



# City of Madison

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

*Consider: Who benefits? Who is burdened?  
Who does not have a voice at the table?  
How can policymakers mitigate unintended consequences?*

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Tuesday, December 21, 2021

5:30 PM

Virtual Meeting

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Some or all members of the LORC and members of the public participated in the meeting remotely by teleconference or videoconference.

### CALL TO ORDER / ROLL CALL

**Present:** 5 - Patrick W. Heck; Keith Furman; Arvina Martin; Tag Evers and Marsha A. Rummel

**Excused:** 1 - Regina M. Vidaver

Staff present: Heather Bailey and Bill Fruhling, Planning Division, and Kate Smith, City Attorney's Office

Furman called the meeting to order at 5:34 pm

### APPROVAL OF MINUTES

A motion was made by Heck, seconded by Evers, to Approve the November 30, 2021 Minutes. The motion passed by voice vote/other.

### PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee  
None

### DISCLOSURES AND RECUSALS

None

2. [56918](#) Draft Historic Preservation Ordinance  
The committee discussed Rummel and Heck's items for discussion document. Heck referenced Lehnertz' public comment regarding the policy issues for discussion. In "policy issues" #2, Heck asked about the potential removal of historic features that aren't visible from the public right of way. Bailey discussed the levels of intervention and that one would expect more of an evolution on the back of a building rather than the front where character-defining features tend to be. Rummel asked about easements on Langdon and if this should be an exception in Mansion Hill. Bailey said the definition of development public right of way should address this. Smith read the definition, "Developed Public Right of Way means any human-made change to a public

thoroughfare or easement granted for the purpose of public access, including but not limited to paved or unpaved highways, streets, bicycle/pedestrian/multi-use paths, or sidewalks. This does not include alleys.” Rummel asked about alleys, and Fruhling said they tried to include places where the public is expected to be and would experience views of historic resources, and that is not the purpose of alleys. Heck asked about distinguishing between public and private easements. Fruhling said that they specifically included public easements in the definition to distinguish from other types of easements because of the focus on places where the general public is welcome and expected to be present.

Martin arrived at 5:58 pm.

In “policy issues” #4, Rummel asked about carriage stones in terraces. Bailey said that the historic districts have legal boundaries that do not include the public right of way, so the terrace area is not within those boundaries and therefore not included in the designation. Rummel suggested the boundaries could be changed. Bailey said that would involve a new designation process for historic districts that would include additional property. In “policy issues” #7, Rummel recommended the Landmarks Commission Policy Manual be edited to include references to the Underrepresented Communities Intensive Survey as part of the demolition review process for the Landmarks Commission and Plan Commission; there were no objections among committee members. In “policy issues” #8, Furman said that he didn’t think this was the right place to make the change in period of significance because they need public feedback first. It was decided that the idea could be introduced in the survey but not focused on in the breakout discussions.

In “policy issues” #9, Rummel asked if there should be an expectation of a minimum percentage of commercial space in new construction. She said that the question of building form seems like it relates to building placement, setbacks, and size in relation to adjacent resources than just use. Heck agreed that was a good point because in new construction, there is a benefit of added square footage on a mixed-use project. Bailey said that establishing setbacks and use are zoning issues, and the Landmarks Commission does not do that. Heck said that to accomplish what Rummel raised, this would be an intersection of historic districts and zoning and asked if the zoning code would specify that if within a historic district, setbacks don’t change depending upon use. Fruhling said that zoning establishes setbacks, but the Landmarks Commission also issues a Certificate of Appropriateness for new construction. He read from the draft ordinance Standards for New Structures that the Landmarks Commission considers visual compatibility with historic resources within 200’, noting specifically 41.XX(1)(a)1. Building Placement and 41.XX(1)(a)2. Street Setback. He pointed out that when there is an interplay between zoning and the landmarks ordinance, the more restrictive applies, which is where there might be flexibility. Heck referenced the project at 817 Williamson and asked if the Landmarks Commission could have adjusted the setback and chose not to. Bailey said the commission had a lengthy discussion about compatibility with resources within 200’ and development patterns for that segment of Williamson Street.

In “clarifications” #2, Rummel asked if staff now thinks they should take out the guideline about painted masonry, and Bailey confirmed there could be conflict between the standards and guidelines so it would be better to remove it; Rummel agreed. In “clarifications” #3, Heck referenced Lehnertz’ point about the language being tighter

under the Standards for Repairs than Standards for Alterations. Bailey said the Standards for Alterations talks about compatible substitute materials in any instance, so while they could add a general standard, types of compatible substitute materials are discussed in specific detail in several areas of the standards themselves. She said the claim that the Landmarks Commission doesn't have authority to review the compatible alternative materials if it isn't stated in the general standards is not true.

In "guidelines" #1, Rummel said that she appreciated Lehnertz' comments about adding additional historical information to the historic district descriptions to address the unique character of each district. Heck asked about the suggestion to have two sets of guidelines for the public/applicants and the Landmarks Commission. Bailey said that one document can serve both purposes; how to go about meeting the standards and educational information should be for everybody. Heck asked how they will make resources like design guidelines and National Register information available to the public. Bailey said that National Register nominations are available through the National Park Service, maps and descriptions of the National Register Historic Districts are on the City website, and design guidelines could also be added to the City website.

In "guidelines" #3, Rummel said they should discuss new construction and potentially call it out more specifically. Evers said that he wasn't sure it belongs here. He said there is a broader policy issue of how to deal with infill and density in a growing city where there is a need for more housing, and height maps in neighborhood plans might be a better way to handle it than in the landmarks ordinance or guidelines. He pointed out that it is an ongoing discussion where there isn't a consensus. Rummel said that considering the percentage of land that historic districts make up, they should potentially have different standards. She said that she understood we need more housing, but there will be a wide-ranging approach on how to grow the city in a way that makes sense. Furman suggested they revisit the new construction guidelines after the public meetings. Heck said that he was in favor of looking more closely at the new construction section to see where they could add strength in the guidelines.

3. [56516](#) Additional Public Engagement

Fruhling discussed the staff memo regarding public engagement. Committee members were assigned to facilitate breakout rooms for the all-districts public meeting. Heck said that he wanted to be sure cameras could be on during the breakout meetings. He said that to avoid confusion, they should choose between a verbal Q&A or chat for asking questions. Evers said that chat can often distract from the presentation. Fruhling asked if the proposed timeline was acceptable. Rummel said the timeline looked fine and suggested they invite the Landmarks Commission to help host the all-districts meeting. Heck suggested different wording for survey question #4 to recognize a balance with protecting historic resources.

4. [54448](#) Discussion of Next Steps and Schedule

Furman directed committee members to reach out to staff with any comments on the public meetings and referenced the schedule to wrap up this process. Heck referenced Vidaver's comments on the draft ordinance, and Furman said there were still some questions to resolve. Fruhling said that the Plan Commission will hold a work session in the first quarter of the new year to discuss building heights and new construction in historic districts after the LORC completes its work.

**ADJOURNMENT**

A motion was made by Heck, seconded by Evers, to Adjourn at 7:32 pm. The motion passed by voice vote/other.