



Report to the Plan Commission

March 4, 2009

Legistar I.D. #13841
5314 Loruth Terrace
Final Plan Approval

Report Prepared By:
Timothy M. Parks, Planner
Planning Division

Requested Action: Approval of final plans for a single-family residence at 5314 Loruth Terrace on one of two lots created by a previously approved Certified Survey Map and demolition permit.

Applicable Regulations & Standards: The demolition permit that was approved for this property in 2006 was approved using the former guidelines and regulations for the approval of demolition permits in Section 28.04 (22). The Plan Commission required as a condition of approval of the demolition permit and related two-lot Certified Survey Map that any principal residential building constructed on these lots be subject to Plan Commission review and approval after a public hearing.

Summary Recommendation: The Planning Division recommends that the Plan Commission find the demolition standards met and **approve** the final plans for the new single-family residence located at 5314 Loruth Terrace, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Applicant & Property Owner: Tim Nachreiner; 33 Park Heights Court #4; Madison.

Proposal: The applicant wishes to construct a single-family residence on the northern of two lots created by a 2006 Certified Survey Map of the former 5402 Whitcomb Drive. The applicant wishes to proceed as soon as all necessary approvals have been granted, with completion scheduled for September 2009.

Parcel Location: An approximately 16,355 square-foot/ 0.37-acre parcel located approximately 150 feet north of Whitcomb Drive on the west side of Loruth Terrace; Aldermanic District 20; Madison Metropolitan School District.

Existing Conditions: The subject site is currently vacant. The single-family residence that previously occupied a portion of this parcel was demolished in 2006.

Surrounding Land Use and Zoning: The subject site is generally surrounded by other single-family residences on large lots in the Orchard Ridge neighborhood in R1 (Single-Family Residence District) zoning. Orchard Ridge Park is located east of the property across Loruth Terrace.

Adopted Land Use Plan: The Comprehensive Plan identifies the subject site and surrounding area for low-density residential uses.

Environmental Corridor Status: This property is not located within a mapped environmental corridor. The public parklands to the east are identified on the corridor maps.

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

Zoning Summary: Existing R1 (Single-Family Residence District) zoning:

Requirements	Required	Proposed
Lot Area	8,000 square feet	16,355 sq. ft. (existing)
Lot Width	65'	153.31 feet (existing)
Usable open space	1,300 square feet	6,120 sq. ft. (sufficient)
Front Yard	30'	30' 8"
Side Yards	20'/ 40' building lines by CSM	27' 6" (south side) 40' 9" (north)
Rear Yard	40'	40' 6"
Floor Area Ratio	--	N/A
Building Height	2 stories/ 35 feet	1 story
No. Parking Stalls	1	3 (attached garage)
Accessible Stalls	--	N/A
Loading	--	N/A
No. Bike Parking Stalls	--	N/A
<i>Prepared by: Pat Anderson, Asst. Zoning Administrator & Tim Parks, Planning Division</i>		

Previous Requests

On May 20, 2006, the Plan Commission granted approval of demolition permit to allow a single-family residence located at 5402 Whitcomb Drive to be demolished and approved a Certified Survey Map of the property creating two lots for new single-family residential construction, instead of the three lots requested by the applicants. The Commission conditioned approval of the CSM with a requirement that a note be placed on the map requiring any new principal residential buildings constructed on these lots be submitted to the Commission for approval after a public hearing. Other conditions required the establishment of building envelopes on each lot following the completion and review of a tree inventory and the submittal of a landscaping buffer plan along the western property line of the two lots.

On September 17, 2007, the Plan Commission rejected a request by the applicants for the original demolition permit and CSM to re-divide the two lots into three lots as originally requested in 2006. The Commission found that the request was not consistent with the provisions of Section 16.23(8)(d), Madison General Ordinances, regarding lot design and cited that the size, shape and orientation of the three proposed lots was inappropriate at this location and that the three-lot division would change the character of the neighborhood.

Project Analysis & Conclusion

The applicant is requesting approval of his plans to construct a single-family residence on the northern of the two lots created by the 2006 Certified Survey Map of the former 5402 Whitcomb Drive property. The proposed residence will include 2,030 square feet of floor area on the first floor and 1,036 square feet of floor area in a partially exposed and finished basement. The applicant indicates that the finished area of the principally one-story residence will 4 bedrooms, 3.5 bathrooms and various living spaces as shown on the floorplans that have been submitted for review. An attached three-car garage will be constructed along the southern wall of the proposed residence, with all three of the garage doors to face to the south. A new driveway from Loruth Terrace is proposed. The house will be designed in a prairie motif with a hip roof and will primarily be constructed with horizontal fiber cement siding. A cultured stone base is proposed along the eastern, street-facing facade.

The project is before the Plan Commission as a result of a condition of approval placed on the 2006 CSM and demolition permit for the house that formerly occupied this site, which required that any new principal residential structures constructed on the subject lot and the other new lot created to the south come before the Commission for approval at a public hearing prior to issuance of building permits. At the time, neighborhood residents and Plan Commission members expressed a concern about the potential for the new homes constructed on these lots to be out of character with the surrounding area, which is characterized by a very diverse stock of one- and two-story single-family residences located on large lots. The condition of approval required that the new homes proposed on these lots be reviewed against the demolition standards, which customarily look at a demolition proposal both in terms of the building to be razed as well as the proposed alternative use. In this case, while there was general agreement that the former house on the site should be demolished due to a number of significant sanitary and structural issues, there was considerable discussion about the subdivision of the parcel into two (or three lots as originally requested) and the houses that would be built. The condition of approval was enacted by the Commission in part to allay concerns about the proposed alternative use of the two lots.

As part of the approval of the CSM creating the subject lot, a building envelope was established on the map to govern where on the lot a new residence could be built. While the front and rear building lines established followed the 30-foot and 40-foot yards required in R1 zoning, respectively, the side yard lines were increased substantially above the 6-7 foot yards that would typically be required to 20 feet on the south side and 40 feet on the north side. The purpose of the enhanced side yards was to ensure that new construction on these lots maintained the generous setbacks present throughout much of the surrounding Orchard Ridge neighborhood. The site plan for the new residence shows that it will be built within the established envelope.

Another condition of approval placed on the 2006 Certified Survey Map required that a tree inventory be completed prior to approval of the CSM and that a vegetative buffer be included along the western 40 feet of the two lots as part of the final plans for the new residences proposed. The tree inventory was completed as required prior to recording of the CSM. However, the applicant proposes to defer the landscaping buffer requirement for this site until after completion of the new residence. The applicant has already cleared a substantial amount of vegetation off the property save for seven black walnut trees around the perimeter of the property, which were among the trees targeted for preservation in the 2006 approval. The tree-related conditions of approval were principally driven by concerns expressed by the neighboring property owner to the west, members of the Orchard Ridge Neighborhood Association and Plan Commission members. Correspondence submitted by both the western neighbor and the neighborhood association as part of the review of the applicant's new residence suggest that deferral of consideration of the landscape buffer is acceptable, and staff would not object if the Plan Commission decided to leave that issue to the affected property owners.

The demolition permit that was approved for this property in 2006 was approved using the guidelines and regulations for the approval of demolition permits previously outlined in Section 28.04 (22) of the Zoning Ordinance. These guidelines and regulations have since been modified and relocated to Section 28.12 (12). The condition of approval requiring Plan Commission review and approval of this residence and the future one to the south did not state which standards would be applied. The Planning Division feels that it would be most appropriate for the Plan Commission to review this project using the demolition standards, given that it was those same general standards that the original application for 5402 Whitcomb Drive was reviewed against and conditioned upon. In reviewing the applicant's proposal, staff believes that the new house proposed can meet the proposed alternative use considerations in the demolition standards. Staff feels the proposed residence is generally well designed and that it should fit in well with the diverse housing stock present throughout the Orchard

Ridge neighborhood. Staff also feels that it would be appropriate for the Commission to relieve the applicant of the requirement to provide the 40-foot landscaped buffer along the western property line given the apparent accord between the neighbor most directly affected and the neighborhood association.

Recommendations and Proposed Conditions of Approval

Major/Non-Standard Conditions are shaded

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission find the demolition standards met and **approve** the final plans for the new single-family residence located at 5314 Loruth Terrace, subject to input at the public hearing and the following conditions from reviewing agencies.

City Engineering Division (Contact Janet Dailey, 261-9688)

1. All pavement restoration on Loruth Terrace shall conform to the City's Patching Criteria.
2. A City-licensed contractor shall perform all work in the public right of way.
3. 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.

Traffic Engineering Division (Contact John Leach, 267-8755)

This agency submitted a response with no conditions of approval for this request.

Zoning Administrator (Contact Pat Anderson, 266-5978)

4. Within 10 feet from a driveway crossing of a street lot line, any landscaping/screening shall not exceed 2 feet in height for vision clearance.

Parks Division (Contact Tom Maglio, 266-4711)

Note: Park fees were paid for this home site prior to the final approval and recording of the Certified Survey Map.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency did not submit comments for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

This agency submitted a response with no conditions of approval for this request.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not submit comments for this request.