

**EDC Subcommittee on Development Review Process Report
January 25, 2011 Meeting Minutes DRAFT**

Excused: Vicky Selkove

Present: Alfred Zimmerman, Alder Mark Clear, Peng Her

Also Present: Tim Cooley, Director of Economic Development Division; Matthew Mikolajewski, Office of Business Resources Manager; Kevin Little, Greater Madison Chamber of Commerce; Carole Schaeffer, Smartgrowth Greater Madison; Peter Ostlind, registered speaker.

Call to Order at 5:00 PM

Disclosures and Recusals: None

1. Approval of January 11, 2011 Minutes.

A motion was made by Mr. Her, seconded by Alder Clear, to approve the minutes of the January 11, 2011 meeting.

The motion passed by unanimous voice vote.

2. # 18121 Development Review

Chairperson Zimmerman asked Mr. Cooley to review Goal 5 on page 25. Mr. Murphy said his staff can determine if a project is simple or complex.

Chairperson Zimmerman referred to Ed Clark's comment on linking Goal D1 to J3. Alder Clear commented that the survey results would be useful to all staff not just the Zoning Administrator. Chairperson Zimmerman said this would insure the "grey areas" are called out and given to the Zoning Administrator to follow-up on. Alder Clear agreed.

Chairperson Zimmerman asked Mr. Murphy for more information on Goal D2. Mr. Murphy explained there is some grey area on Conditional Use and Planned Unit Development approvals. Staff can sign off on some minor alterations. In the case of the Urban Design Committee (UDC) there is no staff sign off. The UDC is talking about this.

Mr. Cooley asked if it is the desire of the EDC to allow staff to approve items in the grey areas? Alder Clear would like to see fewer grey areas.

Chairperson Zimmerman would like to add to Goal D2 to have the incoming DPCED Director to meet with commissions and outline what can be administratively approved and what is commission approved and to refer this to Goal F.

Mr. Her would like to also allow staff and the commissions to work together.

Chairperson Zimmerman asked Mr. Cooley for a review of Goal E.

Mr. Cooley said this goal deals with the concept of mission creep of the commissions and gets into the education of new alders and commissioners.

Mr. Clarke's and Mr. Cover's comments reach out to the training of community groups as well.

Chairperson Zimmerman sees the framework for Goal E as a first review by staff to determine needs and then a review by the EDC.

Mr. Her said Goal E1 should include guidelines or ordinances to review missions every five years.

Mr. Murphy said a few exist in the ordinances but don't relate to commission mission. It is usually stated as "duties and responsibilities" and are not detailed.

Alder Clear likes the idea of mission statement review every 5 years.

Chairperson Zimmerman said add to Goal E2d "review mission at a minimum of once every ten years."

Mr. Murphy suggested Goal E1 should say it be done regularly.

Chairperson Zimmerman asked if every group should decide its own framework?

Mr. Her discouraged micro-managing of commissions and encourage commission self review every ten years.

Alder Clear said Goal F addresses committee overlap.

Mr. Cooley asked if Mr. Cover's comment to combine the Landmarks Commission and the Urban Design Commission should be included?

Alder Clear said not to put these in the report. Mr. Cover's comments are part of the record.

Chairperson Zimmerman agrees.

Alder Clear said there is lots of overlap between the Plan Commission, Landmarks Commission, Urban Design Commission and the Board of Public Works.

Mr. Murphy said ultimately the Common Council is the arbiter of who reviews what. He would like to see each commission do its own review and meet with the other groups and the Common Council to ultimately resolve overlaps and mission creep.

Chairperson Zimmerman likes Mr. Murphy's idea.

Mr. Cooley suggested joint commission meetings.

Alder Clear said this is ahead of ourselves.

Goal E1 should say "each committee/commission should review their mission no less than once every ten years and what they develop should be reviewed by the Common Council.

Mr. Her said in Goal F the overlaps should be identified.

Mr. Mikolajewski suggested the Common Council Oversight Committee could be the body to review overlap.

Mr. Cooley suggested the EDC be the review body and then the Common Council. This was agreed upon.

Mr. Cooley referred to Appendix H and suggested adding a note in Goal E2 to refer to the appendix.

Goal E2a-The Common Council is the authority to monitor inappropriate behavior at the commissions.

Alder Clear suggested adding community organizations in Goal E and add that the Common Council monitors inappropriate behaviors, such as, mission creep.

Mr. Her thought we had decided to keep the super majority vote in.

Chairperson Zimmerman said this is the tiebreaker by the Council.

Alder Clear said a supermajority vote is not used as a tiebreaker. Supermajority is used by an aggrieved party to appeal a Board or commissions' recommendation.

It is a high standard appeal.

Mr. Murphy said the Council needs to decide, there are good arguments on either side. It is used maybe once every two years to appeal a conditional use. Urban Design Commission decisions are final and their appeal is to the Plan Commission.

Mr. Her gives credit to the commissioners, who as volunteers spend their time on committees. He respects their decisions and a high standard is needed to overturn their decisions.

Alder Clear said if supermajority decisions are removed then power is removed from the legislative branch of government.

Chairperson Zimmerman said he is on the fence on this issue.

Alder Clear said he would consider a change to a proportionate vote being required for appeals.

Mr. Her said this is a way to get this item on the table for consideration at the Common Council.

Alder Clear suggests "2/3 of the Council body present or 11 members or whichever is the greater number.

Mr. Murphy suggests Goal E1 refer to Goal F1.

Mr. Mikolajewski was asked to rephrase Goal F2.

The subcommittee was asked if why so much time was taken to discuss a matter that rarely happens?

Alder Clear said that frequency of occurrence is not the determining factor. This item is worth talking about.

Mr. Murphy would like the language in Goal G to be stronger per Ed Clark's suggestion.

Goal G8: Chairperson Zimmerman asked if commissions have objective criteria to use as a scoring system?

Mr. Murphy said a scoring system similar to the one used by the UDC would be difficult for the Plan Commission. For example, zoning amendments are governed by State law. His concern is that this may set standards for approval even higher. Checklist and standards are good he suggested using yes or no criteria rather than numeric scores. He noted all agencies provide written comments to the Common Council.

Alder Clear asked if this was really a problem?

Mr. Murphy said Goal 7a has small projects approved by staff.

Eliminate Goal 8b and keep Goal G8g.

Mr. Murphy referred to Ed Clark's comment on goal G7d. If a board is advisory it cannot stop a project. Only the UDC must, by ordinance, take action.

Add a new goal G10 to say if "advisory" then a project cannot be stopped.

Mr. Cooley said the Business Improvement District (BID) sent in a comment asking to include the Alcohol License Review Committee (ALRC) in the development review report.

Mr. Mikolajewski agrees the ALRC has a tremendous impact on businesses.

Alder Clear said the ALRC seems to relate to the business not the development of a building.

Mr. Mikolajewski said ALCR review is similar to signage review and is an integral part of the approval process.

Mr. Murphy said there is a little overlap. UDC, LMC and the PC rarely deal with issues of serving alcohol except in outdoor drinking venues. The PC has talked with the ALRC.

Mr. Her does not want to include this in the report.

Alder Clear thinks it should not be included.

Chairperson Zimmerman asked if this is a zoning issue?

Mr. Mikolajewski suggested the Alcohol License Density Ordinance (ALDO) be a future EDC presentation.

Chairperson Zimmerman asked who amends the LMC and UDC?

Alder Clear said it is underway for the LM already, no comments are needed.

Goal G8b& d

Change “consider” to “evaluate”.

Alder Clear said the UDC creates overlay districts.

Mr. Murphy said a timeline to review overlay districts and a budget for staff or a consultant is needed.

Chairperson Zimmerman asked about adding timelines?

Goal G8c needs to have a budget added.

Chairperson Zimmerman said there needs to be a review of Urban Design Districts(UDD) at least every ten years because technology and materials change.

Peter Ostlind, registered speaker, said the UDD deal with massing and setbacks.

Mr. Murphy said building materials, facades, landscaping and parking lot design are governed by UDD.

Mr. Mikolajewski suggested adding a yes/no checklist in G5.

Mr. Murphy said if a project is rejected then the conditions are known to all.

Alder Clear said this provides more detail and documentation used in decision making.

Chairperson Zimmerman said a fourth option “rejection with checklist” should be added to G

Chairperson Zimmerman asked about Goal H. No one had any changes to it.

Chairperson Zimmerman asked Mr. Murphy about Goal I.

Mr. Murphy said the point person or project manager would be an advocate for an efficient review process not the project. He said this is already being done.

Chairperson Zimmerman would like to assign a greater role to the DAT team.

Mr. Murphy said when the Goal I3, the development of a physical development center is built staff from various departments can be together.

Alder Clear said this would allow the development review staff to work next to each other at least for a few hours and would expand the hours they are accessible by developers.

Chairperson Zimmerman said Goal J 3 to add mention of the Zoning Administrator.

Mr. Murphy said Goal K clarifies the role of the neighborhood plans and the Comprehensive Plan and needs some fleshing out. Updating plans more frequently is a matter of resource allocation.

Goal K1 explains neighborhood plans are guidelines. The Comprehensive Plan is a State approved document.

Chairperson Zimmerman asked about combing the neiighborhood plans and the comprehensive plan.

Alder Clear said this is constraining and takes away options.

Chairman Zimmerman reiterated the neighborhood plans are guidelines.

Alder Clear suggested keeping this as is. The EDC does see neighborhood plans.

Chairman Zimmerman asked what is the EDC's role in developing economic criteria?

Alder Clear said a recommendation could be made for the EDC to do economic feasibility of neighborhood plans.

Chairperson Zimmerman said to add to K1 "develop criteria and set of methods to help people evaluate neighborhood plans."

Mr. Cooley asked to include "other stakeholders" in Goal K4 to include neighborhoods and business groups.

Alder Clear asked to make the second paragraph in K1 a number by itself, a new K2.

Goal K2c deals with a training stipend and accountability.

Mr. Mikolajewski was asked to add language about the need to have a policy in place regarding how and when Commissioners can use such a stipend.

Chairperson Zimmerman said there are no changes to Goal L.

Chairperson Zimmerman said Goal M is OK and Mr. Cover's comment can be added.

Chairperson Zimmerman asked if everyone agreed with Mr. Clark's comment that all prior reports not be adopted wholesale?

He asked to add a statement that the EDC would review these every ten years or sooner.

Mr. Cooley asked to change the introductory letter to include the submittal of the report to the EDC in February and department heads to review the budget items.

Chairperson Zimmerman asked about a gant chart for implementation of the goals. Mr. Cooley said to see Appendix A.

A motion was made by Alder Clear, seconded by Mr. Her, to revise the report as discussed and present it to the EDC at their February meeting and for this to be the final meeting of this subcommittee.
The motion passed by unanimous voice vote.

The meeting adjourned at 7:15 PM.

DRAFT