

Plan Commission
Initiated by

T. Hovel
Drafted by

January 20, 2009
Date

RESOLUTION R-04-09
A RESOLUTION APPROVING AMENDMENT 5 TO ORCHARD POINTE
COMPREHENSIVE DEVELOPMENT PLAN

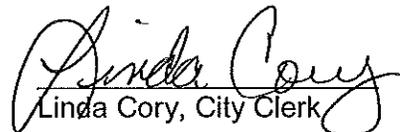
WHEREAS, EZ Nesbitt LLC has submitted a request to the City to amend the approved Comprehensive Development Plan (CDP) for Orchard Pointe, by a document entitled "Orchard Pointe Comprehensive Development Plan Amendment Five," and

WHEREAS, the Plan Commission has reviewed and recommended approval, with conditions, of amendment five to the comprehensive development plan,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of the City of Fitchburg herewith approves the amendments to the comprehensive development plan for Orchard Pointe subject to the following conditions:

1. No other permit or approval is waived or deemed satisfied except the approval herein provided.
2. A written statement from the applicant stating that the applicant understands that open space transfers are dependent on City approval.
3. All transfers of open space shall be received and acted on by the City Council before applications are made for future development. No approval beyond phase 1 is allowed by this CDP until the open space is appropriately reconciled by action of the governmental authority.
4. Due to inaccuracies in the submitted "Comparison of Approved CDP and Proposed Amendment 5" table, dated 1/09/2009, as well as "Open Space Summary" table, dated 1/08/2009, such tables are not approved and for general information only.
5. Lot 3 phase 1 is allowed a building footprint of 17,000 sq ft, and is allowed a phase second floor addition plus a stairwell addition.
6. Lots 4 and 6 Orchard Pointe current approvals in the CDP are voided and the owner shall submit plans for a multi-story building with structured parking at a later point in time. As an example, please see drawings submitted by applicant at 1/20/2009 Plan Commission meeting.

Adopted by the City Council of the City of Fitchburg this 27th day of January, 2009.


Linda Cory, City Clerk

Approved: January 27, 2009


Thomas Clauder, Mayor

Orchard Pointe Comprehensive Development Plan Amendment Five

PREPARED FOR

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Madison, WI 53718**

PREPARED BY

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December 23, 2008

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Attachments

Table 1 Development Parameters

Introduction/Background/Chronology

The Orchard Pointe Comprehensive Development Plan (CDP) was adopted by the City of Fitchburg in April 2006 after extensive public review and discussion. The CDP established the framework for the commercial development of approximately 120 acres located in the southwest quadrant of the McKee Road x Verona Road intersection.

The Plan addressed issues and set development parameters for land use, zoning, public improvements, architectural character, traffic circulation, storm water management and open space preservation.

During the course of discussion on the CDP, the City and the property owners acknowledged that the sequence of development in this area would require revision and amendment in order to incorporate property assembly, rezoning and land divisions that had not been completed or contemplated at the time of the original adoption.

This amendment is the ^{fifth}~~fourth~~ amendment of the CDP and focuses on Lots 3 and 8 of the Orchard Pointe Final Plat. This portion of Orchard Pointe is generally the area that was occupied by the former Urban Links indoor golf driving range and the EZ Gregory property.

Orchard Pointe Chronology

2002 through 2005	General planning.
April 2006	Orchard Pointe Comprehensive Development Plan (CDP) approved.
July 2006	Rezoning of Orchard Pointe approved (Ord.# 2006-O-17) and (Ord.# 2006-O-18)
September 2006	Super Target Store site plan and land division approved.
January 2007	Orchard Pointe CDP Amendment One approved – Amendment One pertains to lands east of Fitchrona Road, the re-alignment of Hardrock Road (Orchard Pointe II Preliminary Plat), and the rezoning of McKee Road frontage easterly from Fitchrona Road (Ord.# 2007-O-05)
January 2008	Orchard Pointe CDP Amendment Two approved – Amendment Two pertains to uses and open space for Phase One of <i>The Shops at Orchard Pointe</i> . (Lot 7)
July 2008	Orchard Pointe CDP Amendment Three approved – Amendment Three pertains to uses and open space for Phase Two of <i>The Shops at Orchard Pointe</i> . (Lot 8)

- September 2008 Orchard Pointe Amendment Four approved – Amendment Four pertains to the allowable square footage for the credit union located on lot 1 of CSM 11969
- December 2008 Orchard Pointe Amendment Five proposed – Amendment Five pertains to uses and development of *The Shops at Orchard Pointe 2* (Lot 3) and an amendment of the land uses allowed on Lot 8.

General Description

Lot 3 and 4. The original Orchard Pointe CDP anticipated development of a 6,000 SF (square foot) restaurant Lot 3 and a 7,180 SF credit union on Lot 4. After 18 months of marketing efforts and planning and design revisions, it has become apparent that a small specialty retail center and offices would be more appropriate at this location and would likely be more successful in the current real estate market affecting the metropolitan area around Madison. EZ Nesbitt, LLC, which purchased Lots 3 and 4 in the fall of 2008, is proposing that the Orchard Pointe CDP be amended to designate Lot 3 for development of 17,000 SF of specialty retail uses and, in a future phase, up to 12,500 SF of second floor general office use. For purposes of projecting and monitoring development impacts, Lot 4, which will be developed in a future phase, is listed with an interim designation as a 10,000 SF of specialty retail use. This amendment is proposing a net increase in Gross Floor Area (GFA) on lots 3 and 4 of 26,320 SF.

Based on very preliminary engineering and conceptual architectural studies, the remaining future phase of the McKee Road frontage (Lots 4 and 6) may include development of additional office, service and retail uses supported by a two level parking structure. Under this conceptual scenario, the majority of the area of Lot 4 would be improved as the parking structure. A subsequent CDP amendment addressing Lots 4 and 6 will be proposed for consideration when the details and financial feasibility of the potential future development phase finalized.

Lot 8. This amendment also proposes that the 42,500 SF medium format retail use that was previously approved for the addition to the Gold's Gym building (CDP Amendment 3) be changed to a 16,000 SF Discount Supermarket and a 15,000 SF Specialty Retail Center. (Note: In order to facilitate the monitoring of potential traffic impacts, the descriptive land use categories "Discount Supermarket" and Specialty Retail Center" are taken from the Trip Generation – 7th Edition, published by the Institute of Transportation Engineers). The total GFA on Lot 8 will be reduced by 11,500 SF.

Other aspects of the development in the Orchard Pointe area will be consistent with the architectural guidelines included in the adopted Orchard Pointe CDP, as amended, which continue to be applicable to this location.

Development parameters relating to zoning, building size, parking, open space, and traffic generation are summarized in Table 1 "Development Parameters".

Sequence of Development Approvals

1. CDP Amendment review and approval;
2. Conditional Use Permit for proposed use/tenants as needed;
3. Conditional Use Permit review of site plan for Lot 3; and,
4. Architectural Review of the specific development proposed on Lots 3 and 8.

Land Use Development and Zoning

No changes are proposed in the Orchard Pointe CDP Land Use Plan and Zoning relating to the area described as Orchard Pointe Lots 3 and 4. This area is currently zoned as B-G Business General.

Lot 8 is currently zoned as B-H Business Highway. An application for a Conditional Use Permit to allow the grocery store on Lot 8 has been submitted concurrently with this proposed CDP amendment.

Traffic Generation and Circulation

The approval of the initial Orchard Pointe CDP included a provision that future land uses would need to be generally consistent with, but could not exceed, the vehicle trip generation projections which were included in the Traffic Impact Analysis report and supplemental information prepared by Strand and Associates, and RLK Engineering. These projections and the anticipated vehicle trips for the various uses and building sizes in Orchard Pointe have been included in Table 1 in order to monitor the potential impacts of this development.

The Orchard Pointe CDP established afternoon peak hour traffic (highest single hour traffic between 4 and 6 PM on weekdays) as the key measurement for monitoring traffic impacts from development. The cumulative effect of the previously approved CDP amendments and this proposed change to the uses on Lot 3, 4 and 8 result in 504 fewer trips than were originally projected by the Strand Report in 2006.

Open Space Preservation

The overall goal of 35% open space within the Orchard Pointe area is being maintained. At a minimum, each lot will maintain at least 20% of its area as pervious open space. As site plans are finalized, some lots may be required to secure and "interest" in the permanently preserved open space in the designated outlots within the Orchard Pointe Plat.

EZ Nesbitt, LLC, (owners of Lots 3, 4, 6, 7, and 8) is completing arrangements with Wingra Stone to secure an interest in the wooded hillside outlots facing Nesbitt Road for sufficient open space to satisfy the 35% requirement. It is anticipated that EZ Nesbitt will only need 28,402 square feet (approximately) of off site open space from Wingra Stone in order to accommodate the proposed development on Lots 3 and 8. (See the proposed CUPs for each lot for the detailed site plan and open space calculation)

Storm Water Management

This amendment does not propose any changes relating to the approved stormwater management design for Orchard Pointe. All of the lands owned by EZ Nesbitt, LLC are part of the Jamestown Storm Water Management Assessment area, and drain to the existing basins maintained by the City. Consequently, these lots only need to satisfy City storm water infiltration, and oil and grease control requirements. Each lot will be encouraged to maximize infiltration of clean roof water and treated parking lot water beyond the minimum standards if feasible.

Orchard Pointe
Development Parameters

Comparison of Approved Comprehensive Development Plan and Proposed Amendment Five

Current Approved CDP (including Amendments 1, 2, 3 and 4)

Proposed Amendment Five -- 23 December 2008

Original CDP Reference	Final Plat CSM Lot	Building Sta	Area (acres)	Zoning	ITE Code (Note 1)	Use Approved and/or Existing Subject to CUP &/or Site Plan Approval	FAR Range	Road Open-space on-site	Projected Gross Floor Area (GFA)	Projected Parking GFA	Projected Parking Spaces	Projected Traffic (1)				Stand-Off	Net Difference
												Projection Unit	Avg Daily Traffic Rate per 1000 GFA, Lanes or Units	PM Peak Weekday Traffic (ADT)	PM Peak Rate/1000 GFA, Lanes or Units		
Development Area																	
100	CSM 11959-1	1.50 B-G	20.32	Commercial	812	Credit Union w/ 4 drive-thru lanes	0.25 - 0.28	20%	203,650	975	25	411.17	1,645	51.08	204	(52)	
	OP-1	1.51 B-G			932	High-Turn restaurant			5,600	15.0	84	127.15	712	10.92	61		
	OP-2	1.21 B-G/CUP	1 & 2		814	Specialty Retail Center (small shops & restaurant uses)			18,000	4.5 *	81	44.32	788	2.71	45		
	CSM 11959-3	15.20 B-H/CUP			813	Large Scale Discount Store w/ Grocery			174,550	4.5	785	49.21	8,590	3.87	678		
200	Peterson	11.39		Commercial			0.15 - 0.25	35%	98,680	451		6,020		581	594	(13)	
	OP-3	2.03 B-G			932	High-Turn restaurant			6,000	15.0	90	127.15	763	10.92	65		
	OP-4	1.24 B-G			812	Credit Union w/ 4 drive-thru lanes			7,160	3.3	24	411.17	1,645	51.08	204		
	OP-5	TBD	8.12 B-H		870	Med. Format Retail Store (Note 3)			20,000	4.0	80	45.04	501	3.83	77		
		TBD	B-H		870	Med. Format Retail Store (Note 3)			20,000	4.0	80	45.04	501	3.83	77		
		TBD	B-H		870	Med. Format Retail Store (Note 3)			25,000	4.0	100	45.04	1,126	3.83	99		
		TBD	B-H		814	Specialty Retail (small shops)			13,500	4.0	54	45.04	608	3.83	52		
		TBD	B-H		710	Second Floor General Office (Note 4)			7,000	3.3	23	11.01	77	1.49	10		
300	Wingra	11.95		Commercial			0.25 - 0.28	20%	88,000	386		2,739		218	228	(10)	
	OP-12	TBD	11.95 B-H		862	Home Improvement Store			80,000	4.5	360	29.80	2,334	2.45	195		
			B-H		814	Specialty Retail Center (small shops)			8,000	3.3	26	44.32	355	2.71	22		
400	Wingra	3.78		Mixed Use Commercial-Office-Residential			0.25 - 0.30	20%	27,400	151		1,033		99	227	(131)	
	OP-10	TBD	3.78 B-G		814	Specialty Retail Center (small shops)			6,200	3.3	20	44.32	275	2.71	17		
			B-G		710	General Office			16,000	3.3	53	11.01	176	1.49	24		
			B-G		931	Quality Restaurant			5,200	15.0	78	89.55	468	7.49	39		
			B-G		220	26 Upper Story Dwelling Units			26	==		6.72	175	0.62	15		
500 Parcel eliminated to accommodate Fitzhena Road re-alignment																	
600	Wingra	2.13		Commercial			0.05 - 0.06	20%	3,800	13		2,804		199	388	(189)	
	OP-13	1	2.13 B-H		851	Convenience Market (No Fuel)			3,800	3.3	13	1000 GFA	737.99	2,804	52.41	199	
700	Wingra	3.74		Mixed Use Commercial-Warehousing			0.25 - 0.45	20%	30,000	60		445		34	76	(87)	
	OP-11	TBD	3.74 B-H		814	Specialty Retail Center (small shops)			6,000	3.3	20	1000 GFA	44.32	266	2.71	16	
			B-H		710	General Office			10,000	3.3	33	11.01	110	1.49	15		
			B-H		150	Warehousing			14,000	0.5	7	1000 GFA	4.96	0.47	7		
800	Neizel	12.85		Commercial			0.25 - 0.28	35%	130,425	659		5,829		617	742	(125)	
	OP-7	1	2.83 B-G		934	Coffee Shop w/ drive-thru			1,750	10.0	18	1000 GFA	498.12	868	34.64	61	
		1	B-G		932	High-Turn Restaurant			6,500	15.0	98	127.15	826	10.92	71		
		1	B-G		814	Specialty Retail Center (small shops)			7,425	3.3	25	1000 GFA	44.32	329	2.71	20	
		2	B-G		932	High-Turn Restaurant			4,500	15.0	68	127.15	572	10.92	49		
		2	B-G		814	Specialty Retail Center (small shops)			7,200	3.3	24	1000 GFA	44.32	319	2.71	20	
	OP-8	1	8.32 B-H		870	Med. Format Retail Store (Note 3)			42,500	4.0	170	45.04	721	3.83	163		
	OP-8	2	B-H		492	Health/Fitness Club - 2 story			45,000	4.0	180	1000 GFA	32.93	1,482	4.06	183	
			B-G		814	Specialty Retail Center (small shops)			13,500	3.3	45	1000 GFA	44.32	601	2.71	37	
			B-G		710	Second Floor General Office			10,000	3.3	33	1000 GFA	11.01	110	1.49	15	
1000	Sara Investment	5.30		Mixed Use Commercial-Warehousing			0.25 - 0.28	35%	51,000	84		431		53	45	8	
	Nesbit Hts 8.9	5.20 B-H			814	Specialty Retail Center (small shops)			6,000	3.3	20	1000 GFA	44.32	266	2.71	16	
		B-H			710	General Office			15,000	3.3	50	11.01	165	1.49	22		
		B-H			150	Warehousing			30,000	0.5	15	1000 GFA	4.96	0.47	14		
1100	Nesbit Plaza	5.30		Commercial			0.20 - 0.25	35%	40,000	191		2,020		143	41	102	
	CSM 10317-1	5.30 B-H			814	Specialty Retail Center (small shops)			30,000	3.3	99	1000 GFA	44.32	1,330	2.71	81	
		B-H			710	General Office			5,000	3.3	17	11.01	55	1.49	7		
		B-H			932	High-Turn Restaurant			5,000	15.0	75	127.15	636	10.92	55		
1200	Peterson	4.11		Mixed Use Commercial-Office-Residential			0.20 - 0.25	35%	24,000	79		1,158		74	N1	74	
	OP-14	TBD	4.11 B-G		814	Specialty Retail (small shops)			24,000	3.3	79	1000 GFA	44.32	1,024	2.71	65	
			B-G		710	General Office			0	0	0	11.01	0	1.49	0		
			B-G		220	14 Dwelling Units (2.5 acres)			14	==		6.72	94	0.62	9		
2000	Wingra	2.59		Commercial			0.20 - 0.25	35%	9,000	30		399		24	N1	24	
	OP-9	2.59 B-G			814	Specialty Retail (small shops)			9,000	3.3	30	1000 GFA	44.32	399	2.71	24	

The changes have been circled

Original CDP Reference	Final Plat CSM Lot	Building Sta	Area (acres)	Zoning	ITE Code (Note 1)	Use Approved and/or Existing Subject to CUP &/or Site Plan Approval	FAR Range	Road Open-space on-site	Projected Gross Floor Area (GFA)	Projected Parking GFA	Projected Parking Spaces	Projected Traffic (1)				Stand-Off	Net Difference
												Projection Unit	Avg Daily Traffic Rate per 1000 GFA, Lanes or Units	PM Peak Weekday Traffic (ADT)	PM Peak Rate/1000 GFA, Lanes or Units		
Development Area																	
No Changes Proposed	CSM 11959-1	1.50 B-G	20.32	Commercial			0.25 - 0.28	20%	203,650	975	25	411.17	1,645	51.08	204	(52)	
	OP-1	1.51 B-G			932	High-Turn restaurant			5,600	15.0	84	127.15	712	10.92	61		
	OP-2	1.21 B-G/CUP	1 & 2		814	Specialty Retail Center (small shops & restaurant uses)			18,000	4.5 *	81	44.32	788	2.71	45		
	CSM 11959-3	15.20 B-H/CUP			813	Large Scale Discount Store w/ Grocery			174,550	4.5	785	49.21	8,590	3.87	678		
Neizel																	
No Changes Proposed	OP-3	2.03 B-G			932	High-Turn restaurant			6,000	15.0	90	127.15	763	10.92	65		
	OP-4	1.24 B-G			814	Specialty Retail Center (small shops)			7,160	3.3	24	411.17	1,645	51.08	204		
	OP-5	TBD	8.12 B-H		870	Med. Format Retail Store (Note 3)			20,000	4.0	80	45.04	501	3.83	77		
		TBD	B-H		870	Med. Format Retail Store (Note 3)			20,000	4.0	80	45.04	501	3.83	77		
		TBD	B-H		870	Med. Format Retail Store (Note 3)			25,000	4.0	100	45.04	1,126	3.83	99		
		TBD	B-H		814	Specialty Retail (small shops)			13,500	4.0	54	45.04	608	3.83	52		
		TBD	B-H		710	Second Floor General Office (Note 4)			7,000	3.3	23	11.01	77	1.49	10		
Wingra																	
No Changes Proposed	OP-12	TBD	11.95 B-H		862	Home Improvement Store			80,000	4.5	360	29.80	2,334	2.45	195		
			B-H		814	Specialty Retail Center (small shops)			8,000	3.3	26	44.32	355	2.71	22		
Wingra																	
No Changes Proposed	OP-10	TBD	3.78 B-G		814	Specialty Retail Center (small shops)			6,200	3.3	20	44.32	275	2.71	17		
			B-G		710	General Office			16,000	3.3	53	11.01	176	1.49	24		
			B-G		931	Quality Restaurant			5,200	15.0	78	89.55	468	7.49	39		
			B-G		220	26 Upper Story Dwelling Units			26	==		6.72	175	0.62	15		
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No Changes Proposed	OP-13	1	2.13 B-H		851	Convenience Market (No Fuel)			3,800	3.3	13	1000 GFA	737.99	2,804	52.41	199	
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No Changes Proposed	OP-11	TBD	3.74 B-H		814	Specialty Retail Center (small shops)			6,000	3.3	20	1000 GFA	44.32	266	2.71	16	
			B-H		710	General Office			10,000	3.3	33	11.01	110	1.49	15		
			B-H		150	Warehousing			14,000	0.5	7	1000 GFA	4.96	0.47	7		
Neizel																	
No Changes Proposed	OP-7	1	2.83 B-G		934	Coffee Shop w/ drive-thru			1,750	10.0	18	1000 GFA	498.12	868	34.64	61	
		1	B-G		932	High-Turn Restaurant			6,500	15.0	98	127.15	826	10.92	71		
		1	B-G		814	Specialty Retail Center (small shops)			7,425	3.3	25	1000 GFA	44.32	329	2.71	20	
		2	B-G		932	High-Turn Restaurant			4,500	15.0	68	127.15	572	10.92	49		
		2	B-G		814	Specialty Retail Center (small shops)			7,200	3.3							