



PREPARED FOR THE PLAN COMMISSION

Project Address: 5404 Lake Mendota Drive (19th Aldermanic District, Alder Clear)
Application Type: Demolition and Conditional Use
Legistar File ID #: [37368](#)
Prepared By: Heather Stouder, AICP, Planning Division
Report Includes Comments from other City Agencies, as noted

Summary

Applicant/Project Contact: Justin Temple; Temple Builders, LLC; 2501 W. Beltline Highway, Madison, WI 53713

Property Owner: David Sheriff and Mary Morgan; 1213 High Point Road, Middleton, WI 53562

Requested Action: Approval of the demolition of a single-family home and a conditional use for construction of a new single-family home over 10,000 square feet in size on a lakefront property in the Traditional Residential – Consistent 1 (TR-C1) District.

Proposal Summary: The applicant proposes to demolish a single-family home constructed in 1948 and to construct a two-story, 9,810 square foot single-family home with an attached 3-car garage on a lakefront lot.

Applicable Regulations & Standards: This proposal is subject to the standards for demolition (MGO Section 28.185) and conditional uses (MGO Section 28.183).

Review Required By: Plan Commission (PC)

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the demolition standards can be met, but that the conditional use standards cannot be met and *place on file* the request at 5404 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Background Information

Parcel Location: The property is on the north side of Lake Mendota Drive between Clifford Court and Norman Way; Aldermanic District 19 (Clear); Madison Metropolitan School District.

Existing Conditions and Land Use: The 23,719 square foot lakefront property has a one-story, 2,660 square foot single-family home, constructed in 1948. The home has a 2-car attached garage and a 2.5-car detached garage.

Surrounding Land Use and Zoning: The subject site is surrounded by single-family homes in the TR-C1 District.

Adopted Land Use Plan: The Comprehensive Plan (2006) recommends Low-Density Residential uses for this property.

Zoning Summary: The property is in the Traditional Residential – Consistent 1 (TR-C1) District.

Requirements	Required	Proposed
Lot Area (sq. ft.)	6,000 sq. ft.	23,719 sq. ft.
Lot Width	50'	67'
Front Yard Setback	20'	100'
Max. Front Yard Setback	30' or up to 20% greater than block average (107'±)	100'
Side Yard Setback	7'	7.33'(L), 7.31' (R)
Lakefront Yard Setback	58'	57.82'
Usable Open Space	1,000 sq. ft.	>1,000 sq. ft.
Maximum Lot Coverage	50%	27%
Maximum Building Height	2 stories/35 ft	TBD, appears OK

Other Critical Zoning Items: Floodplain, Utility Easements

Environmental Corridor Status: The subject site is not located in a mapped environmental corridor.

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

Project Description, Analysis, and Conclusion

The applicant proposes to demolish an existing 2,660 square foot single family home and an existing detached garage for the construction of a 9,810 square foot single family home with 1,066 square feet of additional garage space in the attached.

The proposed two-story home would be placed 58 feet from Lake Mendota, approximately 7 feet from each of the side property lines, and 100 feet from Lake Mendota Drive. The home is just over 73 feet wide at its widest point closest to Lake Mendota, and nearly 117 feet deep. At its highest point, the home is 34 feet tall. The exterior as proposed includes a cultured stone base, with EIFS as the primary material above, and fiber cement lap siding distributed as a secondary material on all facades. Along its 117 foot depth, the home is relatively well articulated, with frequent window openings and second floor balconies. An exception to this is a 70-foot long EIFS span on the west side, which includes the attached garage and very few windows.

While there are precedents within the closest ten homes for the width proposed, there are no precedents for the 117-foot depth or overall size (see Table 1 and Figures 1 and 2 below). Further, most of the surrounding homes do not have partially exposed basements, and thus are not as tall.

Table 1 – Comparison of Bulk with Closest Ten Lakefront Properties

House #	Street	Year Built	Living Area	Total	Lot Area	Floor Area
5426	Lake Mendota Dr	1986	1,636	1,780	12,044	0.15
5422	Lake Mendota Dr	1990	1,489	2,065	16,962	0.12
5418	Lake Mendota Dr	1967	3,192	3,768	26,037	0.14
5412	Lake Mendota Dr	2008	3,380	4,981	24,951	0.20
5406	Lake Mendota Dr	1979	2,520	3,096	15,180	0.20
5400	Lake Mendota Dr	1974	1,852	3,498	12,700	0.28
5212	Harbor Ct	1925	856	856	3,662	0.23
5206	Harbor Ct	2013	3,717	4,293	16,774	0.26
5209	Harbor Ct	1925	1,188	2,178	7,257	0.30
5217	Harbor Ct	1925	1,044	2,258	4,519	0.50
Median				2,677	13,940	0.22
5404	Lake Mendota Dr	Proposed	9,810	10,876	23,720	0.46

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

Figure 1 – Nearby Lakefront Homes by Total Square Footage

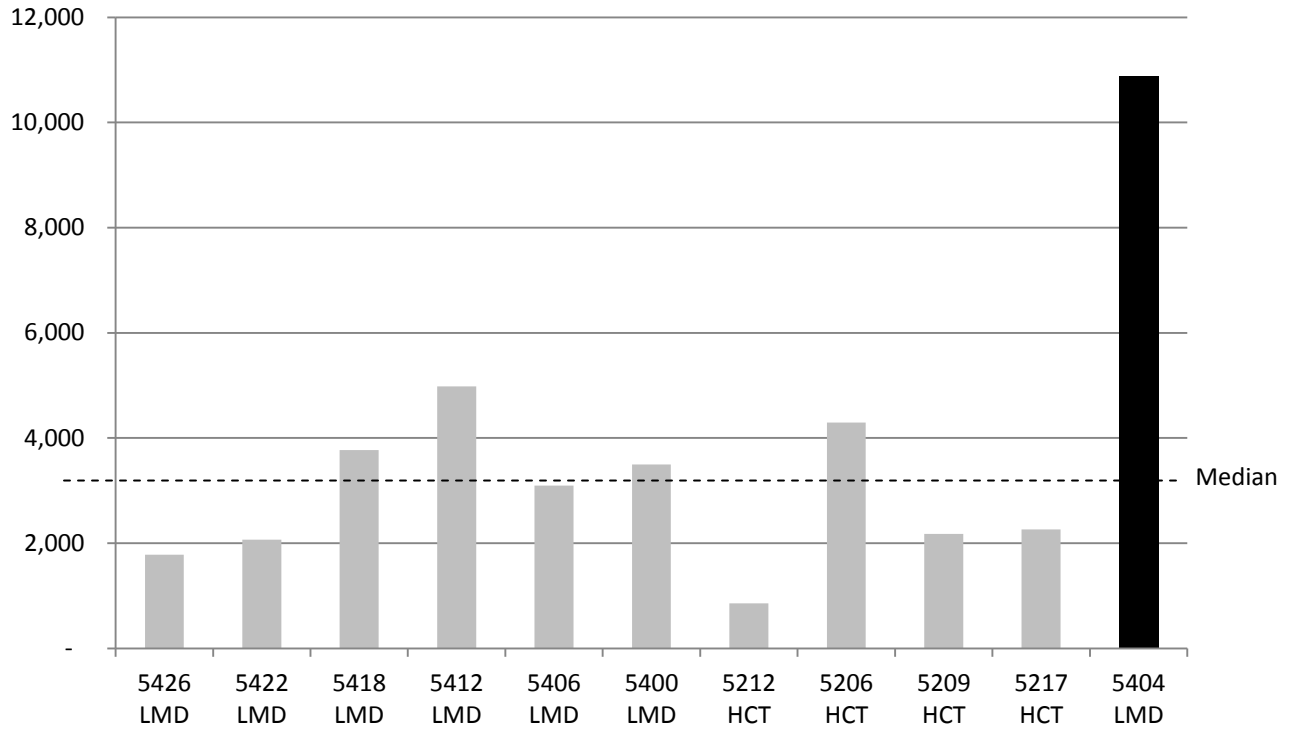
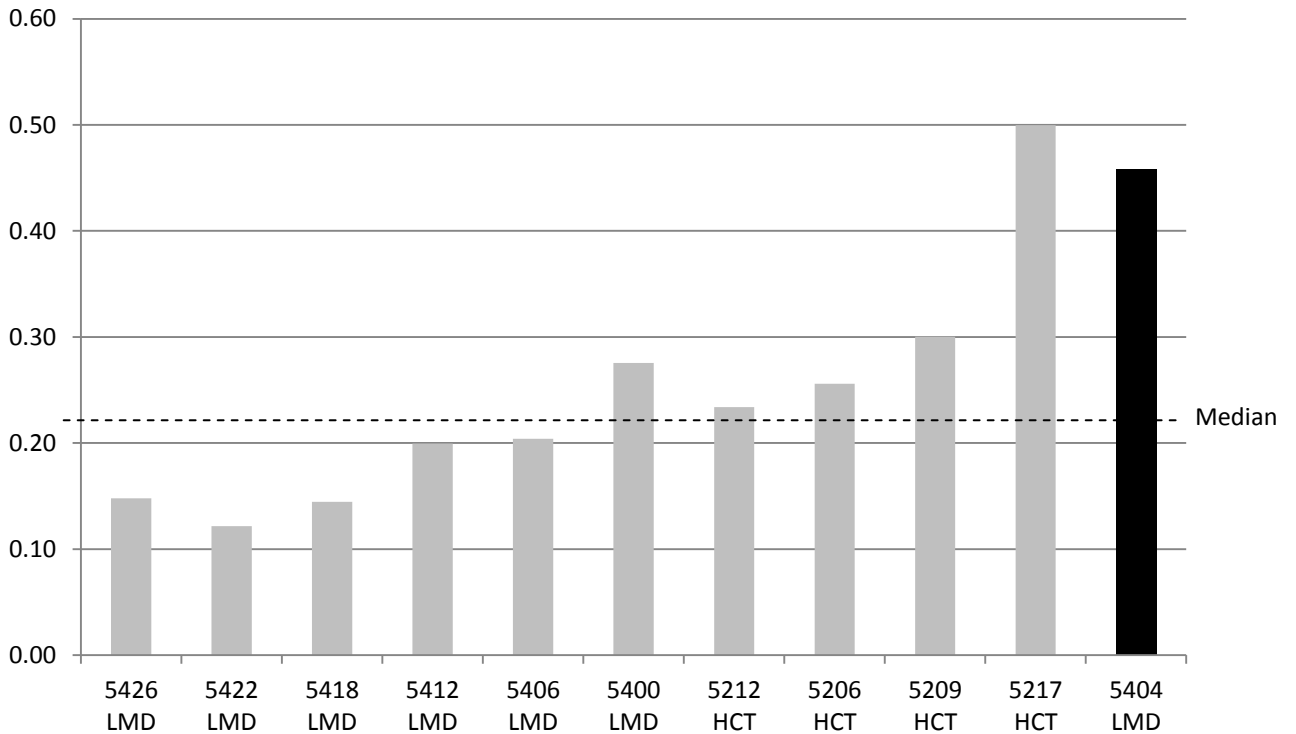


Figure 2 – Nearby Lakefront Homes by Floor Area Ratio



Demolition Standards – Staff believes that the demolition standards can be met with this proposal, noting no comments from the Landmarks Commission or Historic Preservation Planner on the existing home, and noting that base zoning requirements for the TR-C1 District are met with the proposal.

Conditional Use Standards – The Planning Division staff evaluation of the proposed project’s ability to meet the standards for conditional use approval is summarized below.

As stated in MGO Section 28.183(6)(a), *“The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable neighborhood, neighborhood development, or special area plan, including design guidelines as adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:*

1. *The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*

Staff believes that this standard is met.

2. *The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing these services.*

Staff believes that this standard can be met.

3. *The uses, values, and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.*

Staff believes that this standard can be met. While the depth and width of the home is much greater than the existing home, views toward Lake Mendota by neighbors should not be impacted.

4. *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

Staff believes that this standard can be met, but notes that while it meets basic zoning requirements, the home is significantly larger than others in the area.

5. *Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.*

Staff believes that this standard can be met, so long as all Engineering conditions of approval are sufficiently addressed. The applicant has submitted for review by Engineering staff a stormwater management report (included for reference), which appears to meet or exceed all relevant requirements.

6. *Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.*

Staff believes that this standard is met.

7. *The conditional use conforms to all applicable regulations of the district in which it is located.*

So long as all Zoning conditions of approval, including minor adjustments to the lakefront setback and verification that the front yard setback meets zoning requirements, can be addressed, the proposal can meet the basic zoning requirements in the TR-C1 District.

9. *When applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendations.*

Statement of Purpose for Traditional Residential-Consistent Districts

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their district form and residential character.*
- b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, façade width, height and proportions, garage and driveway placement, landscaping, and similar design features.*
- c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing types in a context sensitive manner.*
- d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.*
- e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.*

It is unclear whether this standard is met with the proposal. While efforts have been made to minimize impacts of the size of the home by placing living space in the basement and by eliminating a detached garage formerly proposed, the home is so much larger than other larger than other lakefront homes in the area that it is difficult to find that it is compatible with the existing or intended character of the surrounding area.

13. *When applying the above standards to lakefront development under Sec. 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 shown in Table 1 and Figures 1 and 2, staff cautions that the proposed home as revised is well over three times larger than the median size of the five homes on either side of this property. Even when compared to two large homes constructed in the last decade along this stretch of Lake Mendota Drive, which are both approximately 4,300 square feet in size, the proposed home is over two times as large. While the subject property itself is comparatively large, the floor area ratio (FAR) for the proposed home, excluding the detached garage is 0.46, while the median FAR for are lakefront properties is 0.21.

While staff appreciates the effort and investment by the applicant to try to minimize impacts of the size of this home by putting livable area in the basement and eliminating a detached garage, the square footage of the home has not decreased over time, and staff does not believe that the revised proposal is comparable to other homes nearby. Due to the dimensions and overall bulk of the proposed home as compared to surrounding lakefront homes, staff does not believe that this standard is met.

[Standards 8, 10-12, and 14-15 do not apply to this request]

Supplemental Regulations for Buildings Exceeding 10,000 Square Feet – In MGO Section 28.151, the zoning code includes supplemental regulations for this type of proposal as follows:

- (a) In any residential district, building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses.
- (b) In any residential district, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

It is hard to determine that the home as proposed is compatible with surrounding uses or the character of the neighborhood, since it is so much larger than the median size of homes within 300 feet of either side of the property. Further, while the seven foot side yards meet the minimum zoning requirement for the TR-C1 District, this proximity to the property line on either side may not provide an adequate transition between the subject site and adjacent properties. Staff does not believe that these supplemental regulations are addressed.

Conclusion- Staff appreciates the applicant’s attempts to modify the design in recent months to reduce the apparent size of the home, including the elimination of a detached garage and the incorporation of a significant amount of the living space in a basement. Staff believes that the proposal can meet demolition standards for approval, and that many of the conditional use standards can be met. However, upon careful review, staff cannot find that Conditional Use Standards 9 or 13 are met, nor can staff find that the supplemental regulations for buildings exceeding 10,000 square feet in residential districts are met with the proposal due to the large size of the home when compared with other lakefront homes in this area of the Spring Harbor Neighborhood.

Recommendation

Planning Division Recommendation (Contact Heather Stouder, 266-5974)

The Planning Division recommends that the Plan Commission find that the demolition standards can be met, but that the conditional use standards cannot be met and **place on file** the request at 5404 Lake Mendota Drive. This recommendation is subject to input at the public hearing and the conditions recommended by the Planning Division and other reviewing agencies.

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division

1. Prior to sign-off of this conditional use and the issuance of permits, the applicant shall provide evidence that the Wisconsin Historical Society has provided their required approvals. The property owner shall contact Chip Brown at chip.brown@wisconsinhistory.org.

City Engineering Division

 (Contact Brenda Stanley, 261-9127)

2. Prior to plugging sanitary sewer lateral, applicant shall also contact Ray Schneider from MMSD 3 days prior to plugging for inspection (608)347-3628, rays@madsewer.org. There is no sewer plug permit application from MMSD. Applicant will be required to take out the City Sanitary Sewer lateral plug permit and adhere to permit requirements including contacting City staff (266-4514) 24 hours in advance for inspection.

3. There is a drainage pattern down the side yard of this property apparently on both sides. The applicant shall provide information on how that will be accommodated. This will include review and approval by Engineering of site specific plans including grades set to USGS elevations.
 4. The applicant shall be required to show the regulatory floodplain on the plan set.
 5. Prior to approval, applicant shall provide a site plan for review of the City Engineer, including proposed drainage and proposed sewer service and other pertinent information.
6. 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)).
 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. NOTE: As of January 1, 2013 new plugging procedures and permit fees go into effect. The new procedures and revised fee schedule is available on line at <http://www.cityofmadison.com/engineering/permits.cfm> (MGO CH 35.02(14)).
 8. 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).
 9. 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).
 10. 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 (POLICY).
 11. 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).
 12. 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).
 13. As per the letter of intent for this site, the pending Certified Survey Map application for this property shall be completed and recorded with the Dane County Register of Deeds (ROD) prior to issuance of any building permits for new construction. When the recorded CSM image is available from the ROD, the Assessor's Office can then create the new Address-Parcel-Owner (APO) data in GEO so that the Accela system can upload this data and permit issuance made available for this new land record.
 14. Show the limits of the recorded flood plain on the site plans.

Zoning Administrator (Contact Matt Tucker, 266-4659)

15. Sec. 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, Mr. George Dreckmann. (608-267-2626).

16. Sec. 28.185 (10) Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5 shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
17. Sec. 28.185(9)(a) A demolition or removal permit is valid for one (1) year from the date of the Plan Commission.
18. Lakefront development shall comply with MGO Section 28.04 (19). The cutting of trees and shrubbery shall be limited in the strip of land 35' inland from the normal waterline. Provide a landscape plan to show landscape elements to be removed and show a detailed plan showing sizes and number of landscape elements to be added to the site. In addition, not more than 30% of the frontage of the lot shall be cleared of trees and shrubbery. (Note: Within the waterfront setback requirements tree and shrub cutting shall be limited to consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
19. Show regulatory floodplain/flood storage area location on final site plan. NOTE: if home building is to be constructed into the regulatory floodplain area, provisions of Sec. 28.121 and 28.123 must be met. No filling of floodplain or flood storage areas is being requested at this time. Any filling of the regulatory floodplain must be reviewed and approved under a separate process.
20. Per previously submitted survey data, the lakefront setback requirement for this lot is 58'. Submitted plans show a setback of 57.82'. The building must be shifted back slightly, to meet the required minimum 58' setback.
21. The maximum front yard setback for this property must be calculated prior to final plan approval. Provide accurate measurements of the front yard setbacks of the adjacent six homes (to Clifford Court) so an accurate measurement of the maximum allowed front setback can be confirmed.
22. Building height is measured from "existing grade" which has not been provided. Final plans must show new building height as measured from existing grades per Sec. 28.134(1)(b), and shall not exceed 35'.

Water Utility (Contact Dennis Cawley, 266-4651)

23. The Madison Water Utility shall be notified to remove the water meter prior to demolition.
24. 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.

Fire Department (Contact Bill Sullivan, 261-9658)

25. Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.30(3)(e). Additional information is available at the Home Fire Sprinkler Coalition website: <http://www.homefiresprinkler.org/Consumer/ConsHome.html>