

## AGENDA # 1

City of Madison, Wisconsin

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**REPORT OF: LANDMARKS COMMISSION**

**PRESENTED:** July 25, 2011

**TITLE:** Amending Sec. 16.23(3)(a)4., creating new Sec. 33.19(5)(i)1., renumbering current Secs. 33.19(5)(i)1. through 4. to 2. through 5., respectively, of the Madison General Ordinances to include Landmarks Commission review of land divisions and plats of landmark sites and properties in Historic Districts (23204)

**REFERRED:**

**REREFERRED:**

**REPORTED BACK:**

**AUTHOR:** Amy Scanlon, Secretary

**ADOPTED:**

**POF:**

**DATED:** July 25, 2011

**ID NUMBER:**

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Members present were: Robin Taylor, Acting Chair; Marsha Rummel, Christina Slattery, Erica Gehrig, David McLean, and Michael Rosenblum. Levitan was Excused. Marsha Rummel left after Item #1.

### **SUMMARY:**

Tom Neujahr stated that he would like to change the ordinance to a 1-step process rather than a 2-step. Having the Landmarks Commission advising the Plan Commission is better and the Ordinance should be pushed farther. The City Attorney's office said it would be impractical to link the two because the current owner would be the force behind the subdivision or division of the parcel. It would be better to reserve judgment until the plan is brought forward. If the division of the land was approved, then the owner sells to someone else it would be a situation like a few months ago with 209 North Prospect. A young couple buying the land that the City has deemed buildable. It's not fair to say that now they cannot build on it. It makes sense to review the plans before a formal division is approved.

Ald. Shiva Bidar-Sielaff spoke and thanked Ald. Rummel for her help. The proposal that came before the Landmarks Commission was informally discussed with no formal discussion or minutes. Staff and City Attorney's Office said you couldn't legally tie the land division to the development proposal. The development plan is usually brought by the next property owner. In the proposal that came before us for 209 North Prospect, the way the landmark sat on the property was part of the historic value and look. This ordinance language will give you an ability to formally make a recommendation to the Plan Commission. The neighborhood and public will be given the opportunity to have the discussion publicly recorded. All parties want input for public record. Alder Bidar-Sielaff stated she has heard no opposition to the proposed language and that others were surprised that there was no formal process for Landmarks to address this.

Gehrig is sympathetic with Tom's concerns and stated that the outcome at 209 North Prospect could have been different. Ald. Bidar-Sielaff said perhaps there could have been a recommendation from this committee to say that it shouldn't be subdivided or some ability to capture the concern from the public. Slattery asked that how do you define "nearby" in the prepared draft language. Tim Parks, Planning staff, said the language that is included in the draft is from subdivision regulations 16.22.3. He explained there is already a provision in the subdivision regulations in 16.23(8)(d) which talks about lots. He quoted "the size, shape and orientation of the

lots (in subdivision or land division) shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lot shall be designed to provide an aesthetically pleasing building site in a proper architecturally appropriate style.” There is more language in the subdivision regulations that talks more expressively about development patterns, land use patterns, and compatibility of proposed lots vs. existing lots. So instead of saying “negatively impact the historic significance”, Landmarks could recommend to the Council that perhaps the language could be a little more expressive about what’s meant by “negatively impact” and “nearby”. “Nearby” could be varied from project to project. That becomes the historic parcel and character. You can be too specific or broad. There is a difference between lots and parcels. Lots are created by subdivisions. Parcels are created by actions that occur with or without lots created in subdivision. Language for the subdivision regulations is appropriate. The Landmarks Commission wants to add to its Ordinance in regard to lot sizes, general development patterns. Language in 19.23(3)(c)(2) has descriptions for Extra-Territorial Districts which sounds like “nearby”. Farms, farmstead, 3 family homes. Could use this description and substitute Historic District.

**ACTION:**

A motion by Rosenblum, seconded by Gehrig, to recommend approval to the Common Council with the following language as revised by the Commission:

Review proposed land divisions and subdivision plats of landmark sites and properties in Historic Districts to determine whether the proposed lot sizes negatively impact the historic character or significance of a landmark or landmark site and whether the proposed lot sizes are compatible with adjacent lot sizes and maintain the general lot size pattern of the Historic District. The Landmarks Commission review shall be advisory to the Plan Commission.

The motion was passed on a vote of (6-0).