



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

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To the Honorable Members of the
Zoning, Neighborhoods and Development Committee
City of Milwaukee
City Hall, Room 205

Dear Committee Members:

File No. 181429 relates to the review and approval of site work within an overlay zone.

This file would change the process of review and approval of site work within an established overlay zone. It would require City Plan Commission (CPC) and Common Council review and approval of any site work within a development incentive overlay zone or a site plan review overlay zone. Presently, only CPC review and approval is required. The proposed process would also require that any deviation from the performance or design standards of an established neighborhood conservation, development incentive or site plan review overlay zone be approved by both the City Plan Commission and the Common Council. Yet again, only CPC approval is currently required. Additionally, it clarifies the requirement for Common Council approval of a master sign program for a property within a master sign program overlay zone.

The zoning overlay chapter was created in the 2002 zoning code recodification to guide development while offering a streamlined approval process once an overlay zone is established by the Common Council. While the underlying base zoning district remains, the addition of an overlay district allows for altering use and design standards to promote unique developments. After Common Council approves the overlay and associated design and performance standards, the application of those standards is delegated to CPC. If an applicant is unable to meet the Common Council-approved standards, the zoning ordinance outlines a procedure that the property owner may use to petition CPC for a deviation to the standards.

On February 11, 2019, a public hearing was held and at that time DCD Planning Manager Vanessa Koster explained the file and proposed zoning code text change. She explained the DCD staff's recommendation that the CPC recommend that the subject file be Placed on File. She voiced the department's concerns and points of objections, specifically that the proposed process would delay decisions for applicants, resulting in additional expense and less predictability for development projects. In some circumstances, the process may require an applicant to go to both the Board of Zoning Appeals and the Common Council. There is concern that the proposed process also runs contrary to the Local Business Action Team's (LBAT) task to streamline the city's permitting, licensing and inspection process to make it more "user-friendly."

DCD Commissioner Rocky Marcoux also spoke on the file and reiterated many of Ms. Koster's points. He described the reasoning behind the current streamlined process and the predictability that it offers applicants. Commissioner Marcoux explained that when design and performance standards for overlays are established by Common Council, they are, in effect, already exercising control over the process by requiring adherence to those standards.

Commissioner Najera noted that CPC had received letters in opposition from the Commercial Real Estate Development Association and the Commercial Association of Realtors. Commissioner Altoro then spoke about his issues with the proposed process, describing his experience sitting on the City Plan Commission, the importance of elevating the voices of the commission, and the value of the continued success of development



in the city to all residents. Commissioners Bloomingdale, Gould, and Johnson also spoke in opposition to the file, stating their support for the current process and belief in the CPC to be, according to Bloomingdale, “more than a rubber stamp.”

Since the review of a specific project within an overlay zone is limited to determining whether the design standards of the overlay have been met, the CPC has competently reviewed projects within overlays against approved overlay standards for the past 25 years or more, and this change will unnecessarily add additional layers to the approval process, the City Plan Commission, at its regular meeting on February 13, 2019, recommended that subject file be Placed on File.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee