



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved LANDMARKS COMMISSION

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Monday, June 28, 2010

4:45 PM

215 Martin Luther King, Jr. Blvd.  
Room LL-110 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 6 -

Stuart Levitan; Christina Slattery; Bridget R. Maniaci; Daniel J. Stephans;  
Robin M. Taylor and Michael J. Rosenblum

**Excused:** 1 -

Erica Fox Gehrig

### INTRODUCTION OF NEW PRESERVATION PLANNER - AMY SCANLON

### APPROVAL OF MINUTES

A motion was made by Levitan, seconded by Maniaci, to Approve the May 10, 2010 Minutes. The motion passed by voice vote/other.

A motion was made by Rosenblum, seconded by Maniaci, to Approve the June 14, 2010 Minutes. The motion passed by voice vote/other.

### PUBLIC COMMENT

Jason Tish, 2714 LaFollette Ave., registered, but did not wish to speak.

### OTHER BUSINESS - DISCUSSION

- [18941](#) Discussion on the Planning, Zoning, and Attorney's Office staff recommendation to remove the Historic Preservation Landmark and District Overlays from the new Zoning Ordinance.  
  
Staff handed out a memo prepared by the City Attorney's Office, and an e-mail that was sent by Ms. Linda Lehnerts that included a City Attorney response. Matt Tucker, Zoning Administrator was available for question from the Commission.  
  
Mr. Tucker said that they wanted to clear up a misunderstanding about this process. He noted that historic overlays are not currently in the Zoning Ordinance. During the Zoning Code rewrite process, there were discussions about creating historic overlays within the new Zoning Code. Upon further review of the idea, some unintended consequences arose that would make such overlays difficult. The most difficult example would be that all variance requests would funnel through the Zoning Board of Appeals process, which has very strict State Statute interpretations of hardship, and the Board would be unequipped to deal with historical appropriateness for new materials and other items that are often the cause of variance requests. Mr. Tucker added that in essence, staff is proposing to return the zoning code rewrite back to the way that it currently functions.

Mr. Levitan asked about State Buildings, and their review by Landmarks, as the State is only bound by the Zoning code and no other City laws. Mr. Tucker replied that there is still a nexus for all State Building demolition requests, and that building permit requests still have the historic zoning code tags (such as HIS\_TL R4A) would still direct people to the Landmarks Ordinance. Mr. Levitan asked if this was a modification that gives the Commission more or less power. Mr. Tucker stated that if the overlays were in Zoning, then the Commission would have less power as variance requests would go to the Zoning Board of Appeals. If the staff suggestion to remove the overlays would be approved, the new code will go back to the current relationship.

Mr. Stephans said that as long as it is triggered in the same way that it is now, then it is okay. Mr. Levitan asked if even though the Landmarks Ordinance was created under the general police powers of the City (and found in Chapter 33) and not the Zoning Code (Chapter 28), is the cross reference between the two enough to compel the State and University to comply with the Landmarks Ordinance? Mr. Stephans asked specifically about alterations to buildings. Mr. Tucker replied that he believed that it was.

Mr. Stephans asked about the general status of the Zoning Code rewrite process. Mr. Tucker replied that it has been introduced at the council and is going amongst different boards and commissions for review. He noted that there is still work to be done on the downtown districts. He said that once the language is finalized, then there will be a lot of work required to create the Zoning Map, and once the Zoning Map is adopted, the whole code will become law.

Mr. Levitan asked if the Landmarks Commission should make a statement to the Plan Commission. He stated that the Landmarks Commission should either agree or disagree with the staff recommendation to let the Plan Commission know their thoughts. He asked Ms. Ledell Zellers, in the audience, if she had any thoughts on this recommendation since she had raised the concern at the prior meeting. Ms. Zellers, 510 N. Carroll Street, said that the discussion with staff and the Commissioners this evening eased her worries. She added that she is still concerned about the RH6- 50 foot height limit being lost, but hopes that discussion with the Downtown Plan and Downtown Zoning districts will favorably resolve this issue.

**A motion was made by Levitan, seconded by Maniaci, the Landmarks Commission agreed to recommend the staff suggestion to the Plan Commission, which removes the historic district overlays from the Zoning Code Rewrite Draft. The motion passed by voice vote/other.**

2. [18755](#)

Discussion about applying for a Certified Local Government (CLG) Grant from the State of Wisconsin Historical Society.

Staff handed out information provided by John Broihahn of the State Historical Society in regards to potential survey of archeological resources within publicly owned land.

Staff had also put together a map that illustrated the development of post-World War II neighborhoods within Madison. Staff noted that they had talked to Daina Penkiunas at the State Historical Society who noted that when thinking about proposed boundaries for an intensive survey of post WW-II development it would be a good idea to think concentrically rather than neighborhood by neighborhood so that such a survey doesn't miss some important infill, such as the 1960's modern homes by Hoyt Park, that are close to the 50-year threshold, and could be historically important.

Mr. Stephans noted that one of the benefits of a survey of post WWII neighborhoods and their subsequent listing on the National Register, is the economic development that comes along with the potential tax credits associated with rehabilitation of NRHP listed buildings. While the archeological survey does help with economic development in terms of tourism dollars the rehabilitation tax credits are a more immediate economic benefit. He noted that his experience with the NRHP review board is that they would be pleased with an application of either type.

Mr. Stephans asked staff to look into a few questions with State including continued discussions with Ms. Penkiunas about post WWII neighborhoods, asking State staff about reasonable grant request amounts, survey size and other study parameters, as well as looking into some existing resources such as the Crestwood and Midvale histories.

Ald. Maniaci noted that staff could perhaps work with the new director of the Parks Division to see if they would have any interest in cataloguing the archeological resources within the City Parks. She noted that there are a lot of new employees in the Parks Division, so we should make sure they know of these resources.

Mr. Stephans noted that the goal of any CLG Grant Application is that the survey results in NRHP listings, and if the City doesn't follow through with the listings, then future grants would be in jeopardy.

Mr. Rosenblum stated that for the economic development reasons that Mr. Stephans stated, he is in favor of the grant focusing on the post WWII neighborhoods. Ms Taylor and Ms. Slattery agreed. Ald. Maniaci stated that staff should be sure to keep the alders associated with these neighborhoods in the communication loop so that they will not be surprised about the grant application.

**Mr. Stephans noted that the general consensus seems to be favoring a grant centered on an intensive survey of some of the City's post WW-II neighborhoods, and asked staff to continue following up with the grant process for such a survey. The Commissioners agreed.**

3. [17835](#) Landmarks Ordinance Revisions

Staff noted that the language discussed at the last meeting in regards to the appeals language and remove the sentences that refer to public hearings was reviewed by the City Attorney, and that they see no issues with the proposed language.

Staff was asked to put together a list of the items regulated by the Landmarks Ordinance that can be approved administratively. In addition, staff was asked to look at terms and develop a list of terms that regularly cause problems with interpretation. Mr. Levitan asked staff to look into the legislative history of the Public Hearings requirement for additions over 100 square feet within the University Heights Historic District.

**A motion was made by Levitan, seconded by Taylor, to Refer to the next LANDMARKS COMMISSION meeting. The motion passed by voice vote/other.**

4. [17150](#) Buildings proposed for demolition - 2010

There was no discussion over the buildings in the demolition report. Mr. Levitan asked staff to contact the City Attorney's office about the regulation of demolitions non-landmark buildings when they are directly adjacent to designated landmarks. He noted that the 100 block of State Street has been discussed in the private sector for demolition or partial demolition, and that while two of the buildings are landmarks, the adjacent buildings are important in their context. If the Landmarks Commission makes recommendations for development adjacent to a landmark building, then they also should be looking at demolitions adjacent to landmark buildings, or within x-number of feet of landmark buildings. Mr. Levitan stated that perhaps such language could be considered during their future discussions.

5. [07804](#) Secretary's Report

Upcoming Discussions on Potential Ordinance Language Changes  
 July 12, 2010:      Sections 33.19(1-4) if needed  
                                  Section 33.19(5)(a-e) and (g-i) Powers and Duties  
                                  Section 33.10(15) Variances

## ADJOURNMENT

**A motion was made by Maniaci, seconded by Levitan, to Adjourn at 5:45 p.m. The motion passed by voice vote/other.**