



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft 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?*

Wednesday, September 1, 2021

5:30 PM

Virtual Meeting

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: 5 - Patrick W. Heck; Keith Furman; Arvina Martin; Regina M. Vidaver and Tag Evers

Staff present: Heather Bailey, Planning Division, and Kate Smith, City Attorney's Office

The meeting was called to order at 5:32 pm

APPROVAL OF MINUTES

A motion was made by Heck, seconded by Martin, to Approve the July 22, 2021 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee
None

DISCLOSURES AND RECUSALS

None

2. [56918](#) Draft Historic Preservation Ordinance
*David Mollenhoff, registering in opposition and wishing to speak
John Hausbeck, registering neither in support nor in opposition and available to answer questions*

Mollenhoff, representing the Madison Alliance for Historic Preservation, referenced the ordinance draft and statement submitted by the Alliance. He explained that their draft is a unified ordinance with district-specific standards that would protect all historic resources. He suggested the committee use it as a primary document for their discussion.

Hausbeck, Public Health Madison and Dane County, runs the Childhood Lead Paint

Poisoning Prevention Program. He asked that the committee consider flexibility in the ordinance in order to ensure that families in historic districts can manage their homes in ways that protect their children without undue cost.

Furman announced that Common Council had approved former Alder Rummel as a member of the committee yesterday.

Bailey discussed changes in the updated ordinance draft. She said that former ACA Strange cautioned them to remove the guidelines from the ordinance to avoid a situation where the guidelines could be used as standards, so now there is a separate document for the guidelines. She said that for consistency when discussing things visible from the street, she made an edit to the current document to use the term LORC created, "visible from the developed public right of way," and it will be used throughout the ordinance in the next draft.

Evers arrived at 5:47 pm.

Bailey discussed the new design guidelines document, which uses language from the previous ordinance draft and the Alliance's document. She said that she hoped to add illustrations in the future.

In the ordinance document, Heck noted sections where it mentioned water and asked if ice was considered water or if it needed to be called out separately. Bailey confirmed that water also includes ice. In the new construction section, Heck asked about front façades needing an entrance and whether reverse corner side lots would be an issue if someone can choose where their front yard is located. Bailey said they had discussed corner properties having the option of a door facing the corner as opposed to either side. She will confirm that the ordinance provides the flexibility to make that an option.

Bailey went over the district-specific guidelines and requested feedback on the language. She referenced Lehnertz' public comment regarding whether to update the listed architectural styles as part of the discussion. Heck was inclined to add more description of the historic district prior to the list of architectural styles to give more of a feeling for what each historic district is like. Bailey agreed there is a balance to strike; they need to provide enough detail that one understands its significance, why it is being protected, and its importance to Madison, but not make it too long. Heck said that there is the 200' rule in the standards, but the guidelines discuss more flexibility and use more general language. He asked staff to discuss how the guidelines could help users think beyond 200'. Bailey discussed the purpose of the guidelines, which describe how to meet the standards. She said that the 200' rule is the tree and the historic district explanation in the guidelines is the forest, and having both parts is helpful in understanding the process. Heck said that he'd like to keep thinking about going beyond 200' in practice and how it could influence a decision. Bailey said that ideally, guidelines should not influence a decision; they should be helpful for explaining to an applicant why the Landmarks Commission made a decision based on the standards, as well as how to develop a proposal that will meet the standards. Vidaver asked if illustrations are planned and would be helpful to include in the guidelines. Bailey confirmed that illustrations are planned and will be important in helping to explain the standards. Vidaver pointed out that additions and new construction seem more challenging and asked if there were trusted developers who could review the ordinance and provide feedback. Bailey agreed that when they gather feedback from

neighborhoods and other stakeholder groups, developers should be included.

Furman asked for thoughts on the approval of these documents, and whether they will be updated by staff or if Common Council would approve changes. Regarding the ordinance, Bailey said that after it is implemented, if the Landmarks Commission finds areas to update, then they could do a text amendment process like Plan Commission does with the standards they use. She hoped the ordinance would stand firmly as it is, but if there were edits to be made, she envisioned the Landmarks Commission being the body responsible for that process. For the guidelines, Smith said that the committee should be thoughtful in how much oversight they want in maintaining them and how frequently they need to be updated. Bailey said that the Landmarks Commission Policy Manual is evaluated every two years and suggested the commission review the design guidelines at the same time. Furman asked if the Landmarks Commission would be the body approving any changes, and Bailey confirmed that was her suggestion. Furman asked if they should get more feedback on the draft documents from the Landmarks Commission given that they will be one of the primary users, and Martin supported the idea. Heck pointed out that if the ordinance were ever updated, the guidelines would likely need to be updated as well, which may not follow that two-year timetable. Furman said that he thought it should be kept with the Landmarks Commission because it was too technical for Common Council, and even if they decide on a two-year timeline for reviewing the guidelines, that wouldn't preclude the ability to update it more often. Heck asked if the initiation of any ordinance updates would come from the Landmarks Commission. Bailey said that once LORC completes their work, she envisioned any edits being initiated by the Landmarks Commission rather than constituting a new committee of alders. She said that any text amendments would start with the Landmarks Commission and be referred to Common Council for adoption.

Bailey discussed the Alliance's ordinance, pointing out the material in their guidelines section that she incorporated into the draft guidelines she prepared. In discussion of BUILD II, Heck asked for clarification on whether the Landmarks Commission currently considers aspects of the BUILD II plan. Bailey said that the Landmarks Commission does not consider BUILD II because it is not part of the historic preservation ordinance. Heck said that he wanted to think more about the relationship with the zoning ordinance.

Evers left at 6:45 pm.

3. [54448](#) Discussion of Next Steps and Schedule

Furman said that at a future meeting, they will need to discuss neighborhood meetings and what they will look like. He said that the committee should look over the draft documents before the next meeting, and Bailey said she would also make more case studies to review.

ADJOURNMENT

A motion was made by Heck, seconded by Vidaver, to Adjourn at 6:58 pm. The motion passed by voice vote/other.