



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?*

Tuesday, November 30, 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; Regina M. Vidaver; Tag Evers and Marsha A. Rummel

Excused: 1 - Arvina Martin

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

Furman called the meeting to order at 5:32 pm

APPROVAL OF MINUTES

A motion was made by Evers, seconded by Heck, to Approve the October 27, 2021 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

1. [59517](#) Public Comment - Ad Hoc Landmarks Ordinance Review Committee

*Dawn O'Kroley, registering neither in support nor in opposition & wishing to speak
Fred Mohs, registering neither in support nor in opposition & wishing to speak*

O'Kroley, chair of the Historic Preservation Plan Advisory Committee, said the ordinance must be inclusive and articulate the relevance of preservation. They recommended replacing the language to describe each district and providing a link to the Underrepresented Communities Historic Resource Survey Report that was adopted as part of the Historic Preservation Plan, as well as links to each resource nomination so applicants and commission members can review proposed work so that it too will reflect the spirit of our time and contribute to the unique standards met by each landmark and historic district. They said the ordinance needs to include standards that articulate what should be achieved and what applicants and reviewers should consider if new design contributes to that specific historic district's character.

Mohs did not wish to speak.

DISCLOSURES AND RECUSALS

None

2. [56918](#) Draft Historic Preservation Ordinance

Linda Lehnertz, registering neither in support nor in opposition & wishing to speak

Lehnertz discussed the standards for new construction and said the idea of visual compatibility is not sufficient and the building code did not cover all of BUILD II, including articulation and other examples in their written statement. They suggested having clearer standards rather than saying "shall consider." They said there are inconsistencies in the proposed ordinance and a lot of what is being asked is not enforceable and also overly particular by requiring approval to do repairs.

The committee went through Rummel and Heck's items for discussion document. In "policy issues" #1, Bailey said that "developed public right of way" is included on the definitions list, and previous LORC members had settled on that phrase in terms of what to prioritize. In historic preservation, the primary façade tends to have the most significance and details, and there are more modifications as one moves back from the façade because the back tends to be less visible to the public and how a property is intended to be viewed. Heck asked where the lake view would fall in that hierarchy of interventions. Bailey said that it would depend how the property was constructed and its intent, but it is rare for the lake side to be the front view for most properties in our historic districts. Rummel said that boat tours provide a view of houses from the lake, which is fairly public though not pedestrian-accessible, and asked how buildings not on the developed public right of way would be treated. Bailey said the standards cover everything that happens on a property, beyond the public right of way, though a portion of the standards do call out the developed public right of way. Rummel said there is a lot of nuance about how much visibility counts, so it doesn't seem like a simple issue of being visible from the public right of way or not. Heck asked why they would mention the public right of way if everything is taken care of elsewhere in the standards. Bailey said that the properties are being preserved because they serve the public good, and we want to preserve the overall historic resources and the public's experience of those resources. There is a hierarchy of what we are looking to preserve, but we still want the properties to be usable and allow them to evolve for new and ongoing uses that are sensitive to the historic character. The developed public right of way is the public's primary experience of historic resources, so that is the area of emphasis and greatest importance but not the only area of importance. With respect to resources not visible from the public right of way, Heck gave an example of properties on Langdon that have an easement and suggested they add language to strengthen the standards by referencing something beyond the right of way. Bailey recommended adding "front of a structure" or something similar and will look into it. In "policy issues" #3, Bailey said period of significance is covered in the 1/14/20 staff report. Heck asked about replacing vinyl siding on non-contributing buildings. Bailey referenced the 12/8/20 staff report and said that if replacing in-kind, it is keeping in character with itself, which meets the standards. She explained that they had previously listed vinyl as prohibited but removed it in order to comply with the State statute that says replacement materials have to replicate the historic in terms of appearance. In "policy issues" #4, Bailey said that signs and carriage stones are covered in the building site sections, but if the carriage stones are in the public right of way and not on a property, it is not under

Landmarks' purview. In "policy issues" #5, Bailey said that was a good catch and did not intend to remove the yellow highlighted language. A motion was made by Rummel to add the deleted language for measuring 200' back into the ordinance. In "policy issues" #6, Bailey said tax credit review is covered in the 3/10/20 staff report. In "policy issues" #7, Bailey said that the Underrepresented Communities Survey was adopted as a living document, but those properties do not get local protections unless they become local landmarks or are in a historic district. Rummel asked about including information from the survey on demolition reports, and Bailey said that is currently being done. In "policy issues" #8, Bailey said there is a basis for extending the Third Lake Ridge period of significance to 1944 to match the Jennifer-Spaight National Register historic district. Heck asked if there should be a public process, and Bailey suggested the LORC include the topic in their public meetings. A motion was made by Rummel to extend the period of significance of the Third Lake Ridge historic district to 1944 and present the proposed change during the public engagement process. Vidaver agreed they should get feedback from the impacted property owners. In "policy issues" #9, Bailey said the Landmarks Commission does not get involved with use, which is a zoning issue. Rummel said that if a building is a tiny portion commercial, it gets a lot of benefits like pushing closer to the street and filling up the parcel. She said that the LORC should consider that different building forms may not be compatible with neighbors, as well as how the building takes up the lot, roof elements, etc. that are things Landmarks can review. Bailey referenced the 11/19/20 staff report and discussion with the Landmarks Commission chair about changes in use and letting buildings evolve over time. Heck asked if they could address it with regard to new construction. Bailey said the proposed new construction standards require more details than the current standards, which could affect the projects they see. She said that Landmarks does not get involved in land use, and they should leave this to the purview of bodies who do deal with land use, whether for new construction or anything else. Rummel said this goes beyond use, and she was trying to resolve questions related to BUILD II calling out commercial and residential uses on Williamson. Heck asked if they should reference new construction in historic districts in the zoning code. Bailey said this is a level of complexity that has potential to be very problematic. It was decided that staff would write a memo responding to the remaining items in the documents submitted by Rummel and Heck.

3. [56516](#) Additional Public Engagement

Fruhling discussed the staff memo regarding public engagement. Furman suggested they do introductions or a poll to understand who is attending. Rummel requested confirmation that attendees could use video during these meetings. Heck suggested they have someone from Zoning at the developer/contractor meeting. There was discussion on running the meetings and gathering feedback.

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

The LORC scheduled an additional committee meeting on December 21 prior to the public engagement meetings, which will likely be in mid to late January.

ADJOURNMENT

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