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**Subject:** Smart Growth's Questions and Comments re New Subdivision Ordinance  
**Date:** Monday, June 26, 2023 2:23:00 PM

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Chair Zellers and Plan Commissioners:

Please note that I am not sure if this email will go to Commissioner Patrick Heck, because in Legistar, the email address listed for him is the email address he had when he was an alder (which now is used by Alder Bennett).

Smart Growth Greater Madison has the following questions and concerns about the proposed new subdivision ordinance, which is item 19 on your agenda for this evening's meeting (Legistar 78130).

1. According to the new ordinance, the final width of pavement and alley rights-of-way shall be only approved following a recommendation by the City Engineer and Fire Marshal.

Smart Growth is concerned that there might be conflicts between what is recommended in the Complete Green Streets guide and what the fire department believes is needed for fire access, particularly with Neighborhood Yield Streets. It is critical to the development of new subdivisions to obtain final approval of the width of pavement and alley rights-of-way as early as possible in the staff's process of reviewing a proposed plat.

2. Allowing parking only on one side of the street decreases the desirability of homesites. This can be lessened for homes with front-loaded garages that have deep enough driveways to accommodate two additional vehicles for owners or guests. It is a much larger problem for homes with garages that are loaded from an alley, which usually do not have a deep enough driveway to accommodate additional vehicles.

Smart Growth recommends that the street design selected from the Complete Green Streets guide for new subdivisions enable parking on both sides of the street wherever garages are loaded from alleys.

3. According to the new ordinance, alleys can no longer be outlots, they must be rights-of-way dedicated to the public. If this ordinance is enacted, does that mean all new alleys must be named like streets?

4. The new ordinance requires a phasing plan to be submitted with the preliminary plat. That requirement is reasonable. However, city staff and officials should recognize that a phasing plan is a plan which is based on assumptions about the market, and if the market behaves differently than those assumptions, the developer

of the subdivision must be able to adjust the phasing plan.

5. When will we all see the final map of which kinds of streets from the new Complete Green Streets guide will be selected for various locations within the city and on land that is likely to be annexed/attached into the city? Will the map be based on current neighborhood plans or will it not be released until many, most, or all of the new area plans are adopted? Many periphery new neighborhoods are years away from being covered by a new area plan.

6. Smart Growth strongly objects to modifying the language of the new ordinance to restrict or prohibit approval of a certified survey map (CSM) combining parcels to create a redevelopment site based on proximity to the Dane County Regional Airport or projected or actually measured noise contours, as recommended in emails from Chair Zellers and Linda Lehnertz. On the contrary, the new ordinance should have added language to clarify that the text in the ordinance about airport noise does NOT apply to a CSM that is combining parcels to create a redevelopment site.

The Task Force on Environmental Justice extensively studied the issue of airport noise and residential development. This task force recommended to the Common Council that the city government should NOT attempt to prevent residential development relatively near the airport in response to concerns about noise from the F-35 fighter jets. Instead, the task force recommended that whenever a developer receives financial assistance from the city government for development or redevelopment relatively near the airport, the city government should require that the developer to use noise-mitigation construction techniques and materials. The Common Council followed this recommendation with the Raemisch farm subdivision (which the Plan Commission recommended approval of three times but the Common Council voted down twice before approving) and the affordable housing redevelopment project on the site of the former Gardner/Bimbo bakery at the intersection of N Fair Oaks Ave and E Washington Ave.

More recently, the Plan Commission recommended and the Common Council approved the Hawthorne-Truax Neighborhood Plan, which indicates the city would welcome redevelopment projects featuring greater residential density along E Washington Ave, despite the area's proximity to noise from the F-35 fighter jets. Please see the illustrations on page 17 of the plan, a link to which is provided below.

<https://www.cityofmadison.com/dpced/planning/hawthorne-truax-neighborhood-plan/3759/>

Smart Growth urges you to make sure that the new subdivision ordinance does NOT include provisions that would thwart redevelopment projects consistent with the recently adopted Hawthorne-Truax Neighborhood Plan.

Smart Growth recommends that the Plan Commission (a) decide whether the new subdivision ordinance should or should not include a provision that would limit or prohibit approval of a CSM combining parcels along E Washington Ave into a redevelopment site based on concerns about noise from the F-35 fighter jets and (b) direct the City Attorney's Office to draft language consistent with the Plan

Commission's decision for the Plan Commission to review at its next meeting. Smart Growth urges the Plan Commission not to make a recommendation to the Common Council on the new subdivision ordinance until this issue is resolved.

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