R. Soglin		
1	COMMON COUNCIL	05/17/2011	Adopt the Following Friendly Amendment(s)		Pass
	Action Text:	A motion was made by Ald. Rummel, seconded by Ald. King, to Adopt the Following Friendly Amendment: urge Council leadership to schedule a Council briefing on this item. The motion passed by voice vote/other.			
	Notes:				
1	COMMON COUNCIL	05/17/2011	Refer to a future Meeting to Adopt	COMMON COUNCIL	Pass
	Action Text:	A motion was made by Ald. Clear, seconded by Ald. Bidar-Sielaff, to Refer to a future Meeting to Adopt to the COMMON COUNCIL. The motion passed by voice vote/other.			
	Notes:	Adopt at the June 7, 2011, Council meeting.			

Text of Legislative File 21454

Fiscal Note

No additional appropriation of funds is authorized through this resolution. However, implementing specific recommendations within the report will have fiscal impacts in the future and will require Common Council approval at that time.

Title

Accepting the Development Process Initiative Report dated January 31, 2011 as amended and approved by the Economic Development Committee on February 16, 2011; and, directing the City Attorney and responsible department/division directors to begin immediate implementation of the recommendations contained therein, including the formulation of ordinance modifications

and budget proposals where necessary.

Body

WHEREAS, on June 16, 2010, Mayor Cieslewicz charged the City's Economic Development Committee (EDC) and staff with making recommendations regarding the review and approval of real estate development projects in the City; and,

WHEREAS, the EDC reached-out to City commissions and committees, City staff, business organizations, neighborhood associations, and individual residents, property, and business owners for suggestions on how to improve the development review process; and,

WHEREAS, dozens of organizations and individuals provided input on changes that could be made to the development review process; and,

WHEREAS, a subcommittee of the Economic Development Committee considered all input provided; and, either accepted, rejected, or combined suggestions into a single set of recommendations; and,

WHEREAS, these recommendations, known as the Development Process Initiative Report dated January 31, 2011, were amended and approved by the Economic Development Committee on February 16, 2011.

NOW THEREFORE BE IT RESOLVED that the Common Council does hereby accept the Development Process Initiative Report dated January 31, 2011 as amended and approved by the Economic Development Committee on February 16, 2011; and,

BE IT FINALLY RESOLVED that the Common Council directs the City Attorney and responsible department/division directors to begin immediate implementation of the recommendations contained therein, including the formulation of ordinance modifications and budget proposals where necessary.