



City of Madison

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

Monday, July 12, 2010

4:45 PM

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

Present: 4 -
Christina Slattery; Daniel J. Stephans; Robin M. Taylor and Michael J. Rosenblum

Excused: 3 -
Stuart Levitan; Bridget R. Maniaci and Erica Fox Gehrig

CALL TO ORDER / ROLL CALL

Present: 4 -
Christina Slattery; Daniel J. Stephans; Robin M. Taylor and Michael J. Rosenblum

Excused: 3 -
Stuart Levitan; Bridget R. Maniaci and Erica Fox Gehrig

APPROVAL OF June 28, 2010 MINUTES

A motion was made by Slattery, seconded by Rosenblum, to Approve the Minutes from June 28, 2010. The motion passed by voice vote/other.

PUBLIC COMMENT

There was no public comment.

CONSIDERATION OF ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

- 19086** 404 North Carroll Street - Mansion Hill Local Historic District - Proposal to replace shutters with new vinyl shutters.
Contact: Shane Fry
Shane Fry, 202 W. Gorham Street, briefly presented the project. He said that the proposed shutters would be the same size as the originals. Mr. Fry stated that the original shutters had been taken down and that they were in disrepair.

Ms. Slattery asked if there had been any exploration of the cost of repair vs. new shutters vs. the proposed vinyl shutters. Mr. Fry said that he believed that the cost difference would be significant, but had not looked into the matter. Mr. Rosenblum asked if they had looked into any other resin, or synthetic shutters that looked more authentic. Mr. Fry said that they had not. Mr. Rosenblum asked if it was true that the design at the top rail is different than the original. Mr. Fry stated that it was a different design.

Ledell Zellers, 510 N. Carroll Street, registered in opposition and stated that the house is very close to the sidewalk, and the vinyl would be very noticeable, especially since the shutters are such a significant design element of the house.

Mr. Rosenblum stated that the photo of the shutters don't look so bad.. Ms. Taylor agreed that the applicant should look into repair and repainting, but that she could also approve new wooden shutters. Mr. Stephans stated that the shutters do look like they need to be repaired, and since they look as if they are part of the original fabric of the house, restoration would be the most preferable option, but if in the end they need to be replaced, then it should be with wooden shutters. He asked Mr. Fry if the applicant still had the shutters. Mr. Fry said that he believed that the shutters no longer exist.

A motion was made by Slattery, seconded by Rosenblum, to Deny a Certificate of Appropriateness based upon the submitted proposal, but encouraged the applicant to make an effort to repair the original shutters, and work with preservation staff on either restoration of the existing shutters, or staff approval of wood shutters that match the size and style of the original. The motion passed by voice vote/other.

2. [19087](#)

111 South Hamilton Street - Jackman Building - Designated Landmark - Proposal for new signage on the building facade.

Contact: Mary Beth Growney Selene

Mary Beth Growney Selene, 3007 Perry Street, presented the two options that were submitted to the Commission.

Mr. Stephans, noting that he was very pleased about the removal of the old awning, asked if the first option, between the door and the transom window was their preferred design. Ms. Growney Selene said that it was, due to visibility from pedestrians. Ms. Growney Selene answered that they could use the existing holes for installation. Mr. Stephans stated that he is concerned that the sign overlaps the architectural lines of the band between the door and the transom. Ms. Growney Selene stated that the fabrication of a smaller sign would not be possible with the design that they are using.

Lindsey Selden, 605 Williamson Street, Elizabeth and Tim Dahl, 3262 S Highpoint Road and Dana Little registered in support and were available to answer questions.

A motion was made by Rosenblum, seconded by Slattery, to Approve a Certificate of Appropriateness for both sign locations and designs with the following conditions:

Sign Proposal 1:

- The sign should be installed using the existing holes in the cut stone as attachment points.
- The Commission strongly suggests that the top edge of the sign be lowered to the bottom of the inset architectural band as a design option for staff review.
- The Commission will allow any minor design revisions to be reviewed at the staff level.

Sign Proposal 2:

- The sign should be installed such that the attachment points are in existing mortar joints.

The motion passed by voice vote/other.

Roll Call

Present: 5 -

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

Excused: 2 -

Bridget R. Maniaci and Erica Fox Gehrig

PUBLIC HEARING – CONSIDERATION OF ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

3. [18680](#) 517-523 East Main Street - First Settlement Historic District - Demolition of former City of Madison Water Utility commercial building and construction of a new 21-unit apartment building.

Contact: Lance McGrath

Lance McGrath, 3849 Caribou Rd, briefly presented the proposal for the demolition of the existing building and the construction of the new apartment building. He noted that he has been working with the neighborhood association and still needs approval from the Urban Design Commission. He noted that there were several details, including the cornice treatment, the brick panel design, and some railing and other small details that may be altered. Mr. McGrath stated that he believed that the issues with balconies in the neighborhood had been resolved by the inset design of the balconies, and future lease agreements dealing with storage of bikes and other items on the balconies.

Mr. Levitan, recalling the approval of the award winning Lake Park Apartments on Wilson Street, also developed by Mr. McGrath, asked Mr. McGrath how many times that project had to appear before the Landmarks Commission before it was approved. Mr. McGrath said that it only took one visit to the Landmark Commission. Mr. Levitan, said that if the Commission approves the project this evening, that it will only take one visit for this project as well. Mr. McGrath agreed. Mr. Levitan asked how many times he expects to have to go before the Urban Design Commission. Mr. McGrath stated that he expects to go to the Urban Design Commission at least three times.

Mr. Stephans said that he agreed with the comment that the cornice details should be redesigned to act as more of a top for the building.

Carol Crossan, 512 E. Main Street, registered in support. She noted that there is a long history on this site that includes commercial use since the 1870's. She added that there is some archeological potential here as well, and that she is pleased that Mr. McGrath has agreed to let there be some exploratory digging in between the demolition and new construction, but only if it did not hold up the construction of the new building.

Jim Skrentny, 511 E. Main Street, registered in support and stated that he was here on behalf of the Neighborhood Association. He stated that the Association is pleased with the redevelopment of this site, and that the Association is in support of an issuance of both Certificates of Appropriateness. He noted that he is happy that Mr. McGrath has agreed to place a plaque on the building that describes the history of the site. He wanted to note that this building would not have been appropriate in several other locations within the First Settlement District, but since it was located at the edge of the district and directly across the street from similarly sized buildings, it would be appropriate. Mr. Skrentny noted that he did not want this project to become a precedent for all development of this size and scale throughout the district.

Mr. Levitan noted that since this was an appropriate new building, he believed that design details still in question could be worked out at the Urban Design Commission and approved by preservation staff. Both Ms. Slattery and Ms. Taylor agreed that staff could work with the applicant on the specifics of details not yet determined.

A motion was made by Levitan, seconded by Rosenblum, to Approve a Certificate of Appropriateness for the demolition of the existing building as submitted and also approve a Certificate of Appropriateness for the new building as submitted with the following condition:

- **That staff approve the construction drawings to review details, including but not limited to window and door specifications, glass block style, material samples and railing specifications.**

The motion passed by voice vote/other.

OTHER BUSINESS - DISCUSSION

4. [18755](#) Discussion about applying for a Certified Local Government (CLG) Grant from the State of Wisconsin Historical Society.
- Staff briefly went over the information contained in the staff update report. Ms. Slattery asked if staff had gotten a list of potential consultants from Daina Penkiunas. Staff replied that they will be going on a tour of post-WWII neighborhoods with Ms. Penkiunas in order to get a better idea of potential areas that could be NRHP eligible. Staff said that they will continue to update the commission on the progress of the grant.
- A motion was made to Discuss and continue updates. The motion passed by voice vote/other.**
5. [19096](#) City Development Review & Approval Initiative Discussion - Communication from Tim Cooley, Director of the Economic Development Division
- Staff passed out a memo from Brad Murphy, Planning Division Director and asked that the Commission consider referral of this item until the following meeting so that Mr. Cooley could attend.
- Mr. Levitan asked how it came to be that the Edgewater project came to the Landmarks Commission before the Urban Design Commission (UDC). Ald. Marsha Rummel, member of the UDC, stated that it is the general policy of the UDC to want to hear from the Landmarks Commission on all matters concerning landmarks and historic districts before they review projects in order to make sure that those historic issues are a priority. Ald. Rummel added that she is disturbed that the Economic Development Commission (EDC) is leading this development process review. She added that she is working on an Alder-run neighborhood and other stakeholders process to intersect with the work of the EDC.
- Ms. Slattery asked if staff could look and see what the percentage of larger development cases come to the Landmarks Commission. For example:
- What percentage of projects that go through the Landmarks Commission review are also reviewed by other commissions?
 - What percentage of UDC and Plan Commission projects are reviewed by the Landmarks Commission?
- A motion was made by Levitan, seconded by Taylor, to Refer to the LANDMARKS COMMISSION July 26 meeting. The motion passed by voice vote/other.**
6. [17835](#) Landmarks Ordinance Revisions
- Staff reviewed the materials that were provided to the Commission.
- Mr. Levitan asked about the types of projects that preservation staff can approved, as discussed in Section 33.19(5)(b)(2). Staff replied that the Policy and Procedures documents as adopted by the Commission was included in their packets. Staff briefly described the varied approvals that could be made by staff. The Commission re-affirmed these documents with the addition of Amy Scanlon, as staff designee who could approve such projects.
- Mr. Levitan asked about the public hearing notices required for additions over 100 square feet within the University Heights Historic District. Staff directed the Commissioners to the information packet that described the legislative origins of the required notice, as related to a new building within the district where neighbors felt like they didn't have enough notice. Mr. Levitan suggested that the language be moved to Section 33.19(12) of the Landmarks Ordinance which deals specifically with the University Heights Historic District.
- On a motion by Levitan, seconded by Slattery, the Commission proposed to move the section 33.19(5)(b)(3) to somewhere within section 33.19(12) of the Landmarks Ordinance, University Heights District language, with specific placement at the discretion of the City Attorney's Office. The motion was approved by a voice vote/other.**

Mr. Levitan suggested that the language in 33.19(5)(h) relating to the potential rescinding of landmarks designation was too lenient, and suggested that 33.19(5)(h)(2) should be changed such that the Common Council determine whether or not the designation was rescinded and not be forced to do as the language implies. Mr. Levitan suggested the following language: 33.19(5)(h)(2) “...the Common Council may shall rescind its designation of the subject property.”

Mr. Rosenblum agreed and noted that the six month time period to find a willing seller as referred in the same 33.19(5)(h)(2) seemed very short. He suggested that perhaps the whole section could be removed, but if that isn't possible, at least it should be fixed. He also noted that the process never comes back to the Landmarks Commissions for its opinion on de-designation. Mr. Rosenblum asked staff to see if they can find out the legislative history of this ordinance amendment.

Mr. Levitan stated that this section infers that owning a landmark building is an economic disincentive, and accepting a premise that if there isn't a willing buyer, at an unknown and potentially disingenuous selling price in six months, it is easy to have a building de-designated. Mr. Levitan added that it should be much more difficult for landmarks to be de-designated

On a motion by Levitan, seconded by Rosenblum, the Commission proposed to amend the language in 33.19(5)(h)(2) to read “...the Common Council may shall rescind its designation of the subject property.” The motion was approved by a voice vote/other.

Ms. Slattery wanted to discuss Section 33.19(5)(B)(4)(a) and the language “adversely affect”. She asked if it should be defined, as there are national criteria of Secretary of Interior Standards, Section 106 that could be used. Mr. Levitan thought that it is up to the Commission to determine “adversely affect”, as that is essentially their charge throughout the Ordinance. Mr. Stephens noted that he believes that language is used throughout the State Historic Preservation Office without definition, and that he doesn't have a problem leaving it the way it is.

Mr. Levitan brought up the variance Section 33.19(15)(d) “Authorized Variances”. He noted that this section caused some difficulties during the Edgewater debate. He said a careful reading of this section directs the reader to 33.19(13)(c) in the Marquette Bungalows District. He added that if that is true it changes the whole dimension of the problem, and that if that section was simple re-titled “Authorized Variances in the Marquette Bungalows Historic District” it would eliminate the confusion.

On a motion by Levitan, seconded by Rosenblum, the Commission proposed to amend the language in 33.19(15)(d) to be re-titled to read “ Authorized Variances in the Marquette Bungalows Historic District.” The motion was approved by a voice vote/other.

Mr. Levitan discussed Section 33.19(15)(a) “...District only in the specific instances hereinafter set forth and only if the proposed project will be visually compatible with the historic character of all buildings directly affected by the project and of all buildings within the visually related area...” Mr. Levitan said that he believed that the VRA was essentially a subset of buildings directly affected, and as such that language could be simplified by removal of the words: “...and of all buildings within the visually related area...”

On a motion by Levitan, seconded by Slattery, the Commission proposed to amend the language in 33.19(15)(a) to read ““...District only in the specific instances hereinafter set forth and only if the proposed project will be visually compatible with the historic character of all buildings directly affected by the project, ~~and of all buildings within the visually related area...~~”” The motion was approved by a voice vote/other.

Mr. Levitan also wanted to change the language of Section 33.19(15)(c)(3) as the term new construction became an issue. He said that since the Commission treated a large addition as a subset of new construction, the language could be changed to read more clearly. He said that the term addition(s) and/or new construction should be repeated throughout the paragraph.

On a motion by Levitan, seconded by Slattery, the Commission proposed to amend the language in 33.19(15)(c)(3) to read: "In the case of additions and/or new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the ordinance but which would enhance the quality of the design of the addition and/or new construction ~~for the new building or structure~~, provided that said addition and/or new construction ~~new building or structure~~ otherwise complies with the criteria for additions and/or new construction in the Historic District in which the addition and/or new construction ~~building or structure~~ is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area." The motion was approved by a voice vote/other.

Mr. Levitan asked staff to look into the new demolition ordinance as related to historic structures for the next meeting, as well as other historic ordinances for language pertaining to the rescinding of landmark designations.

A motion was made to Discuss and continue. The motion passed by voice vote/other.

7. [17150](#) Buildings proposed for demolition - 2010

Mr. Levitan asked staff if the potential demolition on Williamson Street would be brought in front of the Landmarks Commission. Staff replied that since it is a demolition of a house in a local historic district, that it will require a public hearing in front of the Landmarks Commission.

8. [07804](#) Secretary's Report

Upcoming Discussions on Potential Ordinance Language Changes

July 26, 2010: Sections 33.19(1-4) if needed
 Section 33.19(5)(a-e) and (g-i) Powers and Duties, if needed
 Section 33.10(15) Variances, if needed

ADJOURNMENT

A motion was made by Levitan, seconded by Taylor, to Adjourn at 7:20 p.m. The motion passed by voice vote/other.