



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved LANDMARKS COMMISSION

Monday, March 23, 2009

4:45 PM

215 Martin Luther King, Jr. Blvd.
Room LL-130 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Present: 5 -

Daniel J. Stephans; Stuart Levitan; Michael J. Rosenblum; Christina Slattery and Erica Fox Gehrig

Excused: 2 -

Brenda K. Konkel and Robin M. Taylor

APPROVAL OF February 23, 2009 MINUTES

A motion was made by Rosenblum, seconded by Slattery, to Approve the February 23, 2009 Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

There were no public comments.

CONSIDERATION OF ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

1. [14034](#) Gisholt Machine Company Building, 1245 East Washington Avenue - Designated Landmark - Consideration of Issuance of Certificate of Appropriateness for the placement of a monument sign for The University Research Park Metro Campus, a major tenant of the building.

Contact: Mary Beth Growney Selene, Ryan Signs Inc.

Mary Beth Growney Selene, 3007 Perry Street, gave a brief presentation about the sign project that is proposed as a two-phased sign. Phase one will include base sign; phase two, to occur if and when the new sign code is approved, will add a taller element with a logo for the University Research Park. She stated that the building owner agrees to the staff report's condition of a maximum of two total signs for the building.

Brad Mullins, 401 N Carroll Street, Madison, and Greg Hyer, University Research Park, 570 Charmany Dr, registered in support.

A motion was made by Levitan, seconded by Rosenblum, to Approve a Certificate of Appropriateness for the sign in accordance with the conditions that there will be a limit of two ground signs for the building. The motion passed by voice vote/other.

2. [14039](#) Phi Gamma Delta Fraternity, 16 Langdon Street - Designated Landmark and Mansion Hill Historic District - Consideration of Issuance of Certificate of Appropriateness for a alteration to a previously approved modification of the building.

Contact: Amy Hasselman, Architecture Network, Inc.

Amy Hasselman, 116 E Dayton St, stated that the Commission previously approved an elevator tower, along with other changes, then briefly described the additional requests as shown in the drawings. She noted that the company that makes the proposed windows also has a leaded glass version, where a leaded glass panel is placed within an insulated glass window.

Mr. Stephans believes that the regular window replacements were acceptable to the State Historical Society now that externally applied muntins are available, but he isn't sure about the leaded glass version.

Ledell Zellers, 570 N Carroll Street, Madison registered to speak. Ms Zellers supports the staff recommendations to allow all changes except for the replacement of the leaded glass windows.

A motion was made by Gehrig, seconded by Slattery, to Approve a Certificate of Appropriateness for all proposed changes as outlined in the drawings, except for the replacement of the leaded glass windows, which should be repaired and restored. The motion passed by voice vote/other.

3. [14035](#) Goodman Community Center, 149 Waubesa Street - Designated Landmark - Consideration of Issuance of Certificate of Appropriateness for building signage.

Contact: Becky Steinhoff, Goodman Community Center

Becky Steinhoff, 149 Waubesa Street, briefly presented the different signs as proposed for the Goodman Center. She also handed out a new version of the "flag sign" that meets the sign code for projecting signs.

Ms. Gehrig asked staff if the new flag signs still meet the staff report's conclusions? Staff replied that they support the new sign dimensions and design.

A motion was made by Rosenblum, seconded by Gehrig, to Approve a Certificate of Appropriateness for all of the proposed signs as submitted, with the conditions that the paint from the temporary sign must be cleaned off, as necessary, to create a suitable painting base, the sign may not be illuminated, and that the re-painted sign must match the original dimensions, coloring, and design of the original painted sign, and must be painted with crisply delineated lettering to match the original "Theo Kupfer Ironworks Inc" font. The motion passed by voice vote/other.

4. [14036](#) 1716 Hoyt Street - University Heights Historic District - Consideration of Issuance of Certificate of Appropriateness for the addition of a dormer to the existing roof.

Contact: Tom Haver, Haver Design & Construction

Tom Haver, 212 S Baldwin St, gave a brief presentation to the Commission about the project.

Mr. Stephans noted that the new dormer's ridgeline doesn't line up with the other dormer, and instead lines up with the top of the roof. He suggested that the architect lower the fascia board, which will allow the dormer's ridgeline to be lower than that of the top of the house. Mr. Stephans asked if this was possible? Mr. Haver replied that it would be possible.

A motion was made by Gehrig, seconded by Slattery, to Approve the Certificate of Appropriateness, with the condition that the new window is an 8-over-1 configuration to match the other dormer's window, and that the fascia and window head be lowered in order to lower the ridgeline of the dormer. The motion passed by voice vote/other.

CONSIDERATION OF RECOMMENDATION TO PLAN COMMISSION AND URBAN DESIGN COMMISSION

5. [10050](#) 701 & 737 Lorillard Court, 159-171 Proudfit Street - Two, Three-Story Office Buildings, Amended PUD(GDP-SIP). 4th Ald. Dist.
- Marc Shellpfeffer, 1 N Pinckney, gave a brief presentation on the project, showing a model of the proposed two-story building, the previously approved building and the landmark American Tobacco Warehouses.
- Paul Schoeneman, 1108 E Gorham St #3, registered in opposition and asked why there was so much space between the buildings compared to the Tobacco Warehouses noting that other new developments on Proudfit Street have a large setback.
- Paul D Muench, 10 E Doty St, registered in support. Mr. Muench noted that the reason for the separation between the buildings was to have the parking hidden from the street. He also noted that the location as proposed was exactly the same as it was in the previous approval from the Landmarks Commission.
- A motion was made by Levitan, seconded by Gehrig, to recommend to the Urban Design Commission and the Plan Commission that the scale, location, massing and general concept design of this building proposal would not adversely affect the landmark American Tobacco Warehouses, and that the project be Approved. The motion passed by voice vote/other.**

ORDINANCES

Roll Call

- Present:** 6 -
Brenda K. Konkel; Daniel J. Stephans; Stuart Levitan; Michael J. Rosenblum; Christina Slattery and Erica Fox Gehrig
- Excused:** 1 -
Robin M. Taylor

6. [12392](#) Amending Section 28.03(2) to add a definition of demolition and creating Section 28.12(12)(d)2. of the Madison General Ordinances to add an exemption for demolition permits.
- Mr. Tim Parks, City Planner and Mr. Matt Tucker, City Zoning Administrator, gave a brief presentation on the process of developing a demolition definition over the last 18 months.
- Mr. Levitan asked staff if "demolition by neglect" was covered under any other city codes? Mr. Tucker replied that the Building Inspection Division has several different building and maintenance codes that generally deal with that issue. Ms Konkel asked staff if there was a definition of "siding"? Mr. Tucker replied that there is definition about weatherized exterior finishes. Ms Konkel asked staff how the 10-year clause in the definition would be monitored? Mr. Parks replied that the new Enterprise Land and Asset Management software that will be used by the City should help with this cause, adding that staff will also

look for previous permits.

Mr. Levitan asked staff about the reason that a "street-facing" wall is a separate clause in the definition. Mr. Parks noted that the word facade had some definition issues, and that the subcommittee wanted to put an emphasis on public facing walls and facades. Ms Konkel asked if staff could consider the idea of having and "a" and "b" parts to the definition to more clearly separate the street facing walls from the other exterior walls clause.

Ms Konkel also noted other public facing rights-of-way, water, alleys, etc, and wondered how the street facing clause is affected by these issues? Mr. Tucker noted that alleys are exempt, along with unsigned right-of-ways. This is consistent with the intent to have greater scrutiny of street-facing publicly viewable facades. He noted that conditional use issues should cover most waterways, parks and other areas of concern.

Ledell Zellers, 570 N Carroll Street, registered to speak, noting that in general the subcommittee was responsive to the earlier concerns about a 75% threshold, as well as the concerns about a "rolling demolition". She noted that the State Historical Society's 10% tax rehabilitation guidelines have an additional condition concerning enclosing walls of an existing building by building a larger building around it. They require retention of external walls in place.

Paul Schoeneman, 1108 E Gorham St #3, registered in opposition and asked about the idea of neglect, citing St. Raphael's Cathedral, which was left to stand and get additional weather damage. He was also concerned about the demolition of landmark properties. Mr. Levitan noted that landmarks and buildings in historic districts have additional protections.

Gary Tipler, 807 Jenifer Street, registered in opposition, stating that he is worried about he 50% threshold. He talked with Jim Sewell at the State Historical Society, and noted that the State uses 25% as an unwritten general threshold, but they are more concerned with the quality of the demolition versus the quantity of the demolition.

Mr. Levitan asked why the Commission was seeing this definition at all, considering the additional protections in place for historic structures. Mr. Parks replied that the definition was referred to the Landmarks Commission by the Plan Commission to get feedback, especially concerning older building that may or may not be historic.

Mr. Tucker noted that 75% seemed to big, 25% seemed too small, and that the Plan Commission doesn't want every little issue to come to them, especially for routine/easy items. The subcommittee thought that 50% seemed like a good compromise and that they can alter the definition again if City staff, citizens, or the Plan Commission feel like it isn't working.

A motion was made by Konkel, seconded by Levitan, to Return to Lead with the Recommendation for Approval of the demolition definition with the note that staff should work on language to separate out the two clauses into "a" and "b" to the PLAN COMMISSION. The motion passed by voice vote/other.

7. [14037](#) Amending Section 33.19(2) to add a definition for the term "Person", and amending Section 33.19(16) "Penalties for Violation".

Ledell Zellers, 570 N Carroll Street, registered to speak, noting that she is very supportive of the change, and added that the ordinance is only as good as the enforcement.

A motion was made by Levitan, seconded by Gehrig, to Approve the ordinance amendment, and asked that it be introduced to the Common Council. The motion passed by voice vote/other.

OTHER BUSINESS

8. [08717](#) Buildings proposed for demolition

Staff noted that on March 17th, 2009 the Common Council referred the issue of potential demolition and redevelopment of the properties at the Corner of E Johnson and Blair Streets to the Landmarks Commission for an advisory opinion. This item will be on the next agenda. Staff also noted the proposed demolition of a building on

Old Sauk Road

Michael Matty, 745 Jenifer Street, registered in support.
Joe Lusson, 627 E Gorham Street, registered in opposition.
Paul Schoeneman, 1108 E Gorham St #3, registered in opposition.

9. [14038](#)

Discussion of proposed ordinance amendment to waive the fee for encroachment into public space by marquees which are protected landmarks, and request to City Attorney to suspend prosecution of action against the Majestic Theater pending consideration of such an ordinance amendment.

Mr. Levitan began by telling the Commission that he asked the chair that this be placed on the agenda so that historic properties / marquees may not have to pay encroachment fees, as the City would likely not allow them tear down the marquee.

Mr. Michael May, City Attorney, stated that this is a matter of State law, and that due to equal protection clause under the law, that they have to treat every encroachment issue equally. Mr. May noted that the City Attorney's Office pursues prosecutions depending on what is referred to their office.

Ms Gehrig asked when the State law was passed, and suggested that perhaps the Majestic Theater's marquee predates that law. Mr. May believes that the law was created in 1913.

Mr. Stephans asked about other City restrictions, and jurisdiction over non-historic buildings. Mr. May noted that through the Urban Design and Plan Commissions, the City often restricts the demolition, or partial demolition of non-landmark buildings.

Mr. Levitan asked if we could make the payment a nominal fee? He noted that the previous owners of the Majestic were not required to pay. Mr. May replied that in this particular case, there was no previous encroachment agreement, so it had never been paid.

Mr. Levitan asked how the fee was calculated? Mr. May said that it was generally based on the amount of encroachment on to the City's property. Mr. Rosenblum asked about how other cities, like Milwaukee, deal with historic buildings/marquees like this one.

City Attorney May indicated that he was not inclined to follow the Landmarks Commission's request to suspend prosecution of the Majestic Theater, or to support a new ordinance that proposed to reduce the encroachment fees for designated Landmarks.

Scott Leslie, 316 S Broom St, registered in support.
Matt Gerding, 115 King Street, registered in support.
Mr. Leslie and Mr. Gerding are the current owners of the Theater. Their only options are to pay the fee, or remove the encroachments. They feel like the marquee and architectural cornice add to the historic fabric of the building, and the city. Mr. Gerding added that since they would not be allowed to remove the marquee, or the cornice, that the fee should nominal for both.

Joe Lusson, 627 E Gorham Street, Madison Trust for Historic Preservation, registered in support. He is supportive of a nominal fee, as the city gets a lot of other benefits for the presence, aesthetics, and historical significance of the marquee. Mr. Lusson also noted that there are other encroachments into the right-of-way that do not add to the qualities of Madison, noting in particular the street ends along Lake Mendota Drive that were are being encroached upon by residents. Are they required to pay a fee for obstructing lake views? Mr. Lusson added that the policy should be

changed for existing landmarks, identified potential landmarks and all buildings in Local and National Historic Districts.

Elizabeth Cwik, 2303 Willard Ave, registered in support, and noted that she is also supportive to exempt Landmark buildings from encroachment fees.

Paul Schoeneman, 1108 E Gorham St #3, registered in support. He is concerned about enforcement, and how there could be a bad result if owners tear down marquees and other features instead of paying the fee.

Ledell Zellers, 570 N Carroll Street, Madison registered to speak. Ms Zellers agrees that protecting viewsheds is important. She also has less sympathy for newer buildings where owners are aware of encroachment issues. She said that it is essential to keep the public good of historic structures, and encourages exemption, or a nominal fee.

Ms Slattery asked about buildings that are not designated landmarks, but are in historic districts, or are potential landmarks? Mr. Levitan thought that including the districts may have some programmatic issues, and that he would like to keep the issue simple to start with.

Mr. Levitan proposed a two-part motion.

A motion was made by Levitan, seconded by Gehrig, to request that an ordinance be drafted and enacted to reduce to a nominal amount, the fee for Designated Landmarks that have a marquee or other significant architectural features encroaching upon the public right-of-way. The motion carried by voice vote/other.

A motion was made by Levitan, seconded by Rosenblum, to respectfully request that the City Attorney's Office hold the prosecution of the Majestic Theater for non-payment of the encroachment fee in abeyance pending the consideration of the aforementioned ordinance amendment request. The motion passed by voice vote/other.

10. [12023](#)

202 South Park Street - PUD-SIP for Chandler Street Facade and Emergency Generator Improvements. 13th Ald. Dist.

Melissa Huggins, 202 S Park St, registered in support, stating that Meriter will be back before the Commission for an official advisory opinion on the April 6th agenda. She went through a presentation on the overall Meriter Campus Master Plan, noting that the Campus includes a landmark building (Longfellow School) as well as another building (McConnell Hall) that is not a landmark.

Jody Shaw, 15 Ellis Potter Ct, registered in support, and presented images further illustrating the plan, including the future demolition of McConnell Hall and potential addition to Longfellow School. Mr. Levitan asked for more information about the new addition to Longfellow School at the next meeting. Mr. Stephans request additional street views of Longfellow School. Ms Gehrig asked staff to include the Longfellow School landmark nomination in their packet.

Paul Schoeneman, 1108 E Gorham St #3, registered in opposition stating he is familiar with McConnell Hall and is in favor of keeping the building instead of building a parking garage. He added that even keeping the facade would be preferable.

There was no action taken by the Commission, as this was an informational presentation.

11. [07804](#) Secretary's Report

Staff noted that the new demolition notification system is now up and running on the City's webpage, and that anyone can sign up at: www.cityofmadison.com.

Also, staff gave Commissioners the newest Downtown Plan newsletter, and noted that the next public meeting will take place on April 15th, 2009 in the Promenade Hall of the Overture Center.

ADJOURNMENT

A motion was made by Rosenblum, seconded by Gehrig, to Adjourn at 7:37 pm. The motion passed by voice vote/other.