



City of Madison

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

Thursday, July 2, 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 June 25, 2015 MINUTES

A motion was made by King, seconded by Bidar-Sielaff, to Approve the Minutes of the June 25, 2015 meeting. The motion passed by voice vote/other.

PUBLIC COMMENT

James Matson, representing the Alliance for Historic Preservation, registering neither in support nor opposition and wishing to speak. Matson explained that the Alliance appreciates the work of the Committee to date. He explained that the Alliance is concerned about the removal of gross volume as an objective measure and encouraged that gross volume be reinstated in the list with a definition. Matson also explained that greater clarification of the use of guidelines is needed. He explained that guidelines should not weaken ordinance standards. Matson explained that there is some concern about the policy and purpose section.

Zellers asked Matson if there was specific concern about the policy and purpose section. Matson explained that that some of the provisions weaken the basic purpose of the ordinance. Matson suggested a provision that encourages confidence in investment in historic resources and preservation practices.

Rummel asked Matson if he thought the word perpetuation should be included in the policy and purpose section. Matson explained that some of the words that were removed could be added without creating havoc and could reinforce the basic purpose.

David Mollenhoff, representing the Alliance for Historic Preservation, registering in support and wishing to speak. Mollenhoff explained that the Alliance believes great progress has been made in creating a state of the art ordinance, but that a few items are needed. Mollenhoff explained that gross volume should be restored to the list of criteria for historic districts to consider. He explained that without gross volume, the interpretation of the ordinance will be subjective and the discussions will relate to "perceived" volume instead of "actual" gross volume. Mollenhoff explained that of the other concepts that were discussed (scale and proportion), none captures the concept better than gross volume. He described the advantages of using gross volume as an objective measure which include public policy values of consistency, predictability, and clarity. Mollenhoff explained that the pressure to develop in historic districts will

increase and the list for historic districts to consider should be comprehensive.

Bidar-Sielaff asked Mollenhoff if bulk and massing would be acceptable terms instead of gross volume. Mollenhoff explained that the terms are quite different because those terms are subjective and do not provide clarity. He explained that gross volume has worked in the ordinance for 40 years and it should remain.

Franny Ingebritson, representing the Alliance for Historic Preservation, registering neither in support nor opposition and wishing to speak. Ingebritson explained that design standards manuals would be beneficial for historic districts. She explained that these manuals use "guideline" in a more restrictive way than the proposed ordinance language. She asked for clarification on how guidelines relate to standards. Ingebritson explained that the unadopted Mansion Hill Design Criteria from 2009 contains graphics to show what is appropriate in the historic district. She also explained that the Denver Guidelines are excellent and explain character defining features.

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 available to answer questions.

Stu Levitan, registering in support and wishing to speak. Levitan explained that the work of the LORC has improved the ordinance. Levitan explained that the use of the term gross volume is necessary as a measurement that has a known concept before having to determine if it is visually compatible with its context. He explained that gross volume has been a critical factor in many deliberations of the Landmarks Commission and while he understands why the term was removed, he requests that it be added to the list.

Bidar-Sielaff asked Levitan if bulk and massing would be acceptable terms instead of gross volume. Levitan explained that gross volume has a mathematical formula for computation, but the method to determine bulk and mass is unknown. Bidar-Sielaff asked Levitan if the cubic feet are an important value when related to a specific context because the gross volume could produce a form that does not fit the context where bulk and mass would relate to the context. Levitan explained that the LORC has not damaged the intent of the ordinance with the use of a different term. Rummel asked Levitan if a building should relate to its context through math or based on similarity to context. Levitan explained that bulk and massing, scale and proportion, and gross volume are all options that different districts can use to address this concept.

Bidar-Sielaff asked Vercauteren if bulk and massing would be acceptable terms instead of gross volume. Vercauteren explained that the proposed language does not prohibit a historic district from using gross volume as a standard if they choose. He explained that the concept is important for determining compatibility in a clear manner.

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](#) SUBSTITUTE Creating Chapter 41, Historic Preservation, and repealing and amending Section 33.19 of the Madison General Ordinances to include only the creation of the Landmarks Commission.

ACA Strange explained the memo related to the latest changes made to the draft ordinance. He explained that the list in 41.11 had been revised to include scale and proportion instead of gross volume and that the general concept in restructuring 41.19 was to explain variance types and outline the related processes. The section 7 public interest variance has the greatest change where land use planning and exceptional architecture were determined to be too vague and have been replaced with new language. ACA Strange explained that land use planning and architecture may be high priority benefits, but are not called out specifically in the ordinance text. The variance types are described in the text instead of in the definitions.

Bidar-Sielaff explained that gross volume should be added to the list in 41.11(1). Schmidt suggested using, "scale, proportion, bulk, and massing quantified by the extent deemed appropriate for the district." The definitions of these terms would be included so the district could choose which character would be appropriate.

ACA Strange explained that the usefulness of gross volume has been as an objective measure so that there is a mathematical comparison on apples to apples. The objective gross volume is currently being used in a list of subjective visual compatibility standards. He suggested language to include gross volume in the list of objective standards that could read, "The gross volume of the proposed building shall be sensitive to the average gross volume of the historic resources within 200 feet."

There was general discussion and consensus about the concept to add gross volume with other objective measures. Clear explained that the visual compatibility of gross volume is in the current ordinance, but the math has been interpreted in previous discussions. Clear explained that the context should provide the visual compatibility instead of the math. King explained that the intent is to use gross volume in a contextual way. Bidar-Sielaff explained that this discussion is about a list of things for historic districts to consider when creating the ordinance. Gross volume is important and should be an option for use. Zellers explained that gross volume should be in the list as another option for consideration. Schmidt explained that quantitative measures including height and gross volume could have its own heading. Rummel explained that the problem has been the objective measure in the subjective standards. There was general discussion about using bulk and massing in b and that height and gross volume could be (7).

A motion was made by Bidar-Sielaff, seconded by Rummel to revise the language of 41.11(1) to delete "height," and change "scale and proportion" to "bulk and massing", add (7) that says "gross volume and height of the proposed new structure can be used to determine the sensitivity to the historic resources within 200 feet". An amended motion was presented. No action was taken on this motion.

There was general discussion about the motion. ACA Strange suggested that

the zoning definition of bulk may be too detailed for historic preservation. Bidar-Sielaff explained that the first portion of the zoning definition may be appropriate. It reads, "the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another."

ACA Strange suggested language for the quantitative measures of (7) to read, "the gross volume and height of the proposed building shall be sensitive to the average gross volume and height of the historic resources within 200 feet of the proposed building." Schmidt asked if the intent was really the average and if there are other quantitative measures that should be specified. There was general discussion about adding set back and lot coverage. ACA Strange suggested that the language read, "the gross volume, height and other quantitative measurements of the proposed structure shall be sensitive to similar measurements of historic resources within 200 feet of the proposed structure."

A motion was made by Bidar-Sielaff, seconded by Rummel to revise the language of 41.11(1) to delete "height," and change "scale and proportion" to "bulk and massing", add (7) that says "the gross volume, height and other quantitative measurements of the proposed structure shall be sensitive to similar measurements of historic resources within 200 feet of the proposed structure," and add definitions of bulk and gross volume. The motion passed by a voice vote/other.

Rummel explained that the suggestions from John Martens regarding 41.17(1) (c) should be included. There was general discussion about the types of materials needed for each submission and that the Preservation Planner should have discretion to direct applicants to a list in the ordinance. ACA Strange suggested language that reads "architectural drawings, which may include: and provide the Martens list." Rummel suggested clarification language. There was general consensus on this suggestion and the language proposed by Rummel.

Clear explained that the Madison Trust definition of master should be used. There was discussion about the definition of character.

Bidar-Sielaff explained that the policy and purpose is wordy and she suggested removing "balancing and accomplishing" in (9) since the balance happens in public policy anyway. Rummel explained that balance is not needed because the ordinance standards are met or not. She explained that balance is embedded in the document. There was general discussion.

Bidar-Sielaff explained that (2) in the policy and purpose section be changed to "ensure the growth of the city that sensitively incorporates historic structures and artifacts." There was general consensus to use this language.

Rummel suggested that the following language be added to the end of (4), "conforms to the standards of the historic district." There was general consensus to use this language.

Zellers suggested looking at the comments provided by Jim Skrentny. There was consensus to suspend the rules to allow the review of this document. Zellers explained that adding language about providing confidence in

investment in historic districts. There was general discussion about the addition of this language and other comments provided by Skrentny. Zellers explained that the language related to economic hardship should be revised to specify "reasonable" investment to clarify that overpaying for a property does not automatically provide an economic hardship. There was general discussion about the financial documents needed to prove economic hardship.

Bidar-Sielaff explained that the design standards manuals should be developed for each historic district in the work of phase 2 revisions based on available resources. Schmidt explained that there would need to be an enabling resolution describing the work of phase 2 and that the historic districts should create and reference in their section of the ordinance.

A motion was made by Clear, seconded by Bidar-Sielaff, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by voice vote/other.

3. Upcoming Meetings

There was general discussion about having the ordinance at Council for action on July 21.

ADJOURNMENT

A motion was made by Clear, seconded by King, to Adjourn the meeting at 7:30 p.m. The motion passed by voice vote/other.