

Plan Commission
Special Meeting of December 7, 2023
Agenda #4, Legistar 81029

The draft proposes two changes. First, discretion would be granted as to whether a demo application is considered at the same time as a conditional use/rezoning application ("shall" is changed to "may").

- The language is not clear as to the default. Will demo applications be considered separately except for when a decision is made to consider the application at the same time? Or will demo applications be considered at the same time except for when a decision is made to consider the demo application separately?
- Who makes this decision? The Plan Commission Chair, the Planning Director, the applicant or interested residents?

Second, language would be added under standards of approval for properties with historic value: "For properties determined by the Landmarks Commission to have historic value and significance, the Plan Commission may consider the proposed project's effect on adopted City plans and goals."

- In 2021 the demolition ordinance was repealed and recreated. As stated in the Zoning Text Memo: "...the most substantive change to the ordinance is the removal of references to consideration of the proposed future use ..."
 - This proposed language frustrates the intent of the 2021 change in that it would bring the proposed future use back into the demolition decision. ACA John Strange said in his 2021 memo that the change "would allow the city to completely remove approval of proposed future uses from the standards section of the demolition ordinance, thus clarifying the Plan Commission's jurisdiction and *focusing it on the demolition itself.*" (emphasis added)
- Paragraph (7), Landmarks review for historic value, only speaks to "historic value," "significance" is not mentioned. What is meant by "significance"? If "significance" is added, then should (7) also be changed?
- "Adopted City plans and goals" is very broad. "Goals" should be deleted as the Comprehensive Plan "establishes the goals, objectives and strategies" that serve as a basis for the zoning code. MGO 28.003. Thus, "goals" are already reflected in adopted City plans.

Adding this language could lead to implicit bias by encouraging other recommendations in City Plans to be weighed with a higher priority than preservation of structures with historic value. Yet the first purpose listed in the demo ordinance is historic preservation: "The purpose of this section is therefore to ensure the preservation of historic buildings ..." And the 2021 Zoning Text Memo said the Plan Commission's review of demolition requests has "a focus largely on the historic value of the building(s) proposed for demolition."

Nor is this language needed. Another purpose of the demolition ordinance is to "aid in the implementation of adopted City plans." This is, essentially, what is being repeated in the proposed language.

In 2022, Plan Commission rejected the demolition of 114 N Blount (Legistar 70727). The staff report does a systemic review of the interaction of the various ordinance provisions.

<https://madison.legistar.com/View.ashx?M=F&ID=10874143&GUID=5C10BAF0-7CFB-4F66-83F4-A054D9886673>

Respectfully Submitted,
Linda Lehnertz