



# 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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Wednesday, October 6, 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:** 6 - Patrick W. Heck; Keith Furman; Arvina Martin; Regina M. Vidaver; Tag Evers and Marsha A. Rummel

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

Also present: Katie Kaliszewski and David McLean, Landmarks Commission members

The meeting was called to order at 5:32 pm

Vidaver arrived at 5:25 pm

### APPROVAL OF MINUTES

**A motion was made by Heck, seconded by Evers, to Approve the September 1, 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 McLean, registering neither in support nor in opposition and wishing to speak  
Frederic Mohs, registering neither in support nor in opposition and available to answer questions*

David McLean, member of the Landmarks Commission, said the draft ordinance is a good document and offered his help to the committee.

Bailey went over the tweaks she made to the draft ordinance after completing the case study. Vidaver asked how much staff relied on the ordinance versus the guidelines in

the case study and if there would be a situation where an applicant may not want to follow the guidelines because they aren't in the ordinance. Bailey said that in the case study, she only used the standards. She explained that the guidelines should not be used as standards and instead are used to show people how to meet the standards, which is why the guidelines were pulled out of the ordinance into a separate document.

Rummel referenced Lehnertz' letter, which made a case that the project from the case study wouldn't meet the standards, and she said that a lot of the interpretation by staff and the Landmarks Commission is subjective. Regarding the standards for new structures, she asked why gross volume was removed and changed to gross area of the front elevation. Bailey said that visual size, part of which is the gross area of the front elevation, and massing would address gross volume. She explained that there is a consistent approach throughout the standards to emphasize changes visible from the public right of way. Rummel asked about combining multiple lots to build bigger and whether that was addressed in the standards. Bailey said that the standards for a land combination address this; in the case study, combining the two lots met the standards as a 66' lot. She said that with the design of this building, it had two projecting bays to make it read like two structures to link it to the development patterns of the historic district.

Heck said that the goal of this process is to make the ordinance easier to use and pointed out that in the case study, staff had to go through many different standards. He asked if that was simply a function of the new ordinance being more detailed than the current. Bailey said that the draft is definitely is more detailed than the current ordinance, and while there were some redundancies, they were helpful in looking at the project from different angles. She said the draft ordinance would also require that more information be included in a submittal, which will be helpful to have those details.

Regarding the case study, McLean pointed out that commercial buildings follow a different building code, and ADA requirements generally make buildings bigger. He said that the Landmarks Commission discussed making the building smaller, but there wasn't a lot they could do given the ADA requirements related to space and clearance.

Rummel said questions about the guidelines from BUILD II and the commercial corridor remain. She asked if guidelines from BUILD II or the Alliance's draft should be added as an exception for the district. She said that a strength of the current Third Lake Ridge ordinance is that it calls out commercial versus residential, and it will be a disservice to the district if the proposed ordinance doesn't include an exception for that type of corridor with a mix of residential and commercial building forms. Furman said that is an overriding question of whether it belongs here or in the zoning code, which he would like as a discussion topic in the future.

Bailey said that in the Landmarks Commission's review of the draft ordinance, a commissioner requested they add language to consider whether window repair is economically feasible, something the commission already takes into account through their policy manual. She shared that John Hausbeck from Public Health also asked about adding language regarding hazardous materials, possibly requiring anything involving paint to be handled by a lead-safe contractor. Vidaver asked if that would preclude someone from doing their own painting. Bailey said the Federal lead-safe guidelines provide information on how to do it yourself or if hiring a contractor, a recommendation to hire a lead-safe contractor. She said that it was up to the

committee on whether to dictate if people are allowed to do it themselves. Vidaver said it seemed like a bad idea to dictate that in the ordinance. Bailey said that she shares EPA-recommended lead-safe procedures to those inquiring. Vidaver asked about asbestos. Bailey said that people should have a contractor for that, but she wasn't going to get into detailed regulations in the ordinance because there are other regulations that deal with those things. She said the only area she wanted to include detailed information as part of a project submittal was when human remains or burials might be present. Smith said that if the LORC wants to prohibit property owners from doing work themselves or including those specifics, she would want to do more research because of the intersection with state regulations and building code.

Rummel said the ordinance is focused on structures and asked about historic resources that are not buildings, such as landscapes, burials, or parks. Bailey agreed that the standards are written for structures. Fruhling pointed out that most landscape and burial sites are local landmarks and are covered by different standards. Bailey agreed that ideally, these sites would be individually landmarked, and for sites where there is a possibility of disturbing human remains, we rely on the state's process to further regulate.

Bailey discussed the design guidelines, which include information on the COA process; the general character, architecture, and materials of the historic districts; general guidelines; and a glossary of terms. She said the committee could decide whether to include district-specific guidelines, noting there is language from the Alliance's draft that could be used. She said her approach has been that good preservation practice is good preservation practice, and if dealing with a component, one should go about it the same way in all historic districts, and the historic resources in the 200' context will set the tone for shaping the actual form and character. Heck suggested they might want to add district-specific guidelines related to new construction. Heck and Rummel agreed to work with staff on where additional new construction guidelines might be helpful. Rummel said the guidelines are important, and she was glad they were separated from the ordinance. Evers cautioned against being too specific and running the risk of leaving something out, which also allows for the Landmarks Commission's interpretation. Bailey agreed that the guidelines should not be too long in order to remain an accessible, useful resource for the public. Evers agreed that would help encourage minority-owned businesses and smaller developers to more easily navigate the system.

Vidaver circled back to her earlier question about the vagueness of the ordinance, and asked the attorneys to make sure one cannot parse the words enough to sneak something in, especially with new construction. She was concerned that one might say something is in the guidelines, not the ordinance, so it doesn't need to be followed.

3. [56516](#)

### Additional Public Engagement

Furman said they would be using Zoom to hold virtual public meetings with breakout rooms in order to gather more individualized feedback. Vidaver suggested they break the meetings into groups based upon attendees' different concerns (homeowners, developers, contractors, etc.) rather than by historic district. Evers thought there would be enough crossover in those groups' concerns that they should go by historic district. Heck suggested they do both, holding a meeting about new construction and BUILD II-related ideas as well as district-specific meetings. Furman agreed they could do a

general introduction at all meetings, and have one meeting about new construction and BUILD II, a second meeting that is district-specific with breakout rooms, and a third meeting that focuses on broad topics. Rummel agreed with Vidaver's idea to focus on developers and contractors at a meeting because they attend Landmarks Commission meetings and will use the ordinance, mentioning real estate professionals, building professionals, and architects as other users of the ordinance. She suggested they include a discussion on the Williamson Street commercial corridor. She also suggested a discussion of potential places for infill in the historic districts and what the ordinance would allow. Furman suggested they add a daytime meeting for developers. There was a discussion on publicity, including postcards and a website. Furman said that LORC members will help gather feedback in the breakout rooms, and Martin agreed they should be facilitators. Heck said the goal of these meetings is to present the draft and solicit input, not an opportunity to educate people; he suggested a future meeting to show contractors and developers the final product and do training.

Evers left at 7:17 pm.

4. [54448](#) Discussion of Next Steps and Schedule

Furman said that the next meeting will focus on new construction and BUILD II guidelines, while continuing to make tweaks to the ordinance and guidelines.

Rummel asked about the Alliance for Historic Preservation and whether their efforts should be publicly recognized as part of the process. Furman said the Alliance's materials were helpful and influenced the ordinance revision process. He said the most important thing was for the committee to treat their submitted materials seriously, which the committee has so far, and there could be continued discussion at future meetings if the committee wishes. He said that it seemed that the ordinance format was a deal breaker for the Alliance that they couldn't compromise on. He pointed out that staff has borrowed some of their material to include in the draft ordinance and made it clear that the Alliance's work was appreciated. He said that the committee is trying to make the best ordinance they can.

## ADJOURNMENT

**A motion was made by Heck, seconded by Martin, to Adjourn at 7:21 pm. The motion passed by voice vote/other.**