

Plan Commission
Meeting of May 7, 2018
Agenda Item #4, Legistar #51065

Minor alterations of an approved conditional use are not any less important than minor alterations of a planned development. Minor alterations in a planned development district require Alder agreement.

If this proposed ordinance amendment is adopted, then proposed minor alterations to both planned developments and conditional use approvals would: (1) require alderperson agreement; (2) require Director of Planning and Community and Economic Development agreement; (3) continue to require the proposed minor alteration be consistent with the concept approved by the Council/Commission; and, (4) allow a developer to ask this Commission for approval if the Alder and Director do not both agree to the alteration.

An example of some of the existing difficulty is 706 (now 704) Williamson. Many changes were made to this project as a minor alteration to a conditional use, changes which the Alder questioned because the modifications "are different than what the public saw at [Plan Commission]." Those changes include, but are not limited to, the following.

- The original plan had 55 units: 5 efficiencies; 30 one-bedrooms; and 20 two-bedroom apartments. The revised plans approved as a minor alteration, and submitted to Landmarks, have 50 units: 0 efficiencies; 15 one-bedroom; 6 one-bedroom plus office; 23 two-bedroom; 5 two-bedrooms plus office; 1 three-bedroom. Although the Staff report included a condition encouraging the applicant to revise the floor plans to reduce the number of interior bedrooms, there was not a condition urging changing the mix of units.
- A lobby was added to the rooftop. This enclosed lobby is 7' 5" higher than the top of the parapet, 13' 4" higher than the structural roof. And it is not a small lobby. The lobby and attached storage area measures about 55' long, 22' deep (for about 33' of the length) to 30' deep (about 22' of the length).
The Staff report listed consideration of a rooftop patio as a condition, but made no mention of a lobby storage area: "The applicant is encouraged to incorporate a rooftop patio for use by all tenants to increase the usable open space on the site, and is also encouraged to incorporate green roof elements, which can help to meet the lot area requirement in the TSS Zoning District." (As a side issue, if the project did not meet the lot area requirement it should not have been approved since MGO 28.183(6)(a)7. requires a conditional use to conform "to all applicable regulations of the district in which it is located" in order for the Plan Commission to grant a conditional use permit.) Additionally, the Staff report failed to mention that a rooftop patio is deemed a story under Madison ordinances (see Legistar 31440). Thus, the Commission, by encouraging a rooftop patio, was actually allowing for a 7-story building when it specifically discussed a 6-story building.
- Underground parking was doubled from 30 spaces to 60 spaces. Although that may be viewed a good change, the Plan Commission added a condition: "That the Plan Commission recommends that City Traffic Engineering review the safety of the Blount and Williamson Street intersection." If the Commission had concerns about 30 additional vehicles using this intersection, those concerns might reasonably have been heightened by a doubling to 60 vehicles.
- The building volume increased not only by the additional level of underground parking, but by 1,000-2,000 square feet per floor (about 8,000 additional square feet total) when

the NE corner of the building was squared off. The total volume was about a 25% increase in volume (not including the rooftop patio and lobby).

- Even the façade changed. The top rendering is what the Plan Commission considered, Legistar 24335. The second rendering is the second applicant's submittal as submitted to Landmarks, which had received approval as a minor alteration.



I urge the Plan Commissions to adopt this amendment, which would increase consistency and accountability.

Respectfully Submitted,
Linda Lehnertz