



# City of Madison

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

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Wednesday, October 22, 2014

5:30 PM

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

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**Ald. Shiva Bidar-Sielaff will participate in this meeting via conference call.**

### CALL TO ORDER / ROLL CALL

Clear left at 7:05 p.m.

Bidar-Sielaff participated via conference call.

**Present:** 4 - Marsha A. Rummel; Mark Clear; Chris Schmidt and Shiva Bidar-Sielaff

**Excused:** 1 - Steve King

### APPROVAL OF October 9, 2014 MINUTES

No action.

### PUBLIC COMMENT

Stu Levitan registered neither in support nor opposition and wishing to speak. Levitan explained that his comments relate mostly to Matson and Vercauteren comments. Matson's comments seem straightforward, but there are some concerns with Vercauteren's comments. Levitan explained that the use of the word significant is implicit in the determination of standards, the notification of property owner belongs in the procedure manual and not the ordinance, "balance the public interest" is what the Council does already and is not necessary in the ordinance language, if you purchase a landmark you should not be able to claim that the landmark does not have value, the creation and amendment of historic districts criteria should not use the vague language "a positive relationship" when specific guidance is necessary, and the Landmarks Commission would strongly oppose the references to eliminate the sections important to the criteria for historic districts.

Dave Mollenhoff registered neither in support nor opposition and wishing to speak. Mollenhoff explained that the budget request for the Comprehensive Preservation Plan is not thorough. He explained that the proposal does not describe a Comprehensive Preservation Plan that is consistent with other communities, that there is a body of work by Kitty Rankin that is not mentioned in the proposal, that there is not enough detail to understand how the survey will take place, that many parties have not seen this request and have not been allowed to buy in, and that the proposed schedule is too tight to accomplish the work.

Rummel asked how the landmarks process should move forward. Mollenhoff explained that there will likely be a delay in the adoption of Phase 1, the work of the Comprehensive Preservation Plan work and then the work on Phase 2. The greatest development pressure is on Mansion Hill and Third Lake Ridge and those areas need a strengthened ordinance very soon.

Bidar-Sielaff asked if Mollenhoff was interested in having work on Phase 2 begin right after the work on Phase 1 is completed. Mollenhoff explained that Phase 2 work should begin when the LORC is finished with Phase 1. This will allow the entire ordinance to be vetted by the Committee. Bidar-Sielaff explained that the Phase 2 work would take 9 months to a year to complete and that the phasing of this work has been discussed at previous meetings. Mollenhoff explained that the Comprehensive Preservation Plan should be completed before the ordinance is revised so take findings into account and in this case, the process is reversed. The ordinance will need to be revised once the Plan is completed. If the Phase 2 work is not completed now, the historic districts may not be adequately protected in the interim. Bidar-Sielaff explained that the Committee was tasked with revising Phase 1 and then moving to Phase 2 and asked why issues about the interim were not raised before this meeting. Mollenhoff explained that this is a new concern because the delay would be a problem.

Rummel explained that by resolution the Landmarks Commission was supposed to be working on Phase 2 while the LORC worked on Phase 1, but due to constraints on staff resources, the Landmarks Commission review of Phase 2 work could not begin until LORC was finished with Phase 1.

Susan Schmitz, representing Downtown Madison, Inc., registered neither in support nor opposition and wishing to speak. Schmitz explained that she was present to pass out the Downtown Madison white paper and that she had no additional comments.

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Steve Brown Apartments, and Wright 2102 LP, and Hovde Properties, LLC, registering neither in support nor opposition and wishing to speak. Vercauteren explained that he was going to speak about his written comments. He explained that he removed the owner consent language and replaced it with language that is from the Milwaukee Ordinance which allows consideration of the owner's interests. He also explained that he suggests that the language be changed to a compatibility standard as found in Charleston and Savannah ordinances when looking at historic district standards. He explained that street façade language was not clear.

Clear asked how the compatibility language would be more reliable than the more specific standards. Vercauteren explained that there should be a balancing of the standards that the compatibility standard would allow. The idea would be that good proposals are not disqualified because of strict criteria, but have flexible criteria. Clear asked if the public interest in preservation had equal standing with the owner's interest in historic preservation. Vercauteren explained that this interpretation was not exactly how he would articulate it. Vercauteren explained that the ordinance shall provide the confidence that the interpretation and process would be upheld over time. Clear asked if Vercauteren was looking for language that would allow the property owner to have a greater say in designation than the nominator. Vercauteren explained that the language should explain that the owner has the ability in the process to make their concerns known.

Rummel asked Vercauteren to explain why the "positive relationship" language was chosen for use. Vercauteren explained that interpretation is necessary for the practical and consistent use of the language. Vercauteren explained that there is a general sense of what would have a positive relationship with a historic resource and provided an example of an all glass contemporary building adjacent to an early 1900s building that would not have a positive relationship.

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

Rummel asked Tish to describe the discussions that have occurred with Will Cook, attorney for the National Trust for Historic Preservation. Tish explained that Mollenhoff would be a better person to ask. Tish explained that Mr. Cook has offered to travel to Madison to attend a meeting of the LORC if desirable.

Fred Mohs, registering neither in support nor opposition and wishing to speak. Mohs explained that he appreciates the time that the Committee has taken and the commitment the Committee has shown to take this issue seriously. Mohs explained that the test for all people considering investment in a historic district would be how or if the Landmarks Ordinance has value. If the Ordinance allows for buildings to be seen as redevelopment sites, the Ordinance does not have value. Mohs explained that graphics provide clarity for the ordinance language and suggested that graphics be part of the revisions.

James Matson, representing Madison Alliance for Historic Preservation, registering neither in support nor opposition, wishing to speak and available to answer questions. Matson explained that the Alliance appreciated the Committee's desire to create new Landmarks chapter as discussed at the previous meeting. He explained that the Council establishes the standards used to create a historic district and is the ultimate judge of those standards when designating a historic district. There should not be a one-size fits all approach for historic district criteria. This section of the ordinance should provide some general criteria for historic district ordinance language to consider, but the specific criteria should relate to the character of the historic district. Matson explained that he thought it might be possible to adopt general provisions and then wait for phase 2 to complete.

Clear asked Levitan to describe the schedule and structure of the later phases of the ordinance revision work. Levitan explained that the general schedule should continue as planned. The procedural changes of phase 1 should move forward and be adopted with the understanding that phase 2 work will follow when completed.

## 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.  
  
There was general discussion about the Designation of Landmarks (starting at (7)(c)2.) and the Rescission sections and the possible incorporation of suggested revisions.

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

3. [35869](#) Overview and Discussion of Comprehensive Preservation Plan and Phase 2 Proposal  
  
There was general discussion about the Comprehensive Preservation Plan and Phase 2 proposal. Schmidt asked staff to describe the Comprehensive Preservation Plan goals and process. Staff explained that the process is out of order in that the

ordinance is being revised before the comprehensive preservation plan work, but that the comprehensive preservation plan will inform the work of Phase 2 and provide outreach and the education and involvement of the public.

Rummel explained that there is concern that the lapse of time between Phase 1 and Phase 2 could be damaging.

Bidar-Sielaff asked staff to describe the scope of the comprehensive preservation plan. Staff explained that the plan would provide a survey of historic resources the entire City of Madison and the lands that will be annexed within the next 15 years, provide a discussion for the City's preservation goals, investigate incentives that Wisconsin statutes and City of Madison can provide to historic resource property owners, integrate preservation culture into all aspects of city processes, revise historic district sections through extensive public participation, identify potential historic districts and landmarks for designation, and investigate best practices for preservation incentives and methodologies.

Bidar-Sielaff explained that some aspects of the comprehensive preservation plan work could be happening while the historic district sections are being reviewed so there is an overlapping of efforts. Schmidt explained that staff resources are a concern.

Rummel explained that the plan work could be phased so that an early phase is the work on the historic district sections. Bidar-Sielaff explained that it may be better to have a limited term employee than a consultant for the 3 or more years this project may take to complete. Staff explained that the expertise of a consultant with knowledge of nationwide best practices would be best for Madison.

Zellers explained that the gap between Phase 1 work and Phase 2 work is a problem and that the phases should be introduced together. Schmidt explained that Levitan strongly suggested that the Phase 1 changes should be adopted as they are completed to fix the existing issues of the ordinance. Bidar-Sielaff explained that she agreed with Levitan, but understands the concern about the time gap that the Comprehensive Preservation Plan would create. Zellers explained that there is an interaction between Phase 1 of the ordinance and Phase 2.

Schmidt asked how the original revision process was supposed to occur. Staff explained that the resolution outlined a process where the Landmarks Commission would start Phase 2 work once Phase 1 was provided to the LORC. Staff further explained that due to staff resources, the Landmarks Commission determined that their work on Phase 2 would have to wait until the LORC was finished with Phase 1. Staff explained that First Settlement is the most recently designated historic district and that ordinance section may not need as many meetings or as much time as the older historic districts sections.

Zellers asked how to reconcile the Phase 1 changes with the historic district sections. Schmidt explained that once Phase 1 is closer to completion, the entire ordinance should be checked for contradiction and weak sections before moving forward with adoption of Phase 1. Bidar-Sielaff explained that the majority of the issues with the ordinance are in the Phase 1 sections and that the revision of those sections cannot wait for two years.

Schmidt asked what the timeline would be for the original process and the process including the Comprehensive Preservation Plan. Staff explained that the process may be able to overlap if a consultant is shepherding the process. Schmidt explained that either process would take about the same amount of time.

Rummel asked how the consultant and LORC work would interact with the Landmarks Commission. There was general discussion about how the processes could overlap.

Zellers explained that the appeal language has been weakened in the current draft and will result in sending more appeals to the Common Council. The Mansion Hill language is the weakest and the chance of appeal and the possibility of having Council overturn is greater.

Rummel suggested that more definitions may help bridge Phase 1 to the historic district sections.

Bidar-Sielaff explained that the revisions are providing strong clear language. In the past, the language has been difficult to comprehend and causes frustration when being interpreted. She explained that better definitions and clear language should alleviate the fear that the ordinance is weaker or will have conflicting issues. She explained that she has a similar sense of urgency that the Phase 2 work be completed within a year and not allowing it to go longer given the development pressures in some historic districts.

Zellers explained that the Phase 1 concerns could be lessened by the outcome of Phase 1. She explained that if the appeal language is based upon balancing economics of a parcel (the assessed value being based on the development being proposed for the site) and the historic significance of the site based on historic district criteria, then there is a concern.

Schmidt explained the process is backwards, but given how things are coming together, the LORC should provide a timeline that shows that historic district work is important early in the comprehensive preservation plan work.

## ADJOURNMENT

**A motion was made by Bidar-Sielaff, seconded by Rummel, to Adjourn the meeting at 7:45 p.m.. The motion passed by voice vote/other.**