

1. Agenda

Documents: [PLAN\\_20150120\\_AG.PDF](#)

2. Complete Packet

Documents: [PLAN\\_20150120\\_PK.PDF](#)



## CITY OF FITCHBURG

Planning Department

5520 Lacy Road  
Fitchburg, WI 53711-5318

Phone: (608) 270-4256 ■ Fax: (608) 270-4275

[www.fitchburgwi.gov](http://www.fitchburgwi.gov)

### NOTICE PLAN COMMISSION January 20, 2015

PLEASE TAKE NOTICE that the Plan Commission of the City of Fitchburg, Dane County, Wisconsin will hold a meeting on **Tuesday, January 20, 2015 at 7:00 p.m.** in the Fitchburg City Hall, 5520 Lacy Road, Fitchburg, WI 53711 for the purposes of:

1. Call to order and approval of minutes of 12/16/2014.
2. Public Appearances – non agenda items
3. Agenda Review
4. Public hearing and consideration of rezone request, RZ-2046-14, by Michael Barry to rezone from the A-T (Transitional Agriculture) to the A-S (Small Lot Agriculture) district a portion of property associated with 5556 CTH M, part of Lot 2 CSM 13071.
5. Certified Survey Map request, CS-2047-14, by Michael Barry to divide Lot 2 CSM 13071 into two lots.
6. Public hearing and consideration of rezone request, RZ-2049-14, by Michael McMahon, agent for Fitchburg Development, LLC, to rezone from the B-H (Business Highway) to the B-G (General Business) property addressed as 5973 Executive Drive, Lots 14 & 15 and part of Outlot 2 Fitchburg Business Park.
7. Public hearing and consideration of Ordinance 2015-O-02, An Ordinance Amending Chapter 22 Relative to Convenience Cash Businesses and Secondhand Businesses.
8. Architectural Design Review request by Branford Kerns of Bucky's Portable Toilets to allow for a new 60' x 100' steel building at 2182 CTH MM.
9. Resolution R-05-15, Resolution to Approve Amendment to TechLands Development Agreement.
10. Planning Department Report
11. Announcements
  - a. Next Plan Commission Meeting Scheduled for February 17, 2015 at 7:00 p.m.
  - b. Other
12. Adjournment

Full coverage of this meeting is available through FACTv and Streaming Video, accessible on the city web site at <http://factv.city.fitchburg.wi.us/Cablecast/Public/Main.aspx?ChannelID=3>

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact City Clerk's office (270-4200), Fitchburg City Hall, 5520 Lacy Rd, Fitchburg, WI 53711  
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# DRAFT MINUTES



CITY OF FITCHBURG

Planning Department

5520 Lacy Road  
Fitchburg, WI 53711-5318

Phone: (608) 270-4255 ■ Fax: (608) 270-4275

www.fitchburgwi.gov

## MINUTES

### PLAN COMMISSION

December 16, 2014

Plan Commission Members Present: Carol Poole, Ed Kinney, Jim Anderson, Becky Baumbach, Rachel Lee

Others Present: Thomas Hovel – City Planner/Zoning Administrator, Susan Badtke – Community Planner

#### **1. Call to order and approval of minutes of 11/18/2014.**

Chair Poole called the meeting to order at 7:00 p.m.

Motion by Kinney, second by Lee, to approve the minutes of 11/18/2014 was carried unanimously.

#### **2. Public Appearances – non agenda items – None.**

#### **3. Agenda Review – No changes.**

#### **4. Public hearing and consideration of Ordinance 2014-O-36, An Ordinance Amending Chapter 23 to Amend Article 3 Table 4a, Amend Article 5.13.5(c), Amend Article 5.13.6(d), Amend Article 6 Block Definition, Create Article 5.1.2(a)(xix) and Amend Article 3 Table 6.**

Chair Poole opened and closed the public hearing as there were no registrants.

City Planner Tom Hovel provided the staff report and explained the proposed changes. The main change was to adjust the building setback for properties with a cycle track easement to have the setback taken from the easement line rather than the property line.

Motion by Kinney, second by Baumbach, to recommend approval of Ordinance 2014-O-36 was carried unanimously.

#### **5. Public hearing and consideration of Comprehensive Development Plan request CDP-2045-14 by Tony Heinrichs, agent for Fahey Land LLC, for a residential development for the Fahey Fields development project on Lot 2 CSM 9896.**

Chair Poole opened the public hearing.

Janet Adams and Richard Collins, 27 Harvest Way Fitchburg, representing the Crossings Condominium Association, expressed stormwater concerns. Mr. Collins stated that the association put in a swale to address previous flooding issues and it is working the way it is supposed to work to help divert water. He explained some of the history that the association has had with flooding issues and wants to make sure that the stormwater management plan is looked at closely so that

## DRAFT MINUTES

the new development does not overburden the measures that the association took to prevent flooding.

City Planner Tom Hovel commented that staff is recommending that the erosion control and stormwater management plan be submitted prior to any submittal of a preliminary plat. Staff will then review the stormwater plan for compliance.

Patrick Cheney, 5211 Kittycrest Fitchburg, registered in support of the request but expressed opposition to the single-family lots that abut the parkland noting that it is in conflict with the McGaw Park Neighborhood Plan and also the Park Master Plan. He stated that neither plan had any inclination of including residential lots or private property on that block; the homes block view and access of the park.

Tony Heinrichs, 1118 Cahiba Ct Verona, representing Fahey Fields as co-developer, registered in support and was available to answer any questions.

David Fahey, 5376 Irish Lane Fitchburg, representing the Fahey Family, explained that they are looking to build out part of the farm that is in the McGaw Park neighborhood plan. He also mentioned that they held a neighborhood meeting and also met with the Quarry Hill Neighborhood Association.

Mary Fahey, 5370 Irish Lane Fitchburg, registered in support of the request.

Sara Fahey, 5376 Irish Lane Fitchburg, registered in support of the request.

Michael Fahey, 425 Ash Street Oregon, registered in support of the request.

Joe Rueden, 5329 Lacy Road Fitchburg, expressed concerned with runoff onto this property from the project.

Chair Poole closed the public hearing.

Ron Klaas, 7530 Westward Way Madison, representing Fahey Fields, spoke in support of the request and provided an overview of the project which contains a mixture of single-family homes, multi-family in the southwest corner, park dedication added to McGaw Park and also stormwater basin with open space. He stated that the property is about 80 acres with 62 acres being within the urban service area and planned for near-term development; 18 acres is outside the urban service area and is long-term planning. Joe Rueden commented that diverting more water to Swan Creek would have an impact on his property and he'd like to make sure that this is looked at closely.

Regarding the park, Klaas commented that the proposal satisfies the park dedication/fee in-lieu of dedication requirements as well as the park street frontage requirements and there are families that would love to live on the lots along the park. He also commented that per the request of the Parks Commission that they would be providing some type of berm or demarcation line to clarify the boundary of the park and the home lots. Klaas explained the phasing plan for the project which would start at the west and work east to the park. The park would likely be dedicated with an earlier phase which would make it even clearer what is park and what are the single-family lots.

Klaas discussed stormwater for the project noting that there are regional basins designed to handle stormwater from a portion of the property; these basins would be utilized if they can get the water safely to those basins. He stated they would be submitting a stormwater management plan in the near future and would have to incorporate infiltration techniques to achieve the 100% stay-on requirement. Ed Kinney stated he would hope that the stormwater plan is submitted well before

# DRAFT MINUTES

the preliminary plat is submitted so that any issues can be resolved before submitting the preliminary plat.

Klaas stated that the project incorporates a multi-family project that is proposed at a fairly high density to achieve the overall density required in the McGaw Neighborhood Plan. He said that the density has been done before and is being proposed on other sites in Fitchburg but does take careful planning. He stated that at staff's request they have incorporated a transition area to show the addition of townhomes along Nobel Drive.

Chair Poole questioned the timing of the project. Klaas stated that they will continue to move forward through winter and spring with phase 1 possibly completed next summer.

City Planner Tom Hovel provided the staff report noting that the biggest concern is stormwater. The Engineers and staff will need to make sure that it is properly handled and identify whether there is capacity to handle water and transfer water to the west into Swan Creek. The McGaw Plan sets a 10 du/acre minimum requirements which they are meeting. The Parks Commission and Parks Director vetted the proposal and didn't seem concern with the lots along the park.

Jim Anderson commented that there are three different land owners with three different engineers that will each look at their individual site regarding stormwater but questioned whose responsibility it is to make sure that all of these function together to work as a coordinated system. Hovel stated that it ultimately comes down to the city's review to make sure that it functions properly.

Motion by Kinney, second by Anderson, to recommend approval of CDP-2045-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Approval is granted based on CDP document dated December 9, 2014 and all responses comments and supplemental information associated with this application.
- 3.) Park fees will be calculated at the time of platting.
- 4.) Prepare and submit an Erosion Control & Stormwater Management Plan to the Fitchburg Public Works Department for the development confirming that all of the City's ECSWM performance standards are met. This shall be done prior to the Preliminary Plat submittal.
- 5.) Compliance with conditions of CARPC Resolution 2009-15.
- 6.) Proposed outlot 3, and related improvements to be part of phase 1.

Motion carried unanimously.

## **6. Public hearing and consideration of Conditional Use Permit, CU-2048-14, by the City of Fitchburg Public Works, to exceed the 35 foot height limitation under R-L zoning to allow for installation of a 60 foot pole, with a 5.5 foot antenna, at the City's well house number 8 at 5127 Hilltop Road.**

Chair Poole opened and closed the public hearing as there were no registrants.

City Planner Tom Hovel explained the request for the pole with antenna noting that because of the growth of the trees they need a clear line of communication so it needs to get above the tree line.

Motion by Kinney, second by Baumbach, to approve CU-2048-14 with the following condition:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

# DRAFT MINUTES

Motion was carried unanimously.

## **7. Architectural Design Review request by the City of Fitchburg Public Works for a 60 foot pole with a 5.5 foot antenna at the City's well house number 8 at 5127 Hilltop Road.**

Motion by Anderson, second by Baumbach, to approve ADR with the following condition:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion was carried unanimously.

## **8. Certified Survey Map request CS-2044-14 by Michael Marty of Vierbicher Associates, Inc., agent for Green-Tech Land Company, LLC, for approval of a Certified Survey Map to reconfigure Lots 14-17 and Outlot 22 of Second Addition to Nine Springs into two lots and two outlots.**

City Planner Tom Hovel explained the request to reconfigure some of the lots. Staff recommended approval with conditions.

Motion by Anderson, second by Lee, to recommend approval of CS-2044-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) The Nine Spring's Developers Agreement shall be amended to adjust the timing for installation of the bike paths within Nine Springs and a letter of credit shall be provided for such bike paths prior to the City signing of the Certified Survey Map.

Motion was carried unanimously.

## **9. Resolution R-111-14, A Resolution Accepting Public Easements on Lots 33 and 34, and Outlot 23 in the Plat of Third Addition to Nine Springs.**

City Planner Tom Hovel explained that this Resolution was to clean-up items from the Newman single-family development in Uptown where additional easements were needed.

Motion by Kinney, second by Baumbach, to recommend approval of Resolution R-111-14 was carried unanimously.

## **10. Resolution R-112-14, A Resolution Accepting Public Stormwater Easements on Lot 4 in the Plat of Techlands and an Outlot 7 in the Plat of 1<sup>st</sup> Addition to Fitchburg Technology Campus.**

City Planner Tom Hovel provided a brief overview of the Resolution.

Motion by Kinney, second by Lee, to recommend approval of Resolution R-112-14 was carried unanimously.

## **11. Planning Department Report**

City Planner Tom Hovel provided an overview of the submitted applications for the January meeting.

# DRAFT MINUTES

## **12. Announcements**

Chair Poole informed the Commission that the next meeting is scheduled for January 20, 2015.

Rachel Lee stated she will be absent at the January meeting.

## **13. Adjournment**

Motion by Baumbach, second by Lee, to adjourn at 8:15 p.m. was carried unanimously.



## MEMORANDUM

CITY OF FITCHBURG  
PLANNING DEPARTMENT  
5520 LACY ROAD  
FITCHBURG, WI 53711  
(608) 270-4200  
FAX: (608) 270-4275  
EMAIL: [planning@fitchburgwi.gov](mailto:planning@fitchburgwi.gov)

TO: Plan Commission  
FROM: Tom Hovel, Zoning Administrator/City Planner  
Susan Badtke, Community Planner  
DATE: January 15, 2015  
SUBJECT: January 20, 2015 Plan Commission Items

**4. Public hearing and consideration of rezone request, RZ-2046-14, by Michael Barry to rezone from the A-T (Transitional Agriculture) to the A-S (Small Lot Agriculture) district a portion of property associated with 5556 CTH M, part of Lot 2 CSM 13071.**

**AND**

**5. Certified Survey Map request, CS-2047-14, by Michael Barry to divide Lot 2 CSM 13071 into two lots.**

Site Details:

Acres: ~53

Existing Use: Agriculture

Current Zoning: R-D (Rural Development) - ~15 acres; A-T (Transitional Agriculture) - ~38



Background & Application Description:

Applicant is requesting approval to divide Lot 2 CSM 13071 into two lots. The purpose of the land division is because the applicant is looking to sell proposed lot 1 to an adjacent property owner. In addition to the land division, the applicant is looking to rezone proposed lot 1 as well as the portion of proposed lot 2 that is currently zoned A-T (Transitional Agriculture) to A-S (Small Lot Agriculture).

Staff Evaluation:

The current property, Lot 2 CSM 13071, has a portion zoned R-D (~15 acres) and another portion zoned A-T (~38 acres). The applicant is looking to sell off approximately 23 acres (proposed lot 1) of the easterly A-T land to an adjacent property owner and retain the R-D and remaining westerly A-T portion as proposed Lot 2. The rezoning is needed if the land division occurs as the A-T zoning district requires a minimum lot size of 35 acres; with the land division the current A-T property, both on proposed Lot 1 and Lot 2, would not meet this size requirement. Given this, the owner is proposing to rezone the property from the A-T to the A-S district. The A-S district has a minimum acreage requirement of three acres, which will be met with this land division.

The Ag & Rural Affairs Committee reviewed the requests at their January 6, 2015 meeting and recommended approval of both of the requests.

Consistency with Comprehensive Plan:

Future Land Use Plan: AG & OS (Ag & Open Space)

Staff has not identified any conflicts of these requests with the comprehensive plan. The land will remain zoned in agriculture use under the A-S district.

Staff Recommendation:

*Rezone RZ-2046-14:*

Staff recommends approval of RZ-2046-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

*Certified Survey Map CS-2047-14:*

Staff recommends approval of CS-2047-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Signature line for the Fitchburg City Clerk shall be updated to reflect the current Clerk prior to the City signing of the CSM.

Attachments:

- RZ-2046-14 & CS-2047-14 materials

**6. Public hearing and consideration of rezone request, RZ-2049-14, by Michael McMahon, agent for Fitchburg Development, LLC, to rezone from the B-H (Business Highway) to the B-G (General Business) property addressed as 5973 Executive Drive, Lots 14 & 15 and part of Outlot 2 Fitchburg Business Park.**

Site Details:

Acres: ~3

Existing Use: Fitness Facility

Current Zoning: B-H (Business Highway)

Background & Application Description:

Applicant is requesting approval to rezone property associated with 5973 Executive Drive from the B-H to the B-G district to allow for a chiropractic office user.



Staff Evaluation:

Staff received an inquiry from an existing Fitchburg chiropractic business regarding a sign for their new location at 5973 Executive Drive. Staff informed the business that the property was zoned B-H, which does not allow for medical office users. Given this, the property owner has decided to pursue a rezoning request to change the zoned to the B-G district.

The building currently houses Pinnacle Health & Fitness as well as a hair salon. Both of these existing users are also allowed in the B-G district.

Staff has reviewed the submitted application and has not identified any concerns with this rezoning request.

Consistency with Comprehensive Plan:

Future Land Use Plan: BUS (Business)

Staff has not identified any conflicts with the submitted request and the comprehensive plan; the use of the property will remain in business.

Staff Recommendation:

Staff recommends approval of RZ-2049-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Attachments:

- RZ-2049-14 materials

**7. Public hearing and consideration of Ordinance 2015-O-02, An Ordinance Amending Chapter 22 Relative to Convenience Cash Businesses and Secondhand Businesses.**

Background & Resolution Description:

Alder Stern had previously submitted an ordinance to amend the Zoning Ordinance to require a conditional use for payday lenders, auto title loan, tax preparation and check cashing businesses in all business districts and also be a minimum of 5,000 feet from any other such business. This ordinance was discussed at the Plan Commission and some deficiencies were identified. Planning Staff has now worked with the City Attorney to draft a new ordinance that should meet the intent of Alder Stern's ordinance and also address the concerns of the Commission.

Staff Evaluation:

The proposed ordinance, as drafted by staff, makes the following changes to the Chapter 22 Zoning Ordinance:

- Defines Convenience Cash Business (as definition states, these are also known as, but not limited to, payday loan, cash advance, or check-cashing or title loan businesses).
- Defines Secondhand Business as a business requiring a license under the Fitchburg Code.
- Excludes Convenience Cash Businesses as a permitted use in the B-P and B-G zoning districts and also excludes secondhand businesses as a permitted use in the B-G district.
- Allows for CCB and Secondhand Businesses as a conditional use in the B-G district and provides standards for the Plan Commission to consider when reviewing such a conditional use permit request.

In drafting the ordinance staff reviewing other municipal ordinances related to these types of uses and primarily modeled the ordinance after Watertown and Wauwatosa.

Staff worked with the City Attorney to draft the ordinance.

Staff Recommendation:

Staff recommends that the Plan Commission recommend approval of Ordinance 2015-O-02.

Attachments:

- Ordinance 2015-O-02

**8. Architectural Design Review request by Branford Kerns of Bucky's Portable Toilets to allow for a new 60' x 100' steel building at 2182 CTH MM.**

Site Details:

Acres: ~7.4

Existing Use: Bucky's Rentals

Current Zoning: B-H (Highway Business) & R-L (Residential – Low Density)



Background & Application Description:

Bucky's rental is looking to construct a new 60x100 steel building on their property at 2182 CTH MM. Per the submittal, there are three other similar structures that exist on the parcel and are all commercially occupied and operational as businesses that provide tent and portable restroom rental services, small engine repair services and electrical repair contractors. The new proposed buildings will be used for expansion of the business currently operation on the site.

Staff Evaluation:

The application provides detailed information on the placement of the building and notes that it will comply with the zoning requirements. The submittal also notes that all of the existing buildings on the property are serviced by an existing water well which will also serve the new building and by individual septic systems. The new proposed building will require a dedicated septic system and the land has been perc tested with it identifying a mound-style septic system as the required system.

Basic building plans are provided with the submittal and show a representation of the building. As mentioned above, the building is 60'x100' with the sidewalls proposed at 20' in height. Further detailed plans will accompany the building/zoning permits and staff will review to ensure compliance with the zoning requirements.

Staff Recommendation:

Staff recommends approval of ADR request with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except with the approval provided herein.
- 2.) Parking shall be hard surfaced, per the City's parking standards.
- 3.) Shall comply with all requirements of Chapter 22 Zoning Ordinance, including required setbacks, height, open space, etc.

Attachments:

- ADR materials

## **9. Resolution R-05-15, Resolution to Approve Amendment to TechLands Development Agreement**

Background & Resolution Description:

As the referral states, the developer of TechLands has requested that the single-family lots be removed from the development agreement for Tax Incremental Financing to construct Nobel Drive and Mica Road so as to allow the sale of those lots to a third party.

Staff Evaluation:

The City Attorney has stated that, from a practical standpoint, the release will allow single-family lot owner(s) the ability to contest assessments. However, without this amendment and releasing them from the development agreement, a mortgage company is unlikely to provide a loan on a single family lot with such restrictions.

Staff has not identified any concerns with the amendment.

Staff Recommendation:

Staff recommends that the Plan Commission recommend approval of Resolution R-05-15.

Attachments:

- Resolution R-05-15



City of Fitchburg  
 Planning/Zoning Department  
 5520 Lacy Road  
 Fitchburg, WI 53711  
 (608-270-4200)

# REZONING APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby petitions to amend the zoning district map of the Fitchburg zoning ordinance by reclassifying from the A-T district to the A-S district the following described property:

1. **Location of Property/Street Address:** 5556 Highway M, Oregon, WI

**Legal Description - (Metes & Bounds, or Lot No. And Plat):**

SEE ATTACHED MAP AND DESCRIPTIONS

\*\*\*Also submit in electronic format (MS WORD or plain text) by email to: [planning@fitchburgwi.gov](mailto:planning@fitchburgwi.gov)

2. **Proposed Use of Property - Explanation of Request:**

See Exhibit "A"

3. **Proposed Development Schedule:** 12/31/14; subject to approval of CSM

\*\*\*Pursuant to Section 22-3(b) of the Fitchburg Zoning Ordinance, all Rezoning shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

\*\*\*Attach three (3) copies of a site plan which shows any proposed land divisions, plus vehicular access points and the location and size of all existing and proposed structures and parking areas. Two (2) of the three (3) copies shall be no larger than 11" x 17". Submit one (1) electronic pdf document of the entire submittal to [planning@fitchburgwi.gov](mailto:planning@fitchburgwi.gov). Additional information may be requested.

**Type of Residential Development (If Applicable):** \_\_\_\_\_

**Total Dwelling Units Proposed:** \_\_\_\_\_ **No. Of Parking Stalls:** \_\_\_\_\_

**Type of Non-residential Development (If Applicable):** \_\_\_\_\_

**Proposed Hours of Operation:** \_\_\_\_\_ **No. Of Employees:** \_\_\_\_\_

**Floor Area:** \_\_\_\_\_ **No. Of Parking Stalls:** \_\_\_\_\_

**Sewer:** Municipal  Private  **Water:** Municipal  Private

**Current Owner of Property:** Michael M. Barry

**Address:** 5556 Highway M, Oregon, WI **Phone No:** (608) 835-3840

**Contact Person:** Atty. Gregory J. Paradise

**Email:** greg@mmwp-law.com

**Address:** 20 N. Carroll Street, Madison, WI 53703 **Phone No:** (608) 256-1978

**Respectfully Submitted By:** *Michael M. Barry* **Michael M. Barry**  
 Owner's or Authorized Agent's Signature Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

**For City Use Only:** **Date Received:** \_\_\_\_\_ **Publish:** \_\_\_\_\_ and \_\_\_\_\_

**Ordinance Section No.** \_\_\_\_\_ **Fee Paid:** \_\_\_\_\_

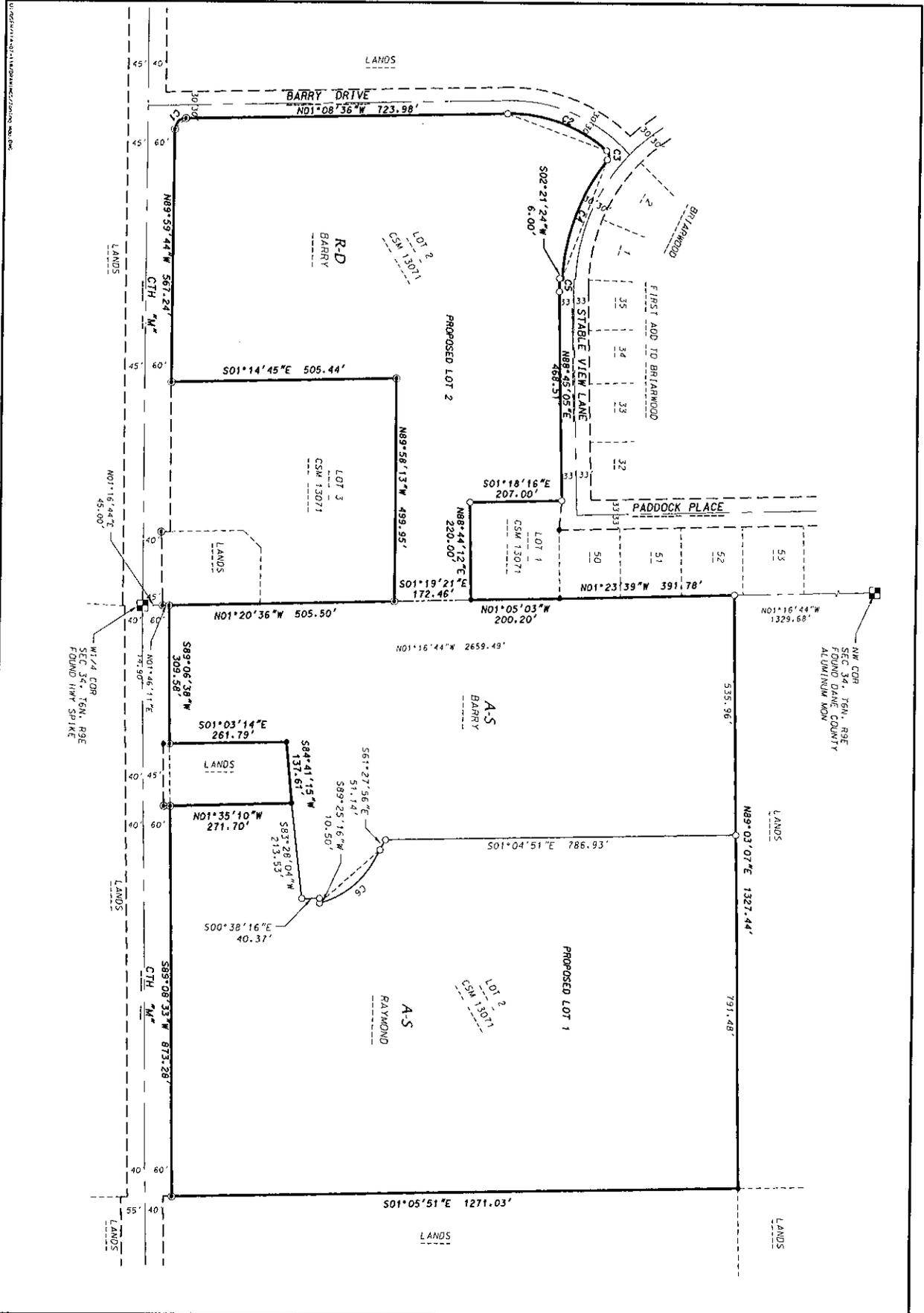
**Permit Request No.** \_\_\_\_\_

**EXHIBIT "A"**

**REZONING APPLICATION**

**2. Proposed Use of Property – Explanation of Request:**

No change in use; purpose of rezoning is to permit sale of approximate 23 acre parcel to neighbor. Property use will continue to be agricultural. Use of parcel to be retained by Owner will remain unchanged.



SCALE: 1" = 200'  
 DATE: 11/17/14  
 SHEET NO. 1 OF 1  
 SHEET NUMBER: 1 OF 1  
 TOWN OF FITCHBURG  
 COUNTY OF DANE  
 WISCONSIN

**ZONING MAP**  
**RAYMOND/BARRY PROPERTY**  
 LOT 2, CERTIFIED SURVEY MAP NO. 10321  
 LOCATED IN THE SE 1/4 OF SECTION 33 AND THE SW 1/4 OF THE NW 1/4 OF SECTION 34, T6N, R9E,  
 CITY OF FITCHBURG, DANE COUNTY, WISCONSIN

**D'HOFFER KOTTKE AND ASSOCIATES, INC.**  
 7330 Westland Way, Madison, WI 53717  
 Phone: 608.233.7350 Fax: 608.833.1069  
 YOUR PARTNER IN LAND DEVELOPMENT

## DESCRIPTION - Barry Lands to be Re-Zoned A-S

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet to the point of beginning; thence N01°20'36"W, 505.50 feet along the west line of said Lot 2; thence N01°19'21"W, 172.46 feet to the southeast corner of Lot 3, Certified Survey Map No. 13071; thence N01°05'03"W, 200.20 feet along the east line of said Lot 3 to the northeast corner of said Lot 3; thence N01°23'39"W, 391.78 feet along the east line of First Addition to Briarwood; thence N89°03'07"E, 535.96 feet; thence S01°04'51"E, 786.93 feet; thence S61°27'56"E, 51.14 feet to a point of curve; thence southeasterly on a curve to the right which has a radius of 200.00 feet and a chord which bears S38°20'36"E, 157.08 feet; thence S89°25'16"W, 10.50 feet; thence S00°38'16"E, 40.37 feet; thence S83°28'04"W, 213.53 feet; thence S84°41'15"W, 137.61 feet; thence S01°03'14"E, 261.79 feet; thence S89°06'38"W, 309.58 feet along said north right-of-way line of CTH "M" to the point of beginning. Said parcel contains 637,326 square feet (14.631 acres).

## DESCRIPTION - Barry Lands Zoned R-D

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet; thence N01°20'36"W, 505.50 feet along the west line of said Lot 2 to the point of beginning; thence N89°58'13"W, 499.95 feet along the north line of Lot 3, said Certified Survey Map No. 13071; thence S01°14'45"E, 505.44 feet along the west line of said Lot 3; thence N89°59'44"W, 567.24 feet along the north right-of-way line of CTH "M" to a point of curve; thence northwesterly on a curve to the right which has a radius of 25.00 feet and a chord which bears N45°19'01"W, 34.98 feet; thence N01°08'35"W, 723.99 feet along the west right-of-way line of Barry Drive to a point of curve; thence northeasterly along said westerly right-of-way on a curve to the right which has a radius of 330.00 feet and a chord which bears N20°05'44"E, 239.09 feet to a point of curve; thence northeasterly along said westerly right-of-way on a curve to the right which has a radius of 15.00 feet and a chord which bears N84°51'36"E, 20.66 feet to a point of curve; thence southeasterly along the south right-of-way line of Stable View Lane on a curve to the left which has a radius of 460.00 feet and a chord which bears S69°34'17"E, 284.32 feet; thence S02°21'20"W, 6.00 feet along said south right-of-way line to a point of curve; thence southeasterly along said south right-of-way line on a curve to the left which has a radius of 466.00 feet and a chord which bears S89°27'41"E, 29.57 feet; thence N88°45'05"E, 468.51 feet along said south right-of-way line; thence S01°18'16"E, 207.00 feet along the east line of Lot 1, said Certified Survey Map No. 13071; thence N88°44'12"E, 220.00 feet along the south line of said Lot 3; thence S01°19'21"E, 172.46 feet to the point of beginning. Said parcel contains 670,685 square feet (15.397 acres).

## **DESCRIPTION - Raymond Lands to be Re-Zoned A-S**

Being a part of Lot 2, Certified Survey Map No. 13071, located in the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin described as follows; commencing at the west quarter corner of said Section 34, T6N, R9E; thence N01°16'44"E, 45.00 feet along the west line of said NW1/4; thence N01°46'11"E, 14.90 feet; thence N89°06'38"E, 309.58 feet along the north right-of-way line of CTH "M"; thence N01°03'14"W, 261.79 feet along the east line of said Lot 2; thence N84°41'15"E, 137.61 feet along the south line of said Lot 2 to the point of beginning; thence N83°28'04"E, 213.53 feet; thence N00°38'16"W, 40.37 feet thence N89°25'16"E, 10.50 feet to a point of curve; thence northwesterly on a curve to the left which has a radius of 200.00 feet and a chord which bears N38°20'36"W, 157.08 feet; thence N61°27'56"W, 51.14 feet; thence N01°04'51"W, 786.93 feet; thence N89°03'07"E, 791.48 feet along the north line of Lot 2, Certified Survey Map No. 13071; thence S01°05'51"E, 1271.03 feet along the east line of said Lot 2; thence S89°08'33"W, 873.28 feet along said north right-of-way line of CTH "M"; thence N01°35'10"W, 271.70 feet along the west line of said Lot 2 to the point of beginning. Said parcel contains 1,008,789 square feet (23.159 acres).



City of Fitchburg  
 Planning/Zoning Department  
 5520 Lacy Road  
 Fitchburg, WI 53711  
 (608-270-4200)

# LAND DIVISION APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby submits ten (10) copies of the attached maps, one (1) copy no larger than 11" x 17", and one (1) pdf document of the complete submittal (planning@fitchburgwi.gov) for approval under the rules and requirements of the Fitchburg Land Division Ordinance.

1. **Type of Action Requested:**
- Certified Survey Map Approval
  - Preliminary Plat Approval
  - Final Plat Approval
  - Replat
  - Comprehensive Development Plan Approval

2. **Proposed Land Use** (Check all that Apply):

- Single Family Residential
- Two-Family Residential
- Multi-Family Residential
- Commercial/Industrial

3. **No. of Parcels Proposed:** Two

4. **No. Of Buildable Lots Proposed:** \_\_\_\_\_

5. **Zoning District:** A-S

6. **Current Owner of Property:** Michael M. Barry

**Address:** 5556 Highway M, Oregon, WI **Phone No:** (608) 835-3840

7. **Contact Person:** Atty. Gregory J. Paradise

**Email:** greg@mmwp-law.com

**Address:** 20 N. Carroll Street, Madison, WI 53703 **Phone No:** (608) 256-1978

8. **Submission of legal description** in electronic format (MS Word or plain text) by email to: planning@fitchburgwi.gov

Pursuant to Section 24-2 (4) of the Fitchburg Land Division Ordinance, all Land Divisions shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

Respectfully Submitted By: *Michael M. Barry* / Michael M. Barry

Owner's or Authorized Agent's Signature      Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

For City Use Only:      Date Received: \_\_\_\_\_

Ordinance Section No. \_\_\_\_\_ Fee Paid: \_\_\_\_\_

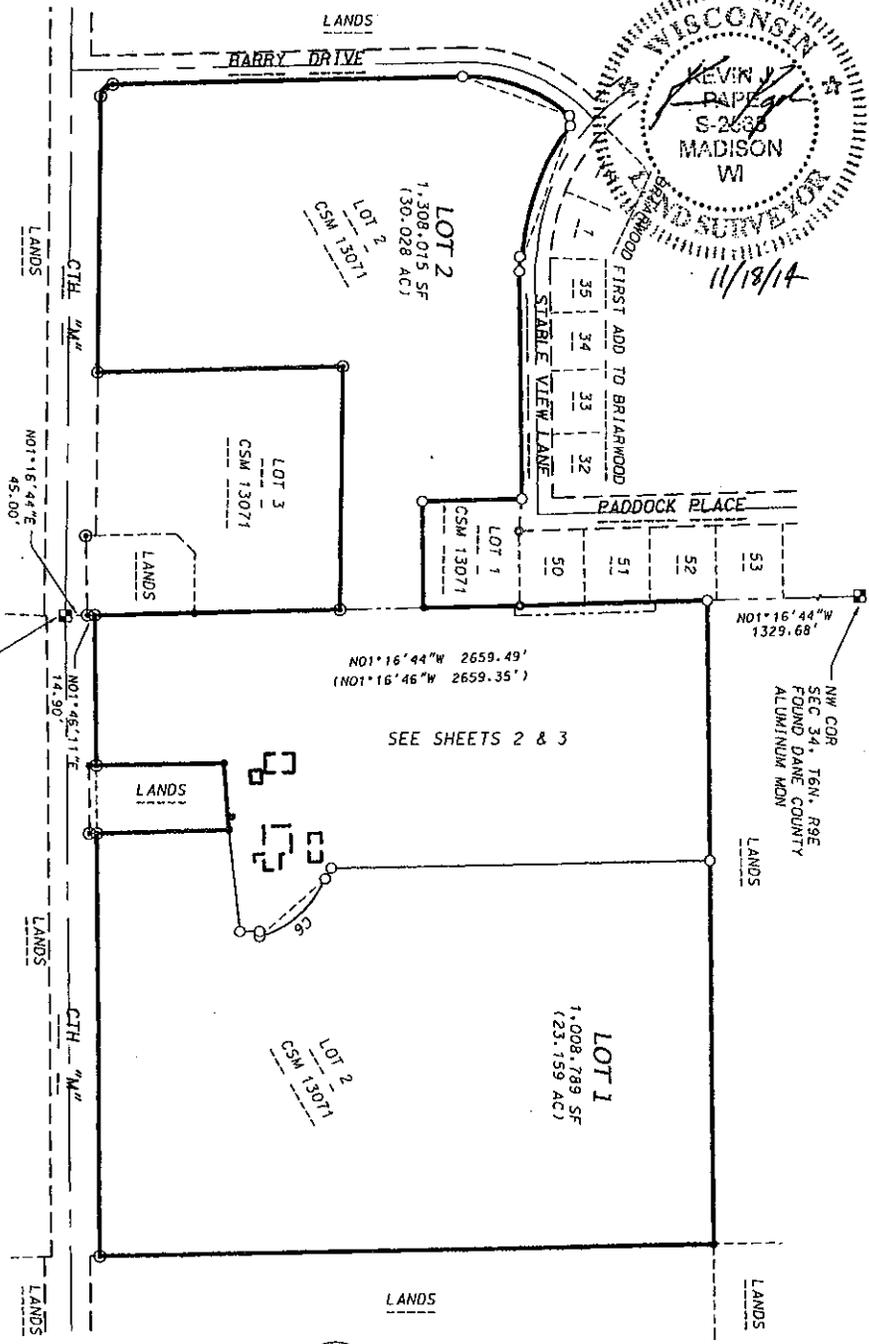
Permit Request No. \_\_\_\_\_

# CERTIFIED SURVEY MAP

LOT 2, CERTIFIED SURVEY MAP NO. 13071  
 LOCATED IN THE SE1/4-NE1/4 AND SW1/4-NW1/4 OF SECTION 34, T6N, R9E,  
 CITY OF FITCHBURG, DANE COUNTY, WISCONSIN



- LEGEND**
- PLACED 3/4" X 18" IRON REBAR (WT = 1.5LB/FT)
  - FOUND 1-1/4" IRON PIPE
  - FOUND 3/4" IRON REBAR (UNLESS OTHERWISE NOTED)
  - FOUND 1-1/4" IRON REBAR

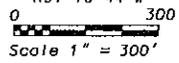


WT/4 COR  
 SEC 34, T6N, R9E  
 FOUND HWY SPIKE

NW COR  
 SEC 34, T6N, R9E  
 FOUND DANE COUNTY  
 ALUMINUM MON



THE WEST LINE OF THE  
 NW1/4 OF SECTION 34  
 IS ASSUMED TO BEAR  
 N01°16'44"W



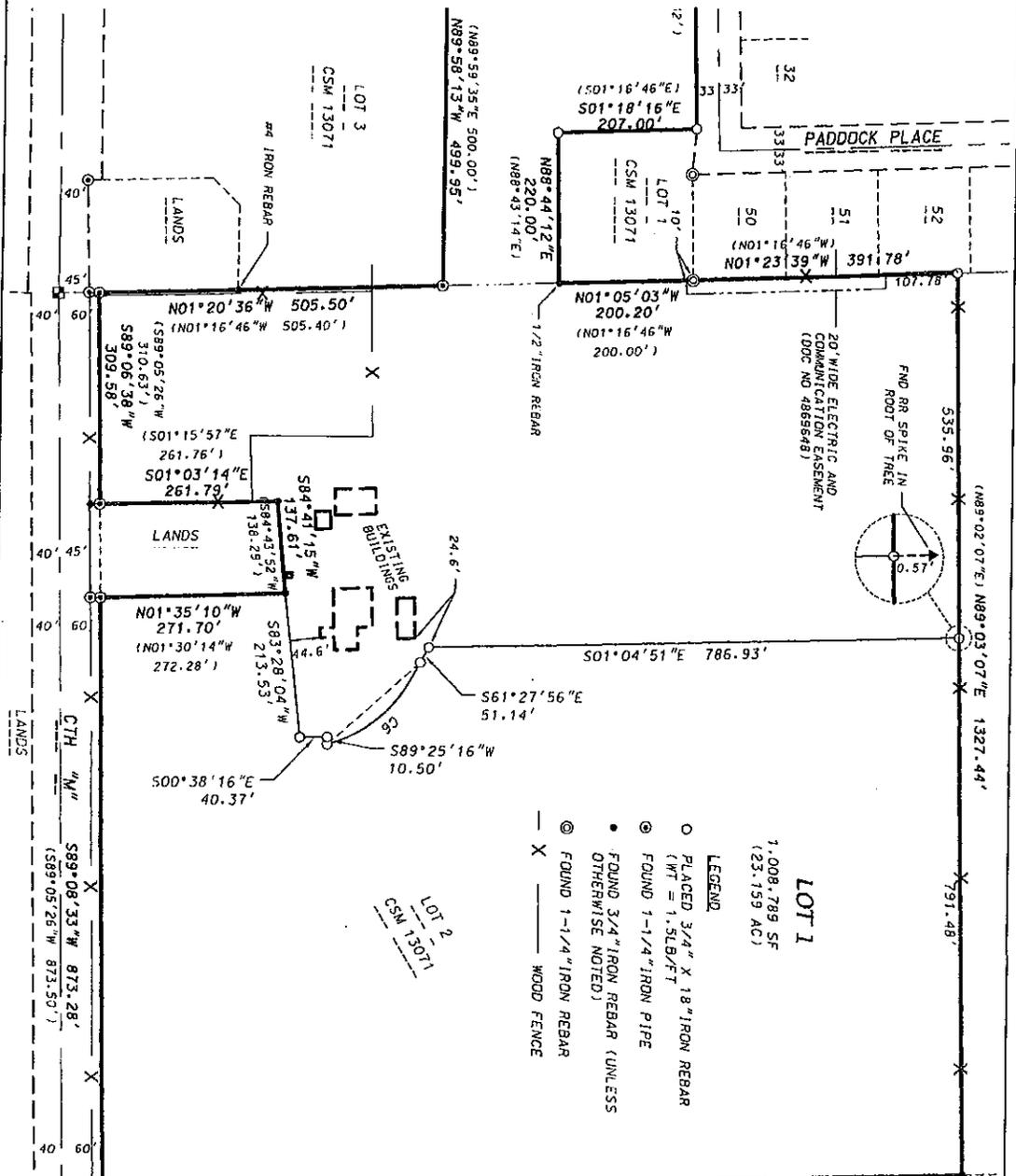
DATE: November 17, 2014  
 F.N.: 14-07-118  
 C.S.M. NO. \_\_\_\_\_  
 DOC. NO. \_\_\_\_\_  
 VOL. \_\_\_\_\_ SHEET \_\_\_\_\_

**D'ONOFRIO KOTTKE AND ASSOCIATES, INC.**

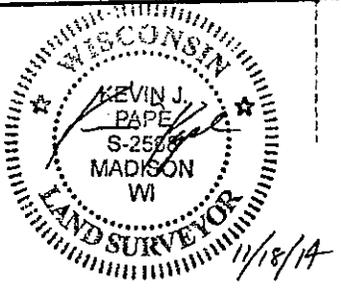
7530 Westwood Way, Madison, WI 53717  
 Phone: 608.833.7450 • Fax: 608.833.1089  
 YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT



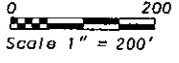
# CERTIFIED SURVEY MAP



- LOT 1**  
1,008,789 SF  
(23.159 AC)
- LEGEND**
- PLACED 3/4" X 1/8" IRON REBAR (WT = 1.5LB/FT)
  - ⊙ FOUND 1-1/4" IRON PIPE
  - FOUND 3/4" IRON REBAR (UNLESS OTHERWISE NOTED)
  - ⊙ FOUND 1-1/4" IRON REBAR
  - X — WOOD FENCE



THE WEST LINE OF THE NW1/4 OF SECTION 34 IS ASSUMED TO BEAR N01°16'44"W



SHEET 3 OF 5

DATE: November 17, 2014  
 F. N. : 14-07-118  
 C. S. M. NO. \_\_\_\_\_  
 DOC. NO. \_\_\_\_\_  
 VOL. \_\_\_\_\_ SHEET \_\_\_\_\_

**O'DONFRIO KOTTKE AND ASSOCIATES, INC.**

7530 Westward Way, Madison, WI 53717  
 Phone: 608.833.7530 • Fax: 608.833.1089

**YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT**

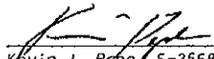
# CERTIFIED SURVEY MAP

## SURVEYOR'S CERTIFICATE

I, Kevin J. Pape, Professional Land Surveyor, S-2568, do hereby certify that this survey is in full compliance with Chapter 236.34 of the Wisconsin Statutes and the Subdivision Regulations of the City of Fitchburg, Dane County, Wisconsin and under the direction of the Owners listed below, I have surveyed, divided and mapped the land described herein and that said map is a correct representation of the exterior boundaries of the land surveyed and the division thereof. Said land is described as follows:

Being Lot 2, Certified Survey Map No. 13071 recorded in Volume 83 of Certified Survey Maps on Pages 318-320, Dane County Registry, located in the SE1/4 of the NE1/4 of Section 33 and the SW1/4 of the NW1/4 of Section 34, T6N, R9E, City of Fitchburg, Dane County, Wisconsin. Containing 2,316,795 square feet (53.186 AC)

Dated this 18<sup>TH</sup> day of NOVEMBER, 2014.

  
Kevin J. Pape S-2568



## OWNER'S CERTIFICATE

As owner(s), I (we) hereby certify that I (we) caused the land described on this map to be surveyed, divided and mapped as represented on the map.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Michael M. Barry

\_\_\_\_\_  
Darlene K. Barry

STATE OF WISCONSIN)  
COUNTY OF DANE IS.S.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named person(s) to me known to be the same person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin  
My commission expires \_\_\_\_\_

  
D'ONOFRIO KOTTKE AND ASSOCIATES, INC.

7530 Westward Way, Madison, WI 53717  
Phone: 608.833.7530 • Fax: 608.833.1089  
YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT

DATE: November 20, 2013  
F.N.: 13-07-116  
C.S.M. NO. \_\_\_\_\_  
DOC. NO. \_\_\_\_\_  
VOL. \_\_\_\_\_ SHEET \_\_\_\_\_

# CERTIFIED SURVEY MAP

CITY OF Fitchburg APPROVAL

This Certified Survey Map, including any dedications shown thereon, has been duly filed with and approved by the Common Council of the City of Fitchburg, Dane County, Wisconsin.

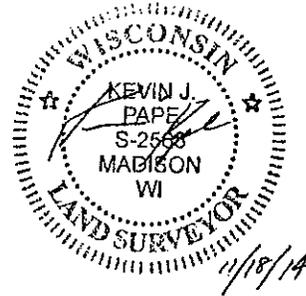
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Linda Cory  
Clerk, City of Fitchburg

REGISTER OF DEEDS CERTIFICATE

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. and recorded in Volume \_\_\_\_\_ of Certified Survey Maps on Pages \_\_\_\_\_ as Document Number \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski, Dane County Register of Deeds



CURVE TABLE

CURVE NUMBER	RADIUS (FEET)	CHORD (FEET)	ARC (FEET)	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
C1	25.00	34.98 (35.00)	38.75 (38.77)	N45°19'01"W (N45°34'31"W)	88°48'18" (88°51'49")	IN-N89°43'10"W; OUT-N00°54'55"W
C2	330.00	239.09	244.65	N20°05'44"E	42°28'40"	OUT-N41°20'04"E
C3	15.00	20.66	22.79	N84°51'36"E	87°03'04"	OUT-S51°36'52"E
C4	460.00	284.32 (284.52)	289.05 (289.26)	S69°34'17"E (S69°37'44"E)	36°00'10" (36°01'45")	IN-S51°34'12"E; OUT-S87°34'22"E
C5	466.00	29.57	29.57	S89°27'41"E	03°38'10"	IN-S897°38'36"E; OUT-N88°43'14"E
C6	200.00	157.08	161.42	S38°20'36"E	46°14'40"	OUT-S15°13'17"E

**D'ONOFRIO KOTTKE AND ASSOCIATES, INC.**

7350 Westward Way, Madison, WI 53717  
Phone: 608.533.7530 • Fax: 608.833.1089

**YOUR NATURAL RESOURCE FOR LAND DEVELOPMENT**

DATE: November 20, 2013  
F.N.: 13-07-116  
C.S.M. NO. \_\_\_\_\_  
DOC. NO. \_\_\_\_\_  
VOL. \_\_\_\_\_ SHEET \_\_\_\_\_



City of Fitchburg  
 Planning/Zoning Department  
 5520 Lacy Road  
 Fitchburg, WI 53711  
 (608-270-4200)

# REZONING APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby petitions to amend the zoning district map of the Fitchburg zoning ordinance by reclassifying from the BH district to the B-4 district the following described property:

1. Location of Property/Street Address: 5973 EXECUTIVE DR

Legal Description - (Metes & Bounds, or Lot No. And Plat):

FITCHBURG BUSINESS PARK LOT 14 AND 15 AND ALSO INCL PART OF OUT LOT 2  
 DESCR AS BEG AT SE CORNER OF LOT 14 TH N03DEG09'29" E ALG LN  
 BTW SD LOT 14 & OUT LOT 2 240.00 FT TH S03DEG00'43D FT TH SIDDEG20'  
 05" W 111.62 FT TO SE COR OF SD LOT 14 & POB

\*\*\*Also submit in electronic format (MS WORD or plain text) by email to: [planning@fitchburgwi.gov](mailto:planning@fitchburgwi.gov)

2. Proposed Use of Property - Explanation of Request:

USE 800 SQ FOOT SUITE FOR CHIROPRACTIC OFFICE  
 2200 SQ FOOT SUITE FOR BEAUTY SALON  
 35,000 SQ FOOT FITNESS CENTER

3. Proposed Development Schedule:

\*\*\*Pursuant to Section 22-3(b) of the Fitchburg Zoning Ordinance, all Rezoning shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

\*\*\*Attach three (3) copies of a site plan which shows any proposed land divisions, plus vehicular access points and the location and size of all existing and proposed structures and parking areas. Two (2) of the three (3) copies shall be no larger than 11" x 17". Submit one (1) electronic pdf document of the entire submittal to [planning@fitchburgwi.gov](mailto:planning@fitchburgwi.gov). Additional information may be requested.

Type of Residential Development (If Applicable): \_\_\_\_\_

Total Dwelling Units Proposed: \_\_\_\_\_ No. Of Parking Stalls: \_\_\_\_\_

Type of Non-residential Development (If Applicable): \_\_\_\_\_

Proposed Hours of Operation: \_\_\_\_\_ No. Of Employees: \_\_\_\_\_

Floor Area: \_\_\_\_\_ No. Of Parking Stalls: \_\_\_\_\_

Sewer: Municipal  Private  Water: Municipal  Private

Current Owner of Property: FITCHBURG DEVELOPMENT LLC

Address: 1414 N VAN BUREN ST. MILWAUKEE WI 53202 Phone No: 608. 712 5973

Contact Person: MICHAEL McMAHON

Email: MIKE@PHFITNESS.COM

Address: 5949 SCHUMANN DR FITCHBURG WI Phone No: 608. 712. 5973

Respectfully Submitted By: [Signature] MICHAEL McMAHON  
 Owner's or Authorized Agent's Signature Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

For City Use Only: Date Received: 12/9/2014 Publish: \_\_\_\_\_ and \_\_\_\_\_

Ordinance Section No. \_\_\_\_\_ Fee Paid: \$565

Permit Request No. RZ-2049-14



GARY BRINK & ASSOCIATES  
ARCHITECTS

8401 EXCELSIOR DRIVE  
MADISON, WI 53717  
608-829-1750  
608-829-3056 (FAX)

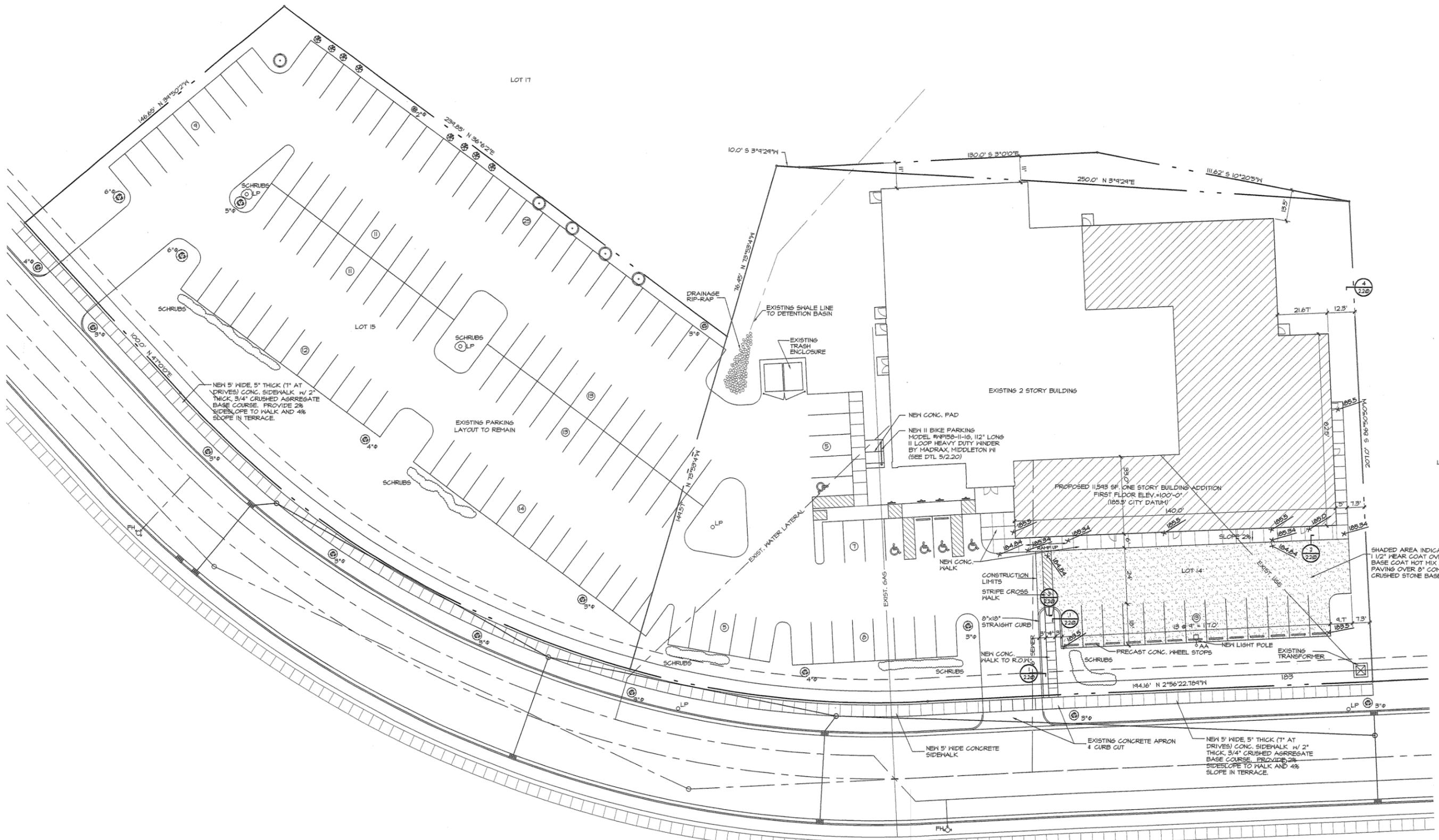
PROJECT:  
**EXPANSION FOR PINNACLE HEALTH CLUB**  
5973 EXECUTIVE DRIVE FITCHBURG, WISCONSIN 53719

CLIENT:  
**FITCHBURG DEVELOPMENT, LLC.**  
1414 NORTH VAN BUREN MILWAUKEE, WISCONSIN 53202

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or use by any other party is  
prohibited unless prior written  
authorization is received from  
GARY BRINK & ASSOC.

PROJECT: 200402  
CAD FILE: 201-200233  
DRAWN BY: TB/rjm  
DATE: 09/07/04



IMPERVIOUS SURFACE RATIO (ISR) = 64%

LUMINAIRE SCHEDULE		
LABEL	LUMENS, LLF	DESCRIPTION
AA	34,200, 650	SINGLE HEAD ON 25' POLE, VFT2444-M (400W MH)

NOTE:  
ALL WORK WITHIN RIGHT-OF-WAY OR PUBLIC  
EASEMENTS SHALL BE ACCORDING TO CITY OF  
FITCBURG STANDARD SPECIFICATIONS FOR  
PUBLIC WORKS CONSTRUCTION (APRIL 2004).

# SITE, GRADING & EROSION CONTROL PLAN

1" = 20'



# City of Fitchburg

## Committee or Commission Referral

---

Direct Referral Initiated by:  
 Direct Referral Approved by:

Date Referred: **January 13, 2015**                      Ordinance Number: 2015-O-02  
 Date to Report Back: **January 27, 2015**              Resolution Number:

---

Sponsored by: Mayor Pfaff                                      Drafted by: Planning/Zoning

TITLE:      An Ordinance Amending Chapter 22 Relative to  
                  Convenient Cash Businesses and Secondhand Businesses

**Background:** Alder Stern had previously submitted an ordinance to amend the Zoning to have payday lenders, auto title loan, tax preparation and check-cashing businesses to be a conditional use in all business districts and also be a minimum of 5,000 feet from any other such business. This ordinance was discussed at the Plan Commission and some deficiencies were identified. Planning Staff has worked with the City Attorney to draft a new ordinance that should meet the concerns and regulate the location of these types of businesses.

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel/Badtke	January 20, 2015	
2				
3				
4				

Amendments:

Mayor Pfaff  
Introduced By

Planning Dept.  
Drafted By

Plan Commission  
Referred to

Dec. 17, 2014  
Date

**ORDINANCE NO. 2015-O-02**  
**An Ordinance Amending Chapter 22 Relative to**  
**Convenience Cash Businesses and Secondhand Businesses**

**The Common Council of the City of Fitchburg, Dane County, Wisconsin hereby ordains as follows:**

SECTION 1: Amend Section 22-247(1)(b) to read:

- (b) Finance, real estate, insurance. (60-67, **except for Convenience Cash Business**)

SECTION 2: Amend Section 22-278(1)(b) to read:

- (b) Finance, real estate, insurance. (60-67, **except for Convenience Cash Business**)

SECTION 3: Amend Section 22-278(2)(i) to read:

- (i) Miscellaneous retail stores. (59, except 598 **and Secondhand Business**)

SECTION 4: Create Section 22-279(12) to read:

**(12) Convenience Cash Business or Secondhand Business. In addition to the standards of section 22-640(c) the following standards shall also be applied by the Plan Commission:**

- (a) Distance to any other Convenience Cash Business or Secondhand Business**  
**(b) Distance to an existing residential zoning district or residential use**  
**(c) Distance to a school**

**In its review of the application the Plan Commission shall avoid concentrations of these uses within in any one locale, or to be detrimental to a neighborhood. Any distance of less than 1000 feet shall be presumed to be detrimental.**

SECTION 5: Amend Section 22-427(3) to read:

- (3) Offices, business and professional, including banks and financial institutions.**  
**(Except for Convenience Cash Business)**

SECTION 6: Amend Section 22-651 Definitions to add:

***Convenience cash business* is a business licensed pursuant to Wis. Stats. 138.09, or 218.05 which provide nontraditional, short-term consumer loans in which the consumer receives cash in exchange for giving the lender a post-dated check, title to a motor vehicle, or electronic access to the consumer's bank account for the amount of the loan for a period of time before negotiating the check or for payment to the lender an agreed-upon finance fee or refinancing or consolidating such transaction. Such businesses are also known as, but not limited to, payday loan, cash advance, or check-cashing, or title**

loan. This does not include financial institutions authorized to do business under state or federal laws including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions.

*Secondhand Business* is any person or business requiring a license under Chapter 66 of the Fitchburg Municipal code.

SECTION 7: This ordinance shall take effect the day after its publication.

SECTION 8: If any section, subsection, sentence, clause or phrase of this Ordinance or revision to Chapter 22, is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Shawn Pfaff, Mayor

Attested: \_\_\_\_\_

\_\_\_\_\_  
Patti Anderson, City Clerk

Published: \_\_\_\_\_



City of Fitchburg  
 Planning/Zoning Department  
 5520 Lacy Road  
 Fitchburg, WI 53711  
 (608-270-4200)

## ARCHITECTURAL & DESIGN REVIEW APPLICATION

Applicant/Contact Person: Bucky's Portable Toilets/Branford Kerns

Address: 2182 Hwy MM

Phone Number of Contact Person: 608-835-3459

City, State, Zip Code: Oregon WI 53575

Email of Contact Person: \_\_\_\_\_

Project Address: 2182 Hwy MM

Lot: \_\_\_\_\_

Subdivision: \_\_\_\_\_

Project Type: \_\_\_\_\_ Multi-Family     Commercial    \_\_\_\_\_ Industrial    \_\_\_\_\_ Other

\_\_\_\_\_ New    \_\_\_\_\_ Addition

Impervious Surface Ratio (ISR): \_\_\_\_\_ (City Standard: maximum 65% ISR)

All items listed below must be included with the application to be considered complete. If an item is not included with the application, the applicant must provide in writing the basis for not including it. Building and site plans submitted to the Fitchburg Plan Commission for architectural and design review shall contain the following information:

**Site Data:**

- 1. Lot or property dimensions.
- 2. Orientation (to north).
- 3. Adjacent highways, roads, drive, etc.
- 4. Existing natural features (rivers, ponds, wetlands).
- 5. Existing buildings and/or improvements.
- 6. Existing and proposed site drainage.
- 7. Utility plans, including main/lateral sizes and existing fire hydrants on site or within 300 feet of the site
- 8. ISR shall be indicated on all plans.
- 9. Stormwater management plans and details.
- 10. Lighting plan in footcandles and light fixture cut sheets.

**Building:**

- 1. Building size, configuration and orientation.
- 2. Distance from lot lines.
- 3. Distance from other buildings, improvements and natural features.
- 4. Location of well, septic tank, drainfield, etc. (if applicable)
- 5. Additional proposed additions or new structures.
- 6. Construction type (wood frame, structural steel, etc.).
- 7. Foundation type (full basement, slab on grade, etc.).
- 8. Number of levels.
- 9. Siding/exterior covering type, color, texture, etc.
- 10. Roof type (gable, hip, shed, flat, etc.) and pitch.
- 11. Roofing material type, color, texture, etc.
- 12. Exterior door and window location, size, type, etc.
- 13. Fire protection sprinklers or fire alarm systems.

**Ingress, Egress, Parking:**

- 1. Location of highway and road access points.
- 2. Location, size, configuration of drivers and walks.
- 3. Number, size, location of parking spaces.
- 4. Location of handicapped parking and accessible building entrances.
- 5. Bicycle rack(s).

Landscaping:

- 1. Location, species, size of existing trees, shrubs, and plantings.
- 2. Location, species, size of proposed plantings.
- 3. Location and size of all paved, seeded/sodded and gravelled areas.
- 4. Location of all retaining walls, fences, berms and other landscape features.

**\*It is highly recommended that an applicant hold at least one neighborhood meeting prior to submitting an ADR application to identify any concerns or issues of surrounding residents.**

The preceding information is considered to be the minimum information for submission, and the City may require additional information for its review. Any interpretations provided by city officials as the result of submitting the attached information are based on the submitted plans, and any plan changes, may affect the interpretations.

It is the responsibility of the owner/applicant to insure compliance with all local and state requirements. The below signed applicant acknowledges the above information and hereby submits the attached information for the City's Architectural and Design Review Process.

Signed: Charles Moore Date: 11-21-14  
Applicant or Authorized Agent

**\*\*\* Application shall be accompanied by one (1) sets of full-size plans, two (2) sets no larger than 11"x17", and one (1) pdf document of the complete submittal to [planning@fitchburgwi.gov](mailto:planning@fitchburgwi.gov). Applications are due at least 4 weeks prior to the desired Plan Commission Meeting. The time frame assumes a complete set of plans is provided, and if it is not provided the Plan Commission date will be adjusted.**

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**FOR CITY USE ONLY**

Date Received: \_\_\_\_\_ Plan Commission Date: \_\_\_\_\_

Comments:

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RECEIVED  
12/9/2014



City of Fitchburg  
Planning/Zoning Department  
5520 Lacy Road  
Fitchburg, WI 53711

November 21, 2014

RE: Application for new building at 2182 Hwy MM Oregon WI

Please consider the following information and documents in support of our application for approval to erect a new steel building on our commercial property for the purpose of commercial business. Official blue-prints from the manufacturer of the proposed building are forthcoming and will be provided following approval, and prior to issuance of the building permit.

Our existing location is 2182 Highway MM, tax parcel 211/0609-244-9690-4, City of Fitchburg Section 24. The portion of the parcel on which the building will be placed is zoned B-H (Commercial Business Highway). Three other similar structures exist on this parcel and are all commercially occupied and operational as businesses that currently provide tent and portable restroom rental services, small engine repair services, and electrical repair contractors. The new proposed building will be used for expansion of the business currently operating on this commercial lot.

**\*See Attachment A: Property Overview Map with Markings**

**\*See Attachment B: Zoning Map**

In summary: one new 60' x 100' steel building will (upon approval) be erected on the North end of this property, positioned West-to-East, and setback at least 10 feet from the side property line, at least 25 feet from the street (front of the property), and at least 20 feet from the rear (East) zoning division of the property (*this entire property is approximately 474 feet deep from Highway MM, with approximately 274 feet of the near property zoned B-H and the Easternmost /furthermost portion zoned R-L*). We do not require any rezoning of this property for this project and all zoning assignments will remain unchanged.

**\*See Attachment A: Property Overview Map with Markings**

**\*See Attachment B: Zoning Map**

All existing buildings on this property are serviced by an existing water well which will also serve the new building, and by individual septic systems (no city water or sewer at this time). The new proposed building will require a dedicated septic system and the land has been perc tested: a mound-style septic system has been identified as the system required and hereby proposed, to be positioned approximately proximal to the highway.

**\*See Attachment A: Property Overview Map with Markings**

**\*See Attachment "Soil Evaluation Report"**

The steel building we propose is as follows: 60 x100 feet, with a gabled frame, maximum height of 20 feet, on a concrete slab (roof and wall sheeting colors as yet to be determined). The building will have (2) 12 x 12 roll-up doors for equipment/vehicle access and (2) personnel doors. All technical features of the building such as insulation, wind-load, snow-load, seismic considerations, etc. will be in compliance with state and local building codes and will be provided upon approval of the application, and prior to issuance of the building permit. Building colors will be similar to existing (pale blue/grey). ISR estimated at 25% or less.

**\*See Attachment C: CAD Drawings**

Access to this proposed building will be through the existing driveway that services the lot and the existing buildings. Initial added parking areas and access beyond the existing asphalt will be compacted gravel, with the option for asphalt installation at a later date.

**\*See Attachment A: Property Overview Map with Markings**

Storm-water drainage is currently managed by an existing detention pond area at the North-East corner of the property. The proposed building site will be filled and graded to maintain proper directional flow of run-off, rain, and snow-melt to the existing detention area.

**\*See Attachment A: Property Overview Map with Markings**

Currently the lot is comprised of native grasses and plants with no large trees, shrubs, or other woody growth in need of removal. Native grasses and plants will remain in undisturbed areas.

Thank you,

Branford Kerns  
Charles Kerns  
Bucky's Portable Toilets  
2182 Highway MM  
Oregon WI 53575  
608-835-3459  
[sales@buckyspt.com](mailto:sales@buckyspt.com)



City of Fitchburg  
Planning/Zoning Department  
5520 Lacy Road  
Fitchburg, WI 53711

December 5, 2014

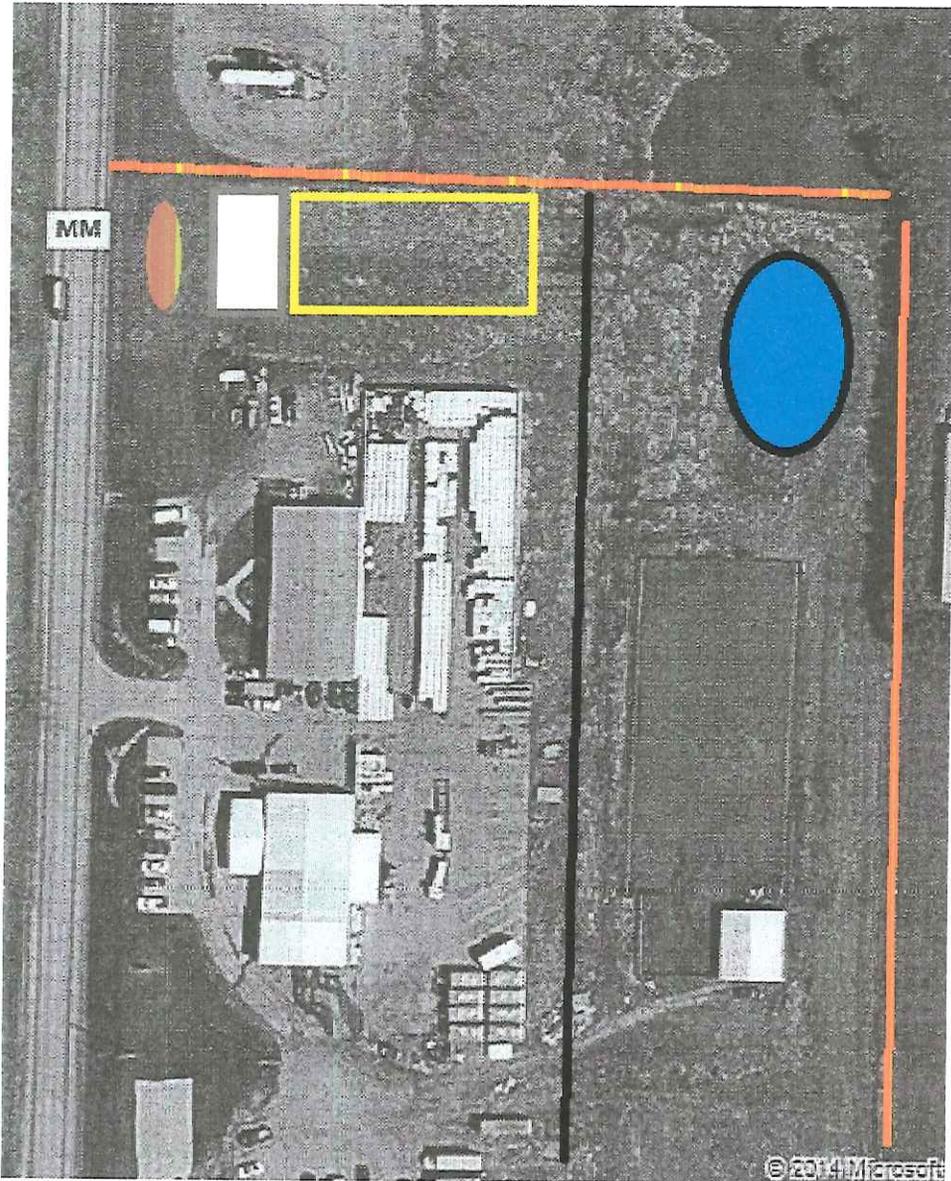
RE: Application for new building at 2182 Hwy MM Oregon WI

Responses to preliminary comments/questions from Susan Badtke, in email dated 12-2-14.

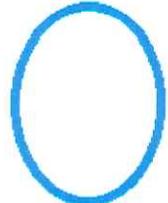
- 1.) Is there any additional landscaping proposed for the new building? If yes, please provide a landscaping plan.  
***No, the areas immediately surrounding the building and parking areas will remain as manicured native grasses and plants, and no further landscaping plans exist.***
- 2.) Is there any additional exterior lighting proposed for the new building? If yes, please provide a lighting plan showing the proposed lighting footcandles along with the cut sheets of the lighting fixtures.  
***Outdoor lighting will be minimal and in compliance with local and State requirements. At the lot line, the foot candles will be 0. In the pedestrian areas and at the pedestrian entrance/exit doors, lighting will be 2FC.***
- 3.) How many parking stalls are proposed for the new parking lot? The City's parking standards are available on the City's website at <http://wifitchburg.civicplus.com/DocumentCenter/Home/View/4025>.  
***Parking spaces will comply with the City of Fitchburg Parking Requirements. The square footage of the building and the anticipated number of employees will require 5 parking stalls which will be 90-degree stalls, 9-feet wide, facing the short side of the building, on the West side of the building.***
- 4.) What is the overall height of the proposed building? ***The building will be 20 feet high.***
- 5.) What are the proposed materials of the building? The cover letter indicates that the building color will be similar to the existing (pale blue/grey). ***The sidewalls will be PBR 26 gauge, roof sheeting will be standing seam 24 gauge.***
- 6.) You will need to obtain septic approval from Dane County. The City's approval would be conditioned on you obtaining septic approval prior to issuance of any building or zoning permit. ***We will secure approval from Dane County for the septic.***

7.) Do you have the original site plan drawing that was included as part of the soil report (page 3)? I'd like to be able to print it off to scale but it doesn't seem to be scanned in to scale. Alternatively, do you know who prepared the survey? I could contact them and ask them to send an electronic copy directly to me for printing. ***When printing, check your settings and make sure that "Actual size" is selected on the print menu screen. That should allow for the scale to be correct when printed.***

Branford Kerns  
Charles Kerns  
Bucky's Portable Toilets  
2182 Highway MM  
Oregon WI 53575  
608-835-3459  
[sales@buckyspt.com](mailto:sales@buckyspt.com)



2182 Highway MM --  
Commercial Property

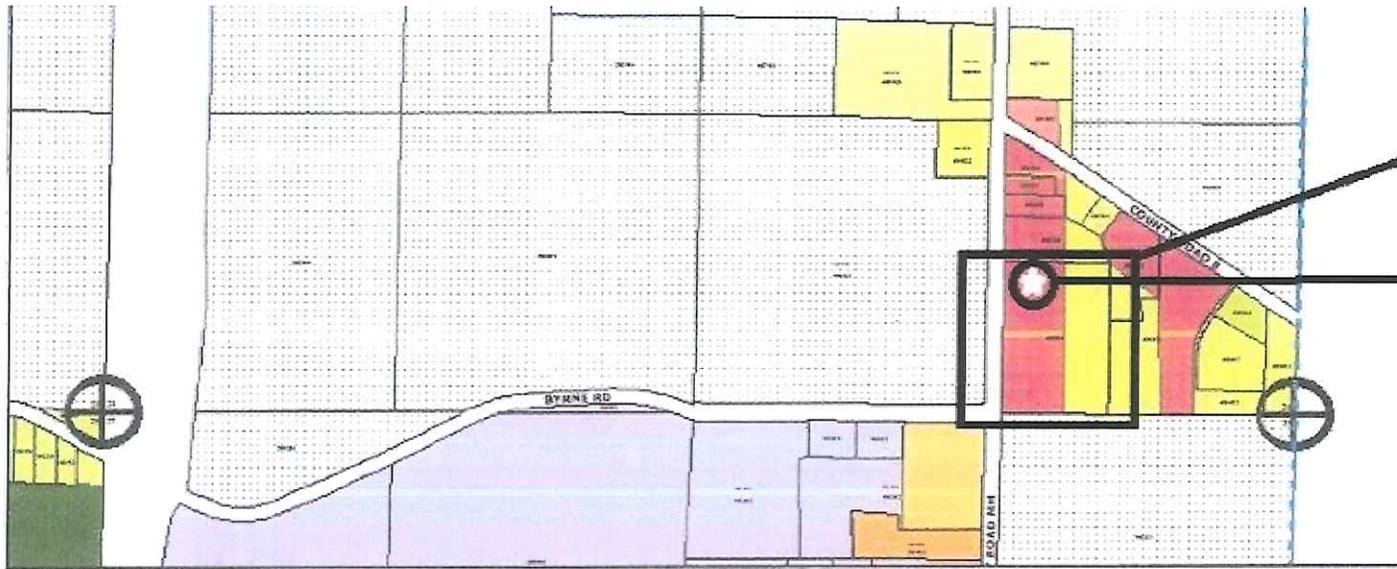
-  Existing Lot Lines
-  Approximate Zoning division Line (B-H/R-L)
-  Proposed Mound Septic System
-  Proposed Gravel Parking Lot
-  Proposed Steel Building
-  Existing Detention (Dry) Pond

*Bucky's Portable Toilets, Inc.*  
2182 Hwy MM  
Oregon, WI 53575-2122



North

ATTACHMENT A

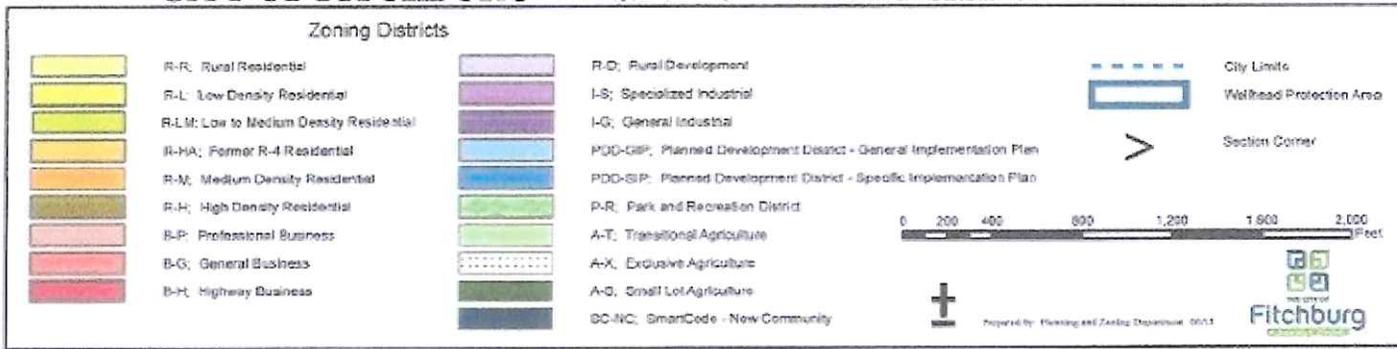


2182 Highway MM

Proposed new building: 60 x 100 steel building for commercial use.

**CITY OF FITCHBURG**

**SECTION 24 TOWNSHIP 6N RANGE 9E**



*Bucky's Portable Toilets, Inc.*  
 2182 Hwy MM  
 Oregon, WI 53575-2122

Property Owner <b>Branford &amp; Vivian Kerns (Bucky's Portable Toilets &amp; Rentals)</b>				Property Location Govt. Lot <b>SE 1/4 SE 1/4 S 24 T 6 N R 9 E (part)</b>			
Property Owner's Mailing Address <b>2182 County Highway MM</b>				Lot #	Block #	Subd. Name or CSM# <b>7.9 Acre Metes &amp; Bounds Parcel</b>	
City <b>Fitchburg,</b>	State <b>WI</b>	Zip Code <b>53575</b>	Phone Number <b>( ) 835-3459</b>	<input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Nearest Road <b>Fitchburg CTH MM</b>	

New Construction Use:  Residential / Number of bedrooms \_\_\_\_\_ Code derived design flow rate **250** GPD  
 Replacement  Public or commercial - Describe: **Contractor Rental Shops**  
 Parent material: **Loess** Flood Plain elevation if applicable **N/A** ft.  
 General comments and recommendations: **Suitable For Mound System (18" Sand Fill Required)**

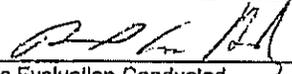
**1** Boring #  Boring  Pit Ground surface elev. **99.1** ft. Depth to limiting factor **20** in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ft <sup>2</sup>	
									*Eff#1	*Eff#2
A	0-10	10YR3/2	None	sil	2fsbk	mvfr	cs	1vf-f	0.6	0.8
B1	10-20	10YR4/4	None	sicl	2msbk	mfr	gs	1vf	0.4	0.6
B2	20-32	10YR4/3	m2d10YR5/8,6/2	sicl	1msbk	mfr		1vf	0.2	0.3

**2** Boring #  Boring  Pit Ground surface elev. **99.0** ft. Depth to limiting factor **24** in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/ft <sup>2</sup>	
									*Eff#1	*Eff#2
A	0-13	10YR3/2	None	sil	2fsbk	mvfr	cs	1vf-f	0.6	0.8
B1	13-24	10YR4/3	None	sicl	2msbk	mfr	gs	1vf	0.4	0.6
B2	24-34	10YR4/3	m2d10YR5/8,6/2	sicl	1msbk	mfr		1vf	0.2	0.3

\* Effluent #1 = BOD<sub>5</sub> > 30 < 220 mg/L and TSS > 30 < 150 mg/L      \* Effluent #2 = BOD<sub>5</sub> < 30 mg/L and TSS < 30 mg/L

CST Name (Please Print) <b>Paul A. Hardy</b>		Signature 	CST Number <b>225394</b>
Address <b>7226 Timberwood Drive, Madison, WI 53719</b>		Date Evaluation Conducted <b>6-20-14</b>	Telephone Number <b>608-848-4869</b>

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	GPD/ft <sup>2</sup>	
									*Eff#1	*Eff#2
A	0-10	10YR3/2	None	sil	2fsbk	mvfr	cs	1vf-f	0.6	0.8
B1	10-18	10YR4/3	None	sicl	2msbk	mfr	gs	1vf	0.4	0.6
B2	18-32	10YR5/3	m3p10YR5/8,6/2	sicl	1msbk	mfi		1vf	0.2	0.3

Boring #  Boring  Pit  
 Ground surface elev. \_\_\_\_\_ ft. Depth to limiting factor \_\_\_\_\_ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft <sup>2</sup>	
									*Eff#1	*Eff#2

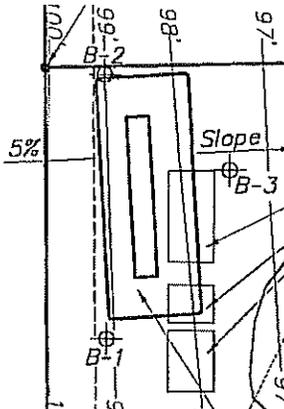
Boring #  Boring  Pit  
 Ground surface elev. \_\_\_\_\_ ft. Depth to limiting factor \_\_\_\_\_ in.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Sz. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate GPD/ft <sup>2</sup>	
									*Eff#1	*Eff#2

\* Effluent #1 = BOD<sub>5</sub> > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L      \* Effluent #2 = BOD<sub>5</sub> ≤ 30 mg/L and TSS ≤ 30 mg/L

The Department of Commerce is an equal opportunity service provider and employer. If you need assistance to access services or need material in an alternate format, please contact the department at 608-266-3151 or TTY 608-264-8777.

494.00'



Existing Model Storage Building On Skids  
To Be Carefully Moved During Dry Conditions

Proposed Building  
234 GPD

Proposed Buiding Use:  
Contractor Rental Shops  
4 Units With 2-3 Employees/Unit  
12 x 13 GPD = 156 GPD Est.  
x 1.5 Peak Flow Factor = 234 GPD

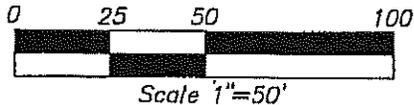
Some Fill To Be Removed To Improve  
Drainage Around Proposed Building

Proposed 24.5' x 63'  
Mound With 6' x 42'  
Gravel Cell (250 GPD)

Gravel & Asphalt  
Parking Lot

*John P. H.*  
CST 225394  
6.20.14

NORTH



Existing Building

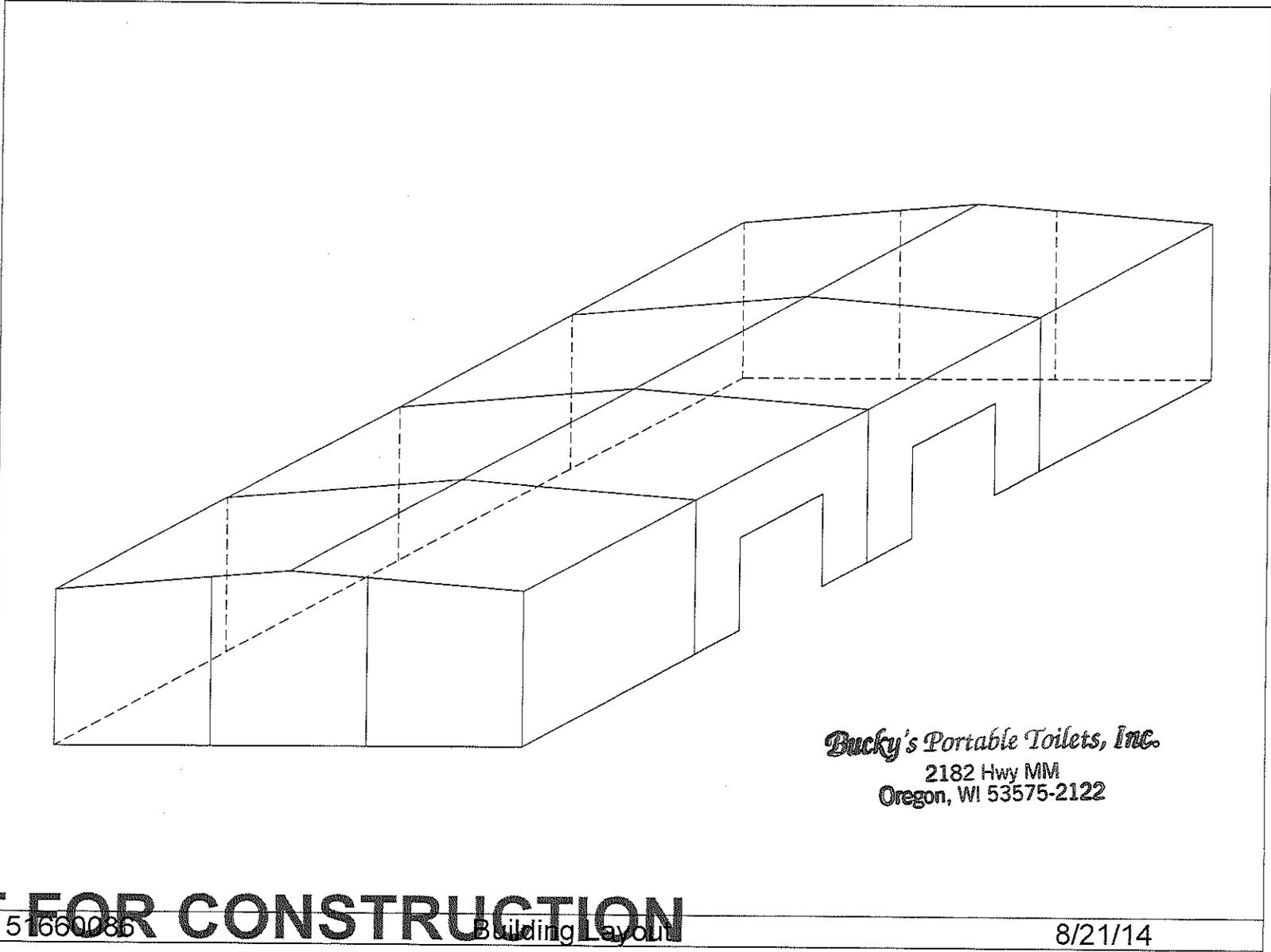
Gravel & Asphalt  
Parking Lot

Existing Building

Well

County Highway MM

697.30'



*Bucky's Portable Toilets, Inc.*  
2182 Hwy MM  
Oregon, WI 53575-2122

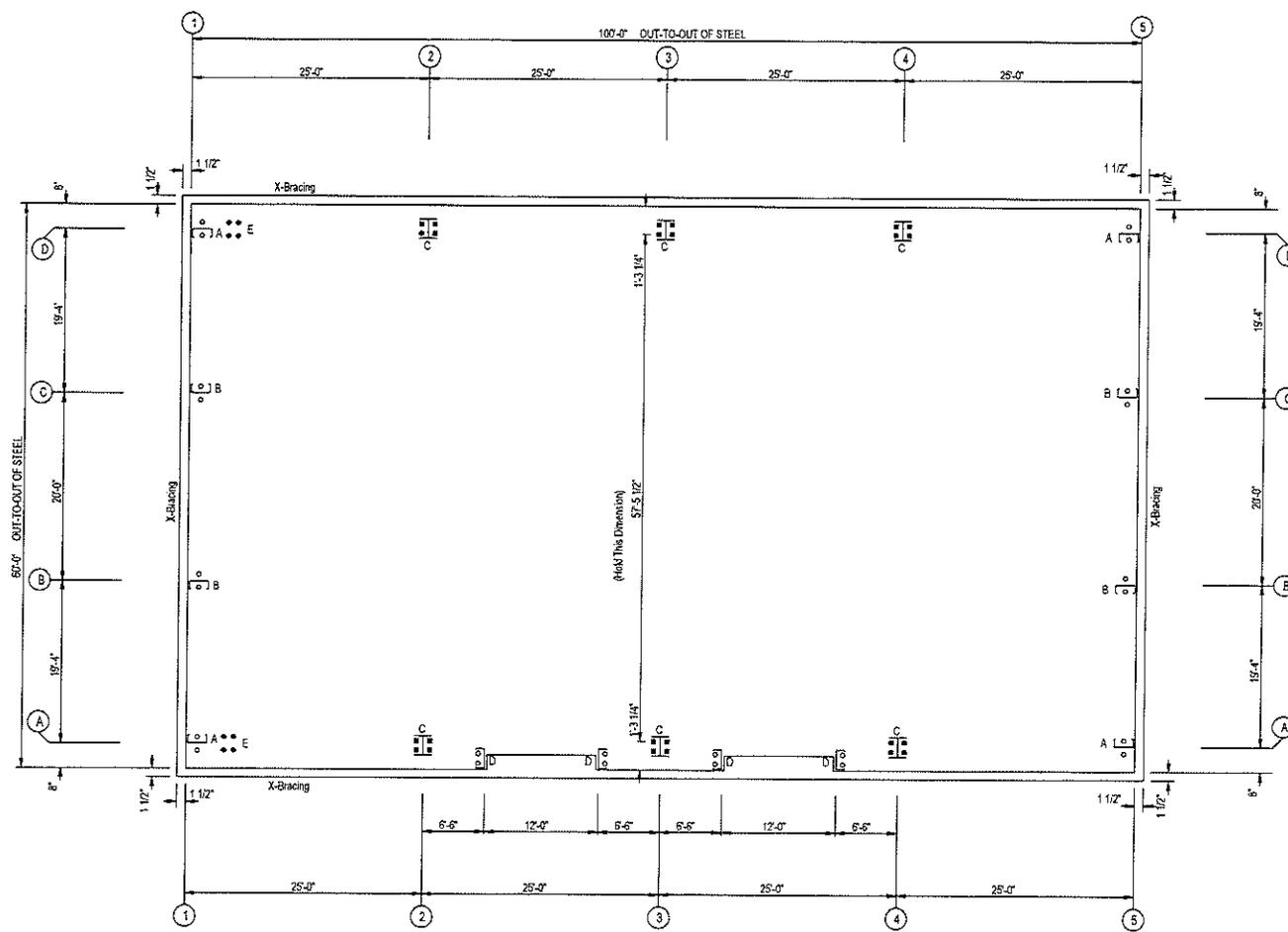
**NOT FOR CONSTRUCTION**

51660086

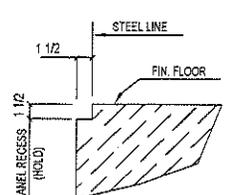
Building Layout

8/21/14

ATTACHMENT C

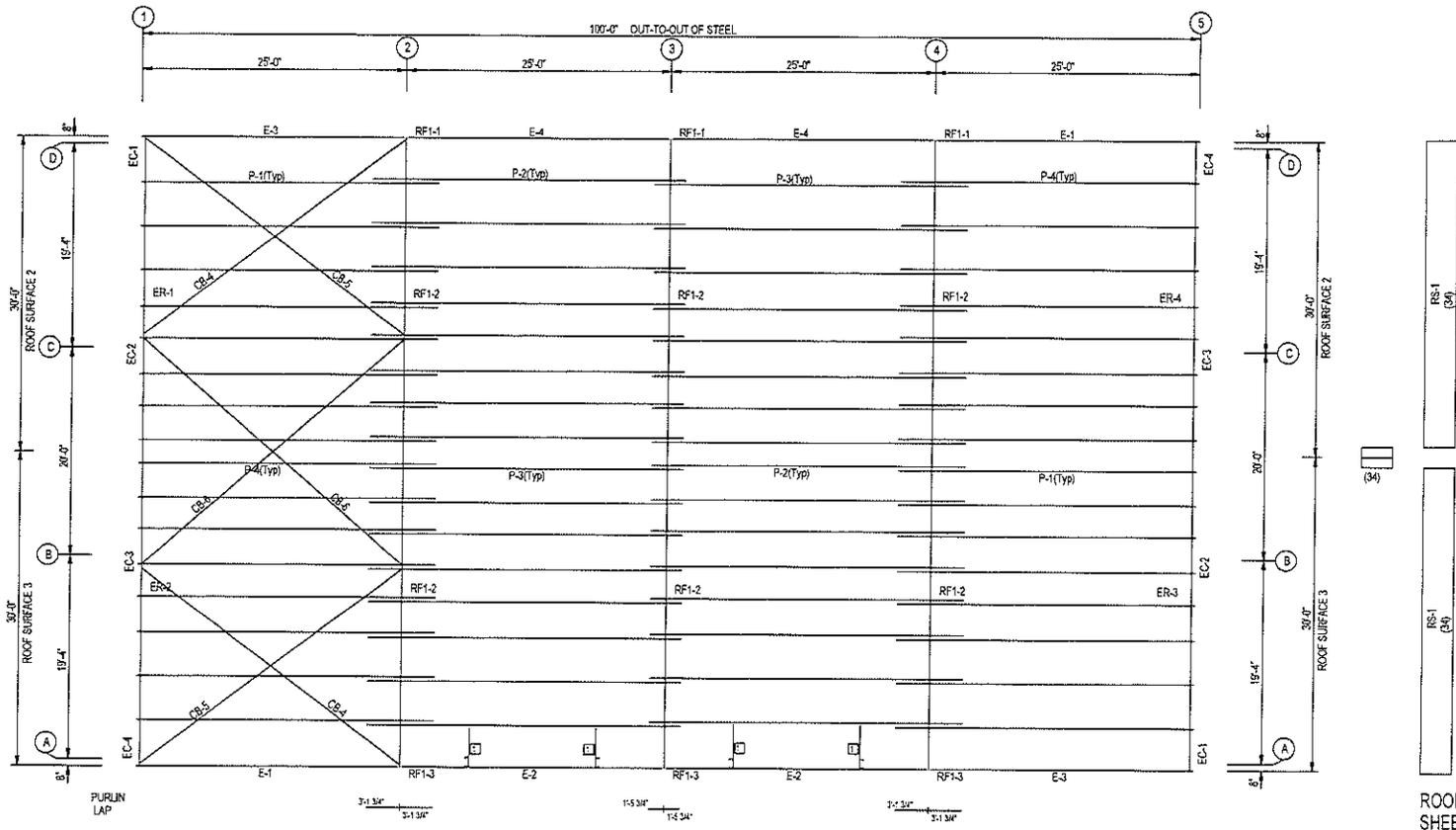


- Dia= 5/8"
- ⊗ Dia= 3/4"
- ⊙ Dia= 1"



**NOT FOR CONSTRUCTION**

CONNECTION PLATES
ROOF PLAN
11D MARKPART
1 SABA

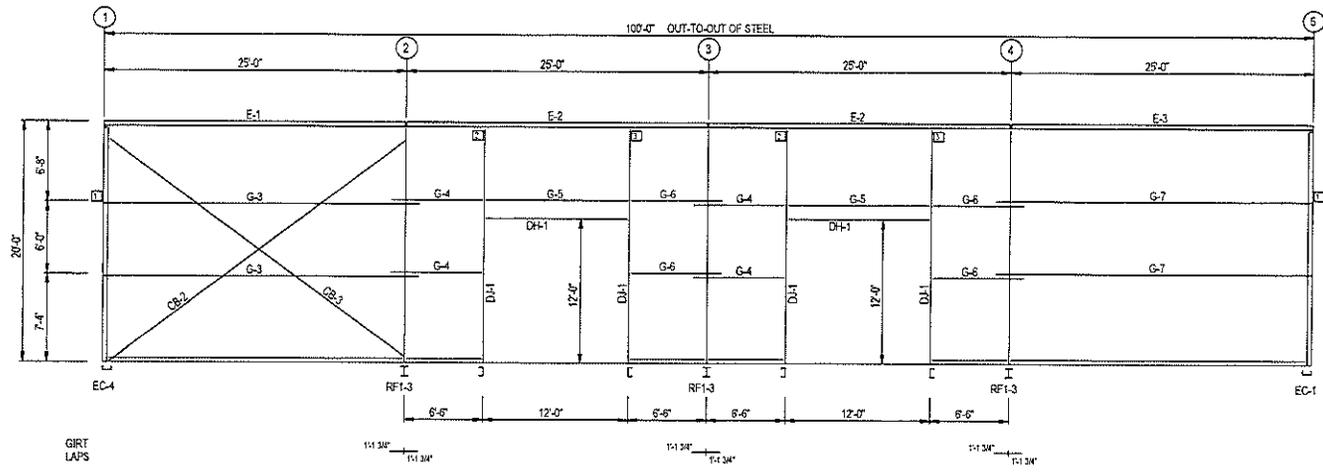


ROOF FRAMING PLAN

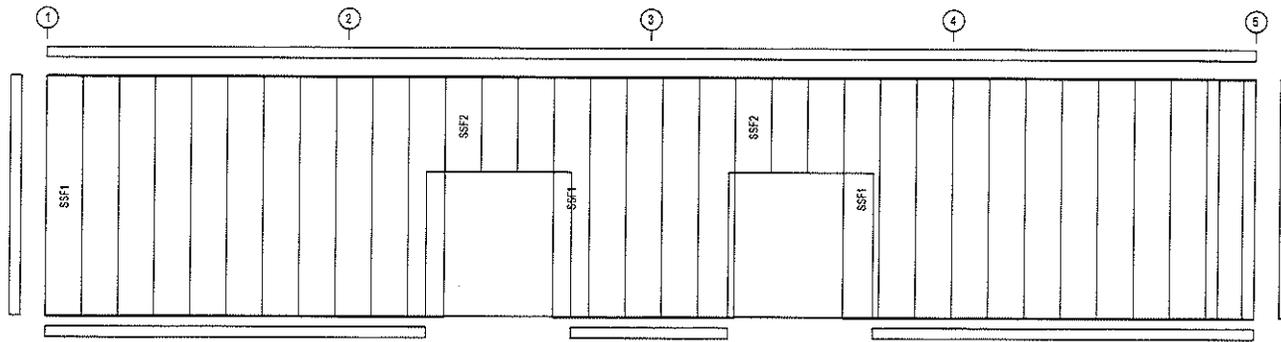
ROOF SHEETING  
PANELS: 26 Ga. PR  
Galvalume

**NOT FOR CONSTRUCTION**

CONNECTION PLATES	
ID	MARK/DEPTH
1	SCS
2	SCS24 L
3	SCS24 R



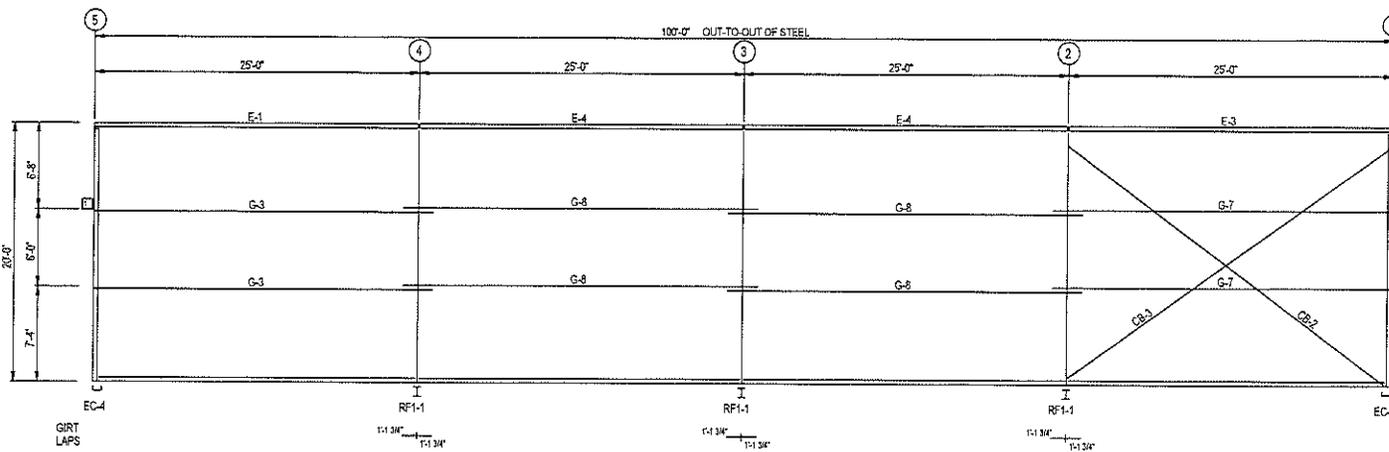
SIDEWALL FRAMING: FRAME LINE A



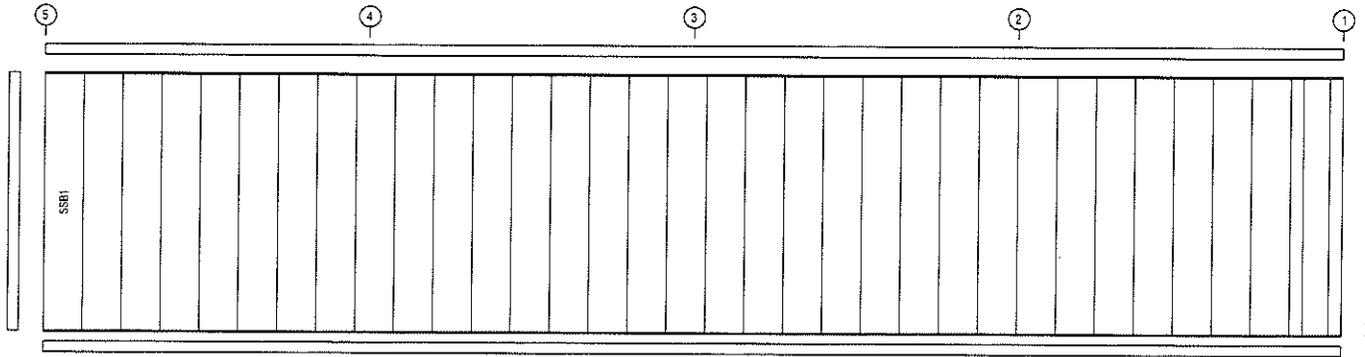
SIDEWALL SHEETING & TRIM: FRAME LINE A

PANELS: 26 Ga. PR - Polar White

**NOT FOR CONSTRUCTION**



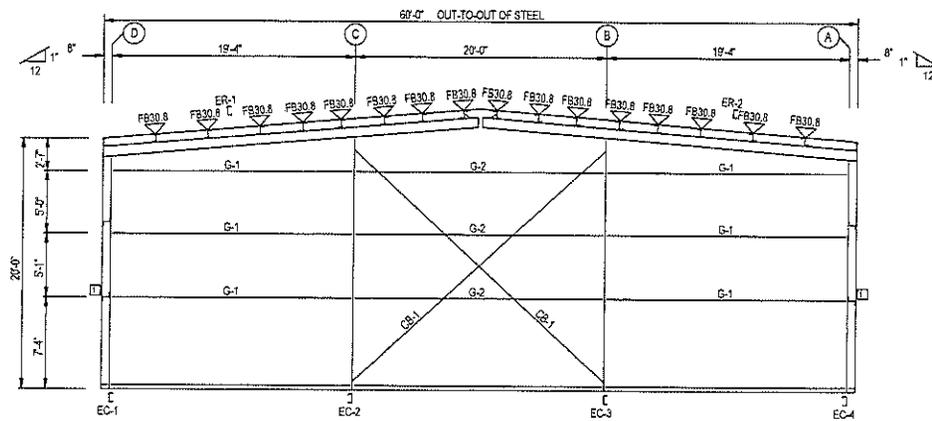
SIDEWALL FRAMING: FRAME LINE D



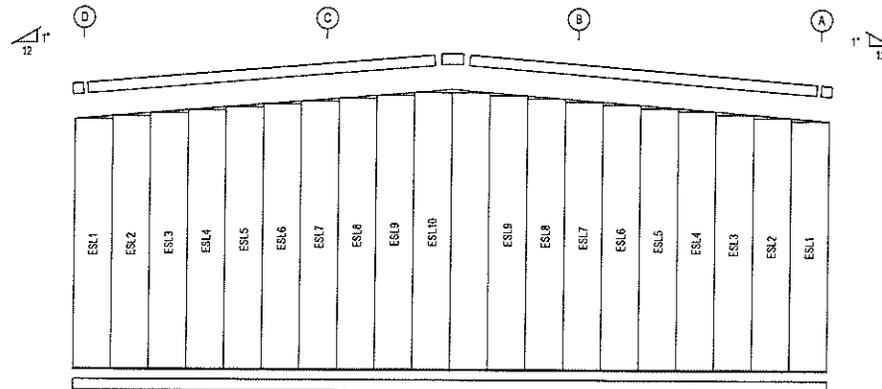
SIDEWALL SHEETING & TRIM: FRAME LINE D

PANELS: 26 Ga. PR - Polar White

**NOT FOR CONSTRUCTION**



ENDWALL FRAMING: FRAME LINE 1



ENDWALL SHEETING & TRIM: FRAME LINE 1

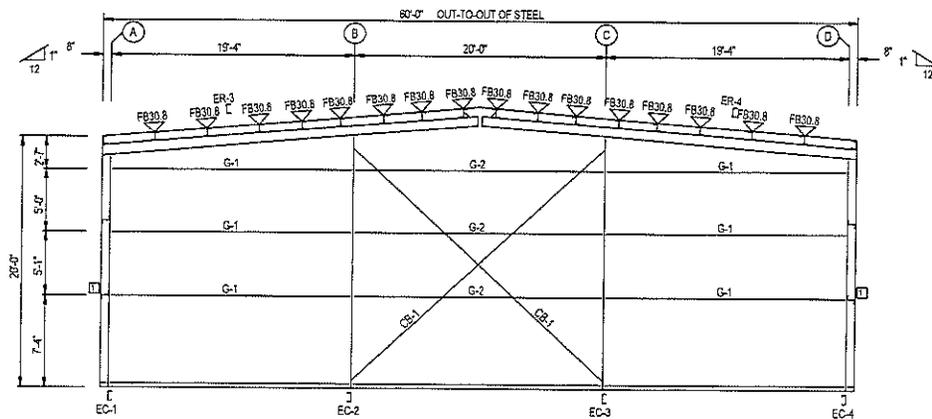
PANELS: 26 Ga. PR - Polar White

BOLT TABLE				
FRAME LINE 1				
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Columns/ra	4	A325	5/8"	1 1/2"

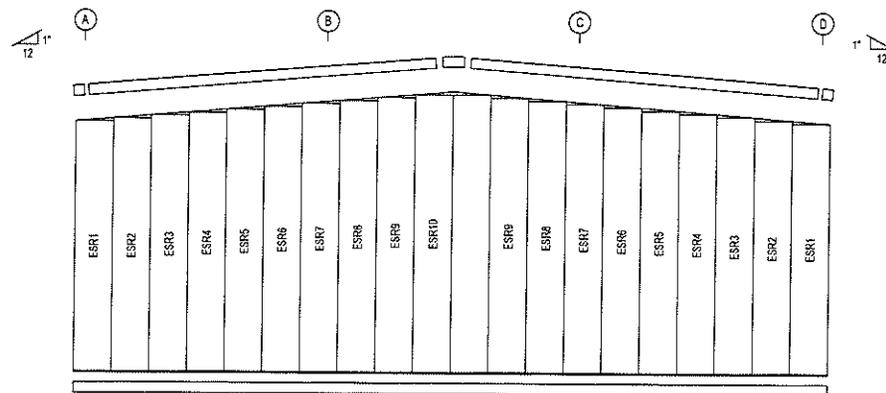
FLANGE BRACE TABLE		
FRAME LINE 1		
QTY	MARK	LENGTH
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CONNECTION PLATES	
FRAME LINE 1	
ID	MARK/PART
1	SC-5

**NOT FOR CONSTRUCTION**



ENDWALL FRAMING: FRAME LINE 5



ENDWALL SHEETING & TRIM: FRAME LINE 5

PANELS: 26 Ga. PR - Polar White

BOLT TABLE				
FRAME LINE 5				
LOCATION	QTY	TYPE	DIAM	LENGTH
ER-3/ER-4	4	A325	5/8"	1 3/4"
Columns/Raft	4	A325	5/8"	1 1/2"

FLANGE BRACE TABLE	
FRAME LINE 5	
ID	LENGTH
1	2'-8.32"

CONNECTION PLATES	
FRAME LINE 5	
ID	MARK/PART
1	SC-5

**NOT FOR CONSTRUCTION**



# City of Fitchburg

## Committee or Commission Referral

---

Direct Referral Initiated by:  
Direct Referral Approved by:

Date Referred: **January 13, 2015**

Date to Report Back: **January 27, 2015** Resolution Number: **R-05-15**

---

Sponsored by: Mayor

Drafted by: City Attorney

TITLE: RESOLUTION TO APPROVE AMENDMENT TO  
TECHLANDS DEVELOPMENT AGREEMENT

---

**Background: Developer requests that single family lots be removed from the Development Agreement for Tax Incremental Financing to construct Nobel Drive and Mica Road so as to allow the sale of those lots to a third party.**

Order	Referred To	Staff Contact	Place on Agenda For	Action Taken On Referral
1	Plan Commission	Hovel	January 20, 2015	
2				
3				
4				

Amendments:

Mayor  
Introduced by

City Attorney  
Prepared by

Plan Commission  
Referred to

January 13, 2015  
Date

RESOLUTION R-05-15

RESOLUTION TO APPROVE AMENDMENT TO TECHLANDS DEVELOPMENT  
AGREEMENT

**WHEREAS**, The City and Techlands, LLC along with others entered into an agreement to provide Tax Incremental Financing to assist in the construction of Nobel Drive and Mica Road; and

**WHEREAS**, The property subject to the agreement has been platted and now contains a number of single family lots; and

**WHEREAS**, The agreement creates a cloud on title limiting the salability of the single family lots; and

**WHEREAS**, Techlands desires to sell the single family lots to allow construction on those lots.

**NOW BE IT HEREBY RESOLVED**, BY THE Fitchburg Common Council that it approves the attached Amendment to the Development Agreement, removing the single family lots from the agreement.

**BE IT FURTHER RESOLVED**, by the Fitchburg Common Council that it authorizes the Clerk and Mayor to sign the attached agreement.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Patti Anderson, Clerk

\_\_\_\_\_  
Shawn Pfaff, Mayor

Document Number

**AMENDMENT TO  
DEVELOPMENT AGREEMENT**

This Amendment to Development Agreement (the “**Amendment**”) is made as of the \_\_\_\_\_ of \_\_\_\_\_, 2015, by and between Tech Lands, LLC (“**Tech Lands**”) and the City of Fitchburg, Wisconsin (the “**City**”).

**WITNESSETH**

**WHEREAS**, Tech Lands and the City, along with Green-Tech Land Company, LLC and FTC Holdings, Inc., entered into that certain Development Agreement recorded in the office of the Dane County, Wisconsin Register of Deeds on June 2, 2011, as Document No. 4767948 (the “**Development Agreement**”); and

**WHEREAS**, the real property affected by the Development Agreement included certain lands owned by Tech Lands, now platted, the legal description of which is currently as follows:

**Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Techlands, located in the City of Fitchburg, Dane County, Wisconsin.** (the foregoing lots shall be herein collectively referred to as the “**Single Family Residential Lots**”); and

**WHEREAS**, the Single Family Residential Lots are to be used and developed for single family residential purposes, and is desirable that the Development Agreement be terminated as to the Single Family Residential Lots; and

**WHEREAS**, the City is willing to agree to terminate the Development Agreement as to the Single Family Residential Lots.

**NOW, THEREFORE**, for a good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed by and between the parties hereto as follows:

- 1.) The Development Agreement shall not be applicable to, and is released with respect to, the Single Family Residential Lots. All terms, covenants, and conditions of the Development Agreement are hereby terminated as to the Single Family Residential Lots. Nothing herein shall be construed as an amendment to the boundaries of City of Fitchburg Tax Incremental District No. 4 and it is acknowledged by City and Tech Lands that the Single Family Residential Lots remain within said District and any actual Aggregate Value Increment (as that term is defined in the Development Agreement) generated thereby shall be counted for all purposes under the Development Agreement, including but not limited to Article III thereof.

Record this document with the Register of Deeds

Name and Return Address:

See Exhibit A  
(Parcel Identification Number)

- 2.) All other terms, covenants, and conditions of the Development Agreement, as previously amended, shall remain unchanged with respect to the remainder of the real property described in the Development Agreement.

*[See Attached Signature Pages]*





**CONSENT OF GREEN-TECH**

The undersigned Green-Tech Land Company, LLC, by its authorized representative, does hereby consent to the foregoing Amendment to Development Agreement this \_\_\_\_ day of \_\_\_\_\_, 2015.

**GREEN-TECH LAND COMPANY, LLC**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

STATE OF WISCONSIN    )  
  ) SS.  
COUNTY OF DANE        )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2015, the above-named \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

\_\_\_\_\_  
Notary Public, Dane County, WI  
My Commission Expires: \_\_\_\_\_



## Exhibit A

### Tax Parcel Numbers

Tax Parcel Numbers: 225/0609-152-6545-2, 225/0609-152-6556-2, 225/0609-152-6567-2, 225/0609-152-6578-2, 225/0609-152-6589-2, 225/0609-152-6600-2, 225/0609-152-6611-2, 225/0609-152-6622-2, 225/0609-152-6633-2, 225/0609-152-6644-2, 225/0609-152-6655-2, 225/0609-152-6666-2, 225/0609-152-6677-2, 225/0609-152-6688-2, 225/0609-152-6699-2, 225/0609-152-6710-2, 225/0609-152-6721-2