



City of Madison

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

Saturday, January 31, 2015

9:00 AM

215 Martin Luther King Jr. Blvd.
Room LL-110 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 - Marsha A. Rummel; Steve King; Mark Clear; Chris Schmidt and Shiva Bidar-Sielaff

APPROVAL OF December 8 and 16, 2014 MINUTES

A motion was made by Clear, seconded by Rummel, to Approve the Minutes of the December 8 and 16, 2014 meetings. The motion passed by voice vote/other.

PUBLIC COMMENT

John Schlaefer, registered in opposition and wishing to speak. Schlaefer explained that he opposes the section on waivers because the standards are in place for all to have consistency and predictability. Schlaefer suggested that the language should be changed to address variances instead of waivers.

Rummel asked Schlaefer to explain the difference between variances and waivers. Schlaefer explained that all standards must be met to obtain a variance.

Jeff Vercauteren, representing Urban Land Interests, Apex Properties, Inc., Hovde Properties, Steve Brown Apartments, and Wright 2102 LP, registering neither in support nor opposition and wishing to speak. Vercauteren discussed his comments that were submitted on November 14 that related to sections (13)-(18). His comments clarified the intent of the various revisions that were previously submitted and his more recent memo. He also discussed some revisions to the definitions.

James Matson, representing the Ordinance Committee of Madison Alliance for Historic Preservation, registering neither in support nor opposition, wishing to speak and available to answer questions. Matson discussed the Criteria for a Fair and Effective Landmarks Ordinance document that was provided. He explained that the Alliance documents separate the treatment of landmarks and historic districts and support district specific standards that are like a zoning overlay. Matson explained that the variance procedure should relate to the district specific standards and be treated like a zoning variance.

Schmidt asked Matson if the landmarks ordinance is a zoning code. Matson explained that he thinks the landmarks ordinance has the practical effect of a zoning code and that the landmarks variance procedure should be similar to the zoning variance procedure with a narrow scope of appeal.

Franny Ingebritson, representing Madison Alliance for Historic Preservation, registering neither in support nor opposition, and wishing to speak. Ingebritson explained that the term “variance” is more specific while “waiver” has sweeping connotations. Ingebritson explained that the draft language would give the Council the ability to use “public interest” to undermine the authority of the Landmarks Commission regardless of specified standards. Ingebritson also explained that she has provided a document showing the intent of the language from other ordinances that have been quoted by other speakers.

Curt Brink, registering in support and wishing to speak. Brink explained that the visually related area is confusing and that a program should be established to identify blocks where development can occur for predictability and clarity and how that development should relate to the visually related area.

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

Carole Schaeffer, representing Smart Growth Greater Madison, registering neither in support nor opposition and available to answer questions.

Erica Fox Gehrig, registering neither in support nor opposition.

DISCLOSURES AND RECUSALS

None

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.

The discussion started at section (13). There was a general discussion about the process that would be followed to have an item reach Common Council and the standards that the Council should use to determine the Appeal.

Clear and Schmidt suggested that the language be clarified to include “20% of the numbers of parcels of properties”.

ACA Strange explained that the intent of the ordinance treats the words “waiver” and “variance” the same.

Clear suggested that the language be included to direct the Council to review the waiver standards as part of the Appeal process.

There was general discussion about (13)(d)2 and the proposed language regarding the “balance of the public interest” and the standards needed for that review. Zellers explained that the ordinance should provide language so that the Council and the Landmarks Commission consistently protect cultural resources that have been designated for the public interest and not allow this to become a discussion about how a potentially increased tax value would better benefit the public interest. Bidar-Sielaff questioned the effectiveness of providing the Council with different standards for review of the Appeal. King suggested that the Council be directed to the Purpose and Intent

statement for their review related to the public interest. ACA Strange explained that the Landmarks Commission intended for the appeal language to include the public interest noted in the purpose and intent as part of the Council consideration.

There was general discussion about the need to include language in the Certificate of Appropriateness section to apply the standards based on the purpose and intent section.

Clear and King explained that the Council's view of the public interest is broader than the landmarks Commission's view of the public interest and the factor that raises the bar is the super majority vote that is required to overturn. Bidar-Sielaff suggested that the language of (13)(d)(1) be revised to provide reference to the purpose and intent section and that perhaps (13)(d)2 be deleted. Schmidt noted that the language of (13)(d)2 is very similar in its intent to that of (1)(b). There was general discussion of the intent of the sections. There was general discussion about whether the Landmarks Commission should be given the ability to weigh the public interest in reviewing Certificates of Appropriateness. ACA Strange will draft language to reflect the intent of the discussion.

A motion was made by King, seconded by Clear, to take a 5 minute recess. The motion passed by voice vote.

There was general discussion about the written and verbal comments provided by the public related to section (13).

There was brief discussion about section (14) and no revisions were discussed.

There was general discussion about section (18) and the related written and verbal comments provided by the public. There was discussion about the Madison Trust language that goes beyond structures to include resources of all types including landscape features in (18)(a). Staff explained that it is considered a best practice to provide a waiver for economic hardship. There was general discussion about the specific provision for income producing properties and ACA Strange explained that these provisions were included to relate the economic hardship back to proof of marketability and economic return for the property that would not be required by the single family property owner who has a different basis to determine value.

Bidar-Sielaff suggested that the Waiver section change places with the Appeal section in the ordinance.

There was general discussion about how this provision has been used in the past by the Landmarks Commission. Rummel suggested that the ordinance provide the process related to requesting a waiver.

The discussion also included hypothetical scenarios where this section could be used. Staff suggested that section (b) be removed. King requested that section (b) be placed on the parking lot for further discussion after a draft with section (b) removed has been reviewed. Zellers explained that the economic hardship relates to the property and not the property owner.

There was general discussion about sections (16), (17), and (18).

ACA Strange briefly explained the draft language regarding the previous discussion of section (10).

**A motion was made by King, seconded by Clear, to take a 5 minute recess.
The motion passed by voice vote.**

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

3. Upcoming Meeting Dates

There was general discussion about discussing the parking lot issues at the next meeting.

Schmidt explained that future meetings will be needed and that a schedule will be determined.

ADJOURNMENT

**A motion was made by King, seconded by Bidar-Sielaff, to Adjourn the
meeting at 12:52 p.m. The motion passed by voice vote/other.**