

**PLANNING DIVISION REPORT
DEPARTMENT OF PLANNING AND COMMUNITY
AND ECONOMIC DEVELOPMENT
Of May 2, 2007**

RE: I.D. #06313, Demolition Permit and Conditional Use – 5320 Lake Mendota Drive

1. Requested Action: Approval of a demolition permit and conditional use for a single-family residence on a waterfront lot at 5320 Lake Mendota Drive.
2. Applicable Regulations: Section 28.04 (22) provides the guidelines and regulations for the approval of demolition permits; Section 28.04 (19) provides the standards for waterfront development; Section 28.12 (11) provides the guidelines and regulations for the approval of conditional uses.
3. Report Prepared By: Timothy M. Parks, Planner

GENERAL INFORMATION:

1. Applicant & Property Owner: Daniel Lauffer; 5320 Lake Mendota Drive; Madison.
Agent: Peter Rott, Isthmus Architecture, Inc.; 613 Williamson Street; Madison.
2. Development Schedule: The applicant wishes to proceed as soon as all necessary approvals have been granted, with completion anticipated winter 2007-2008.
3. Parcel Location: An approximately 0.13-acre (5,768 square feet) parcel located at 5320 Lake Mendota Drive; Aldermanic District 19; Madison Metropolitan School District.
4. Existing Conditions: Single-family residence, zoned R2 (Single-Family Residence District).
5. Proposed Use: A new single-family residence and detached two-car garage.
6. Surrounding Land Use and Zoning: The subject site is located on the western shores of Spring Harbor and is surrounded to the north and south by other single-family residences in R2 (Single-Family Residence District) zoning. Spring Harbor Middle School and Spring Harbor Park are located west of the site across Lake Mendota Drive.
7. Adopted Land Use Plan: The Comprehensive Plan identifies this area for low-density residential uses.
8. Environmental Corridor Status: The site is not located within a mapped environmental corridor, though a portion of the property nearest the lake is located within the flood fringe adjacent to Lake Mendota.

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

STANDARDS FOR REVIEW:

This application is subject to the demolition standards of Section 28.04 (22), the conditional use standards of Section 28.12 (11) and the waterfront development standards of Section 28.04 (19).

ANALYSIS, EVALUATION AND CONCLUSION:

The applicant is requesting approval of a demolition permit to allow an existing one-story single-family residence located at 5320 Lake Mendota Drive to be razed and conditional use approval to allow a new single-family residence and detached two-car garage to be constructed. The site is a 0.13-acre tract with approximately 37.5 feet of frontage on Lake Mendota and 50 feet of frontage on Lake Mendota Drive. The house is located among a line of other single-family residences located on the western shores of Spring Harbor, with Spring Harbor Middle School and Spring Harbor Park located west of the property across Lake Mendota Drive. City records indicate the residence was built in 1918 and contains 863 square feet of living space, including two bedrooms and one bathroom. The existing residence is set back approximately 34 feet from the ordinary high-water line of the lake.

The existing residence will be replaced by a two-story, 2,071 square-foot residence that will include three bedrooms, three bathrooms and various other living spaces as depicted on the attached floorplans. A two-car garage will be constructed west of the proposed residence across a sanitary sewer line and easement that traverses the property from north to south. The garage will include a second floor study that will be connected to the rest of the house by an enclosed second floor hallway. The floorplans also identify that an unfinished 500 square-foot loft will be located under the gabled roof. The new residence will be built on a slab without a basement and will include porches at the first and second floors at the southeast corner. The proposed residence will reflect a modern design aesthetic that features a combination of vertical metal panels and painted horizontal siding on the exterior and a variety of angled roof planes.

The front wall of the building will be located in approximately the same location as the front wall of the existing residence, with a setback 36 feet from the lake edge. The construction of the new residence and garage will require the removal of one shade and two coniferous trees located near the center of the lot, though no vegetation will be removed within 35 feet of the waterline with this proposal. The proposed residence was granted area exceptions by the Zoning Board of Appeals on March 8, 2007 for side yards less than what would otherwise be required in the R2 zoning district.

The Planning Division has not inspected the inside of the residence to be demolished but believes the house to be in below average condition based on photos of the interior and exterior provided by the applicant. The photos appear to show evidence of structural disrepair, including a sagging roof, uneven settling of the structure and damaged and worn interior surfaces. The applicant asserts that the existing structure is unsuitable to be added onto and that the cost to repair the structure exceeds its value. Staff is not opposed to the demolition of this residence and

believes that findings that the demolition request can meet the demolition standards can be supported based on the condition of the building and the economic feasibility to preserve it. The new structure proposed should be more economically viable over the long term than the existing residence.

The City recently adopted the Spring Harbor Neighborhood Plan to guide redevelopment activities in the Spring Harbor neighborhood, including the subject site. While the plan does not contain specific recommendations for lakefront residential areas, it does encourage that new/redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to the natural character of the neighborhood. The houses to the north and south of the subject site include a variety of homes ranging in height (from 1 story to 1.5-stories), age (from 1890 to 1958) and styles (including bungalows and ranches), with no clearly distinguishable character traits present among them. Though the proposed house will reflect a more modern architectural style than other single-family residences along this section of Lake Mendota, the new building will be of a similar scale and mass as other new residences elsewhere along the lake and within the height parameters of the R2 zoning district. Many new buildings have been approved on both lakes with a variety of building sizes and architectural styles reflected, including modern designs such as the one proposed.

In closing, the Planning Division believes that the demolition, conditional use and waterfront development standards are all met with the applicant's request for new construction on the subject property.

A reuse and recycling plan approved by the Recycling Coordinator is required by ordinance prior to the issuance of wrecking permit.

RECOMMENDATION

The Planning Division recommends that the Plan Commission find that the demolition, conditional use and waterfront standards are met and **approve** the demolition of a single-family residence at 5320 Lake Mendota Drive subject to input at the public hearing and comments from reviewing agencies.



5320 Lake Mendota Drive. Proposed demolition for new house. Small house built, according to the assessor, in 1918, probably as a cottage, with later alterations.

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Department of Public Works
City Engineering Division

608 266 4751

Larry D. Nelson, P.E.
City Engineer

City-County Building, Room 115
210 Martin Luther King, Jr. Boulevard
Madison, Wisconsin 53703
608 264 9275 FAX
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Deputy City Engineer
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Principal Engineers
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David L. Benzschawel, P.E.
Gregory T. Fries, P.E.

Operations Supervisor
Kathleen M. Cryan

Hydrogeologist
Joseph L. DeMorett, P.G.

GIS Manager
David A. Davis, R.L.S.

DATE: April 25, 2007

TO: Plan Commission

FROM: Larry D. Nelson, P.E., City Engineer

SUBJECT: 5320 Lake Mendota Drive Conditional Use and Demolition

The City Engineering Division has reviewed the subject development and has the following comments.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. The location of the "provisional" WDNR/FEMA flood plain shall be shown on the plan along with the lowest entrance elevation of the structure.
2. The proposed building is not compatible with the existing sewer main. Owner shall be required to review options with the City Engineer prior to sign off.
3. City Engineer recommends rejection of this Conditional Use application until site plan is revised to show existing surveyed location of the public sanitary sewer facilities and reference is made to the recorded public sanitary sewer easement on the property. If a recorded public easement does not exist, the owner shall grant one to the City at no cost.
4. Plan needs to be revised to show the existing sanitary sewer main between the existing home and the proposed garage. The City needs 15-feet to maintain the City sewer facilities.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

Engineering Division Review of Planned Community Developments, Planned Unit Developments and Conditional Use Applications.

Name: 5320 Lake Mendota Drive Conditional Use and Demolition

General

- 1.1 The construction of this building will require removal and replacement of sidewalk, curb and gutter and possibly other parts of the City's infrastructure. The applicant shall enter into a City / Developer agreement for the improvements required for this development. The applicant shall be required to provide deposits to cover City labor and materials and surety to cover the cost of construction. The applicant shall meet with the City Engineer 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. The developer shall sign the Developer's Acknowledgement prior to the City Engineer signing off on this project.
- 1.2 The site plan shall identify lot and block numbers of recorded Certified Survey Map or Plat.

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- 1.3 The site plan shall include all lot/ownership lines, existing building locations, proposed building additions, demolitions, parking stalls, driveways, sidewalks (public and/or private), existing and proposed signage, existing and proposed utility locations and landscaping.
- 1.4 The site plan shall identify the difference between existing and proposed impervious areas.
- 1.5 The site plan shall reflect a proper street address of the property as reflected by official City of Madison Assessor's and Engineering Division records.
- 1.6 The site plan shall include a full and complete legal description of the site or property being subjected to this application.

Right of Way / Easements

- 2.1 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.2 The Applicant shall Dedicate a _____ foot wide strip of Right of Way along _____.
- 2.3 The Applicant shall Dedicate a Permanent Limited Easement for grading and sloping _____ feet wide along _____.
- 2.4 The City Engineer has reviewed the need for pedestrian and bicycle connections through the development and finds that no connections are required.
- 2.5 The Applicant shall Dedicate a Permanent Limited Easement for a pedestrian / bicycle easement _____ feet wide from _____ to _____.
- 2.6 The Developer shall provide a private easement for public pedestrian and bicycle use through the property running from _____ to _____.
- 2.7 The developer shall be responsible for the ongoing construction and maintenance of a path within the easement. The maintenance responsibilities shall include, but not be limited to, paving, repaving, repairing, marking and plowing. The developer shall work with the City of Madison Real Estate Staff to administer this easement. Applicable fees shall apply.

Streets and Sidewalks

- 3.1 The Applicant shall execute a waiver of notice and hearing on the assessments for the improvement of [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.2 **Value of sidewalk installation over \$5000.** The Applicant shall Construct Sidewalk to a plan approved by the City Engineer along _____.
- 3.3 **Value of sidewalk installation under \$5000.** The Applicant shall install public sidewalk along _____. The Applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.
- 3.4 The Applicant shall execute a waiver of their right to notice and hearings on the assessments for the installation of sidewalk along [roadway] _____ in accordance with Section 66.0703(7)(b) Wisconsin Statutes and Section 4.09 of the MGO.
- 3.5 The Applicant shall grade the property line along _____ to a grade established by the City Engineer. The grading shall be suitable to allow the installation of sidewalk in the future without the need to grade beyond the property line. The Applicant shall obtain a Street Excavation permit prior to the City Engineer signing off on this development.
- 3.6 The Applicant shall close all abandoned driveways by replacing the curb in front of the driveways and restoring the terrace with grass.
- 3.7 **Value of the restoration work less than \$5,000. When computing the value, do not include a cost for driveways. Do not include the restoration required to facilitate a utility lateral installation.** The Applicant's project requires the minor restoration of the street and sidewalk. The Applicant shall obtain a Street Excavation Permit for the street restoration work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees.
- 3.8 The Applicant shall make improvements to _____ in order to facilitate ingress and egress to the development. The improvement shall include a (Describe what the work involves or strike this part of the comment.) _____.
- 3.9 The Applicant shall make improvements to _____. The improvements shall consist of _____.
- 3.10 The approval of this Conditional Use does not include the approval of the changes to roadways, sidewalks or utilities. The applicant shall obtain separate approval by the Board of Public Works and the Common Council for

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the restoration of the public right of way including any changes requested by developer. The City Engineer shall complete the final plans for the restoration with input from the developer. The curb location, grades, tree locations, tree species, lighting modifications and other items required to facilitate the development or restore the right of way shall be reviewed by the City Engineer, City Traffic Engineer, and City Forester.

- 3.11 The Applicant shall provide the City Engineer with a survey indicating the grade of the existing sidewalk and street. The Applicant shall hire a Professional Engineer to set the grade of the building entrances adjacent to the public right of way. The Applicant shall provide the City Engineer the proposed grade of the building entrances. The City Engineer shall approve the grade of the entrances prior to signing off on this development.
- 3.12 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.
- 3.13 The Applicant shall obtain a privilege in streets agreement for any encroachments inside the public right of way. The approval of this development does not constitute or guarantee approval of the encroachments.
- 3.14 The Applicant shall provide the City Engineer with the proposed soil retention system to accommodate the restoration. The soil retention system must be stamped by a Professional Engineer. The City Engineer may reject or require modifications to the retention system.
- 3.15 The Applicant shall complete work on exposed aggregate sidewalk in accordance with specifications provided by the city. The stone used for the exposed aggregate shall be approved by the City. The Construction Engineer shall be notified prior to beginning construction. Any work that does not match the adjacent work or which the City Construction Engineer finds is unacceptable shall be removed and replaced.
- 3.16 All work in the public right-of-way shall be performed by a City licensed contractor.
- 3.17 Installation of "Private" street signage in accordance with 10.34 MGO is required.

Storm Water Management

- 4.1 The site plans shall be revised to show the location of all rain gutter down spout discharges.
- 4.2 Storm sewer to serve this development has been designed and constructed. The site plans shall be revised to identify the location of this storm sewer and to show connection of an internal drainage system to the existing public storm sewer.
- 4.3 The plan set shall be revised to show a proposed private internal drainage system on the site. This information shall include the depths and locations of structures and the type of pipe to be used.
- 4.4 The applicant shall show storm water "overflow" paths that will safely route runoff when the storm sewer is at capacity.
- 4.5 The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
- 4.6 The City of Madison is an approved agent of the Department of Commerce. This proposal contains a commercial building and as such, the City of Madison is authorized to review infiltration, stormwater management, and erosion control on behalf of the Department of Commerce. No separate submittal to Commerce or the WDNR is required.
- 4.7 This development includes multiple building permits within a single lot. The City Engineer and/or the Director of the Inspection Unit may require individual control plans and measures for each building.
- 4.8 If the lots within this site plan are inter-dependent upon one another for stormwater runoff conveyance, and/or a private drainage system exists for the entire site an agreement shall be provided for the rights and responsibilities of all lot owners. Said agreement shall be reviewed and placed on file by the City Engineer, referenced on the site plan and recorded at the Dane Co Register of Deeds.
- 4.9 Prior to approval, this project shall comply with Chapter 37 of the Madison General Ordinances regarding stormwater management. Specifically, this development is required to:
 - Detain the 2 & 10-year storm events.
 - Detain the 2, 10, & 100-year storm events.
 - Control 40% TSS (20 micron particle).
 - Control 80% TSS (5 micron particle).
 - Provide infiltration in accordance with NR-151.
 - Provide substantial thermal control.
 - Provide oil & grease control from the first 1/2" of runoff from parking areas.

Stormwater management plans shall be submitted and approved by City Engineering prior to signoff.

- 4.10 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.

- 4.11 A portion of this project comes under the jurisdiction of the US Army Corp of Engineers and WDNR for wetland or flood plain issues. A permit for those matters shall be required prior to construction on any of the lots currently within the jurisdictional flood plain.
- 4.12 The Applicant shall submit, prior to plan sign-off, a digital CAD file (single file) to the Engineering Program Specialist in the Engineering Division (Lori Zenchenko). The digital CAD file shall be to scale and represent final construction. The single CAD file submittal can be either AutoCAD (dwg) Version 2001 or older, MicroStation (dgn) Version J or older, or Universal (dxf) format and contain the following data, each on a separate layer name/level number:
 - a) Building Footprints
 - b) Internal Walkway Areas
 - c) Internal Site Parking Areas
 - d) Other Miscellaneous Impervious Areas (i.e. gravel, crushed stone, bituminous/asphalt, concrete, etc.)
 - e) Right-of-Way lines (public and private)
 - f) Lot lines
 - g) Lot numbers
 - h) Lot/Plat dimensions
 - i) Street names

NOTE: Email file transmissions preferred lzenchenko@cityofmadison.com . Include the site address in this transmittal.

- 4.13 NR-151 of the Wisconsin Administrative Code will be effective on October 1, 2004. Future phases of this project shall comply with NR 151 in effect when work commences. Specifically, any phases not covered by a Notice of Intent (NOI) received from the WDNR under NR-216 prior to October 1, 2004 shall be responsible for compliance with all requirements of NR-151 Subchapter III. As most of the requirements of NR-151 are currently implemented in Chapter 37 of the Madison General Ordinances, the most significant additional requirement shall be that of infiltration.

NR-151 requires infiltration in accord with the following criteria. For the type of development, the site shall comply with one of the three (3) options provided below:

Residential developments shall infiltrate 90% of the predevelopment infiltration amount, 25% of the runoff from the 2-year post development storm or dedicated a maximum of 1% of the site area to active infiltration practices.

Commercial development shall infiltrate 60% of the predevelopment infiltration amount, 10% of the runoff from the 2-year post development storm or dedicate a maximum of 2% of the site area to active infiltration practices.

- 4.14 The applicant shall submit, prior to plan sign-off, digital PDF files to the Engineering Division (Jeff Benedict or Tim Troester). The digital copies shall be to scale, and shall have a scale bar on the plan set.

PDF submittals shall contain the following information:

 - a) Building footprints.
 - b) Internal walkway areas.
 - c) Internal site parking areas.
 - d) Lot lines and right-of-way lines.
 - e) Street names.
 - f) Stormwater Management Facilities.
 - g) Detail drawings associated with Stormwater Management Facilities (including if applicable planting plans).

- 4.15 The Applicant shall submit prior to plan sign-off, electronic copies of any Stormwater Management Files including:
 - a) SLAMM DAT files.
 - b) RECARGA files.
 - c) TR-55/HYDROCAD/Etc...
 - d) Sediment loading calculations

If calculations are done by hand or are not available electronically the hand copies or printed output shall be scanned to a PDF file and provided.

- 4.16 The area adjacent to this proposed development has a known flooding risk. All entrances shall be 2-feet above the adjacent sidewalk elevation or 1-foot above the 100-year regional flood elevation (whichever is greater). This includes garage entrances.

Utilities General

- 5.1 The Applicant shall obtain a Street Excavation permit for the installation of utilities required to serve this project. The Applicant shall pay the permit fee, inspection fee and street degradation fee as applicable and shall comply with all the conditions of the permit.
- 5.2 The applicant shall obtain all necessary sewer connection permits and sewer plugging permits prior to any utility work.

- 5.3 All proposed and existing utilities including gas, electric, phone, steam, chilled water, etc shall be shown on the plan.
- 5.4 The applicant's utility contractor shall obtain a connection permit and excavation permit prior to commencing the storm sewer construction.
- 5.5 The site plans shall be revised to show the location of existing utilities, including depth, type, and size in the adjacent right-of-way.
- 5.6 The developer shall provide information on how the Department of Commerce's requirements regarding treatment of storm water runoff, from parking structures, shall be satisfied prior to discharge to the public sewer system. Additionally, information shall be provided on which system (storm or sanitary) the pipe shall be connected to.

Sanitary Sewer

- 6.1 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.
- 6.2 All outstanding Madison Metropolitan Sewerage District (MMSD) and City of Madison sanitary sewer connection charges are due and payable prior Engineering sign-off, unless otherwise collected with a Developer's / Subdivision Contract. Contact Janet Dailey (608-261-9688) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
- 6.3 Each unit of a duplex building shall be served by a separate and independent sanitary sewer lateral.
- 6.4 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.

**CITY OF MADISON
INTERDEPARTMENTAL
CORRESPONDENCE**

Date: April 18, 2007

To: Plan Commission
From: Kathy Voeck, Assistant Zoning Administrator
Subject: 5320 Lake Mendota Dr.

Present Zoning District: R-2

Proposed Use: Demolish house & build a new house on waterfront property

Conditional Use: 28.04(19) Waterfront development is a conditional use. 28.04(22) Demolition of principal buildings requires Plan Commission approval.

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project). **NONE.**

GENERAL OR STANDARD REVIEW COMMENTS

1. 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.
2. Show landscape elements within 35' of the high water mark that will be removed, if any.

ZONING CRITERIA

Bulk Requirements	Required	Proposed
Lot Area	6,000 sq. ft.	5,726 sq. ft.
Lot width	50'	50'
Usable open space	1,000 sq. ft.	adequate
Front yard	22' average	22'
Side yards	8' 4" left, 11'2' right	7' left, 7' right (ZBA 3/8/07)
Lake Setback Average	31.85'	31.85'
Building height	2 stories/35'	2 stories/25'

Site Design	Required	Proposed
Number parking stalls	1	2
Landscaping	Yes	(2)

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Other Critical Zoning Items	
Flood plain	Yes
Utility easements	Yes
Water front development	Yes

With the above conditions, the proposed project **does** comply with all of the above requirements.



CITY OF MADISON FIRE DEPARTMENT

Fire Prevention Division

325 W. Johnson St., Madison, WI 53703-2295

Phone: 608-266-4484 ♦ FAX: 608-267-1153

DATE: 4/13/07
TO: Plan Commission
FROM: Edwin J. Ruckriegel, Fire Marshal
SUBJECT: **5320 Lake Mendota Dr.**

The City of Madison Fire Department (MFD) has reviewed the subject development and has the following comments:

MAJOR OR NON-STANDARD REVIEW COMMENTS (Comments which are special to the project and/or may require additional work beyond a standard, more routine project.)

1. None.

GENERAL OR STANDARD REVIEW COMMENTS

In addition, we offer the following General or Standard Review Comments:

2. All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500-feet of at least TWO fire hydrants. Distances are measured along the path traveled by the fire truck as the hose lays off the truck. See MGO 34.20 for additional information.

Please contact Scott Strassburg, Fire Code Enforcement Officer at 608-261-9843 if you have questions regarding the above items.