



PREPARED FOR THE PLAN COMMISSION

Project Address: 5628 Lake Mendota Drive (District 19 – Ald. Clear)
Application Type: Conditional Use
Legistar File ID # [43154](#)
Prepared By: Chris Wells, Planning Division
Reviewed By: Jay Wendt, Principal Planner
Report Includes Comments from other City Agencies, as noted

Summary

Applicant: Bruce Rosen & Diane Seder; 309 W. Johnson St., Unit 1244; Madison, WI 53703
Contact: Celeste Robbins & Anu Srinivasan; Robbins Architecture; 976 Green Bay Road; Winnetka, IL 60093
Owner: MAC QPERT Trust and LEO QPERT Trust; 309 W. Johnson St., Unit 1244; Madison, WI 53703

Requested Action: The applicant requests a demolition permit to demolish a 1½-story residence. The applicant also requests conditional use approval to 1) construct a new single-family residence and 2) construct a new detached accessory building exceeding 576 square-feet in TR-C1 zoning on a lakefront lot at 5628 Lake Mendota Drive.

Proposal Summary: The applicant proposes to demolish an existing 1½-story residence and then construct a two-story, 4,100-square-foot single-family residence along with a 1,040-square-foot, detached, three-car garage. Both buildings require conditional use approval.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal permits [Section 28.185(7)], Lakefront Development [Section 28.138] and Conditional Uses [Section 28.183]. Section 28.138(2)(a) of the Zoning Code states that all new principal buildings or any accessory building on a lakefront lot is a Conditional Use. Section 28.131(1)(a) of the Zoning Code states that total area of accessory buildings measured at ground floor may not exceed 10% of lot area but no more than 1,000 square-feet except by Conditional Use approval. Furthermore, Section 28.131(1)(b) of the Zoning Code states that an individual accessory building exceeding 576 square-feet in a Traditional Residence district is a Conditional Use.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolition and removal; lakefront development; and conditional uses are met and **approve** the demolition as well as conditional use requests to demolish an existing 1½-story house and construct a new single-family residence and new detached accessory building in TR-C1-zoning on a lakefront lot at 5628 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 23,167-square-foot subject property is located on the north (lake) side of Lake Mendota Drive, between Laurel Crest and Upham Court. The site is within Aldermanic District 19 (Ald. Clear) and within the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 1,600-square-foot, 1½-story single-family home. City Assessor’s records indicate the home was constructed in 1903 and has one bedroom and two full bathrooms. The existing home also has a detached two-car garage.

Surrounding Land Use and Zoning:

North: Lake Mendota;

South: Single-family homes zoned TR-C1 (Traditional Residential - Consistent 1 District);

East: Single-family homes, zoned TR-C1; and

West: Single-family homes, zoned TR-C1.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends low-density residential development for the subject site and surrounding properties. The Spring Harbor Neighborhood Plan (2006), while making no specific recommendation about the subject parcel, does make the general recommendation to “maintain the existing residential character within the neighborhood.”

Zoning Summary: The property is zoned TR-C1 (Traditional Residential-Consistent 1).

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 square-feet	23,167 square-feet
Lot Width	50'	75'
Front Yard Setback	20'	173'-4"
Max. Front Yard Setback	30' or up to 20% greater than block average	173'-4"
Side Yard Setback	One-story: 6' Two-story: 7'	7'-0" East 12'-9" West
Lakefront Yard Setback	61.9'	61.9'
Usable Open Space	1,000 square-feet	Adequate
Maximum Lot Coverage	50%	34%
Maximum Building Height	2 stories / 35'	2 stories / 29'-2"
Front Yard Setback	20'	93'-6"
Maximum Front Yard Setback	30' or up to 20% greater than block average	93'-6"
Side Yard Setback	One-story: 6'	3'-6" East (See Comments #10 & #16)
Maximum Accessory Building Height	15'	15'
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	3 garage stalls
Number Bike Parking Stalls	None	None
Landscaping	None	Yes
Building Forms	Yes	Yes, Single-family detached residence
Other Critical Zoning Items	Floodplain and Utility Easements	

Table Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor, though a small portion of the property adjacent to the lake is within the flood fringe and flood storage districts. Neither the proposed new construction nor accessory building is proposed in this area.

Public Utilities and Services: This property is served by a full range of urban services.

Project Description

The applicant first proposes to demolish (or possibly relocate) an existing 1½-story lakefront residence. This will require a demolition permit. The applicant then proposes to construct a two-story, 4,100-square-foot single-family residence as well as a 1,040-square-foot, detached, three-car garage. Both structures will be located in the same general area as their predecessors and both will require conditional use approval. These proposals are subject to the approval standards for Demolition, Lakefront Development, and Conditional Uses.

The existing home was constructed in 1903 according to City Assessor's records. It includes 1,600 square-feet of living area with one bedroom and two bathrooms. The site also includes an existing two-car detached garage.

Both proposed buildings will be two-stories above grade and neither will have a basement. Materials for both will consist of a painted brick for the façade; clad aluminum for the windows; either a painted wood or clad aluminum for the doors; composite panels for the window, door, dormer, and eave trim; and synthetic slate or synthetic cedar shingles for the roof.

The landscaping plan for the site calls for maintaining the majority of the southern portion of the site's existing trees and shrubs and either removing or moving a few to make room for the new driveway alignment. The middle portion of the site - near where a rain garden and bio swale will be added - will see the addition of a large number of perennials, numerous understory trees like spruce and dogwoods, and a few transplanted maples. A 45" maple and a 20" basswood, located near the northern façade of the proposed residence will be removed as will a number of trees along the waterfront in the northwest corner of the site - including three ashes and an arborvitae. Generous areas of sun perennials will be added to create a large buffer along the entire length of the waterfront.

Analysis and Conclusion

This proposal is consistent with the Comprehensive Plan's recommendation for low-density residential land use. The subject property is also within the planning area for the Spring Harbor Neighborhood Plan, adopted to guide redevelopment activities in the Spring Harbor neighborhood. While the neighborhood plan does not contain specific recommendations for lakefront residential areas, it does encourage that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character.

Demolition Details & Standards - As proposed, the existing home would be demolished (or possibly relocated from the site). As noted in MGO Section 28.185(7), the Plan Commission must find that the requested demolition and proposed use are compatible with the purpose of the demolition section and the intent and purpose of the zoning districts. Furthermore, the proposal should be compatible with adopted plans. The Plan Commission shall consider and give decisive weight to any relevant facts, including but not limited to impacts on normal and orderly development, efforts to relocate the existing building(s), and the limits that the location of the building(s) would place on efforts to relocate it/them. While the subject building is not a landmark building, nor does it lie within a local historic district, the Plan Commission shall consider any reports from the Landmark Commission and Historic Preservation Planner when determining whether the demolition standards are met.

Staff believes that the demolition standards are met with this proposal. The removal the building will not have an impact on either the normal and orderly development or the improvement of surrounding properties. This is due in large part to the fact that they will be replaced two structures of the same purpose and both of which fit the zoning requirements for the district. Furthermore, as mentioned earlier, the proposed buildings are consistent with the Comprehensive Plan (2006) which recommends low-density residential for this site as well as

the Spring Harbor Neighborhood Plan (2006) which recommends "maintaining the existing residential character within the neighborhood." (Spring Harbor Neighborhood Plan, Pg. 43). Finally, at their May 2, 2016 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

The Planning Division also believes the standards for Conditional Uses and Lakefront Development can be met. The conditional use standard for lakefront development (Standard 13) states that "when applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development." As an estimate of total bulk, staff utilized City Assessor's data to estimate principal building size for the homes on the five (5) developed lots on either side of the subject property. This calculation includes living areas, enclosed porches, basement areas, and estimated attached garage space. Using this analysis, staff found that the principal building sizes range from approximately 3,576 to 7,282 square-feet. The median size is approximately 4,576 square-feet, compared to 4,100 square-feet for the proposed principal structure (which is 10-percent below the median). Furthermore, staff notes that the 23,167-square-foot subject lot is the second largest of those in the study area. For immediate comparison, the adjacent home to the west is approximately 5,380 square-feet (and sits on a 19,578 square-foot lot) and the adjacent home to the east is approximately 4,580 square-feet (and sits on a 30,211 square-foot lot).

The Zoning Code's definition of bulk also includes FAR, or floor area ratio, which compares the total building floor area (on all floors) to lot area. (An FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the proposed principal structure is 0.18, which is 35-percent under the estimated median 0.27 FAR for the surrounding homes. In regards to height, the proposed home appears to be well under the maximum allowable height of 35 feet, with a depicted height of approximately 29.5 feet (and a detached garage at an approximate height of 22.25 feet). Staff notes that the heights of the surrounding homes are varied, consisting of one and two-story structures. From the street, the views to many homes are somewhat obscured due to detached garages and vegetation.

While the median garage footprint in the study area is 668 square-feet, the footprint of the proposed garage is 1,070 square-feet (with a second story of 640 square-feet for a workout room). While 60-percent above the median, its size would rank it as the second largest (the detached 2½-car garage next door at 5620 Lake Mendota Drive is approximately 1,300 square-feet), so it falls within the range of approved accessory buildings in the area. Regarding percentage of lot area coverage, while the proposed garage footprint is large compared to its neighbors, its 4.6-percent lot coverage is minute due to the spacious 23,167-square-foot lot that it sits on.

Section 28.138(3)(a) of the Zoning Code states that for Lakefront Development, "The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery." The applicant shall show compliance with Section 28.138(3)(a) regarding removal of vegetation adjacent to the lake prior to final sign off and issuance of permits.

The Planning Division believes that the standards for Lakefront Development and Conditional Uses can be met. The new home and new accessory building are believed to be compatible with the varied development pattern along Lake Mendota Drive. At the time of report writing, staff was not aware of concerns regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Chris Wells, 261-9135)

The Planning Division recommends that the Plan Commission find that the standards for demolition and removal; lakefront development; and conditional uses are met and **approve** the demolition as well as conditional use requests to demolish an existing 1½-story house and construct a new single-family residence and new detached accessory building in TR-C1-zoning on a lakefront lot at 5628 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

1. The applicant shall show compliance with Section 28.138(3)(a) regarding removal of vegetation adjacent to the lake prior to final sign off and issuance of permits.
2. If the house is being relocated within the City of Madison, the receiving site shall be approved by Zoning prior to the issuance of permits.

Engineering Division (Main Office) (Contact Brenda Stanley, 261-9127)

3. Applicant shall show floor elevations and lowest entrance opening on the site plan.
4. Applicant shall show the regulatory floodplain on the site plan.
5. Applicant shall show how all drainage from garage shall be directed to the west side of the building to the proposed rain garden. This will include downspout locations and how the water will cross the entrance walk. Design calculations shall be provided for the rain garden.
6. Prior to approval, the owner or owner's representative shall obtain a permit to plug each existing sanitary sewer lateral that serves a building which is proposed for demolition. For each lateral to be plugged the owner shall complete a sewer lateral plugging application and pay the applicable permit fees. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))
7. The Applicant shall replace all sidewalk and curb and gutter which abuts the property which is damaged by the construction or any sidewalk and curb and gutter which the City Engineer determines needs to be replaced because it is not at a desirable grade regardless of whether the condition existed prior to beginning construction. (POLICY)
8. All work in the public right-of-way shall be performed by a City licensed contractor. (MGO 16.23(9)(c)5) and MGO 23.01)
9. All damage to the pavement on Lake Mendota Dr, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria. For additional information please see the following link: <http://www.cityofmadison.com/engineering/patchingCriteria.cfm> (POLICY)

Engineering Division (Mapping) (Contact Jeffrey Quamme, 266-4097)

10. The site plan shall show and denote on the site plan the Ordinary High Water Elevation of 850.7 feet.

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

11. Shift the detached garage to a minimum side yard setback of six (6) feet from the side property line.

12. Section 28.185(7)(a)5. requires that if a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator, Bryan Johnson (608-266-4682).

13. Section 28.185(10) Every person who is required to submit a reuse and recycling plan pursuant to Section 28.185(7)(a)5. shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.

14. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.

15. Identify and label the Ordinary High Water Mark (OHWM) and designated flood plain area on the site plan.

16. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. Obtain necessary erosion control permits.

17. Relocate the proposed generator outside of the 6 foot side yard setback. A generator is not an allowed encroachment into the side yard setback area. The generator shall be located and screened to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. Screening materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot.

Fire Department (Contact Bill Sullivan, 261-9658)

18. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>

Water Utility (Contact Dennis Cawley, 266-4651)

19. The Madison Water Utility shall be notified to remove the water meter prior to demolition.

All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.

Due to the age of the structure on this parcel, a private well survey must be completed prior to the demolition taking place. Please contact Madison Water Utility staff at (608) 266-4654 to schedule the survey.