

Shawn Pfaff, Mayor
Introduced by

Planning/Zoning
Prepared by

Plan Commission
Referred To

April 16, 2013
Date

RESOLUTION R-36-13

**A RESOLUTION APPROVING AMENDMENT 10 TO ORCHARD POINTE
COMPREHENSIVE DEVELOPMENT PLAN**

WHEREAS, James Bricker of JSD Professional Services, agent for Marc Vrotsos of Sara Investment Real Estate, has submitted a request to the City to amend the Comprehensive Development Plan (CDP) for Orchard Pointe; and

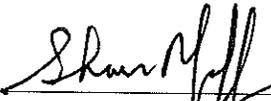
WHEREAS, the Plan Commission following a public hearing has reviewed the request on April 16, 2013; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Common Council of the City of Fitchburg, Dane County, Wisconsin herewith approves amendment 10 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 for the approval herein provided.
2. The Orchard Pointe Development Parameters table shall be updated to reflect the changes to Lot 1 and the updated table shall be provided to planning staff.

Adopted by the Common Council of the City of Fitchburg this 23rd day of April, 2013.

Approved: May 1, 2013


Shawn Pfaff, Mayor


Linda Cory, City Clerk

Orchard Pointe

Comprehensive Development Plan

Amendment Ten

PREPARED FOR

Sara Real Estate Investment LLC
6264 Nesbitt Road
Madison, WI 53719

PREPARED BY

JSD *Professional Services, Inc.*

• Engineers • Surveyors • Planners

161 Horizon Drive, Suite 101
Verona, WI

Project 13-5459
Submittal: March 19, 2013

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Attachments

- A. Preliminary Site Plan (Sara/General/Harmony 3.15.2013)
- B. Table re Orchard Pointe Development Parameters JSD 3/18/2013)

Introduction/ 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 various development issues and established 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 final building designs, property assembly, land uses, rezoning and land divisions that had not been completed or contemplated at the time of the initial CDP was approved.

This proposal is the tenth amendment of the CDP and focuses on Lot 1 of the Orchard Pointe Plat. This site is the remaining vacant frontage lot located in front of the Super Target store.

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 – Relating 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 approved (Ord.# 2007-O-05) Relating to Lots 1, 2, 3, 4 and 7 Orchard Pointe II Preliminary Plat.
January 2008	Orchard Pointe CDP Amendment Two – Relating to uses and open space for Phase One of <i>The Shops at Orchard Pointe</i> .
July 2008	Orchard Pointe CDP Amendment Three – Relating to uses and open space for Phase Two of <i>The Shops at Orchard Pointe</i> .

- September 2008 **Orchard Pointe CDP Amendment Four** – Relating to the gross floor area permitted on Lot 1 of CSM 11969
- December 2008 **Orchard Pointe CDP Amendment Five** – Relating to uses and development of *The Shops at Orchard Pointe 2* (Lot 3) and an amendment of the land uses allowed on Lot 8.
- October 2009 **Orchard Pointe CDP Amendment Six** – Relating to uses and development of Lots 3, 4, 6 and 8.
- March 2011 **Orchard Pointe CDP Amendment Seven** – Relating to zoning, conditional uses for Lot 6 and site plan revision for frontage Lots 3, 4 and 6.
- July 2011/March 2012 **Orchard Pointe CDP Amendment Eight** – Relating to changing the land use on Lot 1 from restaurant to a bank with drive-thru lanes and specialty retail center uses. This proposed amendment was denied by the City Plan Commission in order to maintain the opportunity for a restaurant use to be developed at this location.
- Fall 2011 **Orchard Pointe CDP Amendment Nine** – Relating to the development of a discount grocery store on Lot 5.

Background

The initial Orchard Pointe CDP planned for the potential development of the McKee Road frontage lots that are located immediately in front of the Super Target store as three separate sites zoned for Business General (B-G) uses. For purposes of initial site planning and to provide the basis for the traffic analysis that accompanied the initial Orchard Pointe approvals, these lots were projected to develop as general business uses including: a bank, high-turn restaurant, and a small multi-tenant retail center.

To date, development of the parcels immediately adjoining Lot 1 have included a Specialty Retail Center (See Note 1) and a bank with drive-thru lanes. The specialty retail center encompasses 18,000 SF in a two building complex that was developed concurrently with the Super Target store in 2006. The bank site was developed and occupied by the UW Credit Union in 2008. The remaining 1.5 acre Lot 1 was originally conceived of as a site for a High-Turn Restaurant use but has not attracted any development interest by a prospective restaurant use since the site was originally platted.

Since its inception, the Orchard Pointe development area has been able to remain relatively true to its original design/concept as a community commercial center while being responsive to dynamic business and market conditions. Elsewhere within the Orchard Pointe development area, land uses and businesses have changed and expanded consistent with existing zoning and the City has approved several changes to the original

land use plan (and development standards) in order to support and expand business opportunities.

One of the most substantive amendments to the Orchard Pointe General Development Plan was the 2011 amendment to permit the single use development of the 85,000 SF HyVee Supermarket on Lot 5 instead of the 78,500 SF retail center anchored by two medium format retail stores as initially planned.

Description

Amendment Ten proposes to change the CDP land use designation for Lot 1 of Orchard Pointe to permit the development of a Specialty Retail Center that would accommodate multiple tenants instead of a single use stand-alone High-Turn (Sit-Down) Restaurant. The other aspects of the Orchard Point CDP requirements (as amended) that affect development along the McKee Road frontage would continue to be applicable to this location. These include architectural and site plan review.

In 2011 Sara Investment Real Estate LLC acquired ownership of Lot 2 which is currently 90 % leased with seven tenants. Sara Investment has recently obtained an option for Lot 1 and is seeking this amendment to broaden the pool of potential users/tenants for the property.

During the past 6 months, Sara Investment has made multiple inquiries to regional and sub-regional restaurant operators/franchisors to solicit interest in a stand-alone restaurant building in this location. There have been no positive responses.

Reasons for the lack of interest include: lack of employment in the immediate vicinity (potential restaurant customers), lack of a major "attraction" in the immediately visible vicinity (a regional mall, perceived access issues and relatively low traffic volumes on McKee Road, the generally soft restaurant/dining market in the area, and the start-up effort involving financial and municipal "red-tape". Simply put there are other locations in the metropolitan area that are perceived to be more viable by restaurateurs and financiers. In addition, the "all or nothing" limitation for a stand alone sit-down restaurant on this site is also reducing its attractiveness for investment.

That being said, Sara Investment believes that there may be a "market" for a dining establishment that would be a tenant within a multi-tenant building. Examples of such successful high-turn restaurant ventures in the surrounding area including: Pancho's (on Lot 1), the 5th Quarter (Verona), and Buffalo Wild Wings.

Sara Investment has prepared conceptual building plans for the construction development of approximately 12,100 SF of commercial space and parking for Lot 1. Conceptually, for this would be an "L" shaped building and would complement the character of the buildings on Lot 2. The new building could have up to seven tenant spaces which could be combined to accommodate specific tenant needs.

When evaluated from a total site perspective (combining Lots 1 and 2), this retail center would include approximately 30,000 SF of business space supported by 168 parking stalls.

Summary of Lots 1 and 2 (Orchard Pointe Outlots in front of Target)

	Lot Area (Acres)	Building Size (Sq.Ft.)	Parking Stalls	
Lot 1: Proposed new multi-tenant building	1.51	12,100	41	
			8	Potentially 8 additional stalls w/ reconfiguration of parking lot
Lot 2: Current multi-tenant buildings (2)	2.11	18,000	127 *	
Total	3.62	30,100	168	

* 22 of the existing stalls are located on Lot 1.

Effect of the Proposed CDP Amendment Eight

Land Use. The proposed development of an additional specialty retail space is not inconsistent with the planned commercial land use patterns or the zoning districts along the McKee Road corridor. The proposed uses have been determined by the owner to be economically viable at this location and will expand the City’s tax base and employment opportunities.

Traffic Generation and Circulation. The approval of the initial Orchard Pointe CDP included a provision that the projected traffic impacts of 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 (2006). These traffic impact projections were calculated utilizing the accepted multipliers found in Trip Generation (7th Edition) published by the Institute of Traffic Engineers (ITE) in 2003.

For the purposes of conducting the original traffic impact analysis, Lot 1 was part of an area delineated as Reference Parcel 100 in the 2006 Strand and Associates traffic study. That study established the Cap of 1042 afternoon peak hour trips for Reference Parcel 100 that was subsequently incorporated into the Orchard Pointe CDP.

In the fall of 2011, the developers of the HyVee project prepared an update to the Orchard Pointe traffic analysis. In this updated study, SRF Consulting Group incorporated projected PM Peak Hour traffic volumes for Lot 1 that reflected a proposed bank with drive-up lanes. The 2011 Traffic Study essentially has increased allowable

traffic generation for Reference Parcel 100 by 53 trips to a Cap of 1095 PM Peak Hour Trips.

Amending the CDP to permit the Specialty Retail Center uses proposed by Sara Investment is projected to generate 33 PM peak hour trips. Note: The tenant mix of Specialty Retail Centers is not itemized in the calculation since the definition of Specialty Retail Centers includes restaurant uses unless a specific user has been proposed. In this case the general category of Specialty Retail Center also provides for and accommodates flexibility for the building owner to recruit and secure tenants.

The attached Table summarizes the proposed development parameters for the portion of Orchard Pointe that includes the Super Target, UW Credit Union, the existing multi-tenant buildings on Lot 2 and the proposed use on Lot 1. (Note: The table includes approved afternoon peak hour trips that were used in the previous Amendment 9 analysis).

Parking. The initial Orchard Pointe CDP projected surface parking on each lot. Lot 1, originally projected as a High-turn Restaurant, had anticipated a demand for 51 parking stalls and projected 135 stalls on the combined Lots 1-2 site. (Note: Lot 2 was initially projected to generate a demand for 84 stalls and 105 were constructed).

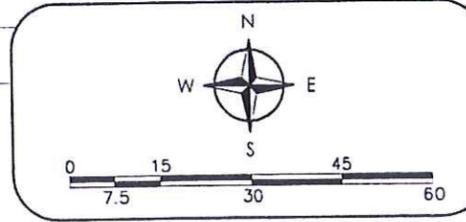
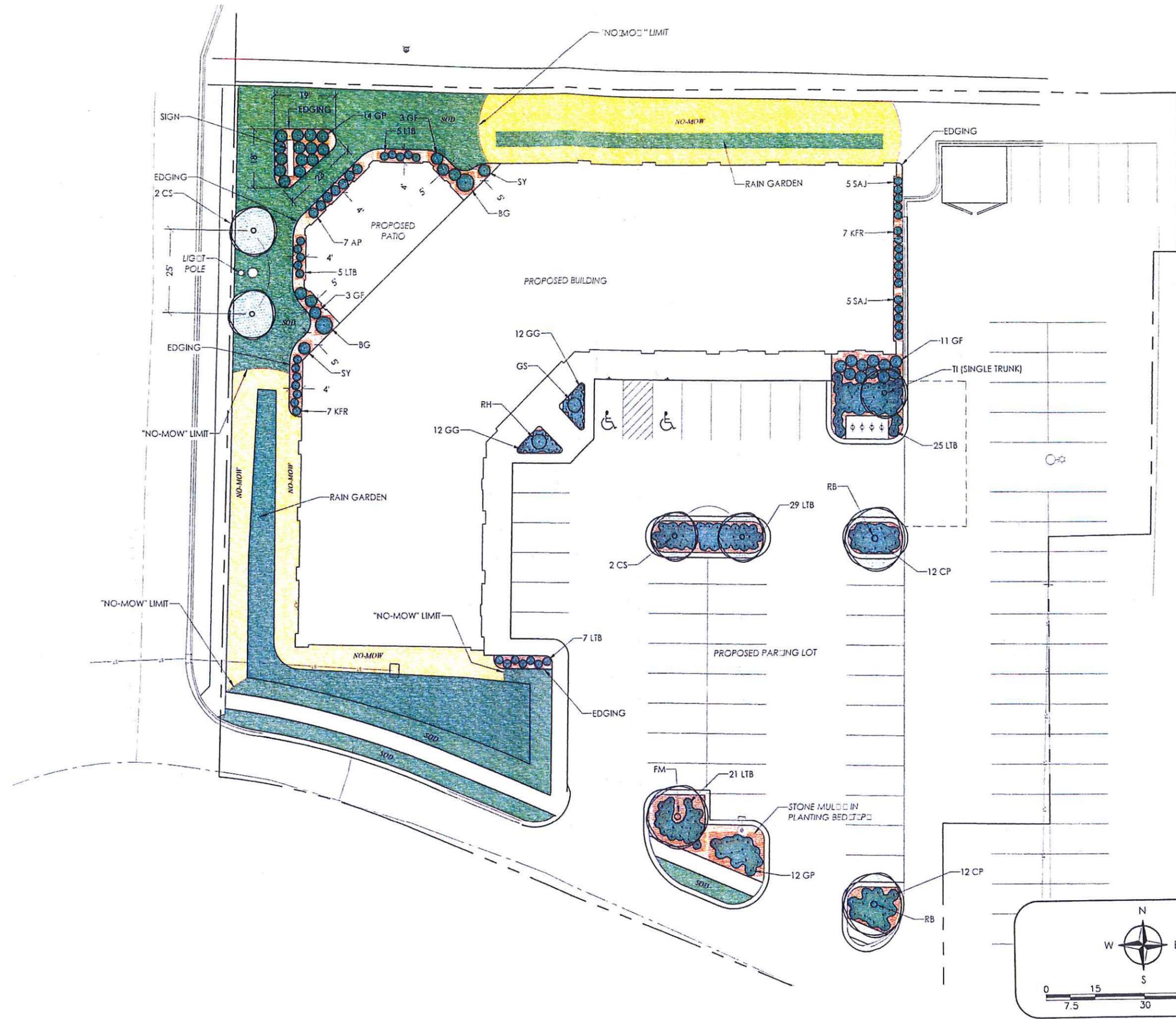
The current conceptual site plan for the combined Lot 1-2 indicates the site layout can accommodate up to 168 stalls which should provide sufficient supply to meet tenant demands and allows for flexibility and accommodation for tenant recruitment.

Open Space Preservation. Orchard Pointe is required by the approved CDP to have at least 35% of the total area to be open space. This goal is achieved by the requirement that each lot, at a minimum, maintain at least 20% of its area as pervious open space, with additional open space provided in the permanently preserved non-developable outlots located throughout the development. It was anticipated in the Orchard Pointe CDP that as site plans are finalized, some lots may either be required to add additional area or to secure an "interest" in the permanently preserved open space in the designated outlots within the Plat in order to achieve the required 35% open space.

Initial analysis of the preliminary site plan proposed for this Amendment Ten indicates that there is will be sufficient open space incorporated into Lot 1 to meet the 20% on-site open space requirement. This will be verified when architectural and site plans are finalized.

Storm Water Management. This amendment does not propose any changes relating to the approved stormwater management design for Orchard Pointe. All of the lands in this portion of the project drain to the stormwater detention and infiltration basin located on Nesbitt Road.

3:\Current Files E-K\Harmony Const. Mgmt\2-1012-274 Fitchburg Retail Development\CAD 2-1012-274\C3D-2-1012-274\Production Drawings\L1.0_LSP_2-0112-274.dwg, 3/15/2013 11:57:09 AM, 1:1



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REVISIONS	NO.	BY	DATE
PC SUBMITTAL	1	SRR	3/15/13

LANDSCAPE PLAN
 FITCHBURG RETAIL DEVELOPMENT
 Harmony Construction
 City of Fitchburg
 Dane County, WI

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DATE	3/15/2013
BY	SRR
GEC FILE NO.	2-1012-274
SHEET NO.	L1.0

TABLE 1 Reformatted

Orchard Pointe
Development Parameters

Comparison of Approved Comprehensive Development Plan and Proposed Amendment TEN

Current Approved CDP (including Amendments 1, 2, 3, 4, 5, 6, 7, and 9)

Original CDP Reference	Final Plot CSM Lot	Amendment History (Initial CDP unless noted)	Building Site	Area (acres)	Zoning	ITE Code (Note 1)	Approved and Built Approved Site Plan Subject to CUP &/or Site Plan Approval	FAR Range	Retail Open-space on-site	Projected Gross Floor Area (GFA)	Parking Rate/1000 GFA	Parking Spaces	Projection Unit	Projected Traffic (1)			Strand Projection (Note 2)	Net Difference versus Strand Projection
														Avg Daily Traffic Rate per 1000 GFA (Lanes or Units)	Weekly Traffic (ADT)	PM Peak Rate/1000 GFA, Lane or Units		
Development Area																		
			03-32	Commercial	0.25 - 0.28	20%	203,650			973				11,724	992	1040	62	
CSM 11969-1	Amend 5		150 B-G	912 Bank w/ 4 drive-thru lanes	5,000	4	4.5	25	Lanes	411.17	1,645	51.08	204					
CP-1			151 B-G	932 High-Turn Restaurant	5,000	19.0	84	1000 GFA	127.15	712	10.92	61						
CP-2			1 & 2	814 Specialty Retail Center (small shops & restaurant uses)	18,000	4.5*	81	1000 GFA	44.32	793	2.71	40						
CSM 11969-3			1520 B-H/CUP	813 Large Scale Discount Store of Grocery	174,650	4.5	766	1000 GFA	49.21	8,500	3.87	674						
Netzel																		
			10-53	Commercial	0.15 - 0.25	35%	117,925			544				10,916	1,047	564	453	
CP-3	Amend 4.6		166 B-G	914 Specialty Retail Center (small shops)	17,000	3.3	59	1000 GFA	44.32	753	2.71	47						
CP-4	Amend 4.6		075 B-G	914 Fast Food with Drive-thru	12,500	3.3	41	1000 GFA	44.32	355	2.71	22						
CP-5			812 B-H	Supermarket	3,000	15.0	45	1000 GFA	495.12	1,458	34.64	104						
Wingra																		
			11-95	Commercial	0.25 - 0.28	20%	68,000			354				2,739	218	208	10	
CP-12			1195 B-H	802 Home Improvement Store	60,000	4.5	30	1000 GFA	29.80	2,354	2.45	195						
CP-10			378 B-G	814 Specialty Retail Center (small shops)	6,200	3.3	20	1000 GFA	44.32	275	2.71	17						
			B-G	710 General Office	18,000	3.3	53	1000 GFA	11.01	176	1.49	24						
			B-G	931 Quality Restaurant	5,200	15.0	78	1000 GFA	89.95	468	7.49	39						
			B-G	200 26 Upper Story Dwelling Units	20	**	**	Units	6.72	175	0.62	16						
Wingra																		
			2-13	Commercial	0.05 - 0.06	20%	3,800			13				2,804	199	355	156	
CP-13			213 B-H	851 Convenience Market (No Fuel)	3,800	3.3	13	1000 GFA	737.99	2,804	52.41	199						
Wingra																		
			374	Mixed Use Commercial/Warehouse	0.25 - 0.45	20%	31,000			60				446	30	75	57	
CP-11			374 B-H	814 Specialty Retail Center (small shops)	6,000	3.3	20	1000 GFA	44.32	259	2.71	16						
			B-H	710 General Office	10,000	3.3	33	1000 GFA	11.01	110	1.49	15						
			B-H	150 Warehouse	14,000	0.5	7	1000 GFA	4.99	69	0.47	7						
Netzel																		
			13-52	Commercial	0.25 - 0.28	35%	131,275			654				7,787	731	742	11	
CP-7			260 B-G	934 Coffee Shop w/ drive-thru	1,750	10.0	16	1000 GFA	405.12	658	34.64	61						
			B-G	932 High-Turn Restaurant	6,500	15.0	58	1000 GFA	127.15	826	10.92	71						
			B-G	814 Specialty Retail Center (small shops)	7,450	3.3	25	1000 GFA	44.32	329	2.71	20						
			B-G	932 High-Turn Restaurant/Specialty Retail	4,500	15.0	68	1000 GFA	127.15	572	10.92	46						
			B-G	814 Specialty Retail Center (small shops)	7,900	3.3	24	1000 GFA	44.32	319	2.71	20						
CP-8	Amend 3, 4.6		832 B-H/CUP	870 Med Formal Retail Store	31,000	4.0	124	1000 GFA	45.04	1,396	3.83	119						
	Amend 4		B-H	814 Specialty Retail Center (small shops)	0	0	0	0	0	0	0	0						
	Amend 3		B-H	492 Health/Fitness Club - 2 story	45,000	4.0	160	1000 GFA	32.93	1,492	4.06	183						
CP-6	Amend 7		240 B-H/CUP	854 Discount Grocery	17,000	5.5	84	1000 GFA	69.82	1,648	8.90	151						
	Amend 7		B-H/CUP	814 Tire Store with 10 service bays	10,000	3.3	34	1000 GFA	24.87	348	4.15	55						
Sara Investment																		
			5-20	Mixed Use Commercial/Warehouse	0.25 - 0.28	35%	51,000			84				431	63	45	8	
Health Hts 8.9			520 B-H	814 Specialty Retail Center (small shops)	6,000	3.3	20	1000 GFA	44.32	259	2.71	16						
			B-H	710 General Office	15,000	3.3	50	1000 GFA	11.01	165	1.49	22						
			B-H	150 Warehouse	30,000	0.5	15	1000 GFA	4.99	69	0.47	14						
Netzel Phase																		
			5-30	Commercial	0.20 - 0.25	35%	40,000			191				2,020	143	41	102	
CSM 10317-1			530 B-H	814 Specialty Retail Center (small shops)	33,000	3.3	99	1000 GFA	44.32	1,330	2.71	81						
			B-H	710 General Office	5,000	3.3	17	1000 GFA	11.01	110	1.49	7						
			B-H	932 High-Turn Restaurant	5,000	15.0	75	1000 GFA	127.15	635	10.92	55						
Peterson																		
			4-11	Mixed Use Commercial/Office-Residential	0.20 - 0.25	35%	24,000			79				1,159	74	111	74	
CP-14			411 B-G	814 Specialty Retail (small shops)	24,000	3.3	79	1000 GFA	44.32	1,054	2.71	65						
			B-G	710 General Office	0	0	0	0	0	0	0	0						
			B-G	200 14 Dwelling Units (2.5 acres)	14	**	**	Unit	6.72	94	0.62	9						
Wingra																		
			2-9	Commercial	0.20 - 0.25	35%	9,000			30				309	20	111	24	
CP-9			259 B-G	814 Specialty Retail (small shops)	9,000	3.3	30	1000 GFA	44.32	359	2.71	24						

Orchard Pointe
Development Parameters

Proposed Amendment TEN (traffic cap per approved amendment 9)

The proposed amendments are highlighted

Proj#	Plot Lot	Building Site	Area (acres)	Zoning	ITE Code (Note 1)	Use	FAR Range	Retail Open-space on-site	Projected Gross Floor Area (GFA)	Parking Rate/1000 GFA	Projected Parking Spaces	Projection Unit	Projected Traffic (1)			Strand Projection (Note 2)	Net Difference versus Strand Projection
													Avg Daily Traffic Rate per 1000 GFA (Lanes or Units)	Weekly Traffic (ADT)	PM Peak Rate/1000 GFA, Lane or Units		
Development Area																	
			03-32	Commercial	0.25 - 0.28	20%	211,320			976				11,621	932	1023	71
						Calculated FAR based on site plans	0.24										
CSM 11969-1	UWCU		150 B-G	912 Credit Union w/ 4 drive thru lanes	5,000	4	4.5	25	Lanes	411.17	1,645	51.08	204				
Combined Lots 1 & 2																	
						per site plan				166				1,337			
CP-1			151 B-G	814 Specialty Retail	13,200	6.1	61	1000 GFA	44.32	589	2.71	36					
CP-2			211 B-G/CUP	814 Specialty Retail Center (small shops & restaurant uses)	18,000	10.0	100	1000 GFA	44.32	793	2.71	40					
CSM 11969-3	Target Store		1520 B-H/CUP	813 Large Scale Discount Store w/ Grocery	174,650	4.5	766	1000 GFA	49.21	8,500	3.87	674					
Netzel																	
			10-53	Commercial	0.15 - 0.25	35%	117,925			544				10,916	1,047	564	453
						Calculated FAR based on site plans	0.29										
CP-3			166 B-G	814 Specialty Retail Center (small shops)	17,000	3.3	59	1000 GFA	44.32	753	2.71	47					
CP-4			075 B-G	934 Fast Food with Drive Thru	12,500	3.3	41	1000 GFA	44.32	355	2.71	22					
CP-5			812 B-H	Supermarket	3,000	15.0	45	1000 GFA	495.12	1,458	34.64	104					
Wingra																	
			11-95	Commercial	0.25 - 0.28	20%	68,000			354				2,739	218	208	10
CP-12			1195 B-H	802 Home Improvement Store	60,000	4.5	30	1000 GFA	29.80	2,354	2.45	195					
			B-H	814 Specialty Retail Center (small shops)	8,000	3.3	20	1000 GFA	44.32	355	2.71	22					
Wingra																	
			378	Mixed Use Commercial/Office-Residential	0.25 - 0.33	25%	27,250			151				1,033	60	227	133
CP-10			378 B-G	814 Specialty Retail Center (small shops)	6,200	3.3	20	1000 GFA	44.32	275	2.71	17					
			B-G	710 General Office	18,000	3.3	53	1000 GFA	11.01	176	1.49	24					
			B-G	931 Quality Restaurant	5,200	15.0	78	1000 GFA	89.95	468	7.49	39					
			B-G	200 26 Upper Story Dwelling Units	20	**	**	Units	6.72	175	0.62	16					
Wingra																	
			2-13	Commercial	0.05 - 0.06	20%	3,800			13				2,804	199	355	156
CP-13			213 B-H	851 Convenience Market (No Fuel)	3,800	3.3	13	1000 GFA	737.99	2,804	52.41	199					
Wingra																	
			374	Mixed Use Commercial/Warehouse	0.25 - 0.45	20%	30,000			60				446	30	75	57
CP-11			374 B-H	814 Specialty Retail Center (small shops)	6,000	3.3	20	1000 GFA	44.32	259	2.71	16					
			B-H	710 General Office	10,000	3.3	33	1000 GFA	11.01	110	1.49	15					
			B-H	150 Warehouse	14,000	0.5	7	1000 GFA	4.99	69	0.47	7					
Netzel																	
			13-52	Commercial	0.25 - 0.28	35%	134,375			675				7,787			