

**From:** Jean Whitcomb

**Sent:** Friday, May 04, 2018 2:07 PM

**To:** Stouder, Heather <[HStouder@cityofmadison.com](mailto:HStouder@cityofmadison.com)>

**Subject:** ordinance change re: approval process for building project alterations

Hello,

As a member of the Marquette Neighborhood, I am concerned about the process for approval of alterations in building projects affecting our neighborhood. I am most concerned about "minor" alterations that do not have to go to the Plan Commission for approval and that can instead be approved by the Planning Director without an opportunity for neighborhood input.

I support the enactment of an ordinance change to require the Planning Director and our neighborhood Alder to agree on "minor" alterations. It is my understanding that, if the proposed ordinance change is enacted, then any disagreements between the Planning Director and the neighborhood Alder would need to be resolved by the Plan Commission.

This ordinance change is good because it will provide an opportunity for the neighborhood to weigh in on "minor" alterations that are not seen as "minor" by neighbors.

I understand that this change will be discussed on Monday. Thank you for your consideration

Jean Whitcomb

Harvey Terrace 53703

To: Plan Commission, Sydney Prysak, Kwasi Obeng, Heather Stouder, Natalie Erdman, Sara Eskrich, Marsha Rummel

From: Planning & Economic Development Committee, Bay Creek Neighborhood Association

Re: Modification to Madison General Ordinances Section 28.183(8) for Minor CUP Alterations

Date: May 2, 2018

---

Position: Members of the Bay Creek Neighborhood Association wish to weigh in on the proposed change to the Madison General Ordinances Section 28.183(8) for minor CUP alterations approval that requires referring to Plan any “minor” CUP alteration on which an alder and the director of Planning and Community and Economic Development disagree.

We sought to find out the implications and ramifications of this proposed change via email on April 26, 2018 prior to taking a position and were sent the following “drafter’s” analysis from Kwasi Obeng:

“This amendment requires that that the Plan Commission shall decide whether to approve a request for minor alteration to a conditional use if the Director of Planning and Community and Economic Development and Alderperson of the District disagree about whether a minor alteration should be approved. This language adopts similar language already contained in Sec. 28.098(6)(a), MGO, pertaining to minor alterations in Planned Developments.”

Since this text is more summary than analysis, we followed-up during the week of May 1, 2018, both through email and phone, but have yet to receive a reply. As a result, while we believe this change to be a good thing in that it requires the Plan Commission to look more thoroughly at questions of CUP alteration and potentially invites participation by affected citizens, we remain uncertain of the full range of ramifications.

We feel that the revision is a good start toward more thorough analysis of the community impact of CUPs, but should go further. We propose that the Madison General Ordinances be additionally revised to require neighborhood association notice (by alder and the CUP permit holder) in advance of any proposed minor CUP alteration with ample time for the NA to provide feedback.

This will ensure that:

- 1) the terms of conditional use have been met at current terms of operation;
- 2) the neighborhood immediately affected by the CUP has the opportunity to provide its input based on experience of current conditional use permitted operations; and
- 3) alder decision-making discretion takes into account constituents’ feedback.

Justification: We offer the following instance from Bay Creek where neighbors would have benefited from being involved in the minor alteration process.

On January 12, 2015, the Funk Factory Geuzeria received a CUP to establish a brewery at 1629 Gilson Street. On February 15, 2017, the Funk Factory was granted approval for a “minor” alteration to its CUP to open a tasting room on the property. Neighbors and the neighborhood association only learned of the taproom’s existence when it opened the weekend of June 17-18, 2017.

- The CUP letter of approval from the Planning Division dated January 13, 2015 stated that a tasting room or tap room would require a separate conditional use permit application.

- Neighbors' comments gathered informally in March and April 2018 demonstrate that the addition of the Funk Factory taproom has had a sometimes negative impact on those living next door and down the block from the Funk Factory.

In April 2018, the Plan Commission granted a new CUP to the Funk Factory to open an outdoor patio with a closing time of 9 PM, the right to host 4 outdoor events per year, and the opportunity to request the expansion of patio operations via the minor alteration process.

- The neighborhood association will be gathering data this summer from near neighbors regarding the impact of the Funk Factory's patios on the uses and enjoyment of their properties. This data should be reviewed and should influence the outcome of any request to expand patio operations.