



## Report to the Plan Commission

July 9, 2012

**Legistar ID #26930**  
**5430 Lake Mendota Drive**  
**Demolition and Conditional Use**

Report Prepared By:  
Kevin Firchow, AICP  
Planning Division

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**Requested Action:** Approval to demolish a single-family residence to construct a new single-family residence on a lakefront lot.

**Applicable Regulations & Standards:** Section 28.12(11) provides the guidelines and standards for the approval of conditional uses. Section 28.12(12) provides the guidelines and standards for the approval of demolition permits.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approves** the request to demolish an existing single-family home for the purpose of constructing a new home on a waterfront property at 5430 Lake Mendota Drive, subject to the input provided at the public hearing and the recommended conditions from the Planning Division and other reviewing agencies.

### Background Information

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**Applicants / Contact:** Scott Poulsen; Poulsen Enterprises, Inc; 4860 Pine Spring Rd; Deforest, WI 53532

**Owner:** Mike and Mary Schlageter, 5430 Lake Mendota Dr; Madison, WI 53705

**Proposal:** The applicants propose to demolish a single-family residence to construct a new, larger single-family home on a lakefront lot.

**Parcel Location:** The subject site is approximately 18,860 square foot lot in area and located at the intersection of Lake Mendota Drive and Clifford Court. The parcel is within Aldermanic District 19 and the Madison Metropolitan School District.

**Existing Conditions:** The site includes a 2,064 square foot home, constructed in 1930 according to City Assessor records. Further information is included in the submitted materials and summarized in the body of this report.

**Surrounding Land Use and Zoning:** This property is surrounded by other lake-fronting single-family homes, zoned R1 and R2 (Single-Family Residence Districts. According to City Assessor records, lakefront homes within 1,000 feet range in total living area from about 1,300 to 3,900 square feet.

**Adopted Land Use Plan:** The Comprehensive Plan recommends low density residential uses for these properties.

**Environmental Corridor Status:** The subject site is not located in a mapped environmental corridor. Portions of the properties nearest to the lake are within the flood storage district.

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

**Zoning Summary:** The subject property is zoned R2 (Single-Family Residence District)

| Requirements                       | Required                                | Proposed                              |
|------------------------------------|---|---------------------------------------|
| Lot Area                           | 6,000 sq. ft.                           | 18,860.52 sq. ft.                     |
| Lot width                          | 50'                                     | 80'                                   |
| Usable open space                  | 1,000 sq. ft.                           | Adequate                              |
| Front yard                         | 30'                                     | 34.3'                                 |
| Side yards                         | 7' (RS)<br>7' 10" (LS) with depth pent. | 8.9' (RS)<br>8.3' (LS)                |
| Lake Setback Average               | Average 5 lots each side = 97.13'       | 97.8' (See Comment #17)               |
| Building height                    | 2 stories/35'                           | 2 story, less than 35'                |
| Number parking stalls              | 1                                       | 2                                     |
| Landscaping                        | Yes                                     | Lands w/ in 35' of lake not changing. |
| <b>Other Critical Zoning Items</b> | Flood Plain, Waterfront development     | (See Comment #18)                     |

*Table Prepared by Pat Anderson, Assistant Zoning Administrator*

**Project Review, Analysis, and Conclusion**

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The applicant requests approval to demolish a single-family home on a waterfront lot for the purpose of constructing a new single-family home. This proposal is subject to the approval standards for demolition permits and conditional uses.

The subject property is an 18,860 square foot property at Lake Mendota Drive's intersection with Clifford Court. The lot measures roughly 80 feet in width. A Certified Survey Map (CSM) and demolition permit were approved in 2010, allowing three properties to be combined into two larger residential lots. The subject lot is the larger of the two properties approved at that time.

The existing home is a 2,064 square foot residence, constructed in 1930 according to City Assessor records. No information is provided to suggest there are any structural deficiencies. Interior and exterior photographs submitted by the applicant have been provided and can be viewed online at [http://www.cityofmadison.com/planning/projects/reports/5430lmd\\_photos.pdf](http://www.cityofmadison.com/planning/projects/reports/5430lmd_photos.pdf). The applicant has indicated they had contacted a home mover and done some preliminary analysis on whether this home could be relocated. They concluded that there was limited feasibility in pursuing a move due to cost and construction details. The Preservation Planner has reviewed this request and does not have any objections.

The site also has an existing detached garage and boathouse, which are proposed to remain. During the review of this application, it was determined that this existing garage encroaches into the Lake Mendota Drive right of way. Engineering has recommended that the applicant enters into an encroachment agreement with the City. See those comments for more details.

The proposed home is a large, two-story structure with a partially exposed lower level along the lake side. Above grade, the structure features 4,214 square feet of living area. The house measures under 28 feet in total height, measured to midway between the roof peak and eave. The structure also includes a 784 square foot attached side-loaded garage, accessed from Clifford Court.

As recently requested by the Plan Commission, staff has compared the size of the proposed residence to that of the adjoining 10 lakefront properties on either side. The proposed structure exceeds the living area of these surrounding homes. Using City Assessor data, these nearby properties ranged in size from about 1,300 to 3,900 square feet in total living area. In looking at the Floor Area Ratio (FAR) calculation methodology described in the new (but not yet in-effect) Zoning Ordinance, the FAR exceeded all but one of the surrounding 10 properties. Staff note that the lakefront property on the opposite side of Clifford Court, constructed in 2004, has the largest FAR among the reviewed properties and is of a very similar size compared to the proposed structure.

Considering yards, staff note the proposed project appears to meet the bulk requirements for R2 and R1 development. No variances were required. Plans show that the proposed site plan has a total building coverage of about 6,400 square feet, including the existing garage and boathouse. That is approximately 34% of the total property area. The landscape plan depicts several paved areas, increasing the overall lot coverage. From the submitted plans, staff estimates that with the additional pavement, the lot coverage approaches 50% of the total lot area. (Further plan detail and dimensions are needed to get an exact count.) The plans do not specify the pavement type, exact walkway widths, or whether these areas include any pervious paving materials. Staff request the applicant provide such clarifications on the plans submitted for sign off. Overall lot coverage standards are not included in the current zoning ordinance for the R2 district or for waterfront development. As a guideline, staff have looked at the lot coverage standards in the new (but not yet in-effect) ordinance. Based on those standards, staff recommend the plans 1) not exceed 35% lot coverage within 35 feet of the ordinary high water mark (*Lakefront Development, Sec. 28.138*) and 2) not exceed 50% lot coverage (*Traditional Residential-Consistent 1 District Standards, Sec. 28.042*).

The letter of intent indicates that the stormwater drainage pattern for this site will not be changed. City Engineering has requested a revised drainage plan, showing drainage not discharging onto the adjacent properties. In looking at the proposed grading information, Planning staff note that there appears to be some discrepancies between the grading information shown on the proposed site plan and the elevation drawings. Based on the elevation drawings, it appears that the finished grade near the home will be raised by about two feet in some locations on the property. Clarifications should be provided in the plans submitted for final sign-off.

It does not appear that any mature trees are being removed and plans do not suggest any vegetation is changing within 35 feet of the shoreline. The landscape plan shows site landscaping, including lawn and landscape beds, extending into both the Clifford Court and Lake Mendota Drive rights-of-way. This is not permissible and a revised landscape plan should be provided.

This proposal is consistent with the Comprehensive Plan's general 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. Many new buildings have been approved with a variety of building sizes and architectural styles. While the proposed building is larger than many of the surrounding homes, its lot is wider than most of the surrounding properties and the home is comparable in size and floor area ratio to the residence on the opposite side of Clifford Court.

Staff believe the applicable approval standards can likely be met, subject to the noted conditions. At the time of report writing, staff was not aware of any objections to this request.

## **Recommendation and Proposed Conditions of Approval**

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Major/Non-Standard Conditions are Shaded

### **Planning Division Recommendation** (Contact Kevin Firchow, 267-1150)

The Planning Division recommends that the Plan Commission finds the project meets all applicable demolition, waterfront, and conditional use standards and **approves** the request to demolish an existing single-family home for the purpose of constructing a new home on a waterfront property at 5430 Lake Mendota Drive, subject to the input provided at the public hearing and the recommended conditions from the Planning Division and other reviewing agencies.

1. That the applicant provides a revised landscape plan, for staff approval, that removes all landscape related encroachments into the Clifford Court and Lake Mendota Drive rights-of-way.
2. That the applicant provides updated lot coverage statistics including the coverage of the proposed home, accessory structures, patios and paved areas as a percentage of the total area of the lot. Staff recommend that the site and landscape plan a) not exceed 35% lot coverage within 35 feet of the ordinary high water mark and b) not exceed 50% total lot coverage.
3. That revised grading information, including a more detailed grading plan, be provided for approval by Planning, Building Inspection, and City Engineering staff. This information should resolve the apparent inconsistencies between the site plan and elevation drawings, meet applicable codes, and meet the approval conditions recommended by City Engineering.

***The following conditions have been submitted by reviewing agencies:***

### **City Engineering Division** (Contact Janet Dailey, 261-9688)

1. The existing sanitary sewer configuration puts the property owner at significant risk if the private main fails. The Applicant shall take out a Permit to Excavate in the Right of Way from the City for the new sanitary sewer lateral connection to the Madison Metropolitan Sewerage District (MMSD) main in Lake Mendota Drive. The lateral connection will also require a permit from MMSD to connect to their facility. Contact Curt Sauser at MMSD to apply for this permit (222-1201x269). Allow for a minimum of 3-days advanced notice prior to the start of the work. Provide an approved copy of the MMSD permit to City Engineering prior to sign off of the site plans.
2. The Applicant shall install a cleanout at the property line for access to the existing private sewer main serving 5426 Lake Mendota Drive. The portion of the private sanitary sewer main upstream from the cleanout, which served 5430 Lake Mendota Drive, shall be abandoned.
3. The plans shall be revised to show the lowest entrance opening to be an elevation of 853.5 or higher.
4. Revise the proposed drainage plan such that the drainage will not discharge onto the adjacent properties.
5. Provide additional information on Clifford Court and Lake Mendota Drive to show any proposed work. No private improvements or planting are to be placed in the Right of Way.

6. The existing garage as shown is currently encroaching into the right of way. The Applicant shall apply for a privilege in streets permit and enter into an encroachment agreement if the garage is to remain. Please contact Jenny Frese of City Real Estate at 608-267-8719.
7. The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass. (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 Drive, 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)
10. The plan set shall be revised to show more information on proposed drainage for the site. This shall be accomplished by using spot elevations and drainage arrows or through the use of proposed contours. It is necessary to show the location of drainage leaving the site to the public right-of-way. It may be necessary to provide information off the site to fully meet this requirement. (POLICY)
11. Prior to approval of the conditional use application, the owner shall obtain a permit to plug each existing sanitary sewer lateral that serves a building that is proposed for demolition. For each lateral to be plugged the owner shall deposit \$1,000 with the City Engineer in two separate checks in the following amounts: (1). \$100 non-refundable deposit for the cost of inspection of the plugging by City staff; and (2). \$900 for the cost of City crews to perform the plugging. If the owner elects to complete the plugging of a lateral by private contractor and the plugging is inspected and approved by the City Engineer, the \$900 fee shall be refunded to the owner. (POLICY) This permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>.
12. The site plan shall be revised to show all existing public sanitary sewer facilities in the project area as well as the size, invert elevation, and alignment of the proposed service. (POLICY)

**Traffic Engineering Division** (Contact Dan McCormick, 267-1969)

This agency has no comments on this request.

**Zoning Administrator** (Contact Pat Anderson, 266-5978)

13. Provide a reuse/recycling plan, to be reviewed and approved by The City's Recycling Coordinator, Mr. George Dreckmann, prior to a demolition permit being issued.
14. Sec 28.12(12)(e) of the Madison Zoning Ordinance requires the submittal of documentation demonstrating compliance with the approved reuse and recycling plan. Please note, the owner must submit documentation of recycling and reuse within 60 days of completion of demolition.
15. As per the submitted plans, no vegetation in this area is to be removed.
16. Average setback calculations where determined by submitted survey from Williamson Surveying & Associates.

17. Show designated flood plain area on the site plan. Any construction within a flood plain shall meet flood proofing protection measures and such design shall be certified by a registered professional engineer or architect per 28.04(20)(b) of the Madison General Ordinances.
18. Plans call out an existing detached garage to share a proposed new driveway with access from Clifford Court, the maximum driveway width shall be 22' @ Clifford Court.
19. The garage door on the existing garage will be moved from the SE side to the NE side of garage. Existing driveway from Lake Mendota Drive shall be closed and terrace restored with lawn as per City Engineering requirements.

**Fire Department** (Contact Bill Sullivan, 261-9658)

20. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and Comm 82.40(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>
21. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities (608) 246-4587.

**Water Utility** (Contact Dennis Cawley, 261-9243)

22. The Madison Water Utility shall be notified to remove the water meter prior to demolition. This property is not in a Wellhead Protection District. All wells located on this property shall be abandoned if no valid well operation permit has been obtained from the Madison Water Utility.

**Parks Division** (Contact Kay Rutledge, 266-4714)

This agency did not submit a response to this request.

**Metro Transit** (Contact Tim Sobota, 261-4289)

This agency did not submit a response to this request.