LANDMARKS COMMISSION MEETING REPORT

November 6, 2023

Agenda Item #:	5
Project Title:	3701 Council Crest - New Construction on a Designated Madison Landmark site (District 10)
Legistar File ID #:	79099
Prepared By:	Heather Bailey, Preservation Planner
Members:	Present: Edna Ely-Ledesma, Molly Harris, Katie Kaliszewski, Ald. Amani Latimer Burris, Jacob Morrison, and Maurice Taylor Excused: Richard Arnesen Note: Ely-Ledesma left the meeting during this item and was not present for the final vote.

Summary

Rick Chandler, registering in opposition and wishing to speak
Thomas Kuech, registering in opposition and wishing to speak
Andrew Sopher, registering in support and wishing to speak
Kurt Stege, registering in opposition and wishing to speak
Carly Conway, registering in opposition and wishing to speak
Kristine Andrews, registering in opposition and wishing to speak
James Van Gemert, registering in opposition and wishing to speak
Stu Levitan, registering in opposition and wishing to speak
Drew Vogel, registering in opposition and wishing to speak
Kevin Pomeroy, registering in opposition and wishing to speak
Robert Klebba, registering in opposition and wishing to speak
Arnold Alanen, registering in opposition and wishing to speak
Alex Saloutos, registering in opposition and wishing to speak
Jon Furlow, registering in support and wishing to speak
Linda Lehnertz, registering in opposition and wishing to speak
Additional registrations in support and opposition but not wishing to speak are noted on the public comment registrant list attached to this item.

Kaliszewski opened the public hearing.

Bailey referenced the memo from the Office of the City Attorney regarding legal noticing, which concluded that tonight's public hearing is legal.

Rick Chandler, Thomas Kuech, Kurt Stege, Carly Conway, Kristine Andrews, James Van Gemert, Stu Levitan, Drew Vogel, Kevin Pomeroy, Robert Klebba, Arnold Alanen, Alex Saloutos, and Linda Lehnertz spoke in opposition to the project.

Andrew Sopher, project architect, and Jon Furlow, project applicant, spoke in support of the project.

Kaliszewski closed the public hearing.

Bailey provided background information on the project and the history of the submittal. At the Landmarks Commission's last review of the project on August 14, 2023, they asked the applicant to scale back the building on the north side, using the 20-foot setback from Spring Trail as a guide. She said that the commission had concerns regarding Standard 9 of the Secretary of the Interior's Standards for Rehabilitation and provided guidance to the applicants on how to meet that

standard. The applicants then submitted revised plans based on that feedback, and staff believes the standards are met and recommends approval of the project with the condition that an archaeological monitoring report be submitted at the conclusion of ground-disturbing activities.

Morrison asked if the issue of a stormwater maintenance agreement is within the commission's purview. Bailey said that it is not something the City has required of any other residential property and would be inappropriate in this instance. She said that a City stormwater engineer reviewed the hydrology report submitted by the applicant and said that it meets the standards.

Taylor asked where the walnut tree was located and if it would remain. Bailey said the black walnut tree is on the property proposed for new construction. Kaliszewski said the applicants have worked with an arborist and will try to keep the root system as intact as possible so the tree can continue to grow.

Kaliszewski clarified the difference between a National Register of Historic Places nomination and a local landmark nomination, and she noted that the Landmarks Commission is only looking at the local landmark nomination paperwork. She added that when a resource is nominated, one typically includes the legal parcel; when this property was nominated, the entire legal parcel included both lots because it had not been divided yet. She said that the nomination does not make it clear that they thought the second parcel was important or culturally relevant, it was simply how the boundary was completed in this nomination and they would not have cut this part of the parcel out because it was part of the overall legal parcel at the time.

Taylor asked about water runoff, the retaining wall, and how that might affect the Old Spring Tavern. Kaliszewski said that the commission does not have the ability to comment on runoff. Bailey said they could talk about the design if the project architect wished to comment. Andrew Sopher said they hired a firm to complete the engineering, and their main goal was to direct water toward the rain garden with overflow directed to Spring Trail and away from the tavern building.

Kaliszewski said she believed the property owner and architect took into account the Landmarks Commission's previous comments in terms of building size and did what they had asked. She said that they actually did more than the commission had asked by changing from a gable to hipped roof, which was a big improvement and prevents the top of the building from looking oversized.

Taylor said he recently drove around the neighborhood to view the site, and there are big houses in the surrounding area. He said that he understood the neighbors' concerns, but the applicants have covered what the commission had previously requested of them and made the proposed house smaller based on the setbacks suggested.

Morrison said that he had made the comments at the previous meeting about the size and setback from Spring Trail. He thought the applicants had followed those suggestions and went beyond, as the roof change helps to further diminish the size. The commission made recommendations and have now seen the follow up, and the applicants have followed through on reducing the overall mass of the building.

Ledesma said she appreciated hearing the concerns of neighbors and the presentation by the property owner. She said that from an urban design planning perspective, she was concerned by some issues of stormwater runoff, underground water issues and possible infringement on the Tavern, as well as concerns for the environmental impact on the walnut tree. She said that she was not at the August meeting, so she missed the context of the prior recommendations and this was her first introduction to the proposal.

Latimer Burris said that she visited the site and thought the biggest problem was the legal parcel that was divided. She didn't see how the current proposal met SOI Standard 9 as they considered the Old Spring Tavern and historic materials, features, the spatial relationship, and character of the property. She said that she couldn't support this proposal and

added that the commission needs to be accountable for historic resources because they are here to preserve that history.

A motion was made by Latimer Burris, seconded by Ledesma, to Deny the request for the Certificate of Appropriateness because the proposal fails to meet Standard 9 of the Secretary of the Interior's Standards for Rehabilitation due to its disruption to the historic nature of the property; destruction of features and spatial relationships; and incompatibility with massing, size, and scale. The motion failed by the following vote:
Ayes: 2 - Edna Ely-Ledesma and Amani Latimer Burris
Noes: 3 - Molly Harris, Jacob Morrison, and Maurice Taylor
Excused: 1 - Richard Arnesen
Non-Voting: 1 - Katie Kaliszewski

Ely-Ledesma left the meeting at 6:39 pm.

There was a brief discussion of the previously approved land division.

Bailey clarified that there were always two lots within the landmark boundary. The Landmarks Commission had approved a lot line adjustment that made the second lot a larger, better developable lot. She said that it was always a developable lot that is zoned residential and by right has the ability for a single-family residence to be constructed there. The City does not have the right to say that a house cannot be built there, but does have the right to apply the standards in the Historic Preservation Ordinance for how that house will take shape. The Landmarks Commission's role in the design review is approving the new construction in a way that meets our standards.

Latimer Burris asked what kind of house would have fit on the original lot. Bailey said it would have been a smaller house and would have required removal of the black walnut tree. The adjustment made the lot size more comparable to other nearby lots in the neighborhood. Latimer Burris said this new construction could destroy the walnut tree. Kaliszewski said that while the black walnut tree is old, it is not part of the Landmarks Commission's purview. She said that the house and lot were not landmarked as a cultural landscape, it was eligible for the Old Spring Tavern building itself, so the tree is not considered historically significant to the property according to how the property was nominated. She said that it would be unfortunate if they were to lose the tree, but because this was not designated with the tree and landscape called out at being historically significant, it is not a part of the commission's consideration.

Morrison said he thought the applicants satisfied the requirements and standards.

Latimer Burris said that this will change the entire lot in relation to the Old Spring Tavern.

Harris said that she had gone by the property to see it in context. She said that the commission has reviewed the standards carefully as well as the new submittal materials, and it was up to each of them to decide if the proposal meets the standards in terms of the size and scale of the property in relation to the Old Spring Tavern.

Action

A motion was made by Morrison, seconded by Taylor, to Approve the request for the Certificate of Appropriateness with the condition that an archaeological monitoring report be submitted at the conclusion of ground-disturbing activities. The motion passed by the following vote:
Ayes: 3 - Molly Harris, Jacob Morrison, and Maurice Taylor
Noes: 1 - Amani Latimer Burris
Excused: 2 - Richard Arnesen, Edna Ely-Ledesma
Non-Voting: 1 - Katie Kaliszewski