



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

Thursday, March 12, 2015

5:30 PM

215 Martin Luther King Jr. Blvd.
Room LL-130 (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 January 31, 2015 MINUTES

A motion was made by King, seconded by Clear, to Approve the Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

Stu Levitan, registering neither in support nor opposition and wishing to speak.

In response to the comments that have been provided for consideration, Levitan explained that he agrees with the Alliance suggestion to eliminate the words "balancing" and "accomplishing" to avoid excess words. He disagrees with the Alliance suggestion to eliminate guidelines as they are cumulative and allow the historic district guidelines to be relevant. Levitan explained that the Landmarks Commission was correct in changing "variance" to "waiver" due to the specific legal connotations that are associated with the zoning variance. He agreed with the Alliance suggestion to "apply" the ordinance standards during an appeal instead of to "consider" them. Levitan expressed concern with the Alliance suggestion that standards vary within and between historic districts. He explained that the idea has been to have clear and concise standards specific to each historic district. Levitan explained that he disagrees with Vercauteren's suggestion to relate the VRA to properties within the view because that is not specific language. He explained that he agrees with Vercauteren's suggestion to allow a demolition by neglect decision to be appealable to Council.

Bidar-Sielaff asked Levitan if the word "guidelines" exists in any other places in the Ordinance aside from 41.13. Levitan explained that the guidelines will be used in the Ordinance should individual historic districts choose to use guidelines, but that the design guidelines that already exist related to historic preservation plans can be considered with the current draft language.

James Matson, registering neither in support nor opposition, and wishing to speak.

Matson explained that the Alliance has provided comments requesting a state

of the art ordinance with consistent standards, but the language of the draft ordinance has not yet provided the desired clarity, transparency, consistency and certainty. Matson explained that the waiver section requires standards with a narrowed focus and that the Council should “apply” the same standards as the Commission in the appeal language. Matson explained that the Alliance suggests that the vague and unnecessary language about balancing should be removed given the conflicting interests. Matson clarified that the Commission could identify design guidelines for each historic district, but that the standards for the district must be defined and enforceable. He also suggested that the Ordinance contain a section on preservation planning coordination between agencies and that the City Attorney have the ability to provide clarity of the intent in the draft language.

David Mollenhoff, registering in support and wishing to speak. Mollenhoff suggested that a section related to the coordination of preservation planning be added to ensure the interagency coordination of historic preservation issues in city processes.

Clear asked if there was evidence that this coordination was currently not happening. Mollenhoff explained that Building Inspection had not always been providing enforcement, but that there was now a dedicated Inspector for historic properties. He suggested that formalizing this responsibility in the ordinance may help in the future.

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 previously submitted comments. Vercauteren explained that the VRA language seems too vague and the district wide compatibility standard seems too broad so he suggested an approach with three levels or prongs. Vercauteren explained that having the demolition by neglect finding be binding in court and that the non-summary abatement and condemnation provisions are too strict and should be left for the courts to determine. He also suggested that there be language to manage conflict between regulations from the Phase 1 language and the Phase 2 (historic district sections) language. Vercauteren also provided definitions of “landmark site” and “person” and suggested a rescission language revision.

Rummel explained that buildings are visible from many vantage points. Some views are from the adjacent sidewalk while others can be from blocks away. The VRA language provides a relationship to the immediate context, but the larger context is also important. Rummel asked if a 400’ boundary may work. Vercauteren explained that he has considered many options for the VRA and that in some historic districts, a 400’ boundary may be appropriate, but in other districts, it may not. Vercauteren explained that there may be a way to allow the Commission to give priority to one of the prongs over the others for specific projects. Rummel suggested that the 200’ VRA may have been used to relate the VRA to the public notice policy.

Franny Ingebritson, representing Madison Alliance for Historic Preservation,

registering neither in support nor opposition, and wishing to speak. Ingebritson explained that the purpose and intent introductory paragraph does not relate to the enumerated list. The list is what the public should expect. "Strengthen the economy of the city" should be changed to "strengthen the economy of the city through appropriate preservation of historic resources." Ingebritson explained that "strengthen the economy of the city" was moved to the introductory paragraph and then moved back to the enumerated list. "Enhancement" and "perpetuation" should be in the policy statement as well as other suggestions that she provided. Ingebritson suggested that lot combinations and divisions should relate to the VRA standard.

Carole Schaeffer, representing Smart Growth Greater Madison, registering neither in support nor opposition and wishing to speak. Schaeffer explained that the VRA has been confusing and Vercauteren's suggestion was well received by the Smart Growth Greater Madison Board. She suggested that a broader view would be appropriate. Schaeffer also explained that the Appeal standards should allow the Council to consider items outside of the purview of the Landmarks Commission. Schaeffer explained that the Board also agrees with the Vercauteren suggestions on demolition by neglect.

Stacy Nemeth, registering neither in support nor opposition, and wishing to speak. The Fiore Companies are managing the Block 100 Foundation property and explained that a project of this type and cost could not have been undertaken by a typical investor that did not have philanthropic support. She suggested that economic realities should be taken into consideration by the Landmarks Commission and the Council.

Zellers asked if the amount paid to purchase the properties is included in the provided costs. Nemeth explained that the purchase prices are included.

DISCLOSURES AND RECUSALS

None

1. [34202](#) Ad Hoc Landmarks Ordinance Review Committee Materials
2. [34577](#) Repealing and recreating Section 33.19 of the Madison General Ordinances to update the Landmarks Commission ordinance.

King asked if there was a public meetings mechanism that would suspend public comment from future meetings since a large portion of the meeting time is taken up by comments. Schmidt explained that in another committee the item was recessed instead of referred so that public comment would not be taken at the next meeting. King explained that he would like the ability to ask questions of the public during the meeting and that he brings it up as something to consider.

Bidar-Sielaff suggested that the discussion cover six areas: VRA, Guidelines

and Standards, Demolition by Neglect, Waivers, Appeal and Miscellaneous. Miscellaneous items would include the Inter-agency Coordination and similar items.

Schmidt asked ACA Strange about which document they should be using for the discussion and if a vote to accept changes would be prudent. ACA Strange explained that the Committee needs to adopt the changes in 33.19 so that the process is clear when discussions move to Chapter 41 altogether. ACA Strange explained that revisions can be made to the adopted language. Schmidt explained that this request is clerical and administrative and does not affect the ability to continue working on the language in any part of the document. From this point forward, the base documents will be Chapter 41 and a small revised portion of 33.19 instead of the redlined track changes version of 33.19.

The discussion started with the definition of the VRA (visually related area). Clear explained that the 200' VRA has been seen as arbitrary and doesn't capture the character that the intent is trying to address. He explained that buildings should not be ignored if they are in the VRA. Rummel explained that MG&E is within the Third Lake Ridge historic district and its presence should not instruct all other buildings in the district to relate to MG&E. King explained that the VRA requires more flexibility than 200', but that the priority should be at the 200' level. King explained that the VRA should not ignore the reality of the building that is sitting there, but may not be reviewed with the same weight as the building that should be there.

Zellers explained that buildings that were built before the creation of the historic district without any concern for the district should not be allowed to inform any new development in the district. Zellers explained that historic districts account for .07% of the City land area and that there should be very specific standards for appropriate new construction in these districts. Zellers explained that inappropriate structures will further diminish the integrity of the districts and the proposed VRA definition with the period of significance and 200' as written by the Landmarks Commission seems appropriate as it is reasonable for all districts and provides a consistent framework for review even in historic districts that have varying character.

Bidar-Sielaff asked staff if there are other best practices for determining VRA. Scanlon explained that there are, but since the Commission discussed this definition fully, other options had not been investigated. ACA Strange explained that there are other definitions of VRA.

Bidar-Sielaff explained that maintaining the period of significance in the VRA definition is critical and that continuing to use inappropriate examples is bad practice. She explained that 200' may not be the magic number, but it seems fair for all historic districts. Bidar-Sielaff explained that it may be possible to begin with 200' as the priority and then have another boundary of lesser importance. View sheds outside of the initial 200' boundary should be part of the review.

Rummel explained that the 200' boundary seems to relate to providing public notice and that a concept of concentric circles with priority may make sense, but taking the average of the buildings of the historic district would not be appropriate. She explained the character of Williamson Street where there are residential structures to the south and industrial buildings to the north along the rail corridor. The VRA boundary sometimes crosses the street and pulls the character from the north across to the south which may or may not be problematic.

Schmidt explained that most historic districts seem fairly consistent in their character with the exception of Mansion Hill, but that this debate should consider more than just Mansion Hill and suggests that the VRA standard should be specific to each historic district instead of a one-size-fits-all approach.

There was general discussion about the periods of significance.

Bidar-Sielaff explained that the VRA language should remain as it is for now with the idea that the individual districts could define specific VRA standards for their district.

There was a general discussion about the VRA definition.

Clear suggested that the language be revised to include, "...properties constructed during the period of significance as defined by that district..." and then remove the periods of significance from the VRA definition and put them in the specific historic district section.

ACA Strange suggested that the VRA definition include the concept of historic resources instead of period of significance. There was general discussion of historic resources as they relate to the VRA definition. ACA Strange suggested that the VRA definition could be revised to include the historic resources within 200' of the property located within the historic district.

Clear suggested that VRA should be defined as "the historic resources within a historic district as defined by that district" and that "at least partially within 200' of the boundary" should also be included in the definition. There was general discussion about retaining the last two sentences of the VRA definition as written.

The discussion moved to standards and guidelines. There was general discussion that specific historic districts could include guidelines if desired. Bidar-Sielaff suggested that the language remain as proposed so that the specific historic districts can use guidelines if desired.

The discussion moved to demolition by neglect. Rummel explained that one of her constituents compiled research on demolition by neglect language from other municipalities that should be reviewed for this discussion to determine if the level of detail would be beneficial in this ordinance. There was general discussion that the demolition by neglect section and the suggestion to have

the demolition by neglect finding appealable to Council. Bidar-Sielaff explained that the appeal standards that the Council reviews for demolition by neglect should be the same as the standards that the Landmarks Commission reviews and that the same super majority vote would be required to overturn. There was general discussion that the demolition by neglect appeal process should follow the same process as the typical COA appeal language with the deletion of the similar public interest balancing section. There was general discussion about the penalties proposed in the demolition by neglect section.

The discussion moved to waivers 41.21 and how the Committee has discussed the waivers section at length. Bidar-Sielaff questioned the word "shall" in 41.21(4). The word "only" shall be removed in 41.21(4). Bidar-Sielaff suggested that the list at (b) and (c) be enumerated and the discussion will begin with this issue at the next meeting.

A motion was made by Clear, seconded by Bidar-Sielaff, to refer the item to the next meeting. The motion passed by voice vote/other.

3. Upcoming Meeting Dates

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

ADJOURNMENT

A motion was made by King, seconded by Clear, to Adjourn. The motion passed by voice vote/other. The meeting adjourned at 8:00 p.m.