



PREPARED FOR THE PLAN COMMISSION

Project Address: 5450 Lake Mendota Drive (District 19 – Ald. Clear)
Application Type: Demolition and Conditional Use
Legistar File ID # [47854](#)
Prepared By: Chris Wells, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Heather Stouder, AICP, Director, Planning Division

Summary

Applicant & Property Owner: Andrew Russell; 503 Sheldon Street; Madison, WI 53711

Requested Action: The applicant requests a demolition permit and conditional use to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property at 5450 Lake Mendota Drive.

Proposal Summary: The applicant proposes to demolish an existing, two-story residence and then construct a two-story, roughly 3,760-square-foot, single-family residence with a finished attic and attached, three-car garage on a lakefront property.

Applicable Regulations & Standards: This proposal is subject to the standards for Demolition and Removal permits [M.G.O. §28.185(7)], Conditional Uses [M.G.O. §28.183], and Lakefront Development [M.G.O. §28.138].

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 and conditional use requests to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property at 5450 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 13,150-square-foot (0.30-acre) subject property is located on the north (lake) side of Lake Mendota Drive, roughly 175 feet east of the intersection with Epworth Court. The site is within Aldermanic District 19 (Ald. Clear) as well as the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site includes the existing 1,630-square-foot, two-story single-family home. City Assessor's records indicate the home was constructed in 1920 and has three bedrooms and one-and-a-half bathrooms.

Surrounding Land Use and Zoning:

Northwest: Single-family homes, zoned TR-C1 (Traditional Residential - Consistent 1 District);
Southwest: Across Lake Mendota Road are single-family homes, zoned TR-C1;
Northeast: Lake Mendota; and
Southeast: 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 state that a plan goal is 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 sq. ft.	13,157 sq. ft.
Lot Width	50'	53'
Front Yard Setback	20'	25' 0"
Max. Front Yard Setback	30' or up to 20% greater than block average	25' 0"
Side Yard Setback	Two-story: 7'	7' 0" southeast 7' 0" northwest
Lakefront Yard Setback	TBD	143' 8" (See Comments #8 & #13)
Usable Open Space	1,000 sq. ft.	Adequate
Maximum Lot Coverage	50%	Less than 50%
Maximum Building Height	2 stories/ 35'	33' 10" (See Comment #16)

Site Design	Required	Proposed
Number Parking Stalls	Single-family detached dwelling: 1 (location only)	Attached garage
Landscaping	Inventory of shoreline vegetation	Yes
Building Forms	Yes	Single-family detached dwelling (See Comment #9)

Other Critical Zoning Items	Floodplain; Utility Easements
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Tables 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 storage district. 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 proposes to demolish an existing two-story residence and then construct a two-story, roughly 3,760-square-foot single-family lakefront residence. This will require a demolition permit and conditional use approval.

The existing one-story single-family home was constructed in 1920 according to City Assessor’s records. It includes 1,630 square-feet of living area with three bedrooms and one-and-a-half bathrooms.

The proposed single-family residence will be a two stories, roughly 3,760 square-feet in size, and have a finished attic and an attached, three-car garage. It will not have a basement.

Regarding materials, an olive green, horizontal cement board siding will be the primary exterior material, a stone veneer will be used for the western and northern facades of the garage, and a white composite material is proposed for the trim. While the majority of the roof will be a gable with asphalt shingles, the house’s western wing as well as the southern portion of the garage will be a flat roof. The windows and railings on the two rear balconies will be made of wood.

All landscaping on site will remain save for the evergreen near the southwest corner of the proposed house and the Silver Maple near the center of the site. Junipers and Spirea will be added along the west side of the house and driveway as well as the southeast corner of the house. The applicant has noted that all disturbed grass areas will be reseeded after the construction is completed. No vegetation will be cleared from within the 25 feet of the Ordinary High Water Mark.

Analysis and Conclusion

These proposals are subject to the approval standards for Demolition, Conditional Uses, and Lakefront Development.

Demolition Details & Standards

As noted in M.G.O. §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 existing building and addition of the proposed buildings are not anticipated to have a negative impact on either the normal and orderly development or the improvement of surrounding properties. The proposed buildings are generally 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 June 5, 2017 meeting, the Landmarks Commission found that the building slated for demolition had no known historic value.

Conditional Use Approval

The Planning Division also believes the standards for Conditional Uses can be found met. 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 1,264 to 6,297 square-feet (*see Table 1 below*). The median size of the surrounding homes is approximately 2,449 square-feet, compared to the roughly 3,760 square-feet for the proposed principal structure (which is 53-percent above the median). While large, the size of the proposed residence would rank it the third largest of the 11 in the study area. It should also be noted that the subject parcel, at 13,158 square-feet in size, is 20 percent below the median lot size of 16,550 square-feet. For immediate comparison, the adjacent home to the west is approximately 2,189 square-feet (and sits on a 17,127 square-foot lot) and the adjacent home to the east is approximately 1,264 square-feet (and sits on an 10,029 square-foot lot).

Table 1 – Comparison of Bulk with Closest Ten Lakefront Properties

Address	Height	Living Area	Total Livable Area ¹	Lot Area	Floor Area Ratio
5516 Lake Mendota Dr	2.0	2072	3020	16500	0.18
5510 Lake Mendota Dr	1.0	2054	2054	16971	0.12
5502 Lake Mendota Dr	2.0	3372	4711	17968	0.26
5458 Lake Mendota Dr	1.0	2090	3004	17921	0.17
5454 Lake Mendota Dr	2.0	2189	2189	17127	0.13
5448 Lake Mendota Dr	1.0	1264	1264	10029	0.13
5446 Lake Mendota Dr	1.5	1738	2314	10028	0.23
5442 Lake Mendota Dr	1.0	1472	2584	16566	0.16
5438 Lake Mendota Dr	1.5	1698	1698	16533	0.10
5434 Lake Mendota Dr	2.5	3868	6297	16533	0.38
Median	1.5	2063	2449	16550	0.16
5450 Lake Mendota Dr*	2.0	1632	1912	13158	0.15
5450 Lake Mendota Dr**	2.5	3115	3760	13158	0.29
5450 Lake Mendota Dr***	2.5	3115	3760	16550	0.23

* Existing House
 ** Proposed House
 *** Proposed House (but if on a median-sized lot)

¹ Includes attached garages, basements, and enclosed porches from City of Madison Assessor data

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 0.29, which is 81-percent above the estimated median 0.16 FAR for the surrounding homes (see Table 1 above). However, for comparison’s sake, if the proposed building were located on a site of median size for the study area (i.e. 16,550 square-feet), it would result in a FAR of 0.23 (equivalent to 43-percent above the estimated median 0.16 FAR for the surrounding homes). In regards to height, the proposed home appears to be above the maximum allowable height of 35 feet, with a depicted height of roughly 36.5 feet. This height is 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. While the building appears to be a three-story building, Staff point out that it is indeed a two-story building as part B of the Zoning Code’s definition of a ‘story’ (found in M.G.O. §28.211), states: *Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs is not a story, but may be occupied as long as the requirements for human occupancy are met.* For comparison, the surrounding homes are mostly 1-, 1½-, and 2-stories (see Table 1 above). (Note: The City Assessor’s office would likely classify the proposed house as a 2.5-story house as they count it as a half story if the sloping roof impedes, and therefore reduces, the possible footprint size of the living area).

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. Staff believe the lakefront development standards are met.

Public Input

At the time of report writing, staff has not received any comments on the proposed request.

Conclusion

The Planning Division believes that the standards for Lakefront Development and Conditional Uses can be found met. While the proposed house will be one of the larger homes in the immediate area, so long as it conforms to the maximum height allowance of 35 feet (which it will need to before final sign-off), the proposed design therefore satisfies all major zoning requirements, including all site setbacks. As such, the new home is believed to be compatible with the varied development pattern along Lake Mendota Drive. This proposal is also consistent with the Comprehensive Plan's recommendation for low-density residential land use as well as the Spring Harbor Neighborhood Plan's encouragement that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character.

Recommendation

Planning Division Recommendation (Contact Chris Wells, (608) 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 and conditional use requests to allow a single-family residence to be demolished and a new single-family residence to be constructed on a lakefront property at 5450 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

Engineering Division (Main Office) (Contact Timothy Troester, (608) 267-1995)

1. If a new sanitary sewer lateral is proposed connecting to the sewer main in the street, applicant's contractor shall notify Ray Schneider (608)347-3628, rays@madsewer.org 5 days prior to making the connection to the MMSD sewer main in the street. This comment is only applicable if the applicant would like an entirely new lateral from the home the MMSD sewer. IF the old lateral is used within the street right of way, no MMSD connection permit is required.
2. The applicant shall submit a more detailed drainage plan to show how drainage shall be continued to be allowed to move South to North along the side yard lines of this parcel.
3. 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))
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. (POLICY)

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

5. The width of the parcel per record documents is 52 feet. The width dimension on the site plan shall be corrected.
6. 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)
7. 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)

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

8. Provide surveyors verification pursuant to Section 28.138(4) establishing the lakefront yard setback from the Ordinary High Water Mark. The lakefront setback for the residence located at 5434 Lake Mendota Dr is required in order to determine the lakefront setback for the proposed residence at 5450 Lake Mendota Dr. For purposes of this section, the lakefront yard setback shall be the median (middle number) 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.
9. Provide a floor plan for the attic level and details of the dormers. Dormers may be added to the roof of a two-story building, provided that the dormer width does not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof, and may not extend above the ridge of the roof in which the dormer is placed.
10. 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).
11. 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.
12. Section 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
13. Identify the Ordinary High Water Mark (850.70') on the site plan and show the lakefront yard setback as measured to the Ordinary High Water Mark.
14. Show the designated flood plain area on the site plan. Any construction within a flood plain shall meet floodproofing protection measures and such design shall be certified by a registered professional engineer or architect per 28.121(12) of the Madison General Ordinances.
15. Show the dimensions of the proposed single-family dwelling on the site plan and floor plans.
16. Show the height of the proposed single-family dwelling on the building elevations. The maximum height is 35 feet. Height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.

17. 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)

18. 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>
19. 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.

Water Utility (Contact Adam Wiederhoeft, (608) 266-9121)

20. A private well may have served this parcel prior to the municipal water service connection. Any remaining unused/unpermitted private wells existing on this parcel must be properly abandoned according to Wisconsin Administrative Code NR 812 and Madison General Ordinance 13.21 prior to the demolition of the property. Please contact water utility staff at (608) 266-4654 for additional information regarding well abandonment procedures and potential well abandonment reimbursement programs.

21. The Madison Water Utility shall be notified to remove the water meter at least two working days prior to demolition. Contact the Water Utility Meter Department at (608) 266-4765 to schedule the meter removal appointment.
22. A Water Meter Application Form and fees must be submitted before connecting to the existing water lateral. Provide at least two working days notice between the application submittal and the scheduled lateral connection/extension. Application materials are available on the Water Utility's Plumbers & Contractors website (<http://www.cityofmadison.com/water/plumberscontractors>), otherwise they may be obtained from the Water Utility Main Office at 119 E Olin Ave. A licensed plumber signature is required on all water service applications. For new or replacement services, the property owner or authorized agent is also required to sign the application. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
23. Madison Water Utility will be required to sign off as part of the approval review associated with this Land Use Application/Site Plan Review prior to the issuance of building permits for the proposed development.