



PREPARED FOR THE PLAN COMMISSION

Project Address: 501 Woodward Drive (18th Aldermanic District, Alder Kemble)
Application Type: Conditional Use
Legistar File ID # [48969](#)
Prepared By: Colin Punt, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant & Property Owner: Michael Mack; 501 Woodward Drive; Madison, WI 53704

Contact: Jason Franzen; Hart DeNoble Builders, Inc; 7923 Airport Road; Middleton, WI 53562

Requested Action: The applicant requests a demolition permit and conditional use approval to demolish an existing, single-family home and construct a new single-family residence exceeding 10,000 gross square feet of floor area on a lakefront property at 501 Woodward Drive.

Proposal Summary: The applicant proposes to demolish an existing, two-story, single-family home along with the detached garage and then construct a two-story, 7,715-square-foot (10,909 gross square feet including the attached garage) single-family home with an attached three-car garage on the lakefront parcel.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Lakefront Development [MGO §28.138], and Conditional Uses [MGO §28.183]. MGO §28.138(2)(a) of the Zoning Code states that all new principal buildings on zoning lots abutting Lake Mendota and associated bays, shall require Conditional Use approval. MGO §28.032(1) limits buildings in residential zoning districts to 10,000 square feet of floor area unless approved by conditional use. The Supplemental Regulations [MGO §28.151] contain further regulations for uses of this size in residential zoning districts.

Review Required by: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing two-story house and construct a single-family home exceeding 10,000 square feet of floor area in the SR-C1 (Suburban Residential – Consistent 1) zoning district on a lakefront property at 501 Woodward Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the reviewing agencies.

Background Information

Parcel Location: The 26,268-square-foot (0.6-acre) subject property is located on the south side of Woodward Drive, between Harper Road and Little Fleur Lane. The site is within Aldermanic District 18 (Ald. Kemble) and is within the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is a double lot (at 134 feet wide, it is twice the typical width for SR-C1 (Suburban Residential – Consistent 1) zoned lakefront parcels along this stretch of Woodward Drive). The site includes the existing 2,360-square-foot, two-story, single-family home. City Assessor’s records indicate

the home was constructed in 1915 and has three bedrooms and two-and-one-half bathrooms. The site also contains a detached, two-car garage.

Surrounding Land Use and Zoning:

North: Across Woodward Drive are single-family homes and vacant lots, all zoned SR-C1 (Suburban Residential-Consistent 1 District);

South: Lake Mendota

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

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

Adopted Land Use Plan: The [Comprehensive Plan \(2006\)](#) recommends low-density residential development for the subject site and surrounding properties. While the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) makes no specific recommendations about the subject parcel, it does state that its housing goal is to create “stable, inviting residential areas with preservation of existing single-family, owner-occupied areas and well-kept and rehabilitated housing throughout the Northside.”

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

| Requirements | Required | Proposed |
|-------------------------|-----------------------------------|---------------------------------|
| Lot Area (sq. ft.) | 8,000 sq. ft. | 26,268 sq. ft. |
| Lot Width | 60' | 135' |
| Front Yard Setback | 30' | 31' |
| Side Yard Setback | Two-story: 7' | 15.75' West 13.70' East |
| Lakefront Yard Setback | 74.90' Section 28.138(4)(a)(3) | 75' (see Zoning comment #17) |
| Usable Open Space | 1,300 sq. ft. | Adequate |
| Maximum Lot Coverage | 50% | 31.6% |
| Maximum Building Height | 35' | 2 stories/less than 35' |

Section 28.138(4)(a)3. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater.

| Site Design | Required | Proposed |
|---------------------------|---|---------------------------------|
| Number Parking Stalls | Single-family detached dwelling: 1 (location only) | Attached garage |
| Landscaping and Screening | Inventory of shoreline vegetation | Yes (see Zoning comment #18) |
| Building Forms | Yes | Single-family detached dwelling |

| | |
|------------------------------------|-------------------------------|
| Other Critical Zoning Items | Floodplain; Utility Easements |
|------------------------------------|-------------------------------|

Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: While the property is not located in a mapped environmental corridor, it is partially located within the flood storage district.

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

Project Description

The 26,268-square-foot (0.6-acre) subject property is located on the south side of Woodward Drive with lakefront access on Lake Mendota. It is a double lot (i.e. at 134 feet wide, it is twice the width for the typical SR-C1 zoned, lakefront parcels immediately to the east along this stretch of Woodward Drive). The proposed project first consists of the demolition of an existing, two-story, 2,350-square-foot home originally built in 1915 with three bedrooms and two-and-one-half bathrooms. According to the applicant, the home has been neglected recent years and is in need of nearly all major mechanical replacements, has a bad smell, and is not energy efficient. The site also has poor runoff control. The detached, two-car garage will also be demolished.

The applicant then proposes to construct a two-story, 7,715-square-foot (10,909 gross square feet including the attached garage) single-family home with six bedrooms, six-and-one-half bathrooms, and an attached, three-car garage. The new attached garage will be side loaded and accessed by a driveway from Woodward Drive. The existing boat house will remain.

The property exhibits considerable slope toward the lake and the garage and driveway grading require the construction of two retaining walls. The lakeside elevation of the home will feature a covered porch, patio, and three additional levels of retaining walls of up to six feet in height down to the shoreline. While several large trees will be removed for the construction of the new house – including two 24" DBH oaks, a 24" DBH maple, and a 30" DBH maple – no areas within 35 feet of the ordinary high water mark will be disturbed. The house and lakeside terraces will be landscaped with ornamental shrubs, grasses, and trees. The applicant has noted that all disturbed grass areas will be reseeded with mulch and erosion mats after the construction is completed.

Exterior materials for the proposed house consist of a combination of stone and shake siding. Architectural shingles will be used for the roof. Information on material colors has not yet been provided.

Analysis and Conclusion

This proposal is subject to the standards for Demolition and Removal Permits [MGO §28.185(7)], Lakefront Development [MGO §28.138] and Conditional Uses [MGO §28.183]. There are two conditional use approvals being requested as part of this application. The first is to allow the construction of a new principal building (the proposed home) on a lakefront parcel. MGO §28.138(2)(a) of the Zoning Code states that all new principal buildings on zoning lots abutting Lake Mendota and associated bays, shall require Conditional Use approval. The second requested conditional use approval is to allow a building or structure with floor area exceeding 10,000 gross square feet in floor area as MGO §28.032(1) limits buildings in residential zoning districts to 10,000 square feet in floor area unless approved by conditional use.

Demolition and Removal Standards

As proposed, the existing home would be demolished. 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 of the building and proposed residence is not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. The proposed building is generally consistent with the [Comprehensive Plan \(2006\)](#) which recommends low-density residential for this site. It is also generally consistent with the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#) which, while makes no specific recommendations about the subject parcel, does state that its housing goal is to create “*stable, inviting residential areas with preservation of existing single-family, owner-occupied areas and well-kept and rehabilitated housing throughout the Northside.*” Finally, at their August 14, 2017 meeting, the Landmarks Commission found that the building slated for demolition, while having historic value related to the vernacular context of Madison’s built environment, by itself is not historically, architecturally, or culturally significant.

Conditional Use Standards

The Planning Division also believes the standards for Conditional Uses can be found met. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City’s adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. As stated above, staff believe the proposal is generally consistent with both the [Comprehensive Plan \(2006\)](#) as well as the [Northport-Warner Park-Sherman Neighborhood Plan \(2009\)](#).

The conditional use standard for lakefront development (Standard 13) states that “when applying the above standards to lakefront development under M.G.O. §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 3,541 to 5,831 square feet. The median size of the surrounding homes is approximately 3,820 square feet, compared to the roughly 10,349 square feet for the proposed principal structure (which is 171 percent above the median). The proposed residence would be nearly twice as large as the next largest existing home in the study area.

It should also be noted that the subject parcel, a 26,269-square-foot double lot, at 134 feet wide, is twice the typical width for SR-C1 (Suburban Residential – Consistent 1) zoned, lakefront parcels to the east along this stretch of Woodward Drive. For comparison, the five homes directly to the east each occupy lots of approximately 13,500 square feet and range from 4,000 to 5,900 square feet in floor area. The two nearest homes to the west, however, are each approximately 3600 square feet in floor area on large (34,485- and 56,784-square-foot) lots.

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. (A 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 0.39, which is 25 percent above the estimated median 0.31 FAR for the surrounding homes, and the second highest within the study area. In regards to height, the maximum allowable height is 35 feet. While the applicant has not provided the proposed height, it is calculated as the average of all four facades and is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. The applicant will need to verify the height on all elevations and adjust accordingly to the allowed height before final sign off. Finally, staff notes that the heights of the surrounding homes are varied, consisting of primarily two-story structures.

While very large (nearly twice as large as the next largest area home), the merits of the new home should not be based solely on size. However, the conditional use approval must be made only with due consideration of the standards of MGO 28.183, especially standard 13 regarding the height and bulk of this lakefront development.

Lakefront Development Standards

The lakefront development standards were established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes. This section includes additional regulations including limitations on the clearing of shoreline vegetation, requirements for public sewer, environmental protections, and additional lot coverage standards. This section also includes the methodology to establish the building setback from the lake. MGO §28.138(3)(c) states that “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.” Considerable grading is proposed in the form of a system of two to five (depending on location) retaining walls at elevations of approximately 886 feet at the top of the uppermost wall to 865 feet at the boathouse. The applicant appears to be abiding by the median setback of the principal buildings on the five developed lots or 300 feet on either side, which is greater than 30% of lot depth.

Staff notes that while none of the subject site is not located in a mapped environmental corridor and a small portion of the property adjacent to the lake appears to be located in the flood storage district, because there is no construction or changes proposed anywhere near the sensitive 35 feet of land adjacent to the lake’s edge staff believe the lakefront development standards are met.

Conclusion

In conclusion, the Planning Division believes that the standards for Demolition and Removal, Lakefront Development, and Conditional Uses can be met. The new home is believed to be compatible with the varied development pattern along Woodward Drive. This proposal is also believed to be consistent with the [Comprehensive Plan](#) as well as the [Northport-Warner Park-Sherman Neighborhood Plan](#). While very large, the merits of the new home should not be based solely on size. However, the conditional use approval must be made only with due consideration of the standards of MGO 28.183, especially standard 13 regarding the bulk of this lakefront development.

At the time of report writing, staff was not aware of additional concerns regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Colin Punt, (608) 243-0455)

The Planning Division recommends that the Plan Commission find that the standards for demolitions, conditional uses, and lakefront development are met and **approve** the demolition and conditional use requests to demolish an existing two-story house and construct a single-family home exceeding 10,000 square feet of floor area in the SR-C1 (Suburban Residential – Consistent 1) zoning district on a lakefront property at 501 Woodward 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

Planning Division (Contact Colin Punt, (608) 243-0455)

1. The following information is provided for the reference of the applicant as many lakefront properties are associated with locations of Native effigy mounds and archaeological sites.

Burial Sites Preservation (§ 157.70):

(2r) Site Disturbance Prohibited. Except as provided under subs (4) and (5) and State Statute 157.111 and 157.112, no person may intentionally cause or permit the disturbance of a burial site or catalogued land contiguous to a catalogued burial site.

(3) Report of Disturbed Burial Sites. (a) Except as provided under s. 979.01, a person shall immediately notify the Wisconsin Historical Society (608-264-6502) if the person knows or has reasonable grounds to believe that a burial site or the catalogued land contiguous to a catalogued burial site is being disturbed or may be disturbed contrary to the requirements of subs. (4) and (5).

Many lakefront properties are associated with locations of Native American effigy mounds and archeological sites. This site is known to be associated with archeological and historic resources. The Burial Sites Preservation statute requires that the property owner contact the Wisconsin Historical Society to discuss the location of the proposed project and any possible disturbance of an archaeological or historic resource before the work commences. During the construction work, if a burial site disturbance occurs, the work shall stop immediately until the Wisconsin Historical Society is able to assess the site.

2. The applicant's final sign-off plans shall include a grading plan that labels the finished-grade elevations at the building corners for approval by Planning Division Staff.

3. Applicant shall label building heights on elevation drawings.
4. Applicant shall provide additional detail within 35-foot setback from ordinary high water mark, including location of mature trees.

Engineering Division (Main Office) (Contact Brenda Stanley, (608) 261-9127)

5. The construction of this project will require that the applicant shall enter into a City / Developer agreement for the required infrastructure improvements (relocate City Sewer). The applicant shall contact City Engineering to schedule the development of the plans and the agreement. The City Engineer will not sign off on this project without the agreement executed by the developer. Obtaining a developer's agreement generally takes approximately 4-6 weeks, minimum. (MGO 16.23(9)c)

6. Applicant will be required to grant a 15' sanitary sewer easement across the property and also acquire a 15' wide sanitary sewer easements on the neighboring lots for the proposed relocated sanitary sewer easement as a condition of plan approval.

7. 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. The permit application is available on line at <http://www.cityofmadison.com/engineering/permits.cfm>. (MGO CH 35.02(14))

8. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Mark Moder (608-261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff. (MGO 16.23(9)(d)(4))
9. 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)
10. Applicant shall remove all fence located in ROW

Engineering Division (Mapping) (Contact Jeffrey Quamme, (608) 266-4097)

11. The new home requires the movement of existing public sanitary sewer for the location of the new home. City of Madison Engineering requires the acquisition and granting of the necessary 15' wide Public Sanitary Sewer Easements by the Owner. Additionally, the existing easement areas where sewer is to be removed will need to be released by the City. The documents shall be drafted by City of Madison Office of Real Estate Services. Applicant shall provide the required map exhibits, descriptions and administrative fees. Coordinate these needs with Jeff Quamme of Engineering Mapping. (608-266-4097 or jrquamme@cityofmadison.com)

12. The site plan shall correct the boundary and acknowledge and include the portion of vacated Woodward Drive in the northwesterly corner.
13. The site plan shall be revised to show the existing sanitary sewer and the existing Sanitary Sewer Easement per Document No. 929396.

Zoning Division (Contact Jenny Kirchgatter, (608) 266-4429)

14. 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).
15. 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.
16. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
17. Show the setback distance of the covered porch/balcony as measured to the Ordinary High Water Mark. The covered porch may not extend into the lakefront yard setback.
18. Provide a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. Identify the existing trees to remain and the trees to be removed consistently on the site plan and landscape plan. 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.

19. 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.
20. Per Section 28.186(4)(b), the property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval. Work with Zoning staff to establish a final site compliance date.

Fire Department (Contact Bill Sullivan, (608) 261-9658)

21. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D. Additional information is available at the Home Fire Sprinkler Coalition website: <https://homefiresprinkler.org/building-residential-fire-sprinklers>. A cost estimate to upgrade the house with fire sprinklers shall be made available to the owner.
22. Please consider allowing Madison Fire Dept. to conduct training sequences prior to demolition. Contact MFD Training Division to discuss possibilities: Captain Jerry Buechner at jbuechner@cityofmadison.com or (608)516-9195.