



**Project Address:** 5324 Loruth Terrace  
**Application Type:** Final Plan Approval (Demolition Permit)  
**Legistar File ID #** [29873](#)  
**Prepared By:** Timothy M. Parks, Planning Division  
Report includes comments from other City agencies, as noted.

## Summary

**Applicant & Property Owner:** Scott Matthews & Mitchell Illichmann; 2921 Interlaken Pass; Madison.

**Contact Person:** Dan Klingbeil, Blue Line Designs, Inc.; 3288 Mound View Road; Verona.

**Requested Action:** Approval of final plans for a single-family residence at 5324 Loruth Terrace on the last of two lots created by a previously approved Certified Survey Map (CSM) and demolition permit.

**Proposal Summary:** The applicants wish to construct a single-family residence on the southern of two lots created by a 2006 CSM of the former 5402 Whitcomb Drive. The applicant wishes to begin construction this fall, with completion scheduled in spring 2014.

**Applicable Regulations & Standards:** The demolition permit approved for 5402 Whitcomb Drive in 2006 was approved using the guidelines and regulations for the approval of demolition permits in Section 28.12(12) of the former Zoning Code. The Plan Commission required as a condition of approval of the demolition permit and related two-lot CSM that any principal residential building constructed on these lots be subject to Plan Commission review and approval after a public hearing.

**Review Required By:** Plan Commission.

**Summary Recommendation:** The Planning Division recommends that the Plan Commission find the demolition standards met and **approve** the final plans for the new single-family residence located at 5324 Loruth Terrace, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

## Background Information

**Parcel Location:** The subject site is 0.38-acre parcel located at the northwestern corner of Whitcomb and Loruth drives; Aldermanic District 10 (Cheeks); Madison Metropolitan School District.

**Existing Conditions and Land Use:** The subject site is currently vacant and is zoned SR-C1 (Suburban Residential–Consistent 1 District). The single-family residence that previously occupied a portion of this parcel was demolished in 2006.

**Surrounding Land Use and Zoning:** The subject site is surrounded by other single-family residences on large lots in the Orchard Ridge neighborhood in SR-C1 (Suburban Residential–Consistent 1 District) zoning. Orchard Ridge Park is located east of the property across Loruth Terrace.

**Adopted Land Use Plan:** The Comprehensive Plan recommends that the subject site and surrounding properties be developed with Low-Density Residential uses. There is not an adopted neighborhood plan for this area.

**Zoning Summary:** The property is zoned SR-C1 (Suburban Residential–Consistent 1 District):

Requirements	Required	Proposed
Lot Area	8,000 sq. ft.	16,355 sq. ft., existing
Lot Width	60'	151' along Loruth Terrace
Front Yard	30'	30.33' along Loruth Terrace
Side Yards	7' for two-story buildings	31.5'
Reversed Corner Side Yard	15'	40' 11"
Rear Yard	Lesser of 30% of lot depth or 35'	35.5'
Floor Area Ratio	N/A	---
Building Height	2 stories and 35 feet	2 stories
No. of Parking Stalls	1 per unit, minimum	1
Maximum Lot Coverage	50%	27.5%
Usable Open Space	1,300 sq. ft.	Adequate
No. Bike Parking Stalls	0	---
Building Form	Single-family detached building	Complies with requirements
<b>Other Critical Zoning Items</b>		
Yes:	Utility Easements	
No:	Barrier Free, Urban Design, Wellhead Protection, Floodplain, Landmarks, Waterfront Development	
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator</i>		

**Environmental Corridor Status:** The property is not located within a mapped environmental corridor (Map C10). The public parkland to the east is identified on the corridor map.

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

## Previous Approvals

On May 20, 2006, the Plan Commission granted approval of demolition permit to allow a single-family residence located at 5402 Whitcomb Drive to be demolished and approved a Certified Survey Map of the property creating 2 lots for new single-family residential construction, instead of the 3 lots requested by the applicants. The Commission conditioned approval of the CSM with a requirement that a note be placed on the map requiring any new principal residential buildings constructed on these lots be submitted to the Commission for approval after a public hearing. Other conditions required the establishment of building envelopes on each lot following the completion and review of a tree inventory and the submittal of a landscaping buffer plan along the western property line of the two lots. CSM 11831 was recorded with the Register of Deeds on June 20, 2006.

On September 17, 2007, the Plan Commission rejected a request by the applicants for the original demolition permit and CSM to re-divide the two lots into three lots as originally requested in 2006. The Commission found that the request was not consistent with the provisions of Section 16.23(8)(d), Madison General Ordinances, regarding lot design and cited that the size, shape and orientation of the three proposed lots was inappropriate at this location and that the three-lot division would change the character of the neighborhood.

On March 9, 2009, the Plan Commission granted approval of final plans for a single-family residence on property located at 5314 Loruth Terrace on Lot 2 of CSM 11831.

## **Project Description**

The applicants are requesting approval of final plans to construct a single-family residence on the southern of two lots created by a 2006 Certified Survey Map of the former 5402 Whitcomb Drive property. The proposed residence will include 3,866 square feet of floor area on a full first floor and partial second floor, with 1,150-1,200 square feet of additional floor area to be located in a partially exposed and finished basement. The house will include 4-5 bedrooms and 4 bathrooms as shown on the attached floorplans. An oversized attached three-car garage will be constructed along the northern wall of the proposed residence, with access to be provided by a driveway from Loruth Terrace. The house is designed in a prairie motif with a hip roof and is similar in style to the residence constructed on the adjacent property at 5314 Loruth Terrace, which is Lot 2 of the same CSM that created the subject parcel.

As part of the approval of the CSM creating the subject lot, a building envelope was established on the map to govern where on the two lots new residences could be built. On the subject lot, a 30-foot front yard and 35-foot rear yard were established parallel to Loruth Terrace, while a 40-foot deep yard was established adjacent to Whitcomb Drive and a 20-foot yard was established from the northern property line. The purpose of these yards, which meet or exceed the yards required in SR-C1 zoning (formerly R1 zoning), was to ensure that new construction on these lots maintained the generous setbacks present throughout much of the surrounding Orchard Ridge neighborhood. The site plan for the new residence shows that it will be built within the established envelope.

## **Analysis and Conclusion**

The project is before the Plan Commission as a result of a condition of approval placed on the 2006 CSM and demolition permit for the house that formerly occupied this site, which required that any new principal residential structures constructed on the subject lot and the other new lot created to the south come before the Commission for approval at a public hearing prior to issuance of building permits. At the time, neighborhood residents and Plan Commission members expressed a concern about the potential for the new homes constructed on these lots to be out of character with the surrounding area, which is characterized by a very diverse stock of one- and two-story single-family residences located on large lots. The condition of approval required that the new homes proposed on these lots be reviewed against the demolition standards, which customarily look at a demolition proposal both in terms of the building to be razed as well as the proposed use. While there was general agreement that the former house at 5402 Whitcomb Drive should be demolished due to a number of significant sanitary and structural issues, there was considerable discussion about the subdivision of the parcel into two lots (or three as originally requested) and the houses that would be built. The condition of approval was enacted by the Plan Commission in part to allay concerns about the proposed use of the two lots.

The demolition permit that was approved for this property in 2006 was approved using the guidelines and regulations for the approval of demolition permits previously outlined in Section 28.12(12) of the 1966 Zoning Code. The condition of approval requiring Plan Commission review and approval of this residence and the future one to the south did not state which standards would be applied. As it did with the construction of the adjacent house at 5314 Loruth Drive, the Planning Division feels that it would be appropriate for the Plan Commission to review this project using the demolition standards, given that it was those same general standards that the original application for 5402 Whitcomb Drive was reviewed against and conditioned upon. In reviewing the applicant's proposal, staff believes that the proposed residence at 5324 Loruth can meet the considerations in

the demolition standards for proposed uses. The new house is generally well designed and should fit in well with the diverse housing stock present throughout the Orchard Ridge neighborhood.

## **Recommendation**

### **Planning Division Recommendation** (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the demolition standards met and **approve** the final plans for a new single-family residence at 5324 Loruth Terrace, subject to input at the public hearing and the following conditions from reviewing agencies:

#### **The following conditions of approval have been submitted by reviewing agencies:**

Major/Non-Standard Conditions are Shaded

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

1. The applicant shall replace all sidewalk and curb and gutter abutting the property, which is damaged by the construction, or any sidewalk and curb and gutter that 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.
2. All work in the public right of way shall be performed by a City-licensed contractor.
3. All damage to the pavement on Loruth Terrace and Whitcomb Drive adjacent to this development shall be restored in accordance with the City's Pavement Patching Criteria.
4. The applicant shall submit, prior to plan sign-off, digital PDF files to the City Engineering Division. The digital copies shall be to scale, shall have a scale bar on the plan set, and shall contain the following items: building footprints; internal walkway areas; internal site parking areas; lot lines and right-of-way lines; street names, stormwater management facilities and; detail drawings associated with stormwater management facilities (including if applicable planting plans).
5. All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Janet Dailey (261-9688) to obtain the final MMSD billing a minimum of 2 working days prior to requesting City Engineering Division signoff.
6. 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.

### **Traffic Engineering Division** (Contact Eric Halvorson, 266-6527)

7. When the applicant shall submit plans for approval, the applicant shall show the following: items in the terrace as existing (e.g., signs and street light poles), type of surfaces, existing and proposed property lines, addresses, one contiguous plan (showing all easements, all pavement markings, building placement, and stalls), adjacent driveway approaches to lots on either side and across the street, signage, percent of slope, semitrailer movements and vehicle routes, dimensions of radii, aisles, driveways, stalls including the 2 feet overhang, and a scaled drawing at 1" = 20'. Contact City Traffic Engineering if you have questions.

8. The developer shall post a deposit and reimburse the City for all costs associated with any modifications to traffic signals, street lighting, signing and pavement marking, and conduit and handholes, including labor, engineering and materials for both temporary and permanent installations.
9. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

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

This agency submitted a response with no comments or conditions of approval for this request.

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

10. Note: Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e).

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

11. Note: Per MGO Sec. 13.21, 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)

12. Additional street trees are needed for this project. All street tree planting locations and trees species with the right of way shall be reviewed by City Forestry. Please submit a tree planting plan (in PDF format) to Dean Kahl (dkahl@cityofmadison.com or 266-4816). Approval and permitting of tree planting shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan. Tree planting specifications can be found in Section 209 of City of Madison Standard Specifications for Public Works Construction. Please reference ID# 06113.1 when contacting Parks Division staff about this project.

13. The original structure located at 5402 Whitcomb Drive no longer exists on the property and is being replaced by this development. Park fees for the one additional residential lot created by the CSM splitting 5402 Whitcomb Drive into 5324 and 5314 Loruth Terrace were paid as part of the sign-off of the CSM.
14. Approval of plans for this project does not include any approval to prune, remove or plant trees in the public right of way. Permission for such activities must be obtained from the City Forester by calling 266-4816.

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

This agency did not provide comments for this request.