

Development Process Improvement Initiative Report
Legistar # 21454
Proposed Council Amendments

Revised June 20, 2011: *Report Amendment No. 18, Alder Rhodes Conway added as co-sponsor*

Amendment - Substitute Resolution

Sponsors: Alder Ellingson & Alder Schmidt & Mayor Soglin & Alder Clear & Alder Clausius

Resolution # 21454 substitute

Title

Accepting the Development Process Improvement Initiative Report

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 EDC considered all input provided; and, either accepted, rejected, or combined suggestions into a single set of recommendations; and,

WHEREAS, those recommendations were amended and approved by the EDC on May 11, 2011.

NOW THEREFORE BE IT RESOLVED that the Common Council does hereby accept the Development Process Improvement Initiative Report approved by the Economic Development Committee on May 11, 2011; and,

BE IT FURTHER RESOLVED that Staff from the Planning Division and Economic Development Division, in consultation with other relevant staff, are directed to develop a initial draft implementation plan, including assignment of lead agencies and prioritization, to be presented to the Common Council Organizing Committee on August 2; and,

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

Fiscal Note

Will need to be completed

Report Amendment No. 1

Alder Rummel

Pg 7-10:

I'm interested in separating opening section "The Case for Improvement" from the balance of report.

Report Amendment No. 2

Alder Rhodes-Conway

Pg 11: Add

At the end of the “advisory” list add “Other stakeholder groups such as planning councils. “Friends” groups, etc.

Report Amendment No. 3

Alder Schmidt

Pg 12: Add to the Empowerment guiding principle (the second paragraph, first is unchanged):

Empowerment

This principal involves ensuring that the City has the right people, with authority, performing their respective roles in the development process. The City has talented staff in all of the agencies involved in the development review process. Decisions on development approvals should be delegated appropriately to front-line staff with Department and Division authority and support to insure that they are empowered to make decisions within their areas of expertise.

The roles of residents, their neighborhood associations, and other stakeholders are given the priority they deserve. Setting expectations through neighborhood plans and having early and thorough participation in the review process are key aspects to the success of this process and any given proposal.

Report Amendment No. 4

Alder Schmidt

Pg 12: Add an additional guiding principle

Responsibilities of Alders

Alders are elected with the implicit understanding that they will take on the multifaceted role of facilitator, leader, and decision-maker. They provide a crucial interface between residents, stakeholders, city staff, and applicants. The skill sets and experience of individual Alders varies, but at a minimum they act as a conduit for information exchange. This report includes recommendations to expand on the development review process as described in Statute and Ordinance. Intrinsic to those recommendations is that the Alders will work with the involved parties and facilitate their communications and interactions, regardless of the position the Alder takes on any given proposal.

Report Amendment No. 5

Alder Rhodes-Conway

Pg 19 Add:

In the box, add “Planning Councils” to the list.

Report Amendment No. 6

Alder Schmidt

Pg 20: Goal A.2 reads:

Meet with Alder(s), Neighborhood Association President(s) or their designee, Neighborhood Business Association President(s) or their designee, and DPCED staff to determine the structure of the Pre-Application Phase of the project.

Change to:

Meet with Alder(s), appropriate neighborhood stakeholders (such as but not limited to Neighborhood Association President(s) or their designee, Planning Council Director(s) or their designee, and Neighborhood Business Association President(s) or their designee), and DPCED staff to determine the structure of the Pre-Application Phase of the project.

Report Amendment No. 7

Alders Rhodes-Conway & Bidar-Sielaff

Pg 20 Goal A.2.a. Replace first sentence with this:

"Planning Division should work with neighborhood associations and other neighborhood stakeholders to develop a template or set of tools for neighborhood review of developments and make these available to neighborhoods city-wide.

Report Amendment No. 8

Alder Rhodes-Conway

Pg 20 Goal A.2.a.

in the first line of the second paragraph, replace the word "require" with "planning staff will convene"

Report Amendment No. 9

Alder Schmidt

Pg 21: Goal A.2.b. reads:

Enhance notification of projects to broadest possible group of neighborhood stakeholders as possible.

Remove the words "as possible" from end of sentence.

Report Amendment No. 10

Alders Schmidt & Bidar-Sielaff

Pg 22 Goal A.2.b replace first bullet item with the following:

"Significantly increase the Common Council printing and postage to enable Alders to send notices to residents, business owners and property owners within their districts alerting them to projects entering the Pre-Application phase and directing them to the project webpage for additional information.

Planning and City Attorney staff should investigate and, if possible develop, a process to require developers to cover costs associated with mailings."

Report Amendment No. 11

Alder Schmidt

Pg 29: Goal E.3 reads:

Encourage recruitment and retention of diverse membership on commissions, committees and boards.

Efforts should be made to recruit and then retain talented citizens that reflect our community's diversity to serve on city commissions, committees, and boards.

Change to (note grammar fix in first sentence):

Encourage recruitment and retention of diverse membership on commissions, committees and boards.

Efforts should be made to recruit and retain talented citizens who reflect our community's diversity to serve on city commissions, committees, and boards. Former elected officials, former and retired city staff, and citizen members serving on multiple committees provide valuable experience and institutional knowledge, however our community has a wealth of

individuals who have not yet served whose input is also valuable. A balance must be maintained between fresh perspectives and experience.

Report Amendment No. 12

Alder Schmidt

Pg 30: Goal F.2. reads:

In Commission meetings, establish a procedure to allow presentations for up to 10 to 15 minutes for the development team and to recognize that for controversial cases, the same amount of time may be appropriate for the "opposition."

For most projects, the commission's current standards related to speaking can be maintained (e.g. the Plan Commission's policy of limiting speakers to three (3) minutes which can be extended by one (1) minute if there is no objection from a member of the body, which generally works quite well).

Change to:

In Commission meetings, establish a procedure to allow presentations for up to 10 to 15 minutes for the development team and to recognize that for controversial cases, the same amount of time may be appropriate for the "opposition".

For most projects, the commission's current standards related to speaking can be maintained (e.g. the Plan Commission's policy of limiting speakers to three (3) minutes which can be extended by one (1) minute if there is no objection from a member of the body). For some projects, an informational presentation would be more efficient. To maintain the balance intended by the public hearing speaking limits, a comparable block of time should be allowed to a collection of individuals in opposition to the proposal. Each Commission implementing this recommendation should consider what to do when there is not an organized opposition to the project that is granted the extended speaking time, e.g. does it grant one speaker the comparable block of time.

Report Amendment No. 13

Alder Rhodes Conway

Pg 32: Goal F.8.e:

Replace the word "require" with "work with"

Report Amendment No. 14

Alders Rummel & Rhodes Conway & Verveer

Pg 32: Delete Goal F.8.g:

~~g. Remove the requirement that Façade Improvement Grant projects be referred to the Urban Design Commission for approval unless the project is located within an Urban Design District or would otherwise require Urban Design Commission approval.~~

~~Implementation: Near term, 2011, Common Council resolution required.~~

Report Amendment No. 15

Alder Schmidt

Pg 33: Strike Goal F.9.a.

Reason: It is incumbent upon the commissioners of both the Plan Commission and the Urban Design Commission to clearly and concisely explain why they have reached a conclusion based on the standards they operate from. Those reasons are then captured in the minutes and reports from the commissions. Plan Commission currently has several seats on other committees to facilitate communications, but it does not by ordinance share members with UDC or Landmarks, the two commissions that serve an advisory role to Plan Commission but which, by design, operate independently. Plan Commission is a quasi-judicial body, and introducing one person's interpretation of the actions of the advisory bodies could lead to the very misunderstandings that this recommendation seeks to avoid. Currently, Alder Rummel serves on all three bodies. She has managed the responsibility with the balance and fairness to which we've become accustomed. However, mandating cross-membership between these bodies will not always lead to positive results. Furthermore, finding citizens willing and able to serve on any two of those bodies could prove difficult, given the time commitment that each requires.

Report Amendment No. 16

Alder Rhodes Conway

Pg 33: Goal F.9.b:

Replace the word “require” with “work with”

Report Amendment No. 17

Alder Rhodes Conway

Pg 37: Goal I.3:

Remove the word “applicant”

Report Amendment No. 18

Alders Schmidt & Bidar-Sielaff & Verveer & Rhodes Conway

Pg 38: Rewrite J.2. as:

2. Recommendations contained in neighborhood plans should reflect neighborhood input and consider economic feasibility and market realities.

Neighborhood plans are generally mid-range plans (5 to 10 year or longer planning horizon) that contain a series of recommendations reflecting a consensus of requirements and wishes crafted by citizens for the future of the area the plans cover. Neighborhood plans provide strategies to build upon the assets of an area as well as to develop specific strategies to improve the quality of life. Preparation of neighborhood plans involves examining existing data, conducting interviews with various stakeholders, working with City departments and agencies, and carrying out an extensive public participation process.

In some recent cases, the process has included market studies. However, plan recommendations based solely on near-term economic feasibility or near term-market realities would limit the potential of attracting new reinvestment into Madison neighborhoods over the life of the plan. Some of the plan recommendations for Atwood Avenue Commercial District, The Village on Park, and potential redevelopment sites along the South Park Street Corridor and on the Royster Clark site would not have been included in the plans if the content of the plans were restricted to current market feasibility. Conversely, when economic and market factors are at odds with plan recommendations, reviewing commissions and committees or the Common Council may amend or remove those recommendations, or, once passed, the recommendations may never be fulfilled. Planning Division staff works collaboratively with the Office of Business Resources (OBR) in the preparation of our neighborhoods plans. OBR interviews business owners/tenants, participates in open houses or other public venues, and reviews and comments on preliminary plan recommendations. To prevent the loss of neighborhood input and to assist a neighborhood in achieving its goals through its plan, OBR staff should provide input to the Planning Division throughout the planning process. The Planning Division should continue to focus on the overall economic development goals, opportunities and strategies as one part of the planning process.

Neighborhood plans are currently and should continue to be referred to the Plan Commission, Long-Range Transportation Planning Committee, Economic Development Committee, and other relevant boards and commissions for recommendation prior to adoption by the Common Council. Reviewing bodies bring their experience and expertise to the process to supplement and refine the input of the residents who contributed to the plan. However, wholesale changes to recommendations should be avoided, e.g. changing a recommendation for single family homes on certain blocks to multi-unit housing when the intent of the neighborhood recommendation was clearly to retain the housing stock as it is.

Report Amendment No. 19

Alders Weier & Rhodes-Conway & Bidar-Sielaff & Verveer

Pg 40 Add New Goal:

J.6 - to read ' Host an annual meeting with neighborhood stakeholders to discuss City policies to identify concerns, problems, or changes which should be addressed and to suggest changes to the development review process.'

The suggested language is from the Murphy memo of 4/8/11.

June 16, 2011:

June 20, 2011: Report Amendment No. 18 Alder Rhodes Conway added as co-sponsor