

CITY OF MADISON
CITY ATTORNEY'S OFFICE
Room 401, CCB
266-4511

MEMORANDUM

TO: City of Madison Common Council

FROM: John Strange, Assistant City Attorney

DATE: April 2, 2020

RE: Resolution Suspending the Requirement that Developers Hold a Pre-Application Informational Meeting with the Urban Design Commission (Legistar File # 60122)

In her updated Emergency Order dated March 26, 2020, the Mayor temporarily suspended the enforcement of M.G.O. § 28.098(5)(a)2. requiring developers to hold a pre-application Planned Development Concept Presentation with Urban Design Commission prior to filing a Planned Development Application.

BACKGROUND

M.G.O. § 28.098(5)(a)2. requires developers to hold a pre-application informational meeting with the Urban Design Commission to get feedback on the concept being proposed. At this meeting, Commissioners provide feedback, but do not vote and do not make a formal decision or recommendation.

As a result of the Mayor's Emergency Proclamation, the Urban Design Commission is prohibited from meeting at all, except on an ad hoc emergency basis as determined jointly by both the Mayor and Common Council President. Therefore, it is unknown how often The UDC will be able to meet during the health emergency. When it does meet, the UDC Agenda will likely be full of items that required Urban Design District approvals or advisory recommendations.

Thus, Emergency Order Number 10 temporarily removes the requirement that individuals proposing planned developments hold an informational meeting with the UDC prior to submitting an application. This will relieve the UDC of some work when they are able to meet and provide developers with a slightly more streamlined review process during uncertain economic times. Importantly, this Order does not remove any requirement that the application subsequently go to the UDC for approval or recommendation.

WHY THIS ORDER IS NECESSARY

The development review process includes considerable crossover between the Plan Commission, Urban Design Commission, and Landmarks Commission. When any one of these commissions cannot meet at regular times, development can be substantially delayed. As a result of the health emergency and uncertain economic times to come, Staff has identified this provision as one that could be temporarily suspended in order to encourage continued development in Madison and, perhaps, ease the strain on the UDC, which may only be able to meet every four to six weeks during the health emergency.

ACTIONS TAKEN THUS FAR PURSUANT TO THIS ORDER

So far, no actions have been taken pursuant to this Order. However, developers currently considering Planned Developments could benefit from this provision.

FISCAL IMPACT

No fiscal impact is anticipated.

CITY OF MADISON, WISCONSIN

A RESOLUTION _____

PRESENTED
REFERRED

March 31, 2020
Adopt under
Suspension of the
Rules

Suspend the requirement that developers hold a pre-application presentation with the Urban Design Commission pursuant to Madison General Ordinance Section 28.098(5)(a)2.

Drafted by: Marci Paulsen

Date: March 25, 2020

SPONSORS: Mayor Satya Rhodes-Conway

WHEREAS, on March 23, 2020, pursuant to Madison General Ordinance Section 3.19, the Mayor issued an Emergency Proclamation, based on the increasing transmission of COVID-19 within the City of Madison; and

WHEREAS, on March 24, 2020, the Governor of Wisconsin issued Emergency Order #12 ordering individuals to remain home except for Essential Travel; and

WHEREAS, as part of the Governor's Order all Nonessential Businesses are required to close; and

WHEREAS, the closure of numerous businesses throughout the City has the potential to have significant negative financial impact on business owners; and

WHEREAS, businesses declared essential, such as those providing construction services, are facing a unique and uncertain economy; and

WHEREAS, it is important for the City's economy to encourage the continuation of development as much as possible during the global health pandemic; and

WHEREAS, currently any developer wishing to construct a Planned Development must hold an "informational" meeting with the Urban Design Commission to review the developer's overall concept; and

WHEREAS, due to the global health pandemic, the Urban Design Commission cannot meet absent an emergency meeting ordered by the Mayor and Common Council President; and

WHEREAS, temporarily suspending the requirement that developers hold a pre-application meeting with the Urban Design Commission will allow developers to apply to construct Planned Developments without first meeting with the Urban Design Commission, but would not eliminate the need for them, where required, to receive further feedback or approval from the Urban Design Commission after the application is submitted.

NOW THEREFORE BE IT RESOLVED, that effective immediately, the City will temporarily suspend the requirement contained in Madison General Ordinance Section 28.098(5)(a)2 that requires developers hold a pre-application Planned Development Concept Presentation with Urban Design Commission until the Director of Public Health Madison and Dane County and the Governor of Wisconsin determine to end the emergency actions they have taken to combat the coronavirus pandemic.