



Project Address: 4207 Bellgrove Lane
Application Type: Zoning Map Amendment and Certified Survey Map
Legistar File ID # [48618](#) and [48327](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted

Summary

Applicant & Property Owner: Travis and Jackie Davenport; 4901 Lien Road #11; Madison.

Surveyor: Birrenkott Surveying, Inc.; PO Box 237; 1677 N. Bristol Street; Sun Prairie.

Requested Actions: Approval of a request to rezone property located at 4207 Bellgrove Lane from A (Agricultural District) to SR-C2 (Suburban Residential–Consistent 2 District) and approval of a Certified Survey Map (CSM) creating four single-family lots.

Proposal Summary: The applicant and property owner are requesting rezoning and land division approvals to divide the subject site into a lot for their single-family residence and three additional lots to be sold for the future construction of single-family residences adjacent to the southern edge of the Churchill Heights residential subdivision. The applicants propose to record the CSM as soon as all regulatory approvals have been granted, with completion of the proposed development anticipated in summer 2019.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Review Schedule: The State’s subdivision statute, Wis. Stats. 236, requires that Certified Survey Maps be approved, conditionally approved, or rejected (with stated reasons) within 90 days of submittal unless the time is extended by agreement with the applicant. If no action is taken within 90 days and no extension granted, the plat is deemed approved. The CSM application was submitted to the City on August 2, 2017. Therefore, the 90-day review period for this subdivision request will end circa November 2, 2017.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00303, rezoning 4207 Bellgrove Lane from A to SR-C2, and the related four-lot Certified Survey Map, to the Common Council with recommendations of **approval** subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: An approximately 8.5-acre site generally located on the south side of Bellgrove Lane, approximately 250 feet west of Portage Road; Aldermanic District 17 (Baldeh); DeForest Area School District.

Existing Conditions and Land Use: Single-family residence, zoned A (Agricultural District).

Surrounding Land Uses and Zoning:

North: Single-family residences in the Churchill Heights subdivision, zoned SR-C2 (Suburban Residential–Consistent 2 District);

South: Undeveloped land, zoned A (Agricultural District); Portage Road;

West: Undeveloped land and City of Madison greenway, zoned CN (Conservancy District);

East: Undeveloped land, zoned A (Agricultural District); Portage Road; Village Green Apartments, zoned SR-V2 (Suburban Residential–Varied 2 District).

Adopted Land Use Plans: The [Hanson Road Neighborhood Development Plan](#) recommends that the Bellgrove Lane frontage of the site be developed with medium-density residential uses, with the remainder of the site recommended for park, drainage and open space uses consistent with the floodplain and wetlands present on that portion of the property. The Churchill Heights subdivision is recommended for low-density residential uses. The neighborhood development plan also recommends park, drainage and open space uses west of the site.

Zoning Summary: The subject property will be zoned SR-C2 (Suburban Residential–Consistent 2 District):

Requirements		Required	Proposed
Lot Area		6,000 sq. ft. per dwelling unit	Proposed lots will comply
Lot Width		50'	Proposed lots will comply
Front Yard		30'	Lot 1 complies; Lots 2-4 TBD at permit
Side Yard		One-story: 6'/ Two-story: 7'	Lot 1 complies; Lots 2-4 TBD at permit
Rear Yard		Lesser of 30% of lot depth or 35'	Lot 1 complies; Lots 2-4 TBD at permit
Maximum Lot Coverage		50%	Lot 1 complies; Lots 2-4 TBD at permit
Usable Open Space		1,000 sq. ft. per dwelling unit	Lot 1 complies; Lots 2-4 TBD at permit
Maximum Building Height		2 stories and 35'	To be determined at permit
Other Critical Zoning Items			
Yes:	Floodplain, Barrier Free, Utility Easements		
No:	Urban Design, Wellhead Protection, Landmarks, Waterfront Development		
Prepared by: Tim Parks, Planning Division			

Environmental Corridor Status: Approximately, the southern half of the subject site is located in a mapped environmental corridor, including delineated wetlands and the 100-year floodplain associated with the upper west branch of Starkweather Creek.

Public Utilities and Services: The overall site is served by a full range of urban services, including seven-day Metro Transit service just to the east of the site along Portage Road and Hayes Road.

Project Description

The property owners, Travis and Jackie Davenport, are requesting rezoning and land division approvals to divide an approximately 8.5-acre property into a lot for their existing single-family residence and three additional lots to be sold for the future construction of single-family residences. The triangularly shaped parcel is located on the south side of Bellgrove Lane, approximately 250 feet west of Portage Road, and is adjacent to the southern edge of the Churchill Heights residential subdivision. Bellgrove Lane was partially constructed as part of the Churchill

Heights development, including curb and gutter. However, no sidewalk exists on the south side of the street along to the frontage of the subject site.

The existing residence is located on the western half of the subject site, approximately 60 feet south of Bellgrove Lane. Permits were issued for the residence in 2016. The site is zoned A (Agricultural District), which generally permits single-family residences on ten-acre or larger parcels with 300 or more feet of lot width along a public street. (The area of the parcel was considered existing nonconforming for permitting purposes.) The northern portion of the site adjacent to Bellgrove Lane is characterized by relatively flat topography and little or no vegetation. The southern half of the property south of the new residence is located in a mapped environmental corridor due to the upper west branch of Starkweather Creek crossing east-west through the site. The mapped corridor includes wetlands and 100-year floodplain associated with the creek. The southern portion of the property is also mapped as a future public greenway on the City's Official Map.

The proposed CSM calls for three single-family lots to be created east of the applicant's residence along the south side of Bellgrove Lane. Lots 2 and 3 will both be 75-foot wide lots with 13,000 square feet or more of area, while Lot 4 will be a triangularly shaped parcel with approximately 175 feet of frontage along Bellgrove Lane and 14,355 square feet of lot area. The remainder of the property will comprise Lot 1 of the CSM and will include the existing residence and all of the environmentally constrained land present on the site. The applicant is requesting to rezone all 8.5 acres to the SR-C2 residential zoning district to support the proposed land division, which requires a minimum of 50 feet of lot frontage and 6,000 square feet of lot area for new single-family lots. All of the proposed lots will comply with these minimum lot design requirements.

Analysis and Conclusion

The Planning Division believes that the Plan Commission may find that the proposed rezoning and four-lot land division meets the applicable standards for approval. Staff is generally supportive of the proposal to create three additional lots from the property's considerable frontage along Bellgrove Lane and to "complete" the southern edge of the Churchill Heights subdivision. While the 2000 Hanson Neighborhood Development Plan originally recommended the northerly portions of the subject site for medium-density residential uses with a density of up to 16 units an acre, staff believes that the four single-family lots proposed represent a reasonable low-density use of the 8.5-acre site given the considerable site constraints present. The SR-C2 zoning requested is consistent with the SR-C2 zoning of the single-family residences in Churchill Heights immediately to the north.

However, Lot 4 as proposed will not provide the minimum average depth of 100 feet required for most lots by Section 16.23(8)(d)3 of the Subdivision Regulations. Staff recommends that the Plan Commission grant a variance to the 100-foot minimum lot depth required for Lot 4 as allowed by Section 16.23 (10) of the Subdivision Regulations, entitled Variances, which states the following:

"When in the judgment of the Plan Commission it would be inappropriate to apply literally provisions of Subsection (8) of this ordinance...because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured."

In this case, staff feels that the 175-foot width and 14,355 square-foot area of Lot 4 are adequate to compensate for the reduced lot depth and support the home construction anticipated on the parcel.

Finally, to ensure that the three future home sites can accommodate new single-family residences, staff is requesting that the buildable area (envelope) of each be shown on the final CSM, taking into consideration zoning setbacks and the location of any delineated wetlands and their related 75-foot regulatory setback. In addition, staff is recommending that the lowest floor opening of the future residence on Lot 2 be not less than one foot above the mapped flood elevation per the 2014 FEMA FIRM maps.

Recommendation

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

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment 28.022-00303, rezoning 4207 Bellgrove Lane from A to SR-C2, and the related four-lot Certified Survey Map, to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval

Major/Non-Standard Conditions are Shaded

Planning Division

1. The applicant shall provide a copy of the current wetland delineation and label the 75-foot wetland setback line on the CSM.
2. Lot 2 shall have a lowest floor opening elevation a minimum of one foot above than the flood hazard elevation.
3. Show the buildable area (building envelopes) of Lots 2-4 on the final CSM per Planning Division approval.

City Engineering Division (Contact Tim Troester, 267-1995)

4. Each lot shall have a separate sanitary sewer lateral.
5. The applicant shall provide a copy of the wetland delineation and label the 75-foot wetland setback line on the CSM.
6. All outstanding Madison Metropolitan Sewerage District (MMSD) charges are due and payable prior to City Engineering Division sign-off, unless otherwise collected with a Developer's/ Subdivision Contract. Contact Mark Moder (261-9250) to obtain the final MMSD billing a minimum of two (2) working days prior to requesting City Engineering signoff.
7. Note: A portion of Lot 2 of this CSM has floodplain within its property boundary. The applicant is notified that lenders may require an elevation certificate prior to lending on this property.
8. A minimum of two (2) working days prior to requesting City Engineering Division signoff on the CSM, the applicant shall contact either Tim Troester at 261-1995 (ttroester@cityofmadison.com) or Brenda Stanley at 261-9127 (bstanley@cityofmadison.com) to obtain the final stormwater utility charges that are due and payable prior to sub-division of the properties. The stormwater utility charges (as all utility charges) are due for the previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

9. Arrows shall be added to the Certified Survey Map indicating the direction of drainage for each property line not fronting on a public street. In addition, the CSM shall include lot corner elevations, for all lot corners, to the nearest 0.25-foot. The following notes shall be added to the CSM:

A) Arrows indicate the direction of surface drainage swale at individual property lines. Said drainage swale shall be graded with the construction of each principal structure and maintained by the lot owner unless modified with the approval of the City Engineer. Elevations given are for property corners at ground level and shall be maintained by the lot owner.

B) All lots within this certified survey are subject to public easements for drainage purposes which shall be a minimum of 6-feet in width measured from the property line to the interior of each lot except that the easements shall be 12-feet in width on the perimeter of the certified survey. For purposes of two (2) or more lots combined for a single development site, or where two (2) or more lots have a shared driveway agreement, the public easement for drainage purposes shall be a minimum of six (6) feet in width and shall be measured only from the exterior property lines of the combined lots that create a single development site, or have a shared driveway agreement, except that the easement shall be twelve (12) feet in width along the perimeter of the certified survey. Easements shall not be required on property lines shared with greenways or public streets. No buildings, driveways, or retaining walls shall be placed in any easement for drainage purposes. Fences may be placed in the easement only if they do not impede the anticipated flow of water.

NOTE: In the event of a City of Madison Plan Commission- and/or Common Council-approved re-division of a previously subdivided property, the underlying public easements for drainage purposes are released and replaced by those required and created by the current approved subdivision.

Information to Surveyor's: In addition to notes such as this, Wisconsin State Plat Review now enforces the requirement that easements or other reference lines/areas be graphically shown, dimensioned and tied when they represent fixed locations. They will accept a "typical detail" when the easement or restriction can be effectively described and retraced from the typical detail.

10. The applicant shall replace all sidewalk and curb and gutter that abuts the property that 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.
11. All work in the public right of way shall be performed by a City-licensed contractor.
12. All damage to the pavement on Bellgrove Lane, adjacent to this development shall be restored in accordance with the City of Madison's Pavement Patching Criteria.
13. The applicant shall install public sidewalk along Bellgrove Lane. The applicant shall obtain a Street Excavation Permit for the sidewalk work, which is available from the City Engineering Division. The applicant shall pay all fees associated with the permit including inspection fees. All work must be completed within six months or the succeeding June 1, whichever is later.

City Engineering Division – Mapping Section (Contact Jeff Quamme, 266-4097)

14. The City of Madison has a Parkway Reservation per the City's Official Map. The applicant shall coordinate a Public Greenway/ Drainage Easement over the existing drainage feature through the southerly portion of this Certified Survey Map with City Engineering Stormwater staff.
15. Correct the name of Bellgrove Street to Bellgrove Lane. Also label Bellgrove Lane in the portion that shall be dedicated as street right of way. Add a label to that portion, "Dedicated to the Public for Street Purposes" as required by statute. Provide the widths of the dedication as required by statute.
16. Correct bearing directional along the southeast side within the Surveyor's Certificate and on map. The direction should be southwest and not southeast.
17. Engineering-Mapping staff reserves the right to provide additional comments upon the final submittal of the Certified Survey Map fully compliant with Wis Stats. Section 236.34. Additional comments may be required upon the additional data being added to the map.
18. Provide the curve data for the two curves along the south side of Bellgrove Lane. Parcel closures and area checks were not completed due to this missing information.
19. The 75-foot setback areas within any lot shall be dimensioned.
20. The 10-foot wide Perpetual Easement shall have text added that it is for Public Sanitary Sewer. The easement shall also be fully dimensioned within the Certified Survey Map.
21. The north line of Bellgrove Lane along the north line of this Certified Survey Map is dimensioned as 649.91 feet. This is substantially different from the 645.07' dimension per the Churchill Heights Plat and Document No 3563669. The surveyor shall review this for accuracy.
22. Label the Perpetual Easement for Public Street and Sidewalk Purposes per Document No 3563669.
23. The 25-foot wide Sanitary Sewer Easement per Document No. 3563670 shall be dimensioned on the Certified Survey Map.
24. Provide all recorded as data along the Certified Survey Map boundaries.
25. Remove "LYING NORTHWEST OF PORTAGE ROAD" from the page header.
26. The current version of this Certified Survey Map is not granting any Public Utility Easements. Unless some are added prior to sign off, the note on page 3 shall be removed.
27. The applicant shall coordinate and request from the utility companies serving this area the easements required to serve this development. Those easements shall be properly shown, dimensioned and labeled on the final plat.
28. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required

tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.

29. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone, 1997 Coordinates on all PLS corners on the Plat or Certified Survey Map in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. City of Madison has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the Dane County Surveyor's Office (web address <https://www.countyofdane.com/PLANDEV/records/surveyor.aspx>) for current tie sheets and control data that has been provided by the City of Madison. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact City Engineering Division for this information.
30. The applicant shall submit to Jeff Quamme, prior to final Engineering sign-off of the subject plat, one (1) digital CADD drawing and one (1) signed copy of the final plat to the Mapping/GIS Section of the Engineering Division either as hard copy or Adobe PDF format. The digital CADD file shall be submitted in the WisDOT County Coordinate System, Dane County Zone datum in either Auto CAD Version compatible with MicroStation Version V8i, MicroStation Version V8i or older or Universal DXF Formats. The digital CADD file(s) shall contain the minimum of the items stated below, each on a separate layer name/level number. All line work shall be void of gaps and overlaps that would cause any parcel, street or easement to not properly close. All line work orientation and geometrics shall match the dimensioning as labeled on the final recorded plat: right of way lines (public and private); lot lines; lot numbers; lot/plat dimensions; street names, and; easement lines (i.e. street, sanitary, storm (including wetland & floodplain boundaries) water, pedestrian/bike/walkway, or any public and/or private interest easement except local service for Cable TV, gas, electric and fiber optics).
- *This transmittal is a separate requirement than the required submittals to Engineering Streets Section for design purposes.
- *The developer/surveyor shall submit new updated final plat, electronic data and a written notification to Engineering Mapping for any changes to the plat which occur subsequent to any original submittal of data and prior to final sign off.
31. This pending CSM application 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 the parcel database so that the permitting system can upload this data and permit issuance made available for this new land record.
32. Insert the standard drainage language pre MGO Section 16.23(9)(d)2.a. verbatim.
33. Monument types shall be noted at all section corners as required by Statute.
34. A consent of Mortgagee Certificate shall be added to the Certified Survey Map.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

35. The applicant shall construct a standard City sidewalk approved by City Engineering along the entire frontage of Bellgrove Lane for all lots in the CSM

Fire Department (Contact Bill Sullivan, 261-9658)

36. Provide the following information to the buyer of each individual lot: The Madison Fire Department recommends the installation of a residential fire sprinkler system in accordance with NFPA 13D and SPS 382.40(3)(e).

Zoning Administrator (Contact Jenny Kirchgatter, 266-4429)

This agency reviewed the request and has recommended no conditions of approval.

Water Utility (Contact Adam Wiederhoeft, 261-9121)

37. Upon development, a separate water service lateral and water meter will be required to serve each parcel. The water laterals shall be directly connected to the public water main with the shut-off valve located in the public right-of-way (per PSC 185.52 (2)). A water lateral is not required if the parcel remains undeveloped.

Parks Division (Contact Janet Schmidt, 261-9688)

38. Park Impact Fees (comprised of the Park Infrastructure Impact Fee, per MGO Sec. 20.08(2)), and Park-Land Impact Fees, per MGO Sections 16.23(8)(f) and 20.08(6) will be required for all new residential development associated with this project. This development is within the East Park-Infrastructure Impact Fee district. Please reference ID# 17146 when contacting Parks Division staff about this project.

39. The following note should be included on the subdivision: "Lots within this subdivision are subject to impact fees that are due and payable at the time building permit(s) are issued." The Parks Division will be required to sign off on this land division.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency reviewed the request and has recommended no conditions of approval.

Office of Real Estate Services (Contact Heidi Radlinger, 266-6558)

40. A certificate of consent for all mortgagees/vendors shall be included following the Owner's Certificate(s) and executed prior to CSM approval sign-off. If a mortgage or other financial instrument is reported in record title, but has been satisfied or no longer encumbers the lands or ownership within the CSM boundary, a copy of a recorded satisfaction or release document for said instrument shall be provided prior to CSM approval sign-off.

41. Madison Common Council Certificate: Revise spelling of Clerk's last name – "Witzel-Behl"

42. 2016 real estate taxes are paid for the subject property. Per 236.21(3) Wis. Stats. and 16.23(5)(g)(1) Madison General Ordinances, the property owner shall pay all real estate taxes that are accrued or delinquent for the

subject property prior to CSM recording. This includes property tax bills for the prior year that are distributed at the beginning of the year.

43. As of the date of this letter there are no special assessments reported. If special assessments are levied against the property before CSM signoff, they shall be paid in full pursuant to MGO Section 16.23(5)(g)1.
44. Pursuant to MGO Section 16.23(5)(g)(4), the owner shall furnish an updated title report to Heidi Radlinger in City's Office of Real Estate Services (hradlinger@cityofmadison.com), as well as the survey firm preparing the proposed CSM. The report shall search the period subsequent to the date of the initial title report (March 28, 2017) submitted with the CSM application and include all associated documents that have been recorded since the initial title report. The surveyor shall update the CSM with the most recent information reported in the title update.
45. The owner shall email the document number of the recorded CSM to Heidi Radlinger as soon as the recording information is available.
46. The CSM shall be revised as follows prior to final approval and recording:
 - a.) Number each Note on Sheet 3.
 - b.) Label as sanitary sewer and include the document number on the 10-foot wide perpetual easement.
 - c.) Depict Lot lines in bold.
 - d.) Depict and dimension all existing improvements (buildings, drives, parking lots, etc.), encroachments, wells, and septic systems located within the CSM boundary.
 - e.) Depict and dimension public easements for utilities and storm water drainage rights-of-way to be dedicated on the proposed CSM where necessary.