

## **5404 LAKE MENDOTA DRIVE: KEY CONCERNS AND COMMENTS**

**Spring Harbor Neighborhood Review Meeting, May 4, 2015  
Justin Temple representing Sheriff/Morgan, Alder Mark Clear, chr**

Major concerns related to the proposed development at 5404 Lake Mendota Dr were expressed by almost all speakers attending the special meeting. There was particular opposition to the building size, mass, impact on neighbors, lakeshore views and green space. There were serious concerns about precedent-setting long term effects. Many speakers called for additional modifications and adjustments. There was also a call for more complete information and data from Temple Construction in order to make an informed assessment. It was noted that no comparisons with adjoining properties were provided.

Areas of primary concern with requests for changes:

**1) Building size, mass and visual impact.** "It's too big—grossly out of place at this location"—those words were frequently expressed at the meeting.

Building mass, long walls, and commercial-looking building characteristics drew strong negative opposition. Speakers called for further reductions in size with improvements in design—especially roof configuration. There were numerous requests to make the structure more compatible with other lakefront dwellings. The impact on viewshed remained troubling. Long side walls would create a nearly unbroken barrier extending from lakeshore building line to more than 160 feet toward the street. Such massive walls more than 26 feet tall from ground level would block almost all diagonal views from both the street and the lake. Speakers pointed out that long walls topped with a flat roof would create a 'big-box' effect introducing a commercial-style building that would set a poor precedent for future lakefront development.

Some felt the developer gave inadequate attention to Madison Zoning Codes, particularly Chapter 28.138 Lakefront Development, and 28.183 Conditional Use. This was especially noted with regard to 28.183(6) "The uses, values and enjoyment of other property in the neighborhood..." And: "the height and bulk of principal buildings;" plus "an environment of sustained aesthetic desirability **compatible** with the existing or intended character of the area..."

**2) Green spaces and hard surfaces.** Speakers complained that data were lacking on square footage of modified surfaces including permeable that included all features: rooftops, driveways, patios, walkways, etc. SHNA Lakefront Development guidelines recommend a 30 percent limit of hard surface coverage. Given the high percentage of hard surfaces and the large volume of runoff that will be generated, more managed permeable green space was called for. There were requests for a more detailed landscape plan defining open spaces and specifying the size and location of rain gardens and side-yard bio-swales. It was recommended that the placement of mature trees be planned to blunt the overwhelming prominence of an oversized dwelling.

**3) Stormwater retention and runoff.** The builder indicated that a rain water storage tank would be installed to capture roof runoff for lawn irrigation. No data or description of size, location or volume were provided. The building lot is 21,944 sq ft (1/2 acre) in size. A 1-inch rainfall would deposit more than 13,000 gallons of water on the lot. There were questions about runoff after the storage tank fills. The building lot slopes toward the lakeshore causing stormwater to drain onto neighboring properties unless drainage provisions are provided. Side-yard setback on both right and left sides are given at 7-foot minimums. These were questioned as to adequacy given landscape plantings and other obstacles on the adjoining side of property lines.

To: Heather Stouder and Zoning Review Staff

From: Roy Christianson  
5412 Lake Mendota Dr.  
Madison WI 53705

Karen Goodin  
5433 Lake Mendota Dr.  
Madison WI 53705

Mike Miley  
5400 Lake Mendota Dr.  
Madison WI 53705

Jeanette Tierney  
5438 Lake Mendota Dr.  
Madison WI 53705

Jacquelyn Strahl  
5240 Harbor Ct.  
Madison WI 53705

Barry Mirkin  
5236 Harbor Ct.  
Madison WI 53705

Becky & David Fisher  
5701 Lake Mendota Drive  
Madison WI 53705

Date: May 11, 2015

RE: **Neighbor Concerns about 5404 Lake Mendota Dr. Development Proposal**

We wish to inform the Division of Planning and Zoning that as neighborhood residents living in close proximity to 5404 Lake Mendota Drive that we oppose the construction of the proposed dwelling and garages as currently designed. The proposed building is massive, has the appearance of a commercial structure and is totally out of character with adjoining properties. This building would have an impact on property values and aesthetic qualities of the Lake Mendota shoreline in this neighborhood.

We have attached a list of specific objections and concerns that we feel must be addressed before this approval is approved. It is a report on the discussion of the special public neighborhood meeting that was held on May 4, 2015. Mr. Justin Temple, builder, was present at the meeting.

We want to note that the neighborhood is not generally opposed to development of lakefront property but the scale and design of this proposal has raised serious concerns about how it would affect our Spring Harbor neighborhood's character.

Thank you for your attention to this matter.

## Stouder, Heather

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**From:** Clear, Mark  
**Sent:** Monday, May 11, 2015 4:01 PM  
**To:** Stouder, Heather  
**Subject:** FW: Planning Commission - docs (5404 Lake Mendota Drive)  
**Attachments:** Picture 1.jpg; Picture 2.jpg; Picture 3.jpg; Picture4.JPG; garages.xlsx; residential development information.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Could you make sure this material gets to Plan Commission for this item on Monday? Thanks.

Mark C.

Alder Mark Clear, 19th District, Madison, WI  
[district19@cityofmadison.com](mailto:district19@cityofmadison.com)  
608-695-5709

Subscribe to my blog: <http://cityofmadison.com/council/district19/blog/>

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**From:** Alice Erickson [mailto:████████████████████]  
**Sent:** Monday, May 11, 2015 12:27 PM  
**To:** Clear, Mark  
**Subject:** Planning Commission - docs (5404 Lake Mendota Drive)

Mark – I plan on speaking next Monday. These are the documents (including the notes in my email below) that I would like the Planning Commission to have ahead of time and which I will reference in my short talk. Should I bring copies also? Thanks, Alice

**1. Effect on neighbors by having an oversized house built in the neighborhood**

Picture 1 – view from my yard of 5116 Spring Ct when we first moved in.

Picture 2 – view of the same property (5116) today from our living room window

**2. Question of fitting the character of the neighborhood**

Picture 3 – Schematic of 'end' view of 5404 (not even the long side of the house)

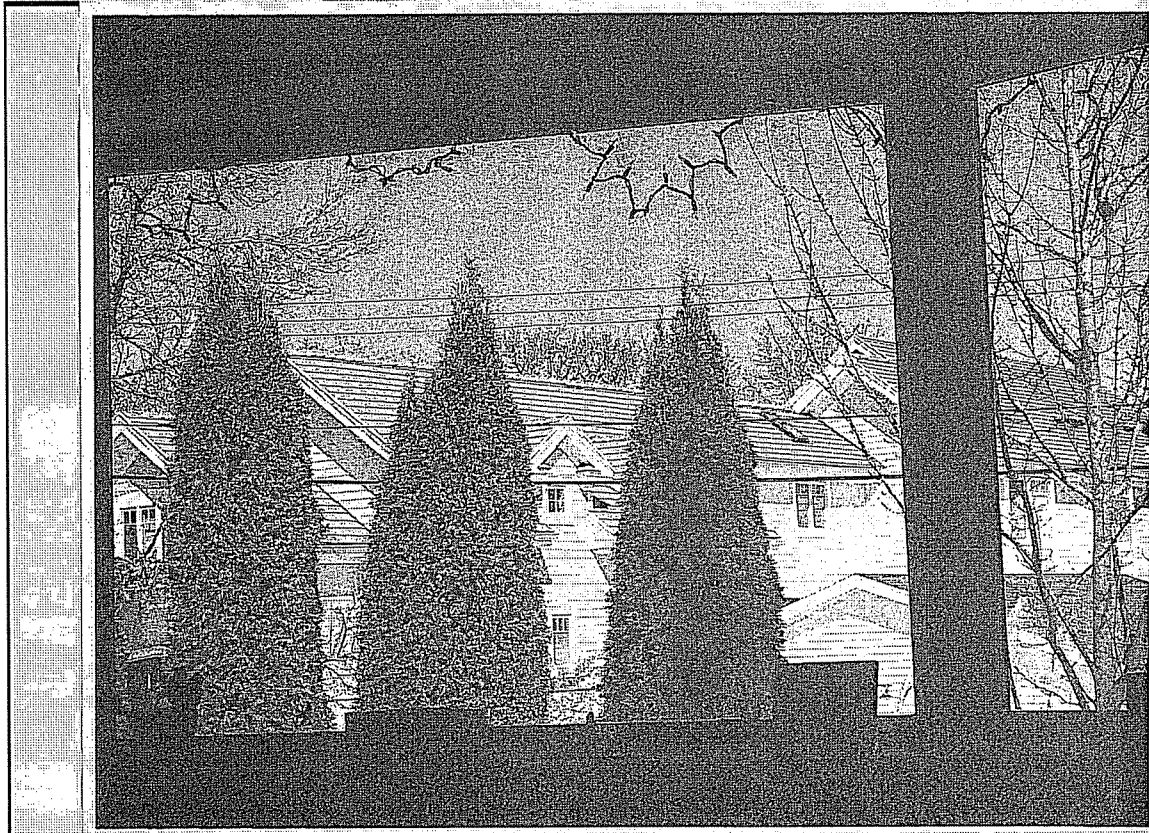
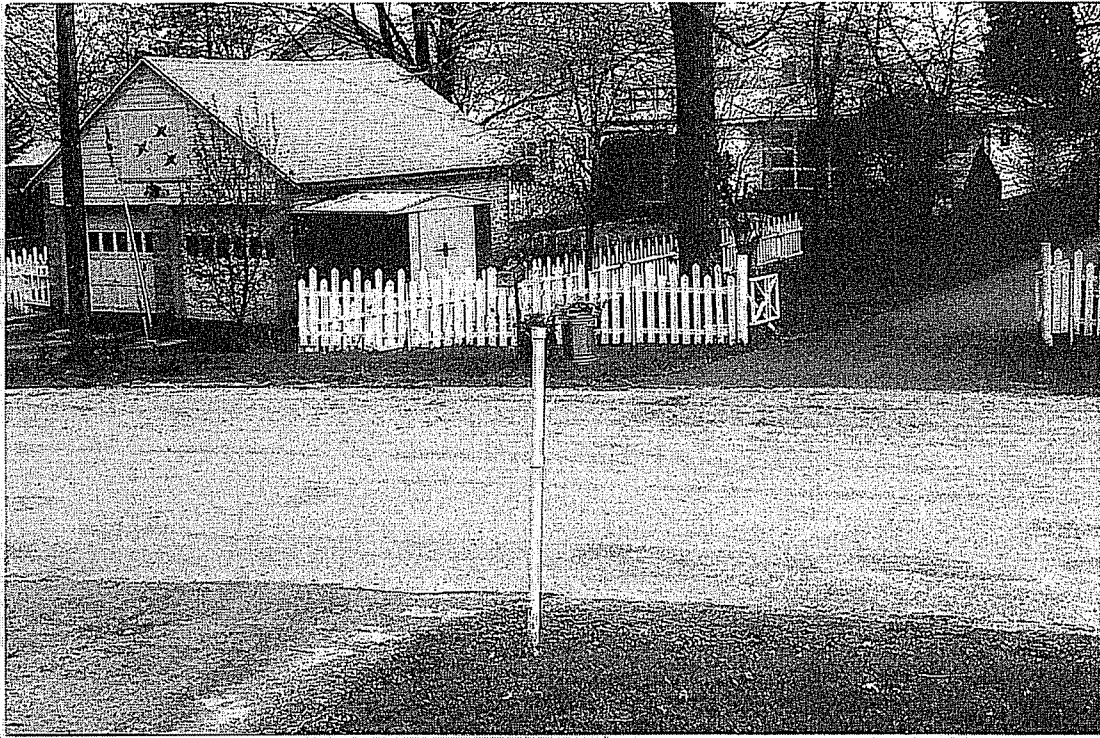
Picture 4 – An alarmingly similar rendering, but of a "retail center" out Old Sauk Rd

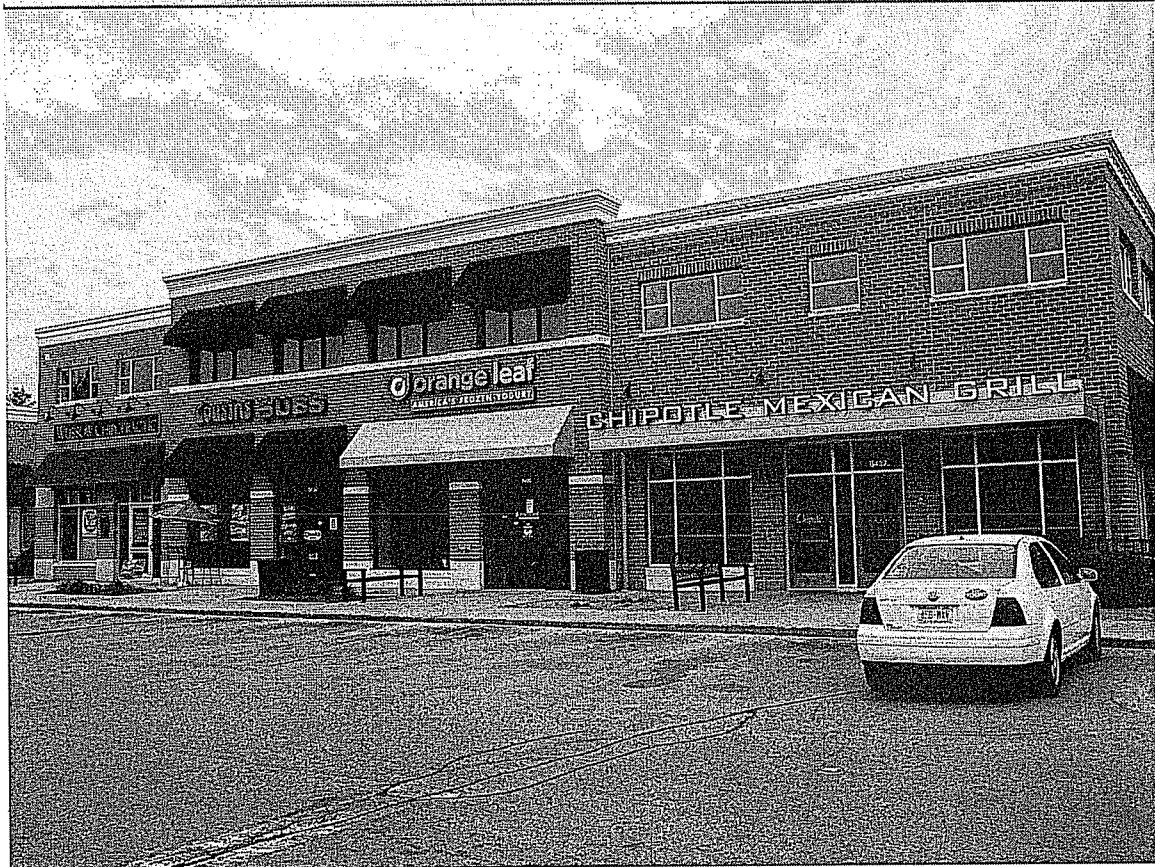
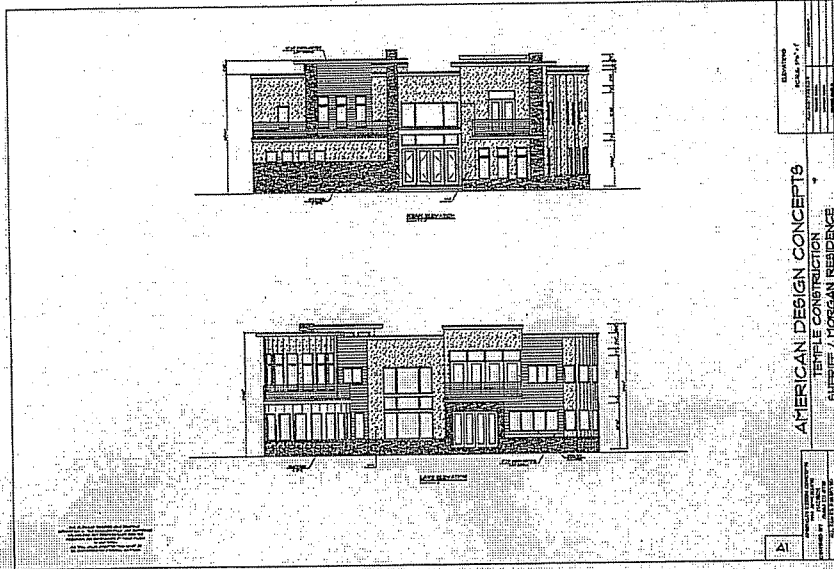
**3. Garages –size comparison by number of stalls**

Obtained from city assessor page – number of garage stalls from Spring Harbor Drive to Capital Ave. Average number of stalls = 2

**4. Spring Harbor residential development Info**

The key is the paragraph highlighted in yellow asking new development to be sensitive to the existing character of the neighborhood





1.9	Mean/Average				
2	Median				
2	Mode				
Address	Garage 1 Number of Stalls	Type	Garage 2 # stalls	Type	Total
5404	2	attached	2.5	detached	4.5
5418	2	attached	2	detached	4
5502	2	basement	2	detached	4
5406	1.5	attached	2	detached	3.5
5317	3	attached			3
5400	3	detached			3
5430	3	attached			3
5511	1	basement	2	basement	3
5516	2	attached	1	detached	3
5528	2.5	attached			2.5
5200	2	detached			2
5312	2	attached			2
5316	2	attached			2
5320	2	detached			2
5324	2	attached			2
5330	2	detached			2
5412	2	attached			2
5422	2	attached			2
5426	2	detached			2
5437	2	basement			2
5438	2	detached			2
5440	2	detached			2
5442	2	detached			2
5445	2	basement			2
5446	2	attached			2
5448	2	detached			2
5454	2	basement			2
5517	2	attached			2
5520	2	attached			2
5521	2	attached			2
5525	2	basement			2
5529	2	attached			2
5532	2	detached			2
5536	2	attached			2
5537	2	detached			2
5431	1.5	attached			1.5
5458	1.5	detached			1.5
5321	1	basement			1
5423	1	detached			1
5433	1	detached			1

5435	1	basement			1
5501	1	basement			1
5505	1	basement			1
5510	1	detached			1
5524	1	attached			1
5450	0	no garage			0
5457	0	no garage			0
5535	0	no garage			0
5328		no info			
5417		no info			





Residential Development Information  
Spring Harbor Neighborhood Association  
<http://springharboronline.com/>

### Introduction

Residents of the Spring Harbor neighborhood agree it is a wonderful place to be! The following resources are aimed at enhancing the quality of your experience as a resident and property owner interested in developing property in our neighborhood.

The Spring Harbor Neighborhood Plan approved by the city of Madison in 2006 recommends that homeowners work with the neighborhood association, the Madison Common Council representative and city staff to identify and address issues related to construction in order to retain the residential character of the neighborhood. Among its goals and recommendations, the plan emphasizes that any residential redevelopment should be at a height and scale that is compatible with and sensitive to the existing character of the neighborhood.

We strongly encourage homeowners contemplating construction to establish a working relationship with the neighborhood association and Common Council representative early in the planning process. We urge you to contact the Spring Harbor Neighborhood Association president as soon as it is feasible to share information about your proposal and begin discussions about implementation. The Spring Harbor Neighborhood Association emphasizes community dialogue and the association president welcomes communication. We have found from experience that establishing a constructive working relationship will facilitate the process of completing your project in an efficient manner.

Construction activity within our neighborhood is governed by codes administered and enforced through the city of Madison Department of Planning and Community and Economic Development. A project must receive zoning approval before it can be granted a building permit. Staff at the zoning desk can answer questions about the codes and procedures. A flow chart detailing the process follows the text portion of this document.

Construction on lakefront property requires a conditional use permit. The list of resources and guidelines that follow include several helpful references for those considering a lakefront development project.

## Resources

City of Madison Zoning Variances, Conditional Use and Demolition Permits  
Matt Tucker, (608) 266-4551  
mtucker@cityofmadison.com

City of Madison Department of Planning and Community and Economic Development  
215 Martin Luther King Jr. Blvd., Rm. LL100, 53703  
Phone: (608) 266-4635  
Web site: <http://www.cityofmadison.com/planning/index.html>

A copy of the city's Development Guide featuring details on land use and the construction approval process can be found at:

<http://www.cityofmadison.com/planning/2005DevBook.pdf>.

Basic home and property information is available at:

<http://www.ci.madison.wi.us/residents/homeProperty/index.cfm>

A copy of the Spring Harbor Neighborhood Plan is available at:

<http://www.cityofmadison.com/planning/ndp/Spring%20Harbor%20Plan.pdf>

Contact information for the Spring Harbor Neighborhood Association president and other association officers is available at:

<http://www.springharboronline.com/contacts.html>

The Wisconsin Department of Natural Resources has prepared a list of resources for waterfront property owners at:

<http://dnr.wi.gov/org/water/wm/dsfm/shore/property.htm>

A checklist for owners of waterfront property produced by the Wisconsin Environmental Initiative can be found at:

[http://www.wi-ei.org/AgLand/shoreland\\_checklist.htm](http://www.wi-ei.org/AgLand/shoreland_checklist.htm).

A copy of A Best Practices Guide for Developers, Neighborhoods and Policymakers is available to facilitate a more productive dialog for all parties.

[http://www.cityofmadison.com/planning/BPG\\_Final\\_for%20weba.pdf](http://www.cityofmadison.com/planning/BPG_Final_for%20weba.pdf)

### **General guidelines for residential lakefront and non-lakefront construction**

*Construction on non-lakefront property that complies with the zoning code and building code will automatically receive a building permit and is not subject to neighborhood review.*

Applicants who want to build in a way that is not in full compliance with the zoning code must apply for an area exception or a variance, depending on the nature of the desired deviation from

the code. In either case, the application will be scheduled for review by the Zoning Board of Appeals.

In making a ruling, the Zoning Board of Appeals determines whether a project meets applicable standards and also takes into consideration the input of neighbors, the neighborhood association, the Common Council representative and city staff. Below you will find a number of attributes our neighborhood association values in a building project. The more a proposal remains consistent with neighborhood values, the greater the likelihood of neighborhood support for the proposal.

Even more than the sentiments of the neighborhood as a whole, the input of your immediate neighbors is important to the Zoning Board of Appeals. It is very helpful to communicate your intentions early in the design process to neighbors within 200 feet of your property and others in the area who may be affected.

Elements of special interest to the neighborhood association include:

- **Drawings:** The city of Madison requires drawings as part of your application. The neighborhood association requests copies for review. These drawings should be accurate and readable. They typically include a site plan and building elevations as well as other information that may be necessary to clearly communicate what your project will look like.
- **Building height:** Provide accurate height comparisons between your proposed structure and neighboring structures. Be specific. Consider use of photos to establish the context of neighboring buildings and communicate the height of varied roofline elements with cross-section measurements.
- **Building design:** We encourage you to consider the views and privacy of neighbors in developing your building plans.
- **Sustainability:** Consistent with the 2006 neighborhood plan, we encourage use of sustainable building practices, low impact development methods and green building materials in construction projects.
- **Total lot coverage:** We recommend that the area of existing and new construction totals less than 25 percent of the lot, although there may be exceptions for small lots.
- **Landscaping:** We encourage landscape plans that maximize green space, preserve existing trees whenever possible and retain storm water.
- **Outdoor lighting:** We encourage sensible outdoor lighting principles and practices including use of shielded or downward directed lighting fixtures. We encourage residents to be considerate of how lighting affects neighboring property.

- **Soils and groundwater:** We recommend soil and groundwater evaluation in conjunction with the design process to address existing site conditions.
- **Driveways:** The city of Madison regulates driveway dimensions. The neighborhood association recommends driveways that minimize impervious surfaces.

The neighborhood association strongly recommends homeowners consider how the proposed project affects the neighborhood character and whether shared public space on the street is preserved and enhanced.

### **New construction approval process requirements and recommendations**

The following steps include requirements and recommendations that will speed the approval process and enhance support for your new home or major renovation project. Items followed by an asterisk (\*) are required as part of the city project approval process.

- Evaluate the context of the property
  - Determine the height of buildings on either side of your project
  - Provide photos that document the design context, style and character of the neighborhood
  - For lake properties, conditional use permit requirements include a plot plan of the property noting the lake setbacks of five homes on each side\*
- Determine the buildable area of the site
  - Prepare a zoning code evaluation
  - Meet with city of Madison zoning staff or the administrator to review your plans
  - The city of Madison zoning administrator may want to meet on site to evaluate your project
  - If Indian mounds are present, contact the city of Madison Department of Planning and Community and Economic Development's preservation planner.\*
- Site the building
  - Site the building in the context of the neighborhood
  - Consider existing sight lines for adjacent neighbors
- Existing structure – determine the approach
  - Explore the potential for renovation of an existing structure
  - Consider moving the existing building to another site and reusing the remaining foundation
  - Evaluate the extent to which existing materials can be recycled through a formal recycling plan
- Neighborhood outreach

- Meet with adjacent neighbors to informally discuss the plans
- Meet with the neighborhood association president for a preliminary introduction to the project
- Notify the Common Council representative of the potential project
- Develop exterior elevations
  - Consistent with the 2006 Spring Harbor Neighborhood Association plan, develop a concept for size and form, or massing, of the building
  - Specify the height of the building
  - Accurately depict the height and form of existing buildings on each side of the new building for context
  - Identify materials and colors
- Develop landscaping and storm water concepts
  - Explore opportunities to retain storm water on site
- Lakefront construction: Prepare for Plan Commission submittal (30 to 60 days prior to application)
  - Meet with the neighborhood association to formally review design concepts
  - Meet with the appropriate Common Council representative to review design concepts
  - Meet with zoning administrator and Plan Commission staff for formal review of the site and elevation drawings
- Lakefront construction: submit a conditional use application to the Zoning Department for scheduling with the Plan Commission
  - Prepare all documentation for the application
  - Consider inviting neighbors to the site for an informal design review prior to the Plan Commission public hearing.
  - Ask the appropriate Common Council representative to attend the public hearing
- Execution of design
  - Implement the drawings and design as approved

**Your involvement is welcome**

We hope this information has been helpful to you and we welcome your comments and feedback. If you have any questions, please contact either the area Common Council representative or the Spring Harbor Neighborhood Association president. Contact information for the Spring Harbor Neighborhood Association president and other association officers is available at <http://www.springharboronline.com/contacts.html>.

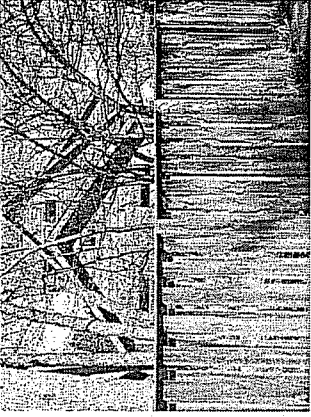

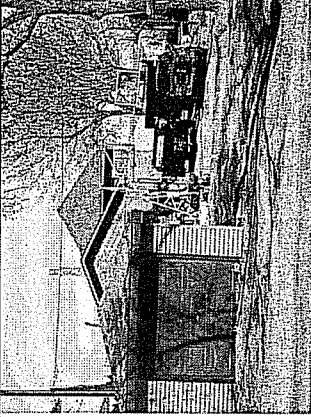
**From:** Jeanette Tierney  
**To:** Stouder, Heather;  
**Subject:** 5404 Lake Mendota Dr. Document for Plan Commission 5/18  
**Date:** Thursday, May 14, 2015 8:32:58 AM  
**Attachments:** 5404-LMD StreetsideComparison.pdf

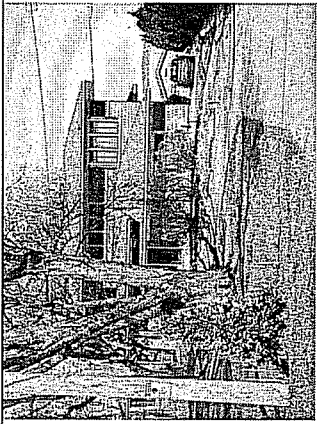
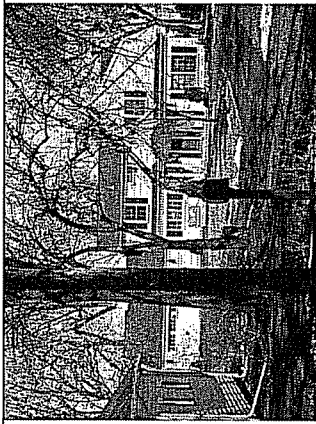
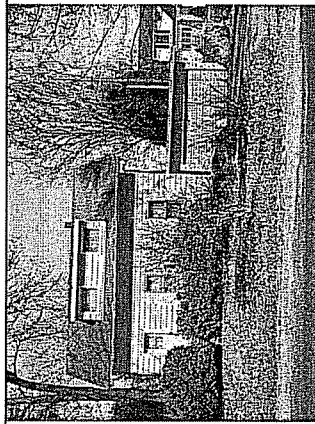
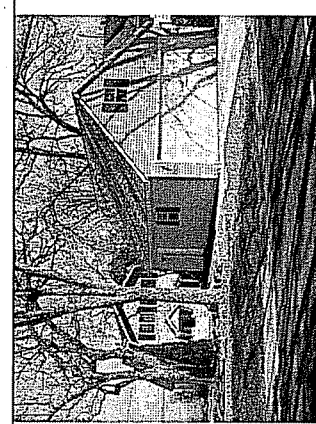
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Heather,

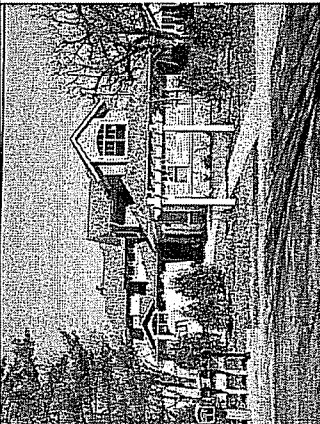
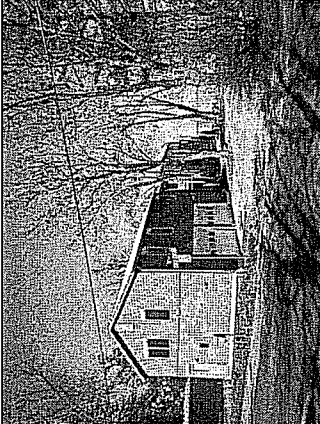
Please forward this document to the Plan Commission members. I intend to refer to it when I present my concerns at the May 18 meeting.

Jeanette Tierney  
[REDACTED] Lake Mendota Dr.  
Madison WI

LMD Address	Lake Mendota Frontage (ft).	Lot Square ft.	Living Area	Design	Additional	Photo
5400	50 (111 on Lake Mendota Dr.)	12,700	1852	1.5 story Peaked roof	3 stall attached garage Deck 305	
5404	100 on Lake Mendota, (66 on Lake Mendota Dr.)	23,719	10,000 (712,392) Proposal 1 9900 Proposal 2 2660 (current)	2 floors, flat roof  1 floor peaked roof	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	?	?	3380	2 stories Peaked roof	Porch 242 Deck Boathouse 297 2 stall attached garage	
5418	?	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	