

**East Washington Avenue BUILD
Capitol Gateway Corridor Land Use and Urban Design Plan
Steering Committee Meeting # 12**

Minutes (Approved 12/20/05)

**Monday, December 12, 2005, 5:00-8:00 pm (food and beverages provided)
945 E. Washington Ave.**

**Meeting Chair: Bob Horowitz Meeting Facilitator: Rebecca Krantz
Note Takers: Rich Felsing and Carol Berglund**

Purpose of meeting: To begin review of urban design ordinance.

**Attendance and Summary of Meeting Discussion, Decisions, & Action Items
here; more detailed notes, and transcriptions of feedback forms are attached.**

Committee Members Present [in no intentional order]:

Brenda Konkel-Alder District 2, Susan Breitbach-East Capitol Business Association, Curt Brink-Property owner, Phyllis Wilhelm-MGE, Anya Firsz- Greater Williamson Business Association (2nd half of meeting), Brad Mullins-Property owner, Teena Browder-East Johnson Street Business Association, Marsha Rummel-Marquette Neighborhood Association, Will Warlick-Marquette Neighborhood Association, Catherine Debo-Madison Metro, Eric Swanson-Property owner, Kevin O'Driscoll-Downtown Madison, Inc. (5:30), Ilse Hecht-Old Market Place Neighborhood, David Waugh-Tenney-Lapham Neighborhood Association, Judy Olson-Alder District 6,

City Staff Present:

Mark Olinger-Planning and Development, Michael Gay-Office of Business Resources, Alan Martin – Planning and Development

Consulting Staff Present: *Scott Harrington-Vandewalle, Dean Proctor- Vandewalle, Rebecca Krantz – EINPC, Rich Felsing – EINPC, Carol Berglund – EINPC*

Members of the Public Present: *Michael Barrett*

Committee Members, City Staff and Consulting Staff Absent with Notice:

Bob Horowitz-Community-wide representative, Marianne Morton-Commonwealth Development, Dan Rolfs – Real Estate, Beth Cannestra -Emerson East Neighborhood Association

Without Notice: *Mario Mendoza-City of Madison Mayor's Office, Michael Waidelich, Planning & Development, Brian Benford-Alder District 12, Bill Kunkler-Fiore Company*

Meeting Summary

Minutes from November 28, 2005, approved without changes.

Draft Plan was distributed. Vandewalle suggested adding a second staple to the margin & reading it like a book, each set of two pages is meant to be seen together. Also one correction, page 12 footnote should have been removed after public meeting.

Al Martin reviewed the Urban Design Commission's role in reviewing development proposals and members of the Committee asked questions for clarification, including clarifying that only new construction and major reconstruction will be subject to the requirements of the ordinance; more superficial changes like façade improvements will not trigger requirements that the building meet all of the guidelines.

The Committee gave guidance for drafting the Urban Design Ordinance, including discussions of what level of detail and what level of prescriptiveness should

Funders of this project include the Dane County BUILD program, the City of Madison, Marquette Neighborhood Association, MG&E, The Mullins Group, Curt Brink, and Research Products, Inc.

generally be in the plan, whether or not to include some kind of density bonus, and specific ideas for landscaping & open space, lighting & furniture, building articulation, materials & colors, windows & entries, and signage.

More detailed meeting notes:

Rich Felsing notes:

- A. Welcome, Agenda Review, Minutes Approval – Minutes from November 28, 2005, approved without changes.
- B. Overview of Urban Design Review Process & Role of this Ordinance – Al Martin

Al Martin presented: Most of these developments will likely be developed under a PUD process. Implementation of this process is ongoing – *handout* was passed around on UDD (Urban Design Districts).

Urban design is a way of accomplishing objectives in Land Use plan. UD is a component of and is consistent with the land use plan.

UDD + PUD, therefore there's a pre-application process to cover traffic, zoning, UD concerns, and to get the preliminary proposal on the table. Informed they need to make preliminary contacts with neighborhood association, local alders, etc. This initial contact is to smooth the approval process.

UD 3 diff levels – informational basis

- Initial approval, comes back later for final approval, sometimes initial and final approval at same time.
- UDC must make a finding that zoning etc., are being met.
- Initial approval from UDC; this says overall design, bulk, and mass satisfies UD requirements and PUD requirements.

Having obtained preliminary approval, then through Plan Commission, Common Council, etc.

Questions & Discussion:

C Debo – What happens when Metro goes through it? Metro is planning improvements but won't meet minimum height requirements – I'm concerned. Would it be better to acknowledge that now? In the plan?

Al Martin – Still required to go through UDC process.

M Olinger – Two things – if you're not a historic landmark, you're not shown on the map. Metro not significant in that sense. Second, existing building, so owner won't be required to meet guidelines. Except for new construction on the corner.

RK – Generally, how much will an owner have to change to be required to meet guidelines?

Al Martin – Only new construction and additions must meet these guidelines.

RK – So Metro is NOT going to be subject to being forced to change the height of their building where they are merely changing the façade. New construction where they tear down and rebuild will be required to meet minimum requirements under the plan.

A Martin – The Secretary makes the determination – that's me. Unless it's major reconstruction, at least 60%, or new construction, design guidelines won't be an issue.

B Mullins – Question regarding geographic boundaries of district.

Al: This will be district 8, the areas outside will be old district 4.

C Debo – What about lots that start inside new boundary and extend beyond it? Shared parking?

A Martin – Where there is a contiguous parcel, with part outside the district – that parcel WILL be considered as part of the district.

S Harrington – What is the difference between the wording of requirements vs. guidelines?

A Martin – Guidelines are mechanisms for accomplishing the Requirements. “Should” and “shall” are interpreted as requirements. “Encourage” and “discourage” have strong importance, especially when referencing specific requirements.

SH – “Faux siding is discouraged.” How would the Commission interpret that?

AM – Use of these materials must be justified by the developer. This is basically ongoing policy determined and applied by staff.

RK – Scott is asking about the language and its interpretation / application.

AM – It is the applicant’s burden to make the case, if there’s a question, about validity of exterior treatment, materials, etc.

C. Urban Design Ordinance – Discussion & direction on format & content, issues not yet discussed in Plan (see attached): Landscaping & Open Space, Site Lighting & Fixtures, Building Articulation, Materials & Colors, Windows & Entries, Signage, Building Restoration

RK – Let’s look at Ordinance. Over to Scott, Dean & next item on agenda.

M Olinger – First I want to clarify intent of handout is not final language – but to show state of the art of UD language, and how it’s evolved. This is an incomplete document, used to show relevance to our process. It’s the structure that’s relevant, not the actual language, which won’t be in final draft. This is not the first cut of the language, but a model to follow.

A Martin – Comments and precepts here are from Park Street process; this model is generated by that process, and not necessarily what we’re coming up with or where we’re headed here.

M Gay – But the process and structure works for our City Attorneys, etc.; it’s useful that way.

S Harrington – Clarifying language so our impact is well-defined as we go.

Core Principles – Setbacks and the like often dealt with in underlying zoning districts. But zoning here’s unlikely to change. Thus the use of PUDs, project proposals, unlikely to comply with existing zoning. This process is putting guidelines into play using UD guidelines. The core principles, bulk standards, design guidelines (reading) UDC will consider and apply them, and need to be brought into UDGs (page15 of Plan draft).

Page 23 – Titled Specific Urban Design Recommendations. Bullets are important elements that UDC need to consider, and should migrate from here and into standards.

Page 22 – Were included in Chapter Four. Factors affecting development; these should also migrate into the standards / guidelines.

SH assumes we expect these three areas will carry over into Ordinance.

SH looking for input on signage, other components not yet discussed.

General questions – three issues. 1) How prescriptive do we want to be? UDC has the right to enforce. Language could be discretionary, allow leeway. 2) What level of detail do we want to prescribe? 3) Concept of ‘bonus’ or ‘incentive’ – I got the feeling that members wanted to go with density “bonuses” or “incentives”, but that they expected to get something of high quality out of that mechanism. Do we want to explore that? Or let it go and stick with the general?

SH – Reads from Page 2. No way to bring everything from plan into design standards, so that’s why this language is on Page 2.

Does City have ideas on how to bring these aspects of the Plan into the design guidelines / ordinances, so the meaning and intent is not lost in the minutiae of 50 feet here, five feet there, etc.

A Martin – We have a “Basis for Design Review” language in this section will specifically reference the plan and will create the explicit tie to the Plan.

B Konkel – Suggests additional language in statement of purpose for design ordinance.

M Gay – “and subsequent updates of the plan” and / or like language.

RK summarizes three issues, above:

Level of prescriptiveness.

Level of detail.

Incentives and disincentives as proposals reach density maximums.

1) Detail. Does finer detail equal overly restrictive requirements, as concerns expressed here?

SH – Do we need to go further than what we have here? Do we need further definition on the ‘monopoly board’ (land use map)?

Will W – Specificity is not to control the development, but to guide the UDC.

M Barrett – Design is more encompassing than decorative gewgaws. Density bonuses really give neighborhoods a whole heck of a lot of leverage in shaping the neighborhood. I’d strongly encourage Committee to include that possibility and remain involved.

M Rummel – Thought we already decided on heights; how can we change it now? And if larger building, do we expect a higher level of (for example, green building attributes). Design includes beautiful buildings.

B Konkel – UDC if something’s too prescriptive, they’ll take it out further down the process.

Don’t want to be too strict, for variation. Mike’s nodding his head. We need to give them our guidance now.

Height bonuses; can leave maximum heights at 13, then allow the 15 when they meet specific requirements. Need to define the value of incentives, except when there are several categories that allow bonuses.

J Olson – I’m leery of bonuses. Increases went from potential pluses, and quickly became expected for every proposal. ALSO, good storm water management should be part of the Ordinance no matter what.

P Wilhelm – If we’re encouraging employment, number of jobs generated could be a consideration as well. [the use justifying the bonus] If you get too specific, do you date the plan prematurely?

M Olinger – Need to take care that we’re not creating a construct that completely precludes future land uses. Need to be able to resort to adaptive re-use. Need to enunciate four core principles – that drives what we’re doing.

M Rummel—Bob has been emphasizing a boulevard. Partly that’s about trees. This sort of mentions trees, but mostly about parking and screening.

RK – Stick with bonus question for now.

Kevin – Don’t think we can work with that today. Don’t want to revisit building heights today.

C Brink – Bonuses have to be predictable. Is it affordability, ... with an array of incentives, if you can’t use them, then they’re irrelevant.

RK – Beyond scope of Committee then?

B Konkel – Incentives in IZ are completely different than density bonuses. We need to go “If x, then y.” Specifics, but not a menu.

C Brink – Agrees.

SH – What we decided on already should be viewed as maximum numbers, for example 15 stories and that’s it (with nuances for the differences between FAA & Capitol View Ordinance). Question is, to get to that limit, is there some mechanism or discretionary

guideline that kicks in? Not about violating that discussion and those limits, but what it takes to get there.

M Rummel – Affordability of commercial space an issue; interested in ways to get there. Shared parking could also be something we give incentives for.

Will – Parking addressed under transportation, Core Page 3. Don't think we need a bonus to get shared parking.

C Debo – What if this is the full extent, of the detail – just what's in the Plan; leave the rest to UDC?

A Martin – UDC deals with further defining this issue all the time. Commission often feels boxed-in, too many limitations, instead of allowing for open input during that process. Committee needs to arrive at a level of predictability. UDC doesn't like over-prescriptiveness.

RK – Perhaps we should just specify further where it will help with predictability for developers and likelihood of approval.

D Waugh – Likes this approach. Consultants do that for next round. Where do we need to be more, less prescriptive?

S Breitbach – Question for three property owners in this district. How do they feel? Is this too prescriptive? Predictable? Neighborhood-UDC process will still be there – but I don't even know how I'm impacted by this! Pretty detailed right now.

Eric – Guidelines are great. Vandewalle did a great job. #3, 3 #7, 9 – As you go down, the requirements get tighter and tighter and tighter. See # 9 Entryways on East Mifflin and East Main shall not be permitted.” Core principles are great. Don't get more restrictive.

Curt – [Too restrictive now, with guideline about not going dark at night; don't get more prescriptive].

B Mullins – I agree with Eric & Curt. Each project needs to be looked at in context. Can't predict future; don't need more restrictive.

B Konkel – Another option is to write in a higher standard of agreement at [Commission?] Council / Plan level, for going outside of standards. Require two-thirds majority instead.

M Rummel – Clarifying with Curt; does basic zoning and land use designation really restrict Curt? I don't think so.

C Brink – Employment only means the street life goes dead at 5:00 pm. I'm dark at 5:00 if it's employment only. Without mixed use, there's no option for flexibility. The Plan is the basis for the neighborhood process; it's the Bible. Paterson is a “side street,” but it's really a major thoroughfare. Designation is rigid for me, no flexibility.

[Crosstalk]

SH – Ties into Comp Plan. Land Use map on Page 15, see facing page. Comes straight out of draft Comp Plan. Reads ‘employment’ definition from Plan. Red stripe on Brink's block, recommended for ground-floor retail, etc., so there's flexibility built in.

M Olinger – Several points: First, if need be, we change the Zoning Code. We may need a specific Zoning Code to address district needs. Don't get wrapped up in the 24 / 7 city.

Second, firm came in with dumpster facing East Wash; approved by UDC. Why would we put garbage on East Wash? These guidelines are for Commission and staff to think about and discuss and apply AS they go through the process. Conditions and site-specific aspects.

Third, regarding Marsha's comment about trees – Wash, Main, and Mifflin – SHOULD BE part of our open space districts. And should improve the quality of life of the businesses,

employees and residents of the area. To reduce the intensity, and increases the quality of life. To make it attractive, desirable, magnet for residents citywide.

C Brink – Agrees with MO about landscape, ties it all together.

D. **Break** 6:45 – 6:55

Carol Berglund now taking notes

E. Urban Design Ordinance – Discussion & direction on format & content, issues not yet discussed in Plan. Ten minutes per issue; looking for guidance; list is same as Items 4 – 10 of model ordinance; Overhead projection of a block.

Landscaping & Open Space:

Dean Proctor: How is landscaping used as buffer; how to screen undesirables; shade; use space between buildings?

WW: Would like to add guidelines for street trees; want boulevard effect.

C Brink: Trees 600 block – First street; one type or three; how they look; changes with seasons; most important to how street looks; continuity is more than just one type of tree, more complex than just saying let's have trees.

AM: Guidelines refer to what happens on private property, not City property.

WW: Suggest breaking mold like did for Park Street.

AM: Integration of design on private property to go with city property.

SH: Who maintains?

AM: City maintains median, property owner maintains terrace.

Q: Median on International Lane? A: Probably County.

Teena: Question on terrace.

Eric: Reference 10-foot sidewalk; nice to have grass and not all pavement; employees like to have picnic tables.

Judy: In favor of largest trees possible on the terrace private and city; want over 20 feet.

DW: Trees can have an architectural impact; i.e. Lindens vs. Honeysuckle.

C Brink: Trees need to work for Fire Marshal also.

Dean: Question regarding should we encourage open and public space?

One person – Yes.

SB: No .

AM: Now need eight feet for enhanced landscaping and pedestrian.

P Wilhelm and W Warlick: Shouldn't be too prescriptive on this one.

Site Lighting & Fixtures

DP: Light pollution, light color.

SH: Can you light the building? Yes with low levels.

AM photometric plan is part of requirement for urban design; there are already parameters that are not listed in plans; only need to say site lighting must be appropriate.

C Brink: Yes it is already pre-existing for urban design district.

SH: What about lighting the building?

AM: Current prohibition on lighting the sky and limits on brightness.

BK: Benches and trash receptacles; need to use same as another place those chosen for E. Wash Reconstruction project; trash cans need to be the kind the city allows if City does trash removal; if owner removes trash can use other receptacle.

RK: Maybe need to consider what trash cans looks like; is it important?

BK: Yes – need consistency.

DW: No – doesn't see importance on private property.

ES: Can now do what you want on private property.

RK: How about some advisory language for developers so they know about trash receptacle requirements?

Building Articulation

Dean: Bays, balconies, articulating – street façade has a maximum height; should we be more prescriptive on lower levels and less on higher levels for articulation? Showed photos of large buildings in city; things that break up the massing of the building.

RK: Asks for examples of wording regarding articulation requirements.

Dean: Reads examples from list in #6.

SH: Gives examples of articulation levels.

?: Suggest making them bullet points in ordinance; RK in plan or Ordinance?

AM thinks #3 is bad part, requiring three colors; three colors is too specific.

BK: If want something it should be in the Ordinance, not plan.

ES: #8 does this wording on corporate designs refer to franchise business logos? Do we mean size?

Dean – No – example, change slope of roof for McDonald's.

AM: Corporate usually must change according to area they're building in here.

JO: Encourage not less detail than this draft.

B Mullins: Troubled by item four (flat roof) and six about historic adjoining building (proportion and scale); too restrictive if need to make new buildings same height as historic ones; 11 also, restriction of not drawing attention away from existing buildings – we may want to draw attention away from some buildings!

RK: Summary, add some specifics on these.

WW: Thinks we are reading some things wrong; propose letting consultants do draft and then see.

RK: Do consultants have enough guidance?

Dean: Yes. SH: Yes if everyone can live with core principles

Scott – Note that on Page 12 footnote should have been removed after public meeting.

AM: Regarding #10, item six, Brad's concern: Al explains that compatibility is a standard for landmarks but doesn't mean to copy something bad but not add more bad; must mesh with surroundings.

B Mullins is concerned about the language, not the way it works now – consultants can work on language to make it clearer.

Materials & Colors

Dean – Heard three colors too specific, wants to hear what people want.

AM: Say utilize a variety of materials and colors; say “clear base, middle and top.”

Dean: Are there materials you don't want to see?

DW: Vinyl, vertical seams in corrugated metal.

WW: Hay high quality design, not be prescriptive against metal.

AM: Current wording regarding use of metal is that it must have exceptional merit.

C Brink: Question regarding brick veneer; make clear that the prohibition isn't against certain thinner brick, but against fake brick.

Consultants know how to word it.

RK: Are people clear about wording Al said is in effect for metal in other districts?

C Brink: Yes.

No one uncomfortable with it.

Colors: BK suggests removing terra cotta as suggested palette.

Windows & Entries

Dean: Talked about transparency, etc.

People agree – but one person doesn't want to see all transparent.

Mirrored glass?

WW – Doesn't like.

Others not bothered by it.

B Mullins: Translucent not transparent in some cases depending on use.

AM: There is a vision glass now; UDC encourages day lighting; they have different codings to provide for energy efficiency and elevation of building, etc.

Signage

Dean: Should we allow pole-mounted signs?

C Brink: Like Octopus Car Wash's sign? Suggests without individuality that signage can be too boring; less restriction to allow more creativity; UDC watches how it fits and complements the rest of the development.

SH: Thinks there's not room for pole signs with setbacks we have; questions signage in windows, top of building, monument in front of building; do we care?

C Brink: It's a complicated issue and is part of Urban Design approval.

DW: Thought we don't need to say much about because of what UDC does.

S Breitbach: Want to encourage flexibility; I couldn't have a sign without pole mounted.

WW: Moving from auto oriented to pedestrian oriented; don't want big signs.

SB: People are driving in, not walking.

AM: Signage is already regulated by PUD and Commission.

RH: It says plastic box signs discouraged – do we need that in here?

Opaque backgrounds... not a lot of concern about this [Confusion over what this means].

Building Restoration tabled until next meeting

F. Update on Distribution of Draft Plan [distributed tonight]

G. Summary, Next Steps

RK: Hopefully late Friday get next draft; next meeting Tuesday, 20th, here; next agenda schedule meeting to look at revisions of plan.

SH: Next week will be last time to get “kick at the cat” for a longer period of time.

Meet after first of year for *final comments*.

Adjourned at 8:05.