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Subject: 100 Block State Street Development Project
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Commission Members, Council Members,

There has been some confusion, to say the least, about the order in which the Landmarks Commission, Urban Design Commission and Plan Commission should act on the 100 block of State Street project. There are several provisions in the Zoning Code and the Landmarks Ordinance that are relevant to the review of the project. On Monday staff from the Planning Division and City Attorney's Office met with the Chairs of the Landmarks Commission and the Urban Design Commission to discuss the process and the relevant ordinance provisions.

Section 28.04(3)(n) of the Zoning Ordinance, provided below led Planning staff to believe that the Urban Design Commission could not take action on the project at its meeting of February 15 last week:

(n) Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission. (Cr. by Ord. 11,648, 8-20 & 8-26-96)

While I had a brief phone conversation with the City Attorney Michael May about this provision prior to the Urban Design Commission meeting last Wednesday, the City Attorney did not have the full background on the request before the Commissions and the action taken by the Landmarks Commission at its January 30, 2012 meeting. The Commission did review the project and make the required determinations related to this Zoning Code provision as it relates to one of the two Landmark buildings, the Castle and Doyle Building. After reviewing the full proposal the City Attorney's Office has advised us that because the proposal is to demolish the other landmark (the Schubert Building), that the Landmark's Commission does not need to take further action under Section 28.04(3)(n) prior to the Urban Design Commission acting on the project.

The Landmarks Commission of course still must take action on the requested certificate of appropriateness to demolish the Schubert building, but this action does not necessarily need to precede the UDC action on the project.

However another section of the Zoning Code does require the Landmarks Commission to take this action prior to the Plan Commission being able to take final action on the requested demolition permit for the Schubert Building. That provision is Section 28.12(12)(1)c and is provided below.

c. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the prior issuance of a certificate of appropriateness by the Landmarks Commission pursuant to Section 33.01(5)(c) of the Madison General Ordinances.

d. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.

The schedule for the consideration of the 100 block project is as follows:

Landmarks Commission February 27,
Urban Design Commission March 7, and
Plan Commission March 19.

So, Regardless of the additional actions which may be taken by the Landmarks Commission at its meeting of February 27, the Urban Design Commission will be able to act on the project at its meeting of March 7. We would also expect that the Plan Commission will review the project on March 19. If the Landmarks Commission has not yet acted on the certificate of appropriateness for the Schubert Building by that meeting, the Plan Commission will still be able to review and discuss the project and provide recommendations on the design direction and form but would need to stop short of taking final action on the project.

If anyone has questions, please let me know.

Brad Murphy
Planning Division Director
Dept. of Planning & Community & Economic Development
P.O. Box 2985
215 Martin Luther King Jr. Blvd
Madison, WI 53701
608 266 4635