

REPORT OF THE PRESERVATION PLANNER

October 30, 2015

PREPARED FOR THE PLAN COMMISSION



Project Address: 5404 Lake Mendota Drive
Prepared By: Amy L. Scanlon, Preservation Planner, Planning Division
Date Prepared: October 30, 2015

Summary

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 director (*Wisconsin Historical Society Director*) 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 of the lakefront properties along Lake Mendota Drive are associated with locations of Native American effigy mounds and archeological sites. 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 a 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.

Recommendation

In order to assist the property owner with compliance of the state statute, the Preservation Planner requests that the Plan Commission approve the request with the following condition:

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.

Stouder, Heather

Subject: FW: 5404 lake mendota drive
Attachments: SWMgmtReport.pdf; Helical Foundation System Explanation Revised.pptx

From: Fries, Gregory
Sent: Monday, November 30, 2015 8:52 AM
To: Stouder, Heather
Cc: Hank, George; Eberhardt, Megan; Troester, Timothy
Subject: RE: 5404 lake mendota drive

Hi Heather,

I have reviewed the foundation support system and have a few comments.

However, I want to be clear and for the record I am not a geo-technical engineer – while I have some limited background in this area we (engineering) are not “endorsing” the use of one system over the other – construction of this type and how it could possibly affect adjacent properties are not in our authority (just as we only review soil nailing systems for basement excavation in the downtown area for possible impact on City utilities and ROW not for the stability of the system itself, or its impact on adjacent private property).

Having said all that I have some general comments. While I do not necessary agree (given the limited information I have and my limited knowledge of this specific area in general) with everything in the power point I do agree with most of the salient points. Including:

- 1) I believe this foundation system will result in less needed dewatering than a traditional system
- 2) ground water patterns are difficult to predict and in my experience often do not return to exactly the same flow pattern post dewatering as pre dewatering
- 3) given that I would tend to agree this is a less disruptive system to the neighboring properties
- 4) I do not think the amount of pumping under this method or a traditional method would be a problem for the lake and could be handled with the correct system in any case.
- 5) I would not recommend that the rain garden be used for treatment of the pumped water - it will tend to overwhelm the garden. Filters on the end of the hoses and a dumpster for final treatment could be used if needed - often this is not required for groundwater pumping as the water tends to be very clear - however this does depend on the method of extraction/dewatering.
- 6) vibrations would be reduced compared to a traditional driven pile system.

As discussed previously, the stormwater mngt report is acceptable and offers much in excess of what would have been required by Ordinance.

Thanks

Greg

MEMORANDUM

December 2, 2015

TO: Members, Madison Plan Commission
Matt Tucker, Zoning Administrator

CC: Greg Hull, President, Spring Harbor Neighborhood Association
Mark Clear, Alder, District 19

FROM: Roy Christianson & Dianne Christensen, [REDACTED] Lake Mendota Dr, Madison WI 53705
Stewart and Nancy Ellison, [REDACTED] Lake Mendota Dr., Madison WI 53705
Alice Erickson, [REDACTED] Spring Ct., Madison WI 53705
Herman Felstehausen, [REDACTED] Merrill Springs Rd, Madison WI 53705
Becky & David Fisher, [REDACTED] Lake Mendota Dr, Madison WI 53705
Karen Goodin, [REDACTED] Lake Mendota Dr, Madison WI 53705
Helen Hartman, [REDACTED] Flambeau Rd., Madison WI 53705
Jean Lind, [REDACTED] Tomahawk Trail, Madison WI 53705
Barry Mirkin, [REDACTED] 5 Harbor Ct, Madison WI 53705
Marilyn Myers, [REDACTED] Harbor Ct., Madison WI 53705
Sandra Reinardy & Keith Furman, [REDACTED] Harbor Ct., Madison WI 53705
Jacquelyn Strahl, [REDACTED] Harbor Ct, Madison WI 53705
Jeanette Tierney, [REDACTED] Lake Mendota Dr., Madison WI 53705

RE: Neighbor Comments & Concerns Regarding 5404 Lake Mendota Dr Proposed Redevelopment

We wish to inform the Division of Planning and Zoning and the Madison Plan Commission that as neighborhood residents living on or near Lake Mendota Drive, we have serious reservations regarding the proposed new dwelling and attached garage at 5404 Lake Mendota Drive. The proposed project fails to give adequate attention to the unique character and qualities of the Lake Mendota shoreline with its open vistas, park-like environment, and natural features making the lakeshore west of Spring Harbor one of Madison's oldest scenic drives.

The 5404 proposal has failed to adequately adapt the planned structure to the limitations of the site and its placement in an established lakeshore district. The proposed residence is massive, more than twice the size of any existing dwelling in that lakefront area. The large mass on a long, narrow lot results in near wall-to-wall lot coverage. The beach-front is formed from

an ancient marsh with soft water-logged soils. A high-risk basement below water table is proposed without consideration for its impact on adjoining properties or the costs and uncertainties of continuous long term sump-pump dewatering.

There is a serious lack of attention to the visual and functional impact of placing a large dwelling of more than 10,000 square feet on a narrow lot next to houses all of which are one half the size, or in most cases significantly less, and which allow lake views between nearly every building—a quality that makes this shoreline unique in the City of Madison.

The Lake Mendota neighborhood supports redevelopment and new construction on the Mendota lakefront. But we ask that all new projects consider the character and aesthetic qualities of the area and its setting, and respect the limitations and size of the building site.

In support of those concerns, we offer the following comments and observations and urge that key issues identified here be addressed before this proposal is finally approved. Many of these points are based on discussions from two special public neighborhood meetings held on May 4 and July 27, 2015, and supplemented from subsequent neighborhood discussions.

Thank you for your attention to this matter.

Local Neighborhood Comments and Concerns Addressing Proposed New Construction at 5404 Lake Mendota Drive

Submitted to Madison Plan Commission: Scheduled Hearing, December 7, 2015

Proposed Development Will Negatively Influence the Character and Quality of the Lakefront Neighborhood

The proposed residence at 5404 Lake Mendota Drive provides for a dwelling mass that is exceptionally large and out of scale for a long narrow lot in an open vista lakefront residential zone. The dwelling floor space exceeds 10,000 sq ft and would be more than twice the size of any existing residence in the immediate area. The west sidewall will extend more than 100 feet along the lot line with minimum setback. The house will be nearly 74 feet wide on the lakefront and stand 6 feet above the peak of the two-story house on the right side. This massive structure leaves no space for tall trees that otherwise grace the entire lakefront landscape. It will limit side-lot drainage swales needed to move runoff around the house and toward Lake Mendota.

The proposed project would remove almost all street level views of the lakeshore for more than 200 feet. It would set a new precedent for future development on this portion of the lakefront inviting a totally changed residential character with maximum height, massive size and lot-line to lot-line construction.

Lake Mendota Drive from Spring Harbor Court to Camelot Court offers a unique lakefront landscape, part of one of Madison's oldest scenic drives. Most of the houses and cottages sit at water level, one of the only places on Lake Mendota where the road, the houses and the lake all feel as if they are in touch with each other. The lake is always in view, a one of a kind lake-scape that has long defined the character of the Spring Harbor Neighborhood.

A wide variety of natural and neighborhood amenities define the area—a natural historic spring, open harbor, public boat ramp, neighborhood park, middle school, and sandy beach on Norman Court. Together they provide gathering places for picnics, swimming, bird watching, skiing, ice skating, fishing, ice-fishing, hiking, biking, and sports—all with magnificent views of Lake Mendota. Six street endings called courts provide additional points for public access to the lake along this stretch of Lake Mendota Drive. Older cottage and more recently-built contemporary homes are spaced with wide side lots that provide a continuous network of lake views.

Spring Harbor neighborhood has been said to be a "neighborhood in transition." Residents of this neighborhood have embraced three generations of change. Tiny lakefront cabins of the past established the standard for today's beautiful views of the lake. The Spring Harbor neighborhood cares about preserving the wildness and view-scape of this very unique section of lakefront within the City limits of Madison.

Call for Revision of Current Redevelopment Plan

We believe the current proposal is inconsistent with neighborhood standards and building practices and will diminish the existing character and value of the Lake Mendota neighborhood area.

We recommend that the Madison Plan Commission refer the current application for demolition and conditional use to allow time for further changes and adjustment. These concerns have been broadly expressed by neighborhood residents in public meetings and conversations and fall with the standards and conditions described in City Code 28.183(6):(a)(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"* and *"(a)(9)...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..."*

Building Site and Lakefront Setting

The proposed project at 5404 Lake Mendota Drive is located one building lot away from the Spring Harbor beach which was formed from a historic marsh and floodplain. The building site is a few hundred feet from Spring Harbor, one of the oldest lakefront attractions on Madison's west side, valued for its recreational, spiritual and aesthetic features. It is known for its historic Merrill Spring, Native American effigy mounds, remnants of early settlements, tall stately trees, and terminus of the famous Park and Pleasure Drive lakeshore route.

Construction of massive wall-to-wall massive houses on fragile marshland would significantly impact the spatial and aesthetic qualities of the lakefront neighborhood. Lake vistas would be reduced. Construction of the proposed dwelling would create a narrow slit-view of Lake Mendota from Lake Mendota Drive, a viewshed that is highly prized and should not be sacrificed incrementally for the sake of large-structure development.

City code 28.041(1) reiterates these points when addressing traditional residential districts TR-C1: *"to (a) promote the preservation, ... redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character. (b) Ensure that buildings are designed with sensitivity to their context in terms of building placement, façade width, height and proportions, ... landscaping and similar design features. (d) facilitate the preservation, ...redevelopment goals of the comprehensive plan and of adopted neighborhood...plans."*

Further in subsection 28.138(1) it calls for the *"maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other environmental and aesthetic qualities of lakes through the regulation of zoning lots abutting lakes within the city."*

Side-Lots and Ground Water Conditions

Widening the side-lots on this property to about 10 feet would be justified on this property. It would provide two advantages. First, it would avoid the wall to wall effect of building lakefront houses with long continuous walls that are out of character with that portion of the lakefront shoreline. The Spring Harbor lakefront is particularly noted for its widely spaced residences with continuous lakefront views from Lake Mendota Dr.

Second, the present 7.3 to 8.5 foot setback when allowing for foundation plantings will severely restricts access around the house to the lakeside, especially on the east side. The proposed narrow side lots do not provide adequate space for construction of surface drainage swales needed to channel surface water and part of roof water from the street side of the property toward the lake. The narrow spaces after allowing for foundation plantings, are not adequate for moving construction and maintenance equipment along the side walls.

Construction of Large Basement Below Ground Water Level Is Questioned

A high water table on the 5404 LMD property (measured locally at approximately 2 feet below surface), along with narrow side lots, present high-risk conditions for excavating even a shallow basement and pouring a large concrete floor of more than 4,000 sq ft (counting finished and storage areas). Helical pilings have been proposed for supporting the weight of the house. They can be inserted with minimal disturbance and do not require foundation footings.

The house, however, borders on the FEMA floodplain with the water table typically above that mark. These conditions will place the basement floor under constant water pressure from below, likely requiring continuous dewatering. Continuous long-term dewatering of a 4,000 sq ft area will gradually change the stability of muck soils with the effect extending beyond the dewatering zone. This could potentially endanger adjoining properties. Such risks and hazards should be more fully documented before a full basement approval is granted for this property. There is no precedent for a basement of the proposed size at any point along the low-terrace segment of Lake Mendota Drive. Many houses lack basements. The average size of basements where they exist in 5 houses on either side of 5404 LMD is 825 sq ft.

Attention is Called to Spring Harbor Neighborhood Guidelines

The Spring Harbor Neighborhood Association (SHNA) adopted Residential Development Guidelines at its General Neighborhood Meeting in April 2009. These guidelines are made available to all development applicants appearing before the neighborhood board and are posted on the SHNA website.

The following elements are relevant to the current proposal:

Building design: We encourage you to consider the views and privacy of neighbors in developing your building plans.

Total lot coverage: We recommend that the area of existing and new construction totals less than 25 percent of the lot, ...

Landscaping: We encourage landscape plans that maximize green space, preserve existing trees whenever possible and retain storm water.

The Spring Harbor Neighborhood Plan also applies: The Spring Harbor Neighborhood plan, adopted May 2006, is incorporated into the City of Madison Comprehensive Plan.

Two recommendations are pertinent to this project:

Goal 1: *The residential character of the neighborhood should be enhanced and preserved. 1. Any future residential development must be at a height and scale that is compatible with and sensitive to the built character of the neighborhood. 2. Continue to provide information, and where appropriate expertise on existing codes for residential development zoning changes or variances. At a minimum, encourage the alder person to provide development (e.g. variance requests, redevelopment requests, demolition permits, etc.) notices to the designated neighborhood representative.*

MEMORANDUM

December 2, 2015

TO: Members, Madison Plan Commission
Matt Tucker, Zoning Administrator

CC: Greg Hull, President, Spring Harbor Neighborhood Association
Mark Clear, Alder, District 19

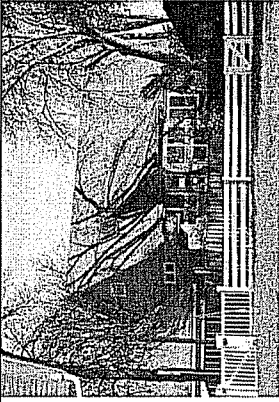
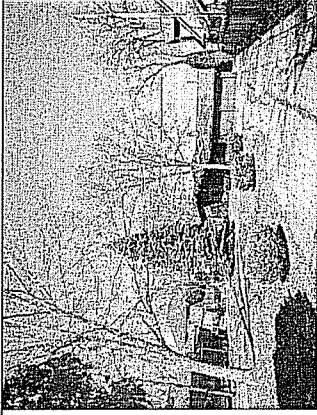
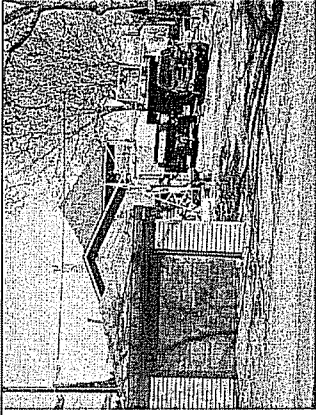
FROM: Jeanette Tierney, [REDACTED] Lake Mendota Dr., Madison WI 53705

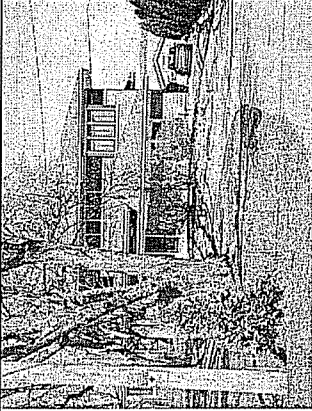

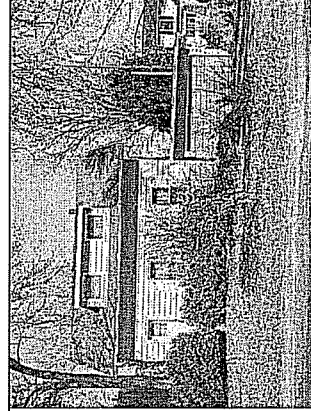
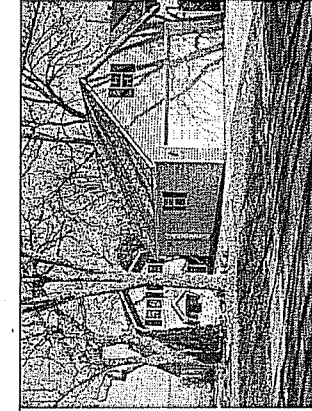
RE: Comparison of Adjoining Properties to 5404 Lake Mendota Dr.



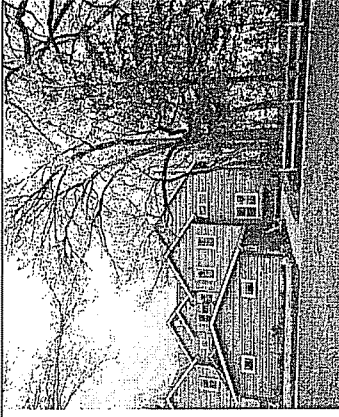
The attached table provides comparative information about properties along Lake Mendota Dr. that are close to 5404 Lake Mendota Drive. It includes photos of these properties to give a visual description of the neighborhood housing characteristics and the lakefront views that are important to that character.

Design & Size Comparison of waterfront properties close to 5404 LMD (from city Assessor Site and proposal)

Prepared by Jeannette Tierney, 5438 Lake Mendota Dr.

Street Address	Lake Mendota Frontage (ft).	Lot Square ft.	Living Area Square ft.	Design	Additional	Photo
5400	50 (111 on Lake Mendota Dr.)	12,700	1852	1.5 story Peaked roof	Deck 305 3 stall detached garage	
5404	100 on Lake Mendota (66 on Lake Mendota Dr.)	21,944	9,810 (Proposal) 2660 (current)	2 ½ stories, peaked roof 1 floor peaked roof	3 stall attached 2 stall attached 2 stall detached	
5406	44	15,180	2520	2 stories Peaked roof	Porch 36 Shed 275 1.5 stall detached garage 2 stall attached garage	

5412	99	~26,037	3380	2 stories Peaked roof	Porch 242 Deck Boathouse 297 2 stall attached garage	
5418	99	26,037	3,192	2 stories Peaked roof	Porch 60 Porch 98 Patio 456 Garage 2 attached Garage 2 detached	
5422	66	16,962	1,489	1 1/2 story Peaked roof	Patio 252 Garage 2 stall attached	
5426	52	12,044	1,636	2 story Peaked roof	Porch 144 Deck 313 Garage	

5430	80	18,860	4,940	2 story Peaked roof	3 open porches, total 365 Patio 380 Boathouse 252 3 stall attached garage	
5434	66	16,533	3868	2 1/2 story Peaked roof	Open porch 64 Enclosed porch 495 Patio 965 Deck 505 Boathouse 179 3 stall attached Garage 1 stall detached garage	
5206 Harbor Ct.	132	16,774	3717	Modern 2-story	Open porch 130 Porch 99 Deck 130 2 stall attached garage	

Comments

December 2, 2015

TO: Members, Madison Plan Commission

Matt Tucker, Zoning Administrator

FROM: Stewart and Nancy Ellison, [REDACTED] Lake Mendota Drive, Madison

RE: 5404 Lake Mendota Drive, Madison Proposed Demolition & Rebuild

The proposed 5404 floor area is 2.5 times larger than the median Based upon the City of Madison Planning Department data, May, 2015, the 5404 proposed floor area = 9188 square feet. The median floor area of the closest 10 lakefront properties = 2581 square feet.

The proposed 5404 basement square footage is 9.8 times larger than the median The proposed 5404 basement square footage = 3624 square feet. The median basement square footage of the closest 10 lakefront properties = 336 square feet. NOTE: one-quarter (1/4) of the closest lakefront properties do NOT have basements

Based upon City of Madison tax assessment records and basement square footage provided by Justin Temple

We appreciate your attention to these details in consideration of this project