

July 6, 2011

Updated per Plan Commission Approval and Recommendation on August 16, 2011

Proposed 2011 Amendments to the City of Fitchburg Comprehensive Plan

Revision on Page 4-1 – Remove “2007” from the Existing Land Use title.

Map has since been updated after last year’s amendments.

Revisions on Page 4-2 (Update Existing Land Use Map)

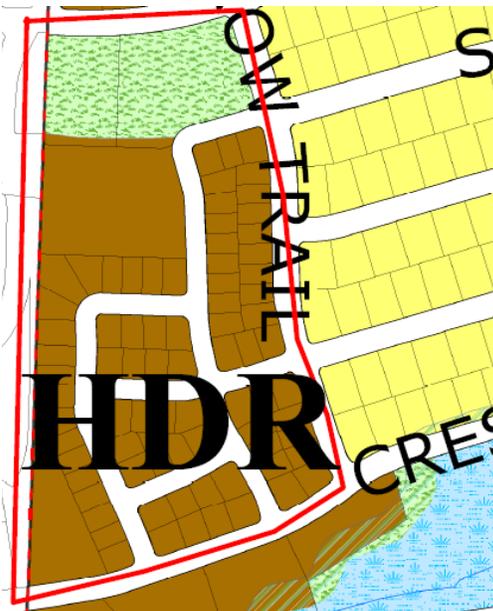
These revisions are proposed by Planning Staff to reflect the existing use of the property.

Figure 4-2, Existing Land Use Plan Map on page 4-2 needs to be amended to incorporate existing Medium Density Residential (MDR) within the Renaissance Neighborhood. The current map shows these properties as High Density Residential (HDR).

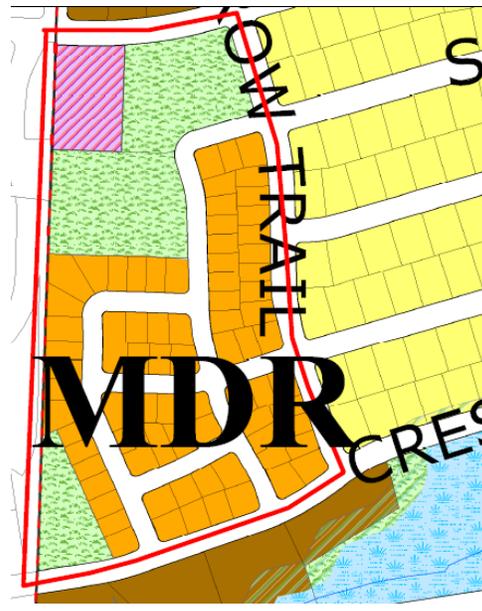
The Boys & Girls Club lot (4619 Jenewein Rd) is currently classified as Park & Conservancy. This lot is proposed to be changed to Government/Institutional (G/I).

The lot south of the Boys & Girls Club (part of Belmar Hills Park) is classified as High Density Residential (HDR). This lot is proposed to be changed to Park & Conservancy (P-C).

Map of adopted Existing Land Use Map for Renaissance, Boys & Girls Club and Belmar Hills Park to be changed. (Outlined in red)



Map of proposed changes to the Existing Land Use Map to G/I, P-C and MDR. (Outlined in red)



Update the rural area to be consistent with the adopted Fitchburg Farmland Preservation Plan. The proposed changes are the rural residential lots from “Agriculture & Open Space” to “Rural Residential” future land use designations.

Farmland Preservation Requirement – Page 4-13 text added under Table 4-9

This proposal is requested by Planning Staff as the condition that DATCP required for the approval and consistency requirement of the City of Fitchburg Farmland Preservation Plan.

*** Expansion of the Urban Service Area will need to be consistent with the City of Fitchburg Farmland Preservation Plan to ensure that no development occurs in an area planned for farmland preservation within 15 years of the certification date of the farmland preservation plan.

Add Text to Page 4-19 – Sector Plan

This amendment is requested by Planning Staff to update the Sector Plan (SmartCode Land Use Plan) to have the same standards and regulations as the Land Use Map (Euclidean Zoning).

* In the 3rd paragraph, add community regulating plans to the list and an additional sentence for non-sector areas. The sentence would read: “Sector designations as shown on the Sector Plan Map may see their location, size and/or configuration altered as additional development plans are accomplished, such as [community regulating plans](#), neighborhood plans, infill and redevelopment studies, special study areas, and land divisions. [Areas not designated with a sector, may see a sector designation added if a special study or neighborhood plan is approved prior to the submission of a community regulating plan.](#)”

Revision on Page 4-23 (Errors on Map)

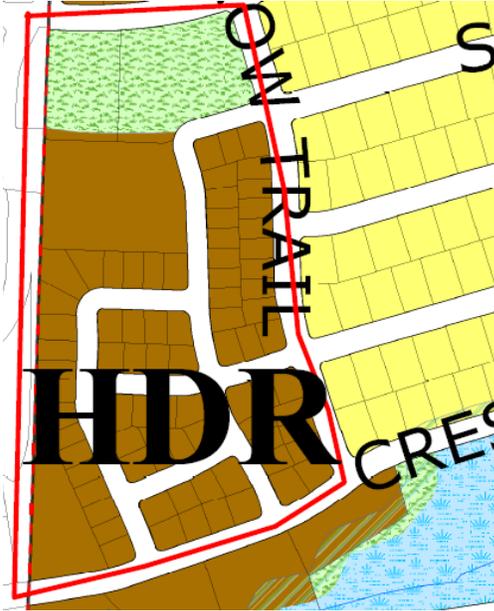
These revisions are proposed by Planning Staff to reflect the future use of the property, based on approved detailed plans.

Figure 4-10, Future Land Use Plan Map on page 4-23 needs to be amended to incorporate existing Medium Density Residential (MDR) within the Renaissance Neighborhood to accommodate for the planned density between 5 and 9 dwelling units. The current map shows these properties as High Density Residential (HDR), which is for density above 9 units.

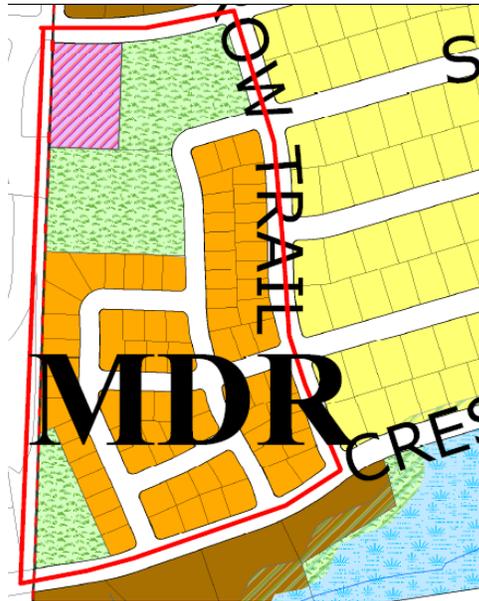
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Map of adopted Future Land Use Map for Renaissance, Boys & Girls Club and Belmar Hills Park to be changed (Outlined in red).

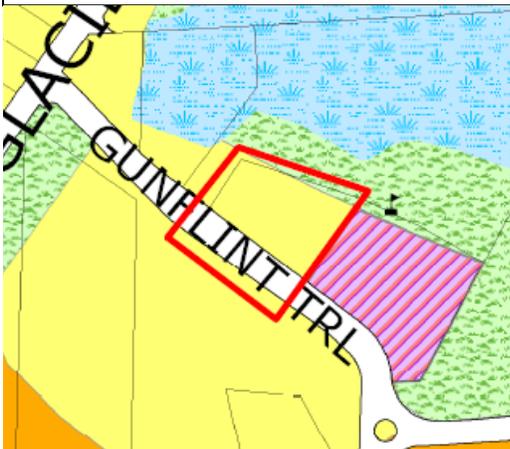


Map of proposed changes to the Future Land Use Map to G/I, P-R, and MDR. (Outlined in red)

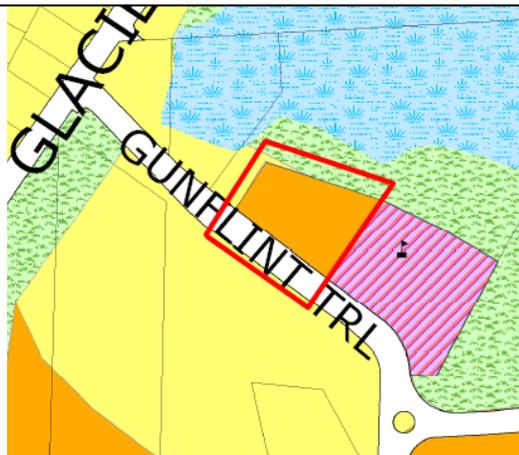


The lot adjacent (west) of Eagle School is currently classified as Low Density Residential (LDR). This lot, along with Eagle School lot, was planned for Medium Density Residential (MDR)

Map of adopted Future Land Use Map for the lot west of Eagle School (Outlined in red)



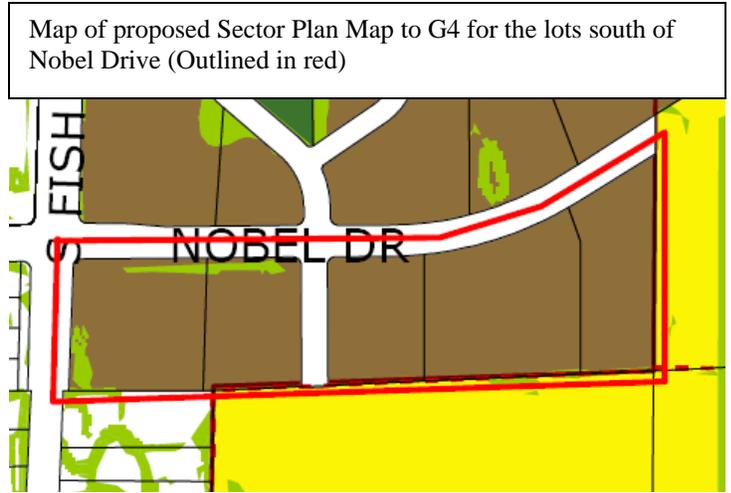
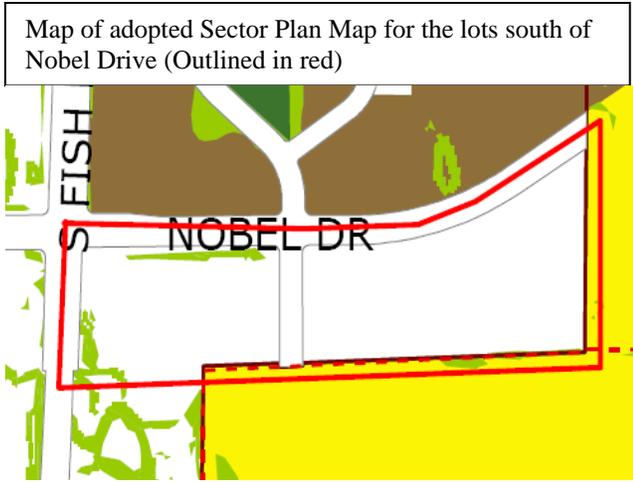
Map of proposed Future Land Use Map to R-M for the lot west of Eagle School. (Outlined in red)



Update the rural area to be consistent with the adopted Fitchburg Farmland Preservation Plan Map. The proposed changes are the rural residential lots from “Agriculture & Open Space” to “Rural Residential” future land use designations.

Revision on Page 4-24 (Adjustments on Map)

The Sector Plan never took into account the lots south of Nobel Drive. This area should be identified as (G4) Infill Growth Sector, same as the other Fitchburg Tech Campus lots, which will allow this area the possibility to being rezoned to SmartCode if the landowner desires.

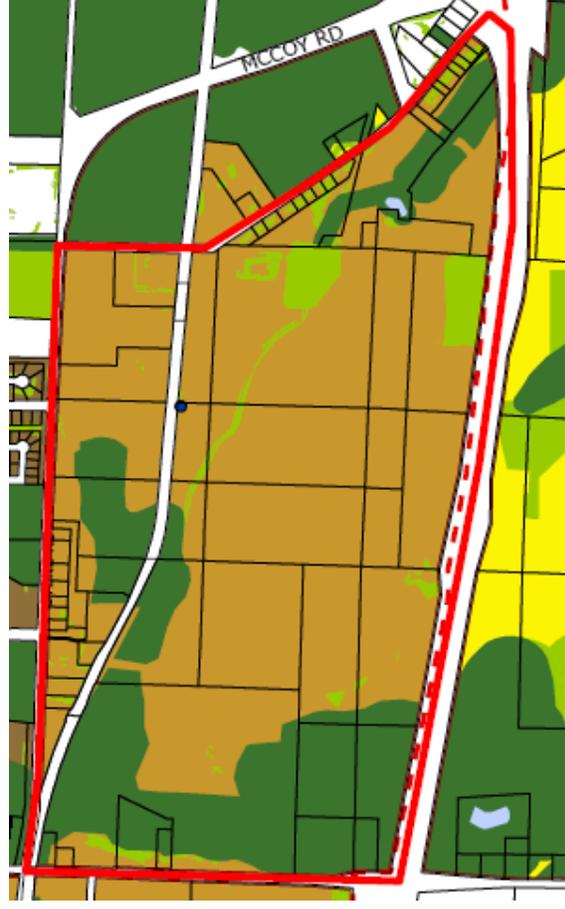


The Nine Springs area identified portions of the eastern and southern parts as (G2) Controlled Growth Sector, but as part of the rezone process to SC-NC, this area is better served to meet the intent as (G3) Intended Growth Sector.

Map of adopted Sector Plan Map for Nine Springs. (Outlined in red)



Map of proposed Sector Plan Map to G3 for Nine Springs. (Outlined in red)



Page 13-5 – 13-7 – Update Recommended Implementation Timeframe table

A number of items on the list have been completed or are partially completed.

Category	Recommended Action	Implementation Timeframe
Development Regulations and Ordinances	Adopt a Traditional Neighborhood Development Ordinance	Near Term Complete
	Consider a rewrite or revisions to the Zoning Ordinance to promote concepts from the Comprehensive Plan, such as transit-oriented development, mixed-use development, increased density and higher architectural standards.	Near to Mid Term Partially Complete
	Consider revisions and the establishment of a	Near Term

	maximum parking standard within the Parking Regulations	Partially Complete
	Consider revisions to the Architectural Control Ordinance in establishing standards for large retail development.	Near to Mid Term
Detailed Planning	Prepare and Implement Redevelopment Plans for older neighborhoods and gateways.	Ongoing
	Undertake Neighborhood Development Plans as directed by the Plan Commission and Common Council for defined Neighborhood Areas that are to be included in the urban service area.	Ongoing
	Revise and Update the Plan for Open Space and Recreation to include the Park and Open Space Proposal	Near Term Complete
Land Use	Use the Comprehensive Plan daily to review applications to land division, rezoning, conditional use , and architectural design approval.	Ongoing
	Implement the land use recommendations of the Neighborhood Plans, Redevelopment Plans and Special Studies as outlined from the Comprehensive Plan	Ongoing
	Review the staging of the Urban Service Area Expansion and make adjustments to accommodate the maximum 375 acres per five year development.	Every 5 years (2014)
	Consider revisions to the Rural Residential Development Criteria and potential for rural cluster or planned unit developments.	Near Term
Agricultural, Natural and Cultural Resources	Implement strategies as outlined in the Plan for Open Space and Recreation to protect sensitive environmental resources	Ongoing
	Prioritize and acquire land for the central park (Moraine Edge Park) as outlined in the Parks and Open Space Proposal.	Near Term and Ongoing
	Consider the creation of a Development Rights Program for the protection of agricultural and environmental land outside the long-term growth boundary.	Near to Mid Term
Housing	Continue the development and preservation of long-term entry level housing for low-moderate income residents.	Ongoing
Economic Development	Consider the development and utilization of the City Economic Development Programs to advance the goals, objectives and policies of this	Ongoing

	plan.	
Utilities and Community Facilities	Conduct a fire station site analysis and the feasibility of building a new fire station.	Near Term Complete
	Evaluate the feasibility of providing additional space for the Senior Center and Recreation Department as outlined in the Program Needs Study.	Near Term Complete
	Acquire new parks, as identified in the approved Neighborhood Plans, through park dedication of residential plats or using money from the fee in lieu fund.	Ongoing
	Monitor the extension of the urban service area with the policies associated in the Land Use Element.	Ongoing
	Plan for new projects through the annual 5-year Capital Improvement Program.	Ongoing
Transportation	Establish a Complete Streets policy.	Near Term
	Work with the State, Dane County and surrounding communities to promote Transport 2020 to provide commuter rail service along the Fitchburg-Oregon rail line.	Near to Mid Term
	Continue to work with Madison Metro in expanding and offering efficient bus service to Fitchburg residents.	Ongoing
	Prioritize and implement recommendations as outlined in the Bicycle and Pedestrian Plan.	Ongoing
Intergovernmental Cooperation	Pursue an intergovernmental agreement with the Town of Verona and City of Verona	Near to Mid Term
	Continue to coordinate planning efforts with adjacent units of government, Dane County, Capital Area Regional Planning Commission, Metropolitan Planning Organization and Madison Metropolitan Sewerage District.	Ongoing
Plan Monitoring	Consider amendments to the Comprehensive Plan as requested by three Common Council members, the Mayor, or based on staff recommendation.	Annual review process
	Update this Comprehensive Plan	By 2019

Requests to Amend the Future Land Use Map (Page 4-23)

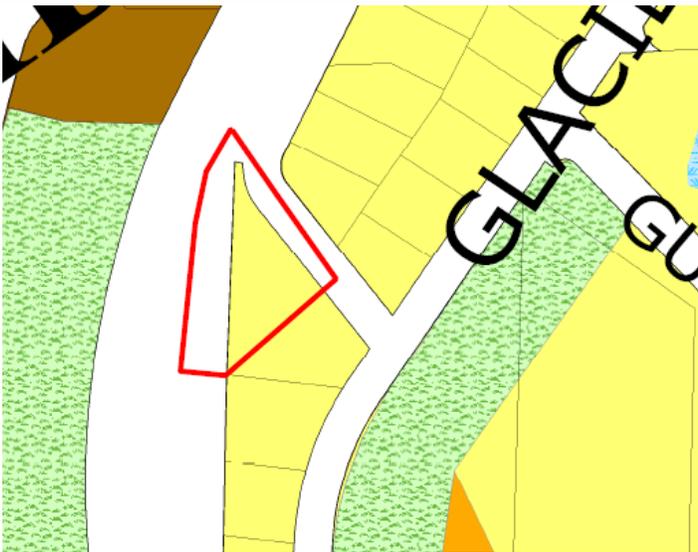
The City of Fitchburg received two requests from property owners to update two different future land use designations within the City.

Plan Commission Denied - The first request, Sponsored by Alder Baumbach, Alder Bloomquist and Alder Solie to go through the review process is from Robert Parnell, President of Action Fence, located at 2861 Dellvue Drive to seek a change to the future land use map for his property (~0.65 acres) from low density residential (LDR) and the small section (0.486 acres) of excess right-of-way that he purchased from Dane County, which is classified as right-of-way to be changed to Rural Development (R-D). Any action, decision, or interpretation under the Zoning Ordinance shall be consistent with the City Comprehensive Plan (as originally approved and as amended) adopted pursuant to Wis. Stats. §66.1001. Mr. Parnell's intent for this request is to get the future land use changed to R-D to allow him the opportunity to apply for a rezone of the recent right-of-way property purchase to Rural Development zoning (which is the current zoning of the existing Action Fence lot) and then apply for a conditional use permit for the entire lot to expand his fencing business onto the recently purchased adjacent right-of-way lot.

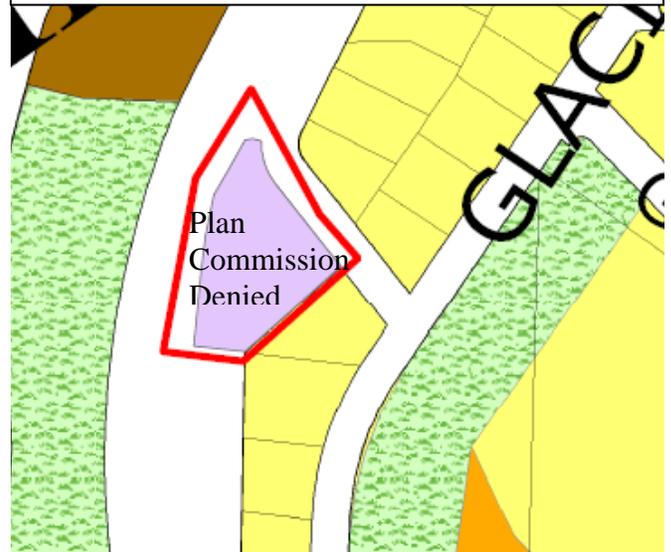
It will be a policy decision on if the City is looking to expand an existing non-residential use in a residential neighborhood. Recognizing the residential area, the Comprehensive Plan Future Land Use Map identifies this area as residential, although it retains its current R-D zoning.

Please see their Comprehensive Plan Minor Amendment Form.

Map of adopted Future Land Use Map for the Action Fence lot and purchased ROW. (Outlined in red)



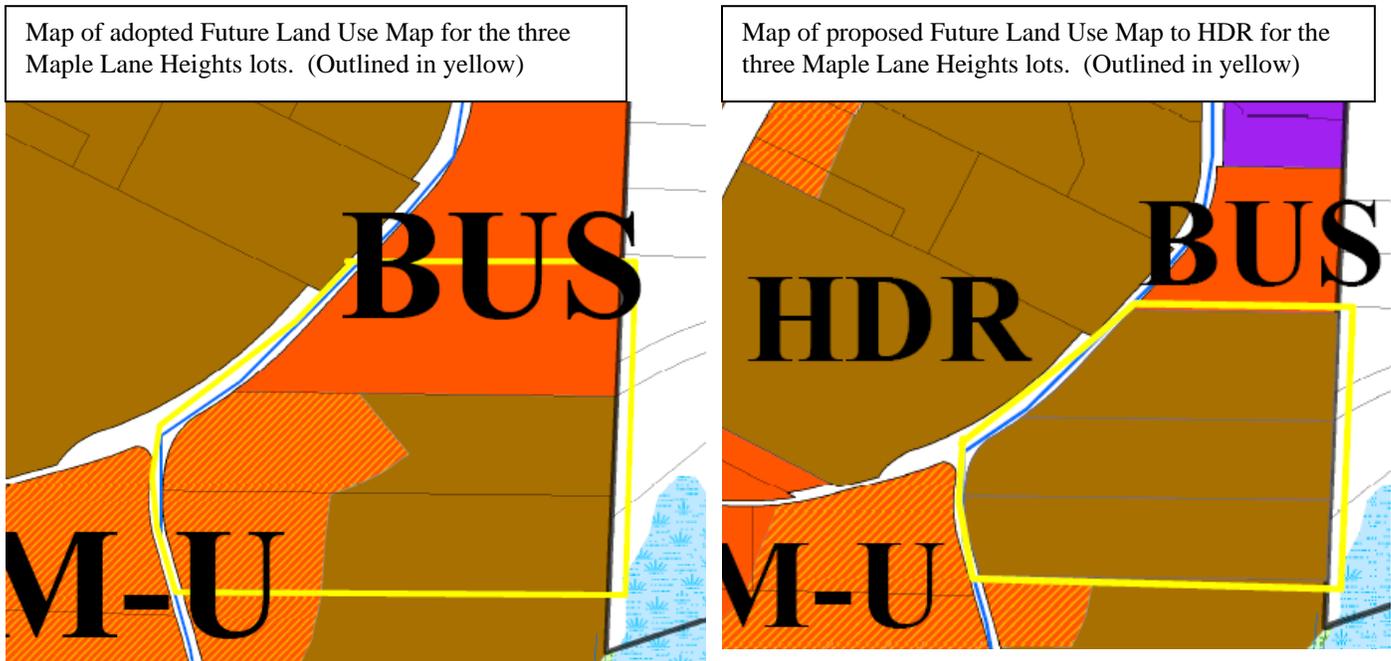
Map of proposed change to Future Land Use Map Rural Development for Action Fence lot and purchased ROW. (Outlined in red)



- The second request, Sponsored by Mayor Pfaff to go through the review process is from Fiduciary Real Estate Development for their three lots (Maple Lane Heights Lots 7, 8, 9) located east of Fish Hatchery Road, where Post Road will be extended, to seek a change to the future land use map for their property from Business, Mixed-Use and High Density Residential (HDR) to be changed to all HDR. Fiduciary Real Estate Development's intent is to rezone the property to High Density Residential zoning to build an apartment project at a density greater than 9 housing units/acre versus a mixed use development. Any action, decision, or interpretation under the Zoning Ordinance shall be consistent with the City Comprehensive Plan (as originally approved and as amended) adopted pursuant to Wis. Stats. §66.1001.

It will be a policy decision if the City is looking to eliminate land designated for future business uses in the North Fish Hatchery gateway area. The North Fish Hatchery Road Opportunity Analysis and Concept Planning report did not initially study this area; however these three properties were included in the overall Draft Land Use Plan Map of the study area and were incorporated into the overall plan, which identified the three properties as office, mixed-use and residential. This plan map was incorporated into the Comprehensive Plan Future Land Use Map.

Please see their Comprehensive Plan Minor Amendment Form.



The future land use for the overall area on Dellvue Drive is identified as low density residential.

The spot that is pinpointed on the map above marks a single lot that is currently zoned Rural Development (R-D) and an adjacent highway surplus parcel of less than ½ acre that is zoned Transitional Agriculture (A-T) (“Highway Surplus Parcel”). The Highway Surplus Parcel is tucked between the R-D lot and Fish Hatchery Road. Robert and Terry Parnell own both parcels after a recent purchase.

The intent of the minor amendment to the Future Land Use Map is to provide for an exception to the current restriction, in categorizing the two parcels identified above as Rural Development or Business within the Future Land Plan Map, to allow Mr. Parnell to expand his existing business at the current location. The Future Land Use Map only specifies low density residential for the existing lot and right-of-way land use for the Highway Surplus Parcel. Based on an adjacent compatibility, the Highway Surplus Parcel could only be rezoned from A-T to a residential designation and this could only happen if the Highway Surplus Parcel met the requirements for a residential lot. As currently configured, it does not, unless it is combined with the existing business lot.

The proposed minor amendment to the Comprehensive Plan does NOT result in a rezone of the Highway Surplus Parcel, only the intent for a rezone to possibly occur. The minor amendment could be drafted to create a narrow exception for this unique circumstances.

Mr. Parnell is the President of **Action Fence, Inc.**, a family owned business located at 2861 Dellvue Drive. Mr. Parnell’s family home is on a separate parcel adjacent to this business parcel. His home is what is visible from the main thoroughfare (Glacier Valley Road) and the back of his business is visible from S. Fish Hatchery.

Action Fence, Inc. offers commercial and residential fencing sales, installation and services. The business was started at its current location in 1968, and was incorporated in 1977. (For additional information, see <http://www.action-fence.com>.) Mr. Parnell intends to continue operating his business at its current location, and has every legal right to do so, on the existing Rural Development zoned lot.

What Mr. Parnell would like to do in the future is to extend a portion of his current business building into what is now the setback area where the Highway Surplus Parcel and existing R-D lot meet. Expansion of the building will permit more indoor storage of Action Fence, Inc.’s inventory which should only improve the appearance of the current business lot. If the expansion of the building is possible, Mr. Parnell has also offered to deed restrict a portion of the Surplus Parcel that is adjacent to the highway right-of-way. He intends to work closely with City Planning staff throughout the process and has retained Attorney Connie Anderson of Stafford Rosenbaum LLP, who has over 25 years of experience in municipal and land use law, to assist in the process.

Before any changes can be made to the A-T zoning on the Highway Surplus Parcel to Rural Development, the existing zoning category of adjacent parcel, the following would also need to occur: (1) the Plan Commission and Council would need to consider and approve a change to the Zoning Code to allow properties to be rezoned to R-D designations in narrow circumstances

(Zoning Code currently restricts properties from being rezoned to R-D after October 2010); and, (2) the owner would need to apply for a change to R-D zoning and a conditional use permit to allow the fencing business. All normal reviews would be necessary before any change in zoning could be made to the Highway Surplus Parcel, including review by the Planning Department staff, the Plan Commission, other referred committees and the Common Council. If the applicant is looking to build a new shed or do an addition, an architectural and design review application is also required to be approved by the Plan Commission.

City of Fitchburg

Comprehensive Plan Minor Amendment



Sponsored by: Mayor Pfaff

Proposed Minor Amendment

(Provide page numbers, table numbers or other specific references within the Adopted Comprehensive Plan)

Page 4-23 (Figure 4-10; Future Land Use Plan Map)

Change Future Land Use Map designations for Maple Lawn Heights:

Lot 7 – Business to High Density Residential (~4.7 acres)

Lot 8 – Mixed-Use portion to High Density Residential (~2.3 acres)

Lot 9 – Mixed-Use portion to High Density Residential (~2 acres)

Intent of the Minor Amendment

Fiduciary Real Estate Development plans to develop the 3 contiguous Parcels as a Class A apartment project at a density greater than 9 housing units / acre. We envision significant amenities to be incorporated and to be a catalyst for the entire North Post corridor.

See the Fiduciary Real Estate Development letter attached.



Monday, June 20

Dear Mayor Pfaff,

Please consider this letter as our request for your support in amending the City's land use designation on portions of the approximately 14.63 acres that Fiduciary Real Estate Development, Inc. (through B&C Investments) owns on either side of the planned Post Road extension.

Background

For your ease of review, we have attached a site map of our parcels (the "**Parcels**") as **Exhibit A**. As you will notice, we used the North Fish Hatchery Road Opportunity Analysis and Concept Planning report ("**Concept Plan**") to show the Parcels' location in relation to the Concept Plan.

The parcels legal descriptions are lots 7, 8, and 9 of Maple Lawn Heights, located in the SE 1/4 of the NE 1/4 of Section 3, Town 6 North, Range 9 East, City of Fitchburg, Dane County, WI. The tax key numbers are: 225/0609-031-7107-1, 225/0609-031-7208-9, and 225/0609-031-7309-7

The first thing you will note in reviewing the attachment is that the Parcels **are not** within the boundary limits of the Concept Plan but are adjacent to the east, approximately 1,000 feet east of Fish Hatchery Road. However, the current land use designations shown on the City's Future Land Use Map across our Parcels (**Exhibit B**) have lot 7 as Business, lot 8 and 9 are approximately 1/3 Mixed Use and 2/3 High Density Residential.

Request

We are requesting that the Parcel's land use designation be amended to an entirely "High Density Residential" classification so we can create a first class living community with significant amenities on the Parcels.

Discussion

As part of the amendment process, we have been asked by the City's planning staff to reconcile our land use plan change request with the City's overall goals and policies contained in the Concept Plan. As noted above, the Parcels are not within the boundaries of the Concept Plan, however, we believe that our requested change to the City's land use plan is entirely consistent with the intent of the Concept Plan and the City's land use plan for the following reasons:

1. Plan Intent. The Concept Plan was intended to be flexible with regard to comprehensive planning. The Executive Summary of the Concept Plan states in part:

"The primary purpose of the plan is to provide comprehensive, market-based recommendations for improvements to transportation, parking, land use and redevelopment and streetscape, wayfinding, and open space to strengthen north Fish Hatchery Road as an important community and neighborhood serving commercial corridor."

And shortly thereafter in the Executive Summary the Concept Plan states:

"The land use plan is also flexible enough to accommodate change and beneficial future proposals which may emerge as new opportunities present themselves along the corridor."

Chapter 4 is further evidence that the Concept Plan is intended to be flexible in the approach to planning and land use. The introductory paragraph of Chapter 4 states:

"These guidelines and land use framework are intended to provide flexibility while strongly encouraging well planned, compact development."

Finally, the Concept Plan provides 6 planning concepts which are key considerations when interpreting the intent, vision and flexibility of the Concept Plan:

- 1) Improve pedestrian, bicycle, transit and vehicular access by creating direct connections between various local and citywide destinations.
- 2) Create opportunities for land use change that are compatible with and add value to surrounding neighborhoods.
- 3) Enhance economic development opportunities that are consistent with Fitchburg's economic growth strategy.
- 4) Improve the quality of life of residents in surrounding neighborhoods.
- 5) Create opportunities for land use change that are balanced with a strong transportation circulation system, and physical and visual connections throughout the study area.
- 6) Incorporate the regional open space network into the corridor and surrounding neighborhoods providing recreational, aesthetic, and environmental value and reinforcing community identity.

Our Request for High Density Residential Classification

Our well planned, compact multi-family residential community would be developed on either side of Post Road on the Parcels and will incorporate all of the six key planning elements emphasized in the Plan.

First, we intend to incorporate pedestrian, bicycle, transit and vehicular needs into our plan commensurate with the communities surrounding needs.

Second, our development will be adjacent to Valley View apartments, a sister Fiduciary Real Estate Development, Inc. owned and managed property and will be very compatible to Valley View. We believe our development, with its added residents, will be a catalyst to spur retail and mixed use growth opportunities consistent with Fitchburg's overall economic growth strategy.

Third, we intend to incorporate design and architectural features and elements into our development which are consistent with the overall intent of the plan.

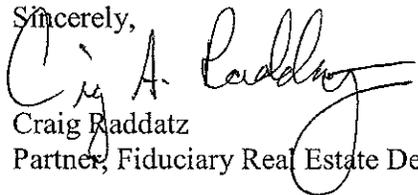
Finally, we believe a first class apartment project on the Parcels will enhance the ability to locate future retail and mixed use developments at the corner of Fish Hatchery Road and the future Post Road. We are confident this will serve as a catalyst for the development and construction of Post Road and will be a major improvement for the neighborhood.

Conclusion

As you are aware, we face a very different economic environment today than when the Concept Plan was created in 2004. In today's reality, development needs to be spurred by the uses most demanded, and our "Class A" multi-family use will immediately bring significant consumers, employees and citizens to Fitchburg that will be the critical catalyst for the development of Post and Index Road and will help Fitchburg achieve the long range goals of the North Fish Hatchery corridor.

Fiduciary Real Estate Development, Inc. sincerely requests your support of this amendment and we look forward to working together as the City's partner in developing this vital corridor of Fitchburg.

Sincerely,



Craig Raddatz

Partner, Fiduciary Real Estate Development

DRAFT LAND USE RECOMMENDATIONS

North Fish Hatchery Road Improvement District

Fitchburg, Wisconsin

- Legend**
- Study Area
 - Proposed Street
 - Proposed Bike Trail
 - Environmental Corridor
 - Dane County Flood Plain/ Wetland Boundary
 - Neighborhood & Community
 - Mixed Use Commercial Core
 - Community Gateway District
 - Office Residential
 - Mixed Use District

B&C Investments

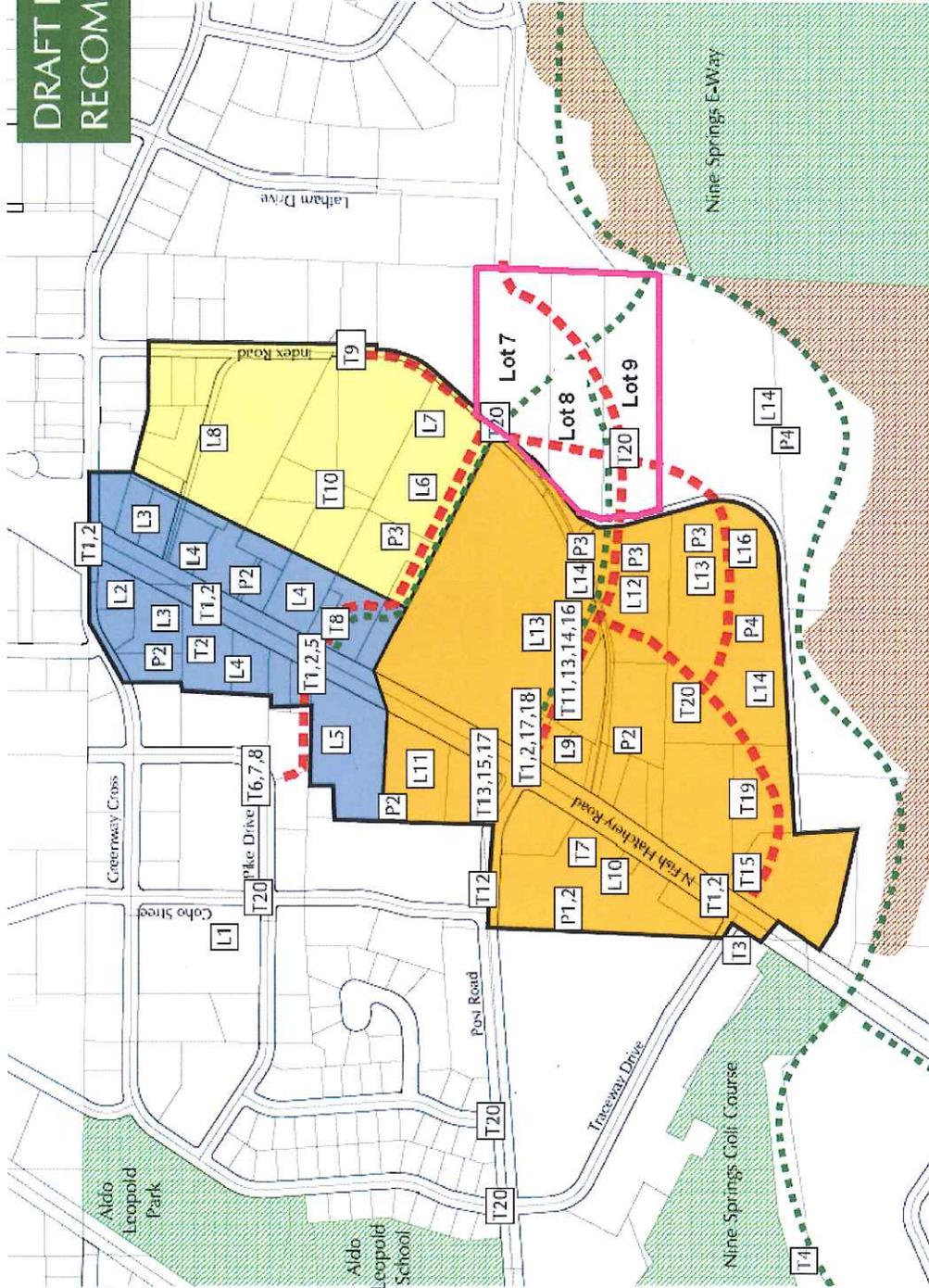
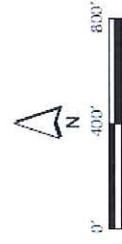


Figure 4 - 10

EXHIBIT B

FUTURE LAND USE PLAN MAP



— B&C Investments

	P&C - PARK & CONSERVANCY		ENV - ENVIRONMENTAL		PARCELS		FIRE STATION		CITY HALL
	R-R - RURAL RESIDENTIAL		TS - TRANSIT STATION		OPEN WATER		CEMETERY		SCHOOL
	LDR - LOW DENSITY RESIDENTIAL		H-G - INDUSTRIAL-GENERAL		STREAMS		LIBRARY		
	MDR - MEDIUM DENSITY RESIDENTIAL		I-C - INDUSTRIAL-COMMERCIAL		WETLANDS W/ 300 FT BUFFER				
	HDR - HIGH DENSITY RESIDENTIAL		BUS - BUSINESS		AG&OS - AGRICULTURE & OPEN SPACE				
	M-U - MIXED-USE		R-D - RURAL DEVELOPMENT		TOD - TRANSIT ORIENTED DEVELOPMENT				
	G/I - GOVERNMENT / INSTITUTIONAL		COMPLETED STUDY AREAS		POTENTIAL NEIGHBORHOODS				

PREPARED BY:
PLANNINGZONING
SOURCE
REVISED: 10/2010