



PREPARED FOR THE PLAN COMMISSION

Project Address: 5328 Lake Mendota Drive (District 19 – Ald. Clear)
Application Type: Conditional Use
Legistar File ID # [51322](#)
Prepared By: Sydney Prusak, Planning Division
Report Includes Comments from other City Agencies, as noted
Reviewed By: Kevin Firchow, AICP, Principal Planner

Summary

Applicant, Property Owner

& Contact: Sandra Reinardy and Keith Furman; 5235 Harbor Court; Madison, WI; 53705

Requested Action: The applicants request a conditional use to allow a new single-family residence to be constructed on a lakefront property at 5328 Lake Mendota Drive.

Proposal Summary: The applicants propose to construct a two-story, 5,024 square-foot single-family residence on a lakefront property. This new structure will require conditional use approval. The subject site received demolition and conditional use approval for a new lakefront residence in 2013. While the former house was demolished, the new residence was never constructed. The property is currently vacant.

Applicable Regulations & Standards: This proposal is subject to the standards for Lakefront Development [MGO §28.138] and Conditional Uses [MGO §28.183]. Section 28.138(2)(a) of the Zoning Code states that all new principal buildings on a lakefront lot are a conditional use.

Review Required By: Plan Commission

Summary Recommendation: The Planning Division recommends that the Plan Commission find that the standards for lakefront development and conditional uses are met and **approve** and conditional use request to construct a new single-family residence in TR-C2 (Traditional Residential – Consistent 2) zoning on a lakefront lot at 5328 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 13,953-square-foot (0.32-acre) subject property is on the east side of Lake Mendota Drive, near the intersection with Harbor Court. The site is within Aldermanic District 19 (Ald. Clear) and the limits of the Madison Metropolitan School District.

Existing Conditions and Land Use: The subject site is currently vacant.

Surrounding Land Use and Zoning:

North: Single-family residences along Harbor Court, zoned TR-C2;

South: Single-family residences, zoned TR-C2, with Spring Harbor Park beyond;

East: Lake Mendota; and

West: Spring Harbor Middle School.

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 \(2006\)](#) makes no specific recommendation about the subject parcel, but does state that a plan goal is to “retain the residential character throughout the neighborhood.”

Zoning Summary: The property is zoned TR-C2 (Traditional Residential - Consistent 2).

Requirements	Required	Proposed
Lot Area (sq. ft.)	4,000 sq. ft.	13,953 sq. ft.
Lot Width	40'	More than 40'
Front Yard Setback	20'	35.4'
Max. Front Yard Setback	30' or up to 20% greater than block average	35.4'
Side Yard Setback	Two-story: 6'	8.6' North 6.1' South
Lakefront Yard Setback	31.9' Section 28.138(4)(a)1.	32.1'
Usable Open Space	750 sq. ft.	Adequate
Maximum Lot Coverage	65%	38%
Maximum Building Height	2 stories/ 35'	2 stories

28.138(4)(a)1. Lakefront Yard Setback. The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within 20 feet of one another.

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

Other Critical Zoning Items	Floodplain; Utility Easements
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Tables Prepared by Jenny Kirchgatter, Assistant Zoning Administrator

Environmental Corridor Status: A small portion of the property adjacent to the lake is within an environmental corridor and flood storage district.

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

Project Description

The applicants propose to construct a two-story, roughly 5,024-square-foot, single-family residence. This development requires conditional use approval. The proposed house will have four bedrooms, three-and-a-half bathrooms, and two separate attached garages. It will have a building footprint of 3,345-square-feet. Regarding the lakefront setback, the proposed residence will be setback 32 feet from the lake. Building materials will consist of primarily LP Smart Side and cultured stone masonry.

In terms of landscaping, the applicant intends to install two planting beds, with small bushes and shrubs, on the north and south sides of the site, as well as stone beds with medium sized trees in the front yard. As proposed, 12 small trees would be removed for construction. The applicants have stated that no vegetation will be cleared from within 25 feet of the Ordinary High Water Mark (OHWM).

Previous Approvals

In 2013, the Plan Commission approved a demolition permit and conditional use to allow the demolition of an existing residence to allow construction of a new residence on a lakefront parcel. Subsequently, the 1890s residence was demolished, however the proposed 5,738-square-foot home, including an attached garage, was never built.

Analysis and Conclusion

This proposal is subject to the approval standards Conditional Uses and Lakefront Development.

Conditional Use Standards

The Planning Division believes the standards for Conditional Uses can be found met. In regards to the approval standards, the Plan Commission shall not approve a conditional use without due consideration of the City's adopted plan recommendations, design guidelines, and finding that all of the conditional use standards of MGO §28.183(6) are met. Standard 13 relates exclusively to lakefront development and states that "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 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 the north east side of the subject property, which extend onto Harbor Court, and the four (4) developed lots on the south side of the property. Spring Harbor Park is located directly south of these four lots, and therefore was not included in the calculation. 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 2,000 to 4,100 square feet. The median size is 3,188 square feet, compared to the 5,024 square foot proposed principal structure.

When analyzing bulk, the zoning code also includes floor area ratio (FAR), which compares the total building floor area (on all floors) to lot area. (An FAR of 1.0 would indicate that the total building floor area is equal to the lot area.) The calculated FAR for the adjacent lots along Lake Mendota Drive and Harbor Court range from 0.31 to 0.85. The calculated FAR for the proposed principal structure is 0.36, which is below the estimated median for the surrounding homes of 0.62. The subject site is 13,953 square feet, which is larger than the adjacent lots which range from 4,167 square feet to 10,854 square feet.

In regards to height, the proposed home appears to be just under the maximum allowable height for the district of 35 feet, with a depicted height of approximately 26 feet (averaged across the four elevations). Staff notes that the heights of the surrounding homes are varied, consisting of primarily two-story structures.

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 believes the lakefront development standards can be found met.

Staff also note that portions of the subject site are located in a mapped environmental corridor and the flood storage district. These areas are located within 25 feet of the OHWM, and the applicants are not proposing any changes to the vegetation in this area.

Conclusion

In conclusion, the Planning Division believes that the standards for Lakefront Development and Conditional Uses can be found met. While the proposed home is larger than the immediate surrounding residences, the floor to area ratio (FAR) of the proposed residence is in line with the surrounding properties, and therefore the new home is believed to be compatible with the varied development pattern along Lake Mendota Drive and Harbor Court. Additionally, this proposal is consistent with the [Comprehensive Plan \(2006\)](#) recommendation for low-density residential land use. While the [Spring Harbor Neighborhood Plan \(2006\)](#) does not contain specific recommendations for lakefront residential areas, it does encourage that new and redeveloped homes be of a height and scale that is relative to the neighborhood and is sensitive to its natural character.

At the time of report writing, Staff was not aware of any concerns regarding this proposal.

Recommendation

Planning Division Recommendation (Contact Sydney Prusak, (608) 243-0554)

The Planning Division recommends that the Plan Commission find that the standards for lakefront development and conditional uses are met and **approve** the conditional use request to construct a new single-family residence in TR-C2 zoning on a lakefront lot at 5328 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

Planning Division (Contact Sydney Prusak, (608) 243-0554)

1. The applicant's final sign-off plans shall include a grading plan and elevation drawings that label the finished-grade elevations at the building corners for approval by Planning Division staff.

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

2. It is unclear whether the property will use the existing sewer lateral or install a new one. If a new lateral is proposed, the sewer in Lake Mendota Drive is a Madison Metropolitan Sewerage District (MMSD) sewer. A permit would need to be obtained from MMSD. Contractor shall notify Ray Schneider (608)347-3628, rays@madsewer.org, 5 days prior to making the connection to the MMSD manhole to arrange for inspection of the connection. Sewer connection shall conform to all MMSD connection specification criteria. Contractor is responsible for taking out the MMSD connection permit as well as the permit connection fee (\$1075, 2018 rate) if applicable.
3. Applicant shall show the regulatory 100-year flood plain boundary on the site plan to confirm that the structure is outside the FEMA defined flood boundary.

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

4. Show the height of the proposed single-family dwelling on the 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.

5. Provide a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery.
6. Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured. Obtain necessary erosion control permits.
7. Any earth disturbing activity along the lakeshore such as the installation of the proposed rip rap may require a permit from the Department of Natural Resources. Contact the Department of Natural Resources for more information.
8. 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)

9. 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>

Parks/Forestry Review (Contact Sarah Lerner, (608) 261-4281)

10. An existing inventory of trees (location, species, & DBH) and any tree removal plans (in PDF format) shall be submitted to the plans and Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. All proposed street tree removals within the right of way shall be reviewed by City Forestry. Approval and permitting of street tree removals shall be obtained from the City Forester and/or the Board of Public Works prior to the approval of the site plan.
11. Existing street trees shall be protected. Please include the following note on the site plan: Contractor shall install tree protection fencing in the area between the curb and sidewalk and extend it at least 5 feet from both sides of the tree along the length of the terrace. No excavation is permitted within 5 feet of the outside edge of a tree trunk. If excavation within 5 feet of any tree is necessary, contractor shall contact City Forestry (266-4816) prior to excavation to assess the impact to the tree and root system. Tree pruning shall be coordinated with City Forestry prior to the start of construction. Tree protection specifications can be found in section 107.13 of City of Madison Standard Specifications for Public Works Construction - <http://www.cityofmadison.com/business/pw/documents/StdSpecs/2018/Part1.pdf>. Any tree removals that are required for construction after the development plan is approved will require at least a 72 hour wait period before a tree removal permit can be issued by Forestry, to notify the Alder of the change in the tree plan.
12. Additional street trees are needed for this project. All street tree planting locations and trees species within

the right of way shall be determined by City Forestry. Please submit a site plan (in PDF format) to Brad Hofmann – bhofmann@cityofmadison.com or 266-4816. Tree planting specifications can be found in section 209 of City of Madison Standard Specifications for Public Works Construction –

13. Contractor shall contact City Forestry Brad Hofmann bhofmann@cityofmadison.com or 266-4816 at least one week prior to planting to schedule inspecting the nursery stock and review planting specifications with the landscaper.

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

14. If the proposed structure requires a new water service lateral, a Water Service Application Form and fees must be submitted before connecting to the existing water system. Provide at least two working days notice between the application submittal and the requested installation or inspection appointment. 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. A Water Meter Application Form will subsequently be required to size & obtain a water meter establish a Water Utility customer account and/or establish a Water Utility fire service account, or if the existing 3/4-inch water lateral to the site is to be reused. If you have questions regarding water service applications, please contact Madison Water Utility at (608) 266-4646.
15. All operating private wells shall be identified and permitted by the Water Utility in accordance with MGO 13.21. All unused private wells shall be abandoned in accordance with MGO 13.21.