



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

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Tuesday, December 16, 2014

5:30 PM

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

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### CALL TO ORDER / ROLL CALL

**Present:** 4 - Marsha A. Rummel; Steve King; Mark Clear and Chris Schmidt

**Excused:** 1 - Shiva Bidar-Sielaff

### APPROVAL OF December 8, 2014 MINUTES

No action taken.

### PUBLIC COMMENT

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Hovde Properties, Steve Brown Apartments, and Wright 2102 LP, registering neither in support nor opposition and wishing to speak. Vercauteren discussed his comments that were submitted on November 14 that related to section (12). His comments clarified the intent of the various revisions that were previously submitted.

Sam Breidenbach, representing Madison Trust for Historic Preservation, registering neither in support nor opposition and available to answer questions.

David Mollenhoff, Ordinance Committee of Madison Alliance for Historic Preservation, registering in support and wishing to speak. Mollenhoff explained that the ordinance should only include enforceable standards and remove all references to guidelines. Mollenhoff explained that the Common Council should have two grounds to reverse or modify the decision of the Landmarks Commission in an appeal. Those include if the Commissions' actions are inconsistent with the applicable standards and if the Commission inappropriately exercises discretion (capricious and arbitrary actions). Having the Commission use one standard and the Common Council creates bad public policy due to an unlimited authority to reverse any action thus undermining the authority of the Commission; increases the number of appeals to the Council; undermines the authority of the ordinance standards; deprives the public and staff of predictability, consistency and transparency; and it undermines the structure of historic preservation. Mollenhoff explained that the Council should use the same standards as the Commission.

Schmidt asked if Mollenhoff had the data to back up the increase in appeals. Mollenhoff explained that he does not specific data, but that Will Cook, of the National Trust, has suggested that this will happen based on other experiences in other communities.

Leigh Mollenhoff, registering in support and wishing to speak. Leigh Mollenhoff explained that the ordinance should have a strong demolition by neglect section.

Mollenhoff provided a handout related to a recent case of demolition by neglect and explained that the fine was minimal compared to the damage to the structure. Mollenhoff explained that the property owner is waiting for the ordinance to be changed so that they can move forward with the project that created the demolition by neglect case.

Schmidt asked what Mollenhoff is looking for as a solution. Mollenhoff explained that the demolition by neglect section would need to have deterrence clauses that were suggested by Bidar-Sielaff.

Kitty Rankin, representing Alliance, registering neither in support nor opposition and wishing to speak. Rankin explained that historic district ordinance creates an overlay district and the regulations in that district require that the standards be clear and fair and consistently applied by the Council during appeals. Waiving the regulations based on the proposed appeal language is unfair to property owners who have followed the ordinance and relied on the ordinance for consistency and to be upheld in the public interest. Rankin suggested that the Chapter 41 appeal language be adopted by the LORC.

Rummel asked Rankin if the Council should be able to look beyond the issues that the Landmarks Commission reviews. Rankin explained that the Council should have a similar appeal process for the Landmarks Commission that is used by other Commissions which would include a situation where the Commission did not follow the standards or where the Commission inappropriately exercised procedures.

## DISCLOSURES AND RECUSALS

1. [34202](#) Ad Hoc Landmarks Ordinance Review Committee Materials

No discussion on this item. This file is used as a document repository only.
2. [34577](#) Repealing and recreating Section 33.19 of the Madison General Ordinances to update the Landmarks Commission ordinance.

The discussion started at section (12). There was a general discussion about the use of “character defining” instead of “significant” in (a) and whether similar language should be revised throughout the ordinance.

ACA Strange explained that the words “standards” and “guidelines” have been interpreted interchangeably in the current ordinance as items that must be met and that in the proposed ordinance, only “standards” must be met while “guidelines” are recommendations. The draft ordinance changed every reference to guidelines or criteria to standards to make the language consistent with the intent. He explained that when the historic district sections are revised, it may be possible for guidelines to be used in some historic districts or guidelines may not be used at all. Principal Planner Fruhling explained that urban design districts have requirements and guidelines that the Urban Design Commission uses in their review which is similar to the idea of standards and guidelines. Fruhling explained that the terms are defined in the ordinance.

Rankin explained that Mansion Hill historic district criteria were very broad and the more recent historic districts became more specific. The ordinance should be most concerned about standards for new construction and the appropriateness in the historic district.

King explained that there is a need to base historic district guidelines and standards on a compatibility standard.

Staff suggested that the reference to section (9)(c) in (12) be removed and changed to a list of standards. Staff explained that there has always been a desire to have standards related to new development on a landmark site. Schmidt suggested that staff provide the LORC with a list of standards for (12)(a)ii that can be reviewed at the next meeting.

Mollenhoff asked for clarification about the standards and guidelines language in (9)(b). There was general discussion about the language and it could be revised to “standards or guidelines” and that more discussion about the use of “standards or guidelines” is necessary at a future meeting.

There was general discussion about (12)(b) Demolition or Removal. Clear asked for clarification about “give decisive weight”. ACA Strange explained the way this language has been used in the past and how this language informs the Commission and the Council. Schmidt suggested that the introductory language of (12)(b) say “approve or deny” a Certificate of Appropriateness.

There was general discussion about the removal of the word “texture” and the inclusion of the words “method of construction”.

There was general discussion about the placement of viii as a standard for demolition.

There was general discussion about (12)(c) and the intent of this review. There was discussion about revising the language so that it reads “The Commission shall approve a Certificate of Appropriateness for signs, unless it finds that the size and design of the sign(s) would adversely affect the historic fabric of the structure or district;”

There was general discussion about the land divisions language and making it consistent with the language of (4)(h).

There was general discussion that the prohibition of abrasive cleaning methods should be mentioned in the ordinance, but that it should not be in a place that presumes that a COA is needed. ACA Strange explained that the Commission may not have the authority to regulate it and that the Commission should send people to the State.

**A motion was made by Clear, seconded by King, to Refer to the next meeting. The motion passed by voice vote/other.**

3. Upcoming Meeting Dates

Schmidt explained that January 31 would work for a Saturday work session. There was general discussion that another January meeting should be scheduled and that an amended resolution will be at Council on January 6, 2015.

**ADJOURNMENT**

**A motion was made by King, seconded by Clear, to Adjourn the meeting at 7:55p.m. The motion passed by voice vote/other.**