



# City of Madison

City of Madison  
Madison, WI 53703  
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## 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?*

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Thursday, July 22, 2021

5:30 PM

Virtual Meeting

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Some or all members of the LORC and members of the public participated in the meeting remotely by teleconference or videoconference.

### CALL TO ORDER / ROLL CALL

**Present:** 4 - Patrick W. Heck; Keith Furman; Regina M. Vidaver and Tag Evers

**Excused:** 1 - Arvina Martin

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

The meeting was called to order at 5:32 pm  
Item 2 was moved to the beginning of the agenda

### APPROVAL OF MINUTES

A motion was made by Heck, seconded by Evers, to Approve the January 20 and March 9, 2021 Minutes. The motion passed by voice vote/other.

### PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee  
*David Mollenhoff, registering neither in support nor in opposition and available to answer questions*

### DISCLOSURES AND RECUSALS

None

2. Election of Chair and Vice Chair

A motion was made by Heck, seconded by Evers, to nominate Furman as Chair. The motion passed by voice vote/other.

A motion was made by Evers, seconded by Vidaver, to nominate Heck as Vice Chair. The motion passed by voice vote/other.

Furman was elected Chair and Heck was elected Vice Chair.

3. [56918](#)

Draft Historic Preservation Ordinance

*Fred Mohs, registering neither in support nor in opposition and wishing to speak*

**A motion was made by Heck, seconded by Evers, to consider former Alder Marsha Rummel an ex-officio member of the committee without voting rights. The motion passed by voice vote/other.**

Bailey provided background information on the historic preservation program and a summary of the LORC process to date. She said that next steps include working through an updated draft of the ordinance at the September 1 committee meeting and holding neighborhood meetings to gather feedback from residents and property owners. Furman said that a discussion of public engagement sessions should be on a future agenda. He asked staff if the committee is proceeding with the new construction section or making it a separate process. Staff said that it was up to the committee, but the current working draft does have the new construction section included. Vidaver asked why they wouldn't include that section. Rummel said the committee had wanted to move forward with what they could find agreement on, which was to have uniform standards for all of the historic districts, but there was some disagreement about the new construction section, especially among the public. Furman explained that the committee has been working on a uniform ordinance while looking for places it needs callouts for individual historic districts, but so far they have not found enough exceptions to justify creating separate ordinances for each historic district. He mentioned the Alliance's efforts and their version of the ordinance, which has separate sections. Rummel mentioned the Plan Commission's parallel process of looking at height maps and zoning, which has been part of the LORC's discussion as well. Heck said that they should keep some focus on new construction and suggested they provide case studies to Vidaver and Evers to help them get up to speed. Evers said that in his understanding, a uniform approach would not preclude taking evidence from the individual historic districts to inform decisions, so he didn't understand why the two sides couldn't come together. He said that the ordinance seems to be drafted clearly with the idea that the unique character and distinctions of each historic district would present itself in the decision-making process. Rummel said that removing the guidelines from the ordinance will help it become less detailed and prescriptive. Furman said that no one believes that a uniform ordinance should ignore the uniqueness of each historic district, and the LORC has been focused on making sure they understand the differences and how it would be best to lay that out. He said that the uniform ordinance seems to work well, but they are open to evidence showing them otherwise. Bailey said that a goal of the unified ordinance is to have a standard process for reviewing projects in the historic districts and to retain the historic character not just of the historic district, but a given area of the historic district. She explained the requirement for a 200' context of a project, and what one proposes needs to be visually compatible with the historic resources within that area, which makes for a more focused context when an applicant builds their case. Using that context, one ends up with something that fits on the property and within the historic district. Evers said that the ordinance revision process is taking so long because people are pushing back with concerns. He referenced Bailey's comments about a uniform process and said that should calm anxieties. He said that a uniform process is important but doesn't necessarily mean there will be uniform outcomes, and the Landmarks Commission can consider district-specificity when approaching their decision making.

Furman asked about the possibility of separating the new construction section and

how that would work for the LORC. Strange said that they could maintain the LORC and move into a LORC 3 phase where they would amend the ordinance again to include the new construction section, though he said that he would need to confirm there was nothing in the resolution preventing that. Strange introduced Kate Smith, who will be taking over the Planning and Zoning work for the City Attorney's Office when he leaves.

Furman asked about the format of potential public meetings. Heck suggested they get reacquainted with the ordinance first, especially given the two new committee members, and then move on to discussing public engagement. Bailey said that at the next meeting, staff will have a working draft of the ordinance and design guidelines and could potentially prepare some case studies comparing the existing and proposed ordinances. Furman suggested they take another look at the historic district tours that staff had previously prepared.

Rummel asked if the Plan Commission's work on height maps and zoning should be referred to the LORC. Heck said that it is important to discuss how the ordinance and zoning will interact but wasn't sure it was necessary to have the item referred to the LORC. He also clarified that the proposed change is only regarding a height map overlay. Furman agreed that he was inclined not to take the matter up because the LORC is limited in the time they can meet. With regard to the zoning code and historic preservation ordinance, Strange explained that the more stringent requirement applies, so even if there were a height map in the zoning code, it doesn't prevent the Landmarks Commission from limiting a property to a lesser height if they find the standards have not been met.

Heck asked if they would discuss the Alliance's materials at an upcoming meeting. Furman said he would discuss how to best approach it with staff. Bailey added that she read the new submittal from the Alliance and there is good material, some of which was included in the draft of the design guidelines the committee will review at the next meeting.

## **ADJOURNMENT**

**A motion was made by Heck, seconded by Evers, to Adjourn at 6:28 pm. The motion passed by voice vote/other.**