



# 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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Thursday, June 4, 2015

5:30 PM

215 Martin Luther King Jr. Blvd.  
Room LL-130 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 4 - Steve King; Mark Clear; Chris Schmidt and Shiva Bidar-Sielaff

**Excused:** 1 - Marsha A. Rummel

### APPROVAL OF April 22, 2015 MINUTES

**A motion was made by Bidar-Sielaff, seconded by Clear, to Approve the Minutes of the April 22, 2015 meeting. The motion passed by voice vote/other.**

### PUBLIC COMMENT

James Matson, representing the Alliance for Historic Preservation, registering neither in support nor opposition and wishing to speak and available to answer questions. Matson explained that the Alliance opposes the special merit provision as presented. He explained the provision allows an extraordinary ability to waive any or all ordinance standards; allows exemption from all applicable ordinance standards without any review by the Common Council; no requirement that the request be consistent with the purpose and intent section or that it preserve the character of the historic district. Nearly every proposed development proposal in the City will claim that the project warrants a special merit exception because the project will provide the benefits as described. Matson explained that the ordinance already provides the Commission with broad authority to allow variances. He explained that a public necessity variance should be available only for clear compelling and well documented public need where the public need could not be addressed by the normal variance process or by siting the project at another location or by zoning reclassification. There should also be a procedural safe guard where both the Commission and the Council should approve with a super majority to show clear agreement of the bodies. Matson explained that the Alliance has more information in the provided written comments and has spent time working on the definitions

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 explained that he supports the special merit language in the revised draft strikes the appropriate balance and the language sets a high bar for satisfying the standard which provides the safeguards that the LORC has been trying to achieve. He explained that the changes to the VRA/compatibility issues seem to be more clear in the latest draft.

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

Franny Ingebritson, registering neither in support nor opposition and wishing to speak. Ingebritson explained that she has concerns related to the proposed Purpose and Intent language. She explained that there seems to be a perception that Madison's ordinance is very narrow compared to other preservation ordinances which are more broad. She explained that Vercauteren previously cited language from other ordinances and took the language out of context thus changing the meaning. Ingebritson explained that she noticed that the "perpetuation and enhancement" language was in the draft ordinance on August 11, but by August 24, the language had been removed. Ingebritson explained that all of the ordinances from the "Best Cities in Wisconsin to Visit", and ordinances from other municipalities used for LORC discussions, have had "perpetuation and enhancement" language. Ingebritson asked that the LORC reconsider the first three items in the purpose and intent section.

King asked for clarification on which items warranted more consideration. Ingebritson explained that numbers 2, 3, 4 and the balance language need to be revisited.

## DISCLOSURES AND RECUSALS

None

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.

ACA Strange explained the memo related to the latest changes made to the draft ordinance. He explained that definitions have been prepared and that the visually compatible concept has been included for discussion. He explained that the visually related area concept had been a difficult concept which made it difficult to define. ACA Strange explained that by removing visually related area altogether, the concept can be defined where it is relevant. He used Mansion Hill as an example to describe the language and concept revision.

There was general discussion about how the visually related area boundaries are determined in the current ordinance and how the proposed language would change things. There was general consensus that the measurement should begin from the property line of the proposed development lot and extend out 200' from the property line. Any lot that is touched by or included within the 200' boundary should be included to determine visual compatibility.

There was general discussion about the definitions of lot and parcel. The definitions should be reconsidered to make sure the terms are clear and provide the proper intent. "Historic resource" definition should include "landmark site". ACA Strange suggested "any improvement located on a lot that is within 200' of a lot containing a historic resource shall be visually compatible with that historic resource". He also suggested that the definition could specifically say that the measurements are taken from the lot line of the historic resource. There was discussion about changing "improvement" to "structure" There was general discussion about the size of the area that is included with the 200' boundary for some lots. Staff will provide examples of how the current VRA is determined compared to how the proposed language will be determined. There was general consensus that this method is an improvement to the current method using visually related area.

ACA Strange continued to explain the memo. He explained that the special merit exception was discussed at the last meeting and has been included in the draft language. Zellers explained that the special merit language seems to allow for broad interpretation. Bidar-Sielaff explained that this language allows the Landmarks Commission to review the request through a public interest lens before possibly being appealed to the Common Council where the public interest will be reviewed. There was general discussion and consensus that the intent of the special merit exception language was to set a very high bar for the use of this provision.

ACA Strange asked for feedback on whether a landmark should have to go through the rescission process before the demolition process with the idea that a landmark should not be demolished and the rescission process would allow the designation to be removed before demolition. He explained that it is the current practice of the Commission to seek rescission if faced with the demolition of a designated landmark even though it is not required in the ordinance.

Zellers questioned the use of the “may give decisive weight to any or all” language in the demolition standards. There was general discussion about the demolition standards. ACA Strange suggested that the language be changed to “shall consider all and may give decisive weight to any or all”.

ACA Strange explained that he has begun using the organizational structure suggested by Matson and will continue to use that document as a guide for structure.

ACA Strange explained that there are new definitions for review and those include alteration, character, lot, master, period of significance, and visually compatible. There was general discussion about these definitions. The reference to period of significance should be listed in 41.11(1).

There was discussion about the written comments provided by the Alliance.

The LORC asked ACA Strange to provide a new draft ordinance one week before the June 25 meeting.

**A motion was made by Clear, seconded by Bidar-Sielaff, to Refer to the AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE's next meeting. The motion passed by voice vote/other.**

3. Upcoming Meetings

There was discussion about possibly moving the meeting time for the June 25 meeting to 6:00 p.m.

**ADJOURNMENT**

**A motion was made by King, seconded by Clear, to Adjourn the meeting at 7:18 p.m. The motion passed by voice vote/other.**