

Plan Commission
Meeting of April 10, 2023
Agenda #1, Legistar #60306

At the March 27th Plan Commission meeting, Legistar 67305 was discussed and approved (a conditional use request for 654 Williamson). The point of contention was the view of the Capitol from Jenifer Street. The discussion focused on the BUILD II neighborhood plan, which calls for 654 Williamson to be a maximum of 3 stories to preserve the view of the Capitol dome from the sidewalk at the mid-700 block of Jenifer Street. Various discussion points included the fact that trees already block the view, that there would not be interest in cutting the trees down, and that the neighborhood plan is guidance.

What was not discussed was the Comprehensive Plan. Perhaps this was because staff replied, when asked, that the Comprehensive Plan does not incorporate the Downtown Plan views and vistas map.

- At minute 36:31 Commissioner Heck asks about “due consideration” and “adhere to.” Staff replies (minute 38) that the map I included in my comment letter “shows the Downtown Plan view corridor map. It’s not something that’s actually in the Comprehensive Plan itself as a map. The Comprehensive Plan does have language recommending that the City adhere to that Downtown view corridor map in the Downtown Plan, which was adopted in 2012. I just want to clarify that. A plan, whether it is the Comprehensive Plan, the Downtown Plan, the Willy Street BUILD plan, is a guide that we utilize and is referenced, most of the time, in our staff report of course. But there is no ordinance for this particular view corridor like there is on some of the diagonal streets leading up to the Capitol. There are ordinance requirements that really require a stepback of upper stories of buildings in order to protect those view corridors. In this case we don’t have an ordinance guiding the height or upper level stepbacks that results in an absolute ordinance requirement to do so. So it is a recommendation in all three of those plans in different ways do address the importance of this single block of Jenifer Street. But there is no ordinance protecting it.”

When approving a conditional use, the Plan Commission is required to give “due consideration” to the Comprehensive Plan. MGO 28.183(6)(a). As explained in the Plan Commission Policies and Procedures Manual (page 30):

“Finally, the standards for a conditional use state, “The City Plan Commission shall not approve a conditional use without **due consideration of** the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans” This choice of language recognizes that while it is generally intended that adopted plans be followed, strict adherence to the precise recommendations made in a plan may not always be appropriate.” (emphasis in original)

The Comprehensive Plan is quite clear.

- “**Adhere to** the Maximum Building Heights Map and **Views and Vistas Maps** in the Downtown Plan.” (emphasis added) This is action a. of Strategy 5 of the Culture and Character element of the Comprehensive Plan (page 82).
- The Comprehensive Plan (page 83) contains a reproduction of the Downtown Plan’s views and vistas map.

I am not suggesting that the Plan Commission must follow the Comprehensive Plan in approving a conditional use request. However, the ordinances require that "due consideration" be given to the Comprehensive Plan's instruction to "adhere to" the views and vistas map, a map which is part of the Comprehensive Plan. Such due consideration would, I believe, involve actually talking about the Comprehensive Plan before reaching a decision on conditional use approval. Such discussion could include the following.

- Whether the view and vista map applies to the entire 700 block of Jenifer.
 - One could argue that the end of the block near Williamson is not part of the view based on the location of the arrow on the map (but that would then mean that the East Washington view is only protected for 2/3 of the 700 East Washington block).
- Whether the view of the Capitol at the end of the block near Williamson is worthy of preservation.
 - The new building would substantially impair views of the Capitol from that location.
 - Attached is just one representation of how the view would be impaired, and a comparison of how a 3-story building would affect the view.
- Whether the view from the street (not just the sidewalks) is worthy of preservation.
 - The 700 block is a bike route (Lake Monona Loop) and bus route (currently and under the redesign), so the view is available to many residents, not just the locals.
- Perhaps a discussion of the background relating to preservation of this view. The Downtown Plan said:
 - The map "identifies the key views, vistas, and viewsheds within the planning area that are most important to preserve and protect." (page 31)
 - "Many short views – especially outward towards the lakes and back to the Capitol - help orient a person on the Isthmus." (page 33)
 - "Preserving the many unique and engaging views afforded by the Downtown has long been a desire of the City, and preserving views of the Capitol has long been a desire of both the City and the State." (page 32)
- If the view is deemed worthy of preservation, but some impairment of the view is permissible, from what locations should the applicant provide representations of the impairment?

The Plan Commission could choose to reconsider this application, and give due consideration to the Comprehensive Plan. See page 10 of the Plan Commission *Policies and Procedures Manual*: "The Plan Commission is required to utilize the Common Council's process for Reconsideration. See MGO 2.21."

Respectfully Submitted,
Linda Lehnertz

ATTACHMENT





- At 3 stories and 40 feet, the building would block part of the Capitol dome, but about half of it would still be viewable. Since the 700 block is a hill, the full dome would be visible another 15-20 feet up the block.
- The applicant is developing 821 Williamson, 3 stories, with 19 units on .3 acres, for a density of 63 units/acre.
- 654 Williamson could be developed at 3 stories with 25 units on .37 acres, for a density of 67 units/acre. (The submitted plans have 26 units on the first 3 floors.)