



City of Madison

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

Meeting Minutes - Approved AD HOC LANDMARKS ORDINANCE REVIEW COMMITTEE

*Consider: Who benefits? Who is burdened?
Who does not have a voice at the table?
How can policymakers mitigate unintended consequences?*

Tuesday, January 12, 2021

5:30 PM

Virtual Meeting

Some or all members of the Landmarks Ordinance Review Committee and members of the public participated in the meeting remotely by teleconference or videoconference.

CALL TO ORDER / ROLL CALL

Present: 5 - Patrick W. Heck; Michael J. Tierney; Arvina Martin; Keith Furman and Marsha A. Rummel

Staff present: Heather Bailey and Bill Fruhling, Planning Division, and John Strange, City Attorney's Office

The meeting was called to order at 5:30 pm

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Martin, to Approve the December 15, 2020 Minutes. The motion passed by voice vote/other.

DISCLOSURES AND RECUSALS

None

PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee
James Matson, registering neither in support nor in opposition and wishing to speak
2. [56918](#) Draft Historic Preservation Ordinance
David Mollenhoff, registering in opposition and wishing to speak
Anna Andrzejewski, registering neither in support nor in opposition and available to answer questions
Katie Kaliszewski, registering neither in support nor in opposition and available to answer questions

Mollenhoff said that the Alliance has given the committee a complete draft of chapter 41 to consider. He suggested that when the committee presents their work to the public that they provide the entire ordinance. He said that the primary purpose of historic preservation ordinances is to preserve the historic character of the city's historic resources, so the Alliance identified qualities that constitute historic character

and distilled them to ten standards. He said that the Alliance has come up with district-specific exceptions for some historic districts for the committee's review. He said that patience during the LORC process will pay off.

Matson said that option #3 in staff's 1/12/21 New Structures Options memo is the most promising way forward, and the same approach can be used to address additions, alterations, and maintenance. He said that staff language can easily be merged into the framework. He said that they changed their proposal from preservation principles to include core standards suitable for all historic districts, which was a significant change.

Heck said that in looking at the meeting materials from staff and the Alliance, he was thinking about the Plan Commission meeting regarding historic districts and the zoning code. He expressed concern that the committee's work and efforts flowing out of the PC discussion could overlap and the timing of the two efforts could be difficult. Fruhling provided background on the parallel efforts, which have a goal of syncing up the zoning code and historic preservation ordinance, and acknowledged that timing could be challenging. He said they will figure out the timing and may end up amending the historic preservation ordinance to clean up things that weren't resolved by the LORC or zoning code, and pointed out that it really comes down to new construction. Heck said that he wanted to recognize that it seems like a fair amount of discussion and process to make sure everything that needs to end up in the zoning code does so.

Martin thanked the Alliance for their work and said she was comparing the staff draft and the Alliance draft and was trying to think of examples of projects to see how the two ordinances would be applied. She said that she wasn't entirely clear on why they would need to call out more standards if the historic districts were being preserved by the general standards and consideration of the visual compatibility area. Bailey referenced p. 3 of her staff memo and said that the historic district ordinance has been used to apply standards to individual properties while talking about the overall character of the district, which is done by making sure the pieces of the district are continuing to represent the overall historic district as a collection. With that mindset, the draft ordinance is using visual compatibility within a 200-foot realm so there is an even tighter consistency within areas of the historic districts. She said that they are proposing the same process for all historic districts with this tighter context in order to create a more simple process with similar sets of standards to make it more accessible for property owners. In response to Martin, Strange brought up the previous proposal to look at examples of projects to see how they would progress through the review process using the staff and Alliance drafts. He also referenced discussion from the last meeting when he asked Matson the advantages of being more specific in the Alliance draft and from Matson's response, he gleaned that under either ordinance, the Landmarks Commission could arrive at the same conclusion. He asked if they need to provide specificity in every case or if it would allow the Landmarks Commission to make those decisions on a project. He pointed out there is a risk to being too specific because you may find things that are missing within a couple of years, or if you are very specific and don't include something, one could make the argument that you didn't intend to include it.

Rummel suggested they look at the current 817-821 Williamson Street project as an example to compare the draft ordinances. She said that she was struck by the question of lots, and there is a balancing act, especially in Third Lake Ridge with

regard to lot assembly, combinations, and divisions. She added that identifying the items that could be moved to the zoning code might not be that difficult. Heck requested confirmation that staff is working on an overlay map for the BUILD II area. Fruhling confirmed they are, which will be similar to the existing maximum building height map for downtown. Rummel said that the question of building form and its location is important to consider because in Third Lake Ridge, the commercial aspect seems to matter. Bailey said that there is a variation in roof form, so the immediate context is important. She said that the context of use and location is important, and part of the visual compatibility test also asks what type of roof would make sense on a particular building.

Heck said that he found staff's draft ordinance to be elegant, which he appreciated. He said that Matson's draft, which focuses on integrating the two approaches, has a lot of good stuff in it but is repetitive. He said that he worries about losing the district-specific standards if they were to not include them but also worries about the process of whittling down the district-specific standards and removing items better served by the zoning code. He said that he was leaning toward a hybrid approach. Martin said that she thought a hybrid between the approaches was needed and also brought up time constraints. Furman said that it was important to take the time to come up with a product that is right. He said that they need to come up with a path forward and specific directions for staff.

Rummel asked if they could add a zoning identifier for historic districts that could be a subset of the existing zoning districts. Strange said that there could be a historic zoning overlay as another layer of zoning. Fruhling suggested they start with existing tools in the zoning code to make those adjustments. Rummel said that she wanted to make sure they looked into it in more detail.

Martin asked for thoughts from Landmarks Commission members. Andrzejewski praised the work done by the committee and the care taken by the Alliance to develop a draft ordinance. She echoed Furman's comments not to rush the process. She said that based on the work the commission does, she believes a uniform standards approach is best with recognition there could be design guidelines or exceptions. Kaliszewski agreed that uniform standards for all historic districts with design guidelines or exceptions would be best because it is cleaner, easier, and works well. Andrzejewski said that she appreciated Strange's point about the commission reaching the same conclusion on a project with either ordinance. She said that it is a process of trusting that a commission works and the process works and pointed out that the commission has a specific makeup of members who are experts in different fields. She said that she didn't think having uniform guidelines precludes a set of knowledgeable commissioners from reaching a good outcome.

3. [54448](#)

Discussion of Next Steps and Schedule

Furman asked the committee to provide specific direction to staff. Heck said that he wanted to clarify that when he said hybrid approach, he meant with regard to new construction, and Martin agreed. Furman asked if the committee was comfortable with the Maintenance, Repair, Alterations, and Additions sections as in the staff draft ordinance. Heck said that it would be helpful to work through the 817-821 Williamson project using staff's and Matson's draft ordinances. Martin said that she appreciated comments from Landmarks Commission members and suggested they have a joint meeting to discuss the intersection between policy and the practical application of it.

Rummel said that she liked the idea of a joint meeting. Furman agreed there should be more input from the Landmarks Commission and said that once they have a final draft, they will hold public meetings and refer the ordinance to the Landmarks Commission for more discussion. Bailey said that at the last meeting, Rummel had asked about moving the maintenance and repair sections to the Landmarks Commission Policy Manual and referenced the staff memo that discusses why staff recommends those sections remain in the ordinance. Martin said that she would also like to look at hypothetical cases to see how each of the draft ordinances is applied. Rummel agreed and asked if they could revisit the walking tour materials staff had created with project examples from each historic district. Furman said that at the next meeting, he'd like the committee to focus on what direction they'd like to move for new construction and whether they are close to accepting unified standards for the other sections.

ADJOURNMENT

A motion was made by Martin, seconded by Heck, to Adjourn at 7:33 pm. The motion passed by voice vote/other.