City of Madison Development Approval Process
GMCC Recommendations to EDC

August 9, 2010

Overview

In 2004, Madison's Economic Development Commission (EDC) published a report outlining several recommendations to improve the City's business climate. This report was the culmination of multiple public hearings featuring testimony from Madison businesses.

Since that time, the City has adopted several of the report's recommendations, including the creation of a cabinet-level economic development position, the adoption of an economic development plan and the beginnings of a "one-stop shop" for individuals and businesses needing various permits and approvals. The City is also in the process of rewriting its outdated zoning code, which should improve transparency in the pre-application process.

City leadership should be commended for their accomplishments to improve the business climate, but more work can be done to improve the development approval process. Many who have done business with the City in the past still view the approval process as uncertain and costly. This reputation impacts potential opportunities to create jobs and grow the tax base, which is vital to maintain our high quality of life.

More than half of the property in the City is exempt from property taxes because it is owned by a government entity (city, state, county, or school district), religious, benevolent or other qualifying owner. That puts additional pressure on all remaining parcels in the City to maximize land use potential. Many of the currently under-utilized parcels are located in developed areas of the City. Therefore a development proposal may likely include the need for a demolition permit and is probably surrounded by existing structures. Owners and residents of adjacent properties are rightfully curious about new development proposals and often have particular ideas about the proposed building design, materials and lot orientation; landscape features; and property use. This input should be encouraged and preserved throughout the approval process.

The goal of these recommendations by the Greater Madison Chamber Board of Directors is to make the process more efficient and transparent and avoid duplication and costly delays.

All parties to the development approval process - the developer, city planning staff, the alder and the neighborhood – would be better served if the approval process was simplified and consistent from project to project no matter the location throughout the City.

1. **Simplify the Process**
   - Create a citywide, uniform process for public input and make the rules and procedures accessible to everyone via the city website. Train Planning Staff on usage to enforce a consistent process.

     o Update the official "Best Practices Guide for Developers, Neighborhoods and Policymakers to define expectations for the role of each "party" to the development so as new alders are elected, new planning staff are hired, new neighborhood representatives are selected and new developers propose a project, responsibilities for communication and action are consistent. http://www.cityofmadison.com/planning/BPG_Final_for%20weba.pdf

     o Each "party" to the development process – the developer, city planning staff, the alder and the neighborhood – should clearly authorize the individuals empowered to speak on their behalf. Developers should designate an official person(s) to answer questions and make decisions about a project and provide contact information to the other parties. Neighborhoods should select their official representatives and spokespersons and provide contact information to the other parties. Other voices are welcome at public meetings but should note they are sharing a personal belief and not speaking as a representative of a group.

     o Neighborhood representatives are encouraged to measure opinions about the proposed development against the Zoning Code, Comprehensive Plan and Neighborhood Plan when presenting project modification ideas.

     o If an applicable Neighborhood Plan does not exist, the Neighborhood representative(s) should articulate the development objectives that are important to area property owners and residents.

     o Clarify how the Zoning Code, Comprehensive Plan, Neighborhood Plans and various Overlay Districts relate to one another. Explain when one trumps the others and clarify when each is a guide and when it is regulatory.

     o If design modifications are requested by staff or committee members, it should be noted whether a change to the design is required under the zoning code or is not a requirement but is a suggested modification.

   - Staff should review a proposed project and provide an initial report showing the degree to which the project meets the zoning code regulations and complies with the comprehensive and neighborhood plans. The written staff report should be shared at the initial developer/alder/neighborhood meeting so everyone attending the meeting understands the zoning code requirements and comprehensive and neighborhood plan objectives. By knowing at the beginning of the dialogue with the neighbors and alder what project components are zoning code requirements and what aspects of the project are advisory, discussions can be focused and save time for all participants.

- City boards, councils or commissions should not be allowed to add conditions of approval that exceed the zoning code requirements.

- The developer must bring the project into conformance with the requirements of the Zoning Code before filing a formal application unless the developer intends to seek a variance.

- Continue the weekly multi-discipline staff team meetings and encourage developers to regularly attend and work through approvals requiring multi-department sign-off. The goal of the meetings should be prompt problem resolution and clear authority to resolve conflicts should be given to a designated staff person.

- Consolidate the Plan Commission and the Urban Design Commission by adding two design professionals to the Plan Commission.

- All committees which review land-use approvals should be advisory to the Common Council so that elected officials are the final decision makers on issues which impact the City's tax base.

- Routinely designate a staff ombudsman for large projects to help shepherd the project through the development approval process.

2. **Create Consistency**
   - Adopt presumptive approval. The purpose of presumptive approval is not to simply get to "yes". Rather it ensures that the decision – be it yes or no – is made in a timely manner so all parties can more efficiently engage in the approval process, while also minimizing the costs associated with lengthy and unnecessary delays.
     - Presumptive approval does not impact the timeline of the pre-application process. That is the time period when the developer gathers input from City staff, neighbors and the alder and finalizes his/her development plans.

     - After a formal application is submitted, the City will have 180 days to move the proposal through all committee and Common Council approvals. If a yes or no decision is not provided during that time, the project is automatically approved.

     - During the 180 day period, the time clock may be temporarily stopped by mutual agreement between the developer and the City. Stopping the clock should be an infrequent occurrence yet may be necessary due to project complexities or extenuating circumstances.

CONCLUSION

These recommendations will provide focus and create efficiencies for neighborhoods, developers, city staff and alders. It is imperative that Madison continues to attract quality development proposals which add to the tax base, visually enhance the City, and create exciting places to visit, live, work and play.