

# Neighborhood Conservation District Information Session

November 29, 2006

Staff Present: Bill Fruhling, Mark Olinger, Brad Murphy, and Mike Waidelich

Others: Ald. Brenda Konkel, Jonathon Cooper, Leslie Schroeder, Ledell Zellers, Delora Newton, Phil Salkin, Gary Peterson, Pat McDonnell, Ald. Robbie Webber, Carol Schaeffer, Marsha Rummel, Ald. Michael Verveer, Nick Schroeder, Erica Fox Gehrig, Ald. Judy Olson, Susan Schmitz, Julia Kerr, Fred Mohs

## 1) ***Welcome & Introductions***

## 2) ***Review of Neighborhood Conservation District Ordinance***

Mark Olinger: Mr. Olinger provided a brief introduction to the concept of Neighborhood Conservation Districts (NCD) has been mentioned in several plans, e.g., East Rail Corridor Plan, Draft Tenney-Lapham Neighborhood Development Plan, and the Downtown Historic Preservation Plan. In general, an NCD is not significant enough to be a historic district, but there is a sense about the environment that people would want to conserve as redevelopment occurs.

NCDs are neighborhood-initiated projects. People in an area are committed with that vision; work with Alder, same as other overlay districts in the City.

The draft ordinance is not prescriptive; each district would be different. District plan itself would recognize that-could be simple or complicated. Since there are minimal size requirements, a potential NCD has to possess elements that would be identifiable and consistent that could be conserved, e.g., building attributes, scale, massing, land use, or other distinctive features.

Conservation study would be done again to allow input from neighborhood. Local historic districts and urban design districts would not be eligible. Should be noted that an NCD would not prevent demolition. Program would give standards for redevelopment. Further, this is a process that would happen at the permit counter. Projects would not go before Landmarks or Urban Design Commission. It's a binary process – either a project would meet the standards or they would not – yes or no. Some of the subjectivity in other districts would be absent in an NCD. Not arguing colors, or window details, etc. Elements in the NCD plan that would get referenced as an overlay NCD would be reviewed as plan documents come in for permits.

### **3) Discussion of Neighborhood Conservation District Ordinance**

Mike Verveer: Idea has been talked about for over a decade. Downtown Historic Preservation Task Force talked about this also. Glad to see it finally moving forward.

Ald. Judy Olson: Tool that is good for Madison from a development standpoint. Good neighborhoods that attract families, diversity. NCDs would not be antithetical to infill development.

Phil Salkin: A lot of talk regarding the NDC as a neighborhood-initiated process, but that is not in ordinance. Can an Alder initiate one of these?

Brad Murphy: Yes. Anyone around the table could suggest it, but practical reality of getting one of these put in place is that's its going to require a zoning text amendment to be approved by Council in the future. The process would be very similar to creating a local historic district. It would involve a lot of "hands on" work with property owners, residents, and businesses to do the needs assessment and put forth design criteria for the NCD.

Phil Salkin: Can an Alder do this without a study?

Brad Murphy: Anyone can initiate it. It won't happen if the neighborhood isn't interested in it. A study is required per the draft ordinance.

Ald. Judy Olson: Creating an NCD won't be simple. It will require a lot of hard work.

Brad Murphy: We think initial NCD studies will emerge based upon recommendations from adopted neighborhood plans, special area plans, corridor plans, etc.

Phil Salkin: National Register District must have over 50% of neighborhood to be approved. Nowhere does it say this is how it's going to work.

Mark Olinger: Our goal was not to treat NCDs differently from any other overlay districts. If we did, it would then be at a different level, and we don't see that difference.

Marsha Rummel: This is similar to other overlay districts, correct?. What does a study mean? I see benefit that this that won't impede the market.

Bill Fruhling: Overlay districts – UDD, historic districts, Downtown Design Zones. Adopted plans. Proposals brought before us for proposals that were much bigger. Viewed these overlay districts and the process that took to get them.

Marsha Rummel: Working on E Wash BUILD to do an Urban Design District.

Carol Schaeffer: Philadelphia looked at 25% of residents for approval of their NCDs. It's a bottoms-up ordinance. Include something similar in Madison ordinance.

Gary Peterson: Redevelopment is part of our history and will continue to do so. Every single-family house should not be preserved. Deterioration occurs. Single-family houses located in environments that shouldn't be single-family houses. Some areas shouldn't be included in this. Need to identify in the Comprehensive Plan. No areas identified in that document.

Ald. Brenda Konkel: Ordinance not intended to say you can't tear down single-family houses. This would only be in certain parts of the city. Study, process and ordinance must be followed.

Ald. Judy Olson: Blight – even if an area is blighted, Conservation District could provide confidence to homeowner that they could invest and reinvest in the property.

Julia Kerr: She's from Vilas. Existing neighborhoods believe their property, as is, is valuable. Redevelopment is not always better. This gives a property some assurance that there is no basis for objection if they're following the standards.

Nick Schroeder: No neighborhood approval required for rezoning or overlay district. Why should it be required for conservation districts?

Phil Salkin: Make this initiated by neighborhoods, other than Alders. Reluctance to inscribe this in legislation. Historic districts have a time context. Districts have community context. Can you create as many NCDs as you want? An NCD put together by an Alder, study done, then it goes to Council. Historic districts don't function in that matter.

Mark Olinger: Shouldn't confuse them with National Register Historic Districts. Processes are different than for local historic districts. We should focus on local issues.

Fred Mohs: Biggest impediment to stabilization and reinvestment is confidence. The worry people have is about what will happen to their investments. This concept is very valuable. Can't afford not to take advantage of occasions where we can make people feel more secure about doing good things, investing in their properties. Neighbors need confidence. This ordinance won't answer every question. Who gets the ball rolling is not very important. Not that worried about something bad happening. Influence of residents, homeowners, Alders. Each one will have to be individually crafted. Need some intelligent design.

Mike Waidelich: Addressing Gary Peterson's earlier comment: Use of a conservation district is consistent with the Comprehensive Plan. More detailed neighborhood and special area plans. That plan has to make recommendations for an area that a Conservation District might be one of the ways to implement it. Madison's current Zoning Code is not very capable of implementing current plans. A new Zoning Code in the next two years will happen. The Conservation Districts will be considered as the Zoning Code is rewritten. A Neighborhood Development Plan and Comprehensive Plan will tell you redevelopment could occur. Recommendations that are reasonable about what you want to preserve. No Comprehensive Plan problem. Need for better and more detailed planning is recognized.

Julia Kerr: A Conservation District doesn't preclude something being torn down or replaced by something different. A single-family house could be replaced with multi-family housing.

Mark Olinger: In some areas, for example, lots may be only 35' wide, or other things that give a neighborhood character might exist. You may not be able to buy up six single-family houses and construct a big apartment building. You may need to replace it with a series of row houses; it could be something different. Not a diminishment to intensify density, but will dictate the form perhaps, that the density takes.

Mike Waidelich: Does not have to be in a Neighborhood Development Plan, but have characteristics of plan.

Mark Olinger: Similar to historic districts – noncontributing structure in a district. May need to follow guidelines for district, but not necessarily that existing bldg.

Marsha Rummel: Willy Street is a historic district. Houses were torn down there; redevelopment occurred. Strategy to preserve our downtown neighborhoods. This could help.

Phil Salkin: Issues of integrity in historic context. When you look at an NCD, what issues of integrity, roof style, etc.?

Mark Olinger: Handled through studies. Again, the nature of the NCD would identify whether something meets it or it doesn't. Integrity built into plan – meets it or it doesn't. What is it about that area that is worth conserving? Maybe a sense of place, when you're arriving in it, is identifiable. As conditions change and neighborhood matures, and uses come and go; there is still something there that resonates about what it was put in place.

Phil Salkin: Putting this in the hands of the neighborhood. Enshrine that in the ordinance – people would feel better.

Gary Peterson: Could you define block face?

Mark Olinger: A block face is one side of a street. A whole block is four block faces. A railroad does not constitute a block face. For our purposes, we are considering street right-of-ways.

Ald. Judy Olson: Don't have a problem making some reference as to petition arising from neighborhood with reasonable level of owners signing it. Every confidence that neighbors will decide whether they want it or not. There's going to be people who want to go through process and people who don't.

Carol Schaeffer: Unique features aspect? How many can be combined in any one district?

Mark Olinger: The unique features to be considered will come out of plan. Not just one item. Again driven by binary nature of what we're doing. Not subjective. The idea is, at the end of the day, that there are elements in a neighborhood that matter, physical elements within this volume of buildings, landscape, and infrastructure that matter to people. Those are the things that we'll look at. As to what exactly, a study will look like – we won't really know until one is done.

Phil Salkin: Could you do a mock study?

Pat McDonnell: The draft Tenney-Lapham plan – looks forward to the concept. Our plan has identified quite a few blocks that should be redeveloped. Have two historic overlay districts. Within those, made some forward-looking statements about where redevelopment should occur. A NCD is not at all like historic districts. Substantial demolitions would be acceptable in an NCD. A lot of flexibility. Fairly minor tool. See it as something that neighbors are interested in getting some predictability and confidence as neighborhood transitions. Interested in attracting families. Very effective tool. Control and stability to neighborhood. Very supportive.

#### **4) Next Steps**

Mark Olinger: Plan Commission will consider this on December 18. Thanked all for coming.

#### **5) Adjourn**

The meeting adjourned at 1:18 p.m.