

# Planning and Zoning Department

2019 Annual Report



January 2020

## **Department Staff**

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## Introduction

In 2019 planning activity focused on rezoning and platting for single family and multifamily developments. Significant time was spent on the update to the Comprehensive Plan, to be adopted in 2020. This Annual Report will lay out the major 2019 activities of the Department. Additional information may be found at the Planning Department web site: <http://www.fitchburgwi.gov/206/Planning-Zoning>

## Land Use Planning

### ***Comprehensive Plan***

First adopted in March 2009, the Comprehensive Plan was completed to meet the requirements of the Comprehensive Planning Statute, also referred to as the Smart Growth law. The Plan acts as a land use constitution for the city and sets forth the goals, objectives and policies to guide city actions in land use matters. Under state law, the Comprehensive Plan must be updated at least once every 10 years. The update process began in May with a kick-off presentation presented to Common Council and Plan Commission. Common Council adopted a timeline for the update which directed staff to complete the update by March 2020. The update will result in a “re-fresh” of the existing plan, which includes reformatting the plan and updating background information. The goals, objective, and policies were updated as needed, based on input from city staff, residents, committees, and elected officials. Council also directed staff to make four changes to the future land use map regarding parcel specific future land uses. Planning staff attended over 30 meetings as a part of the update process, including 5 public participation meetings. Plan Commission and Common Council will vote on the update to the Comprehensive Plan in 2020.



The annual minor Comprehensive Plan amendment process also took place in 2019. One amendment was submitted for properties associated with 2546 and 2556 South Fish Hatchery Road. The amendment proposed to change the future land use designation from High Density Residential (HDR) which may, at the discretion of the Plan Commission and Council, be suitable for Industrial-Commercial (I-C) to only Low Density Residential (LDR). Common Council tabled a vote on the amendment until April 2020.

### ***McGaw Park Neighborhood Urban Service Area Amendment***

In 2018 the Department met with a land developer regarding a potential amendment to the Urban Service Area affecting the southern portion of the McGaw Park Neighborhood. A third party created the Urban Service Area amendment application, and Department staff assisted with the application on an as needed basis. The proposed amendment

would bring approximately 87 acres in the Urban Service Area. Land uses will be a mix of residential, institutional and open space. The application will likely be submitted in 2020 to the Capital Area Regional Planning Commission and the Wisconsin Department of Natural Resources.

### ***Landmarks Preservation***

Exterior alterations to designated landmark properties require approval of a Certificate of Appropriateness (COA) by the Landmarks Preservation Commission (LPC).

Fitchburg is a Certified Local Government (CLG) under the National Trust for Historic Preservation and the Wisconsin Historical Society. As a CLG, the City is eligible to apply for grant funds on an annual basis for various preservation efforts. In 2018, the Planning Department was awarded a Historic Preservation Fund “Subgrant” to undertake an intensive survey of the City of Fitchburg’s historic architectural resources. The work conducted under the grant was the first professional historic preservation survey of Fitchburg in order to establish an inventory of historic properties. With information provided by this grant, the LPC will be able to:



The McCoy house was built in 1860.

- Identify properties potentially eligible for designation to the local, state or national historic registries and assist property owners with nominations
- Assist owners of historic income-producing properties who wish to take advantage of federal and state historic preservation tax credits
- Assist owners of residential properties who wish to take advantage of state historic preservation tax credits
- Generate greater public knowledge of Fitchburg’s historic heritage by using survey information to write articles regarding the city’s history

A consultant began the survey work in 2018. A final report was submitted in October 2019. The report provides an overview of the historic development of Fitchburg, summarizes the common architectural styles found in the City, and lists properties that are potentially eligible for the National Register of Historic Places. As a result of the survey, approximately 205 historic resources were reviewed for eligibility. All 205 resources were entered in the Wisconsin Historic Preservation Database. The report identified 2 historic districts and 7 individual properties that are considered potentially eligible National Register of Historic Places. One historic district and three individual properties were included in the report but are not yet 50 years of age. These resources may be potentially eligible once they are 50 years old. The survey also identified 3 properties which require additional information in order to determine their eligibility. The Landmarks Committee will meet in 2020 to identify how the results of the survey can be used to promote historic preservation in the city.

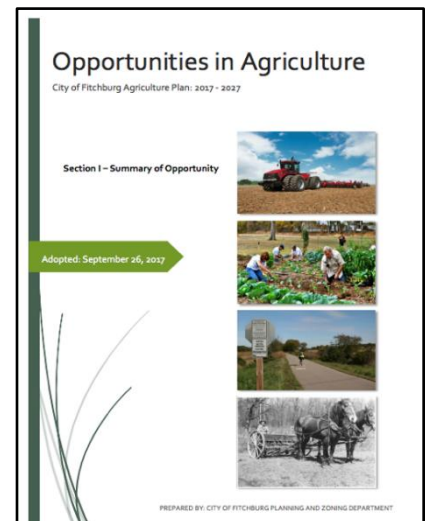
Name	Type	Eligibility
Chalet Gardens Cooperative	Historic District	Eligible
Nevin State Fish Hatchery	Historic District	Eligible
Seminole Forest Parade of Homes	Historic District	Not Yet 50 Years
Oscar Meyer Property	Individual Property	Eligible
Vroman Family Farmstead	Individual Property	Eligible
Pritchard-McManus Farmstead	Individual Property	Eligible
Bitney-Dick Farmhouse	Individual Property	Eligible
Dr. John M.Opitz House	Individual Property	Eligible
Boyce F. Totz Home & Studio	Individual Property	Eligible
Fabritek, Inc.	Individual Property	Eligible
Jim & Bonny Gold House	Individual Property	Not Yet 50 Years
Weary Veteran Sculpture	Individual Property	Not Yet 50 Years
Memorial United Christ of Church	Individual Property	Not Yet 50 Years
Nott-Barry Farmhouse	Individual Property	More Information Required
Bjorksten Research Laboratories	Individual Property	More Information Required
District School House No.9/Fish Hatchery School/Dogtown School	Individual Property	More Information Required

### ***Agriculture and Rural Affairs***

The Planning and Zoning Department continued implementation of the City’s first Agriculture Plan, adopted in 2017. The Plan’s general intent and purpose, conforming to and consistent with the City’s Comprehensive Plan and long-term growth boundary contained therein, is to provide a holistic and integrated approach to agriculture in the City, and ensure continued, varied agricultural opportunities to City landowners. The Plan recognizes agriculture as a viable component of the City’s economy and identity, and focuses on continued development of the local food system and enhancing agricultural diversity in the City, as well as other emerging trends in the agricultural sector. Implementation of Agriculture Plan action items in 2019 included:

- Management, including expansion, of the City’s first community garden on public parkland (Swan Creek Park).
- Continuation of discussions with other non-profit and governmental partners on development of a City Agriculture “Signature Theme” Park in the Northeast Neighborhood.

Additionally, the Committee continued to provide recommendations to the Plan Commission on all rezoning/land divisions that took place on the City’s agricultural-zoned lands. Finally, the Committee held its second annual listening session in 2019, to



get a better sense of issues and concerns from the City's rural residents and agricultural landowners.

## **Code Development**

### ***Zoning Ordinance***

There was one text amendment to the Zoning Ordinance. Light alcohol manufacturing establishments were added as a conditional use in the B-G (Business General) zoning district, enabling consideration of small breweries, wineries, or distilleries when proposed in conjunction with a restaurant, tasting room, or retail sales.

### ***Land Division Ordinance***

There were two amendments to the Land Division Ordinance. The first amendment allows lot widths of less than 50 feet in the PDD zoning district, enabling consideration of small-lot subdivisions which may contribute to affordable housing and land conservation goals.

The second amendment ensured compliance with 2017 Wisconsin Act 243, which prevents municipalities from requiring completion and acceptance of all improvements prior to the issuance of building permits within a new subdivision plat. Building permits are now permitted upon completion of public safety improvements.

### ***Sign Code***

There was one amendment to the Sign Ordinance. The amendment allows corporate campus developments on industrially zoned lands that exceed 80 acres in contiguous common ownership to erect auxiliary signs which may exceed 16 square feet but are no more than 40 square feet.

In addition, the Plan Commission considered an amendment regarding signage along the newly elevated Verona Road corridor. Current ordinance authorizes the Plan Commission to issue a sign waiver for properties impacted by the Verona Road Project. A waiver can be issued to allow a sign to exceed 25 feet in height, but no greater height than that necessary to clear the retaining wall or grade obstruction. Plan Commission reviewed the first sign waiver application this year. The applicant argued that the pole of a sign needs to clear the retaining wall or grade obstruction by several feet in order to be seen by all lanes of traffic. Plan Commission determined that the Ordinance language would only allow them to approve a sign where the pole clears the retaining wall or grade obstruction. A Sign Ordinance amendment was proposed to define the nearest established street grade as the height of Verona Road. This would have allowed some signs to be 50 feet tall (or 25 feet above the newly established street grade of Verona Road). Common Council denied the amendment.

### ***SmartCode***

The SmartCode is an integrated land development ordinance that sets forth a variety of development types to form neighborhoods offering a diversity of land use opportunities at

a pedestrian scale. As an integrated development code it combines aspects of public works construction, such as street types, with zoning and land use. Land use is important, but it should work with the development form. A transect based approach is used within the SmartCode, with each transect zone representing certain development patterns. T3, for example, is representative of a typical single family subdivision, while T5 is a multi-family and commercial district that provides for a mix of office, business, and residential uses. T4 falls between T3 and T5, and allows some corner commercial property, although limited in size. T4 allows for narrow single family lots usually served by an alley, and attached row houses or other medium density multi-unit options. It is crucial that the code retain and work off its key principles.

There were two amendments to the SmartCode in 2019. The first amendment created standards for considering conditional uses. The amendment requires conditional uses to be consistent with Chapter 22 Zoning Code and Section 1.3 of Chapter 23 SmartCode. It also amended the definition for “highest standard” to read, “the use of the SmartCode District with Administrative Approval, Administrative Waiver, Conditional Use or Variance when consistent with Section 1.3 of this Chapter.” This change would allow conditional uses to occur on A-Grid streets. Without this change conditional uses would only be permitted on B-Grid streets.



SmartCode development along No Oaks Ridge.

The second amendment allowed a façade in SD2 to vary up to 36” behind the Primary setback and still count toward the Frontage Buildout requirements, provided that; at least 25% of the façade is built at the primary setback.

Fitchburg’s three SmartCode neighborhoods, Terravessa, Nine Springs, and North Park, continued development throughout 2019. Significantly, the first building permits have been issued in Terravessa. The new Oregon Elementary school is under construction, as well as a daycare facility and several single family homes.

**Application Activity**

**General Application Information**

	Submitted Requests	
	2018	2019
Architectural & Design Review Requests	21	21
Rezoning and Conditional Use Permits	42	35
Certified Survey Map Requests	21	24

	Submitted Requests	
	2018	2019
CDP's and/or Preliminary Plats	4	4
Final Plats	4	3
Variances / Administrative Appeals	0	0
Other Requests to Plan Commission*	59	43
Telecommunication Permits to Plan Comm.	0	1
Demolition Permits to Plan Comm.	0	0

### **Administrative Permits**

	2018	2019
SmartCode Article 3	0	0
SmartCode Article 3 Amendments	2	1
SmartCode Article 5	32	28
Architectural Design Review	6	8
Demolition permits—Zoning action	1	1
Sign Permits	72	82
Zoning Permits	183	154

\*These issues include, but are not limited to, resolutions, ordinance text amendments, planning document approvals, and other matters referred to the Plan Commission for action or reports such as easements, pre-submission conferences, ordinance amendments, TID consideration, land use planning activities, review of standards or policies and other activities that do not fall under a specifically identified category noted under Commission and Board activity.

### **Rezoning**

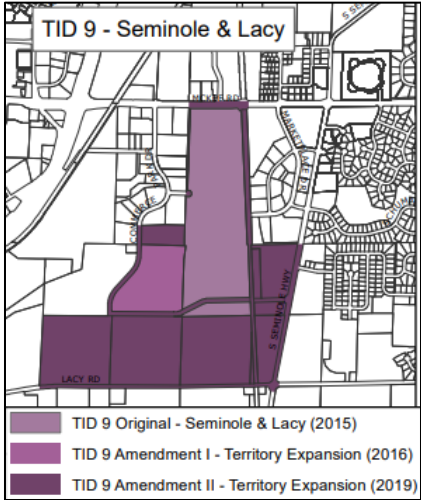
Planned Development District (PDD) zoning was approved for three projects in 2019. PDD zoning has no set standards or specifications; rather, developers can propose uses or combination of uses and configurations of intensity and density of development. The purpose is to encourage improved environmental design by allowing flexibility in the development while ensuring compliance with the basic intent of the zoning ordinance and with the comprehensive plan. The three approved projects included: a 135-unit workforce housing development on Lot 10 Orchard Pointe, a 120-unit senior housing project on Lot 12 Orchard Pointe, and a vertical storage building on Verona Road.

The Plan Commission reviewed two rezone requests from agricultural lands to the R-R (Rural Residential) zoning district. They also reviewed 3 rezones to rezone properties from one Business district to another Business district.

**Tax Incremental Districts**

Planning staff assisted with the amendment to Tax Increment District #9. Planning staff assisted with map creation and evaluated the impact on land uses within the TID. Additionally, staff provided assistance to the Plan Commission during the public hearing and approval process.

The original TID 9 and first amendment to TID 9 were created to assist Sub-Zero/Wolf Corporation in building new facilities. The second amendment brought several additional parcels into the district with the goal of assisting Sub Zero and Promega in building new facilities and attracting new development and redevelopment in the district. Proposed improvements in the district include road improvement along Lacy Road and S Seminole Highway, an extension of Commerce Park Drive and a possible future road to the west.



**Special Projects**

***Bicycle Committee***

The 2019 calendar year marked the first full year of Fitchburg’s Bicycle Committee meeting formally. Focused on applying the recommendations laid out in the 2017 Bicycle and Pedestrian Plan, the Committee spent its first year determining priorities, building relationships with the Sustainability Specialist and Transportation Engineer, and working with the nonprofit Bike Fitchburg to renew the city’s Bicycle-Friendly Community (BFC) status from the League of American Bicyclists.

Fitchburg’s BFC recognition was renewed in 2019 at the silver level, first achieved in 2015, and the Bicycle Committee immediately began discussing steps needed to move up to the gold level, which will be a priority in 2020. The Committee will also narrow its topical focus down to the issues of bicycle policy and regulations, infrastructure, and budgetary concerns.

***Clean Energy Resolution***

On February 26<sup>th</sup>, Common Council approved Resolution R-26-19 to Address Global Climate Change through Clean Energy. This Resolution expressed support for the science underpinning current understandings of climate change, as well as laying out goals for Fitchburg to achieve that can help with climate change mitigation and adaptation efforts. The Resolution calls for Fitchburg to increase green infrastructure, implement energy efficiency measures, prioritize equity in clean energy-related programs and jobs, reduce fossil fuel energy use for city operations 30% by 2030, and go beyond its 2009 “25x25” commitment by not just achieving 25% renewable electricity for municipal usage by 2025, but 100% renewable municipal electricity usage by 2030.



By the end of 2019, Fitchburg was over halfway to its 2025 goal, with renewable electricity making up roughly 13% of the city's municipal needs, from solar installations and purchases through MG&E.

### ***Healthy Neighborhoods Initiative***

The Planning and Zoning Department continued development of the City's Healthy Neighborhoods Initiative in 2019. The Initiative, with overall coordination provided by Department staff, is designed to formulate and implement a collaborative, integrated, holistic, and proactive approach to address specific barriers to opportunities in three City neighborhoods (Verona Road West, Belmar/Renaissance on the Park, and North Fish Hatchery Road), in conjunction with community/neighborhood partners.

Implementation of the HNI is guided by a strategic plan that was adopted in early 2019.

Specific pieces of the HNI strategic plan that were implemented by the Department in 2019 include the following:

- Initiated concept planning for a "neighborhood hub" in the North Fish Hatchery Road, including enhanced park space, a potential neighborhood-center type facility, and options for Nine Springs Golf Course improvements
- Garnered approximately \$20,000 in Dane County funds to implement a "neighborhood navigator" program, consisting of hiring two HNI neighborhood resident(s) as part-time, seasonal Department staff to facilitate better program/service/resource awareness and delivery in said neighborhoods.
- Awarded approximately \$70,000 in City funds, via the City's HNI Grant Program, to fund eight non-profit partners working to provide programs/services/ resources in HNI neighborhoods. The City received fifteen total Program applications entailing approximately \$136,000 in funding requests.
- Partnered with United Way of Dane County to initiate development of the Fitchburg Fund, a pilot, Fitchburg-focused fund-raising campaign. All monies raised by United Way will be used to support the HNI and will be matched by \$15,000 in City funds. The Fund is scheduled to run in February 2020

### ***Housing Plan***

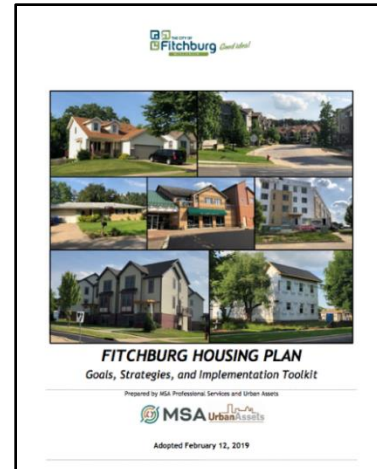
The City contracted with MSA Professionals and Urban Assets to develop a Housing Plan. The Housing Plan was approved by the Plan Commission on December 18, 2018. The Housing plans covers issues related to the multi-family housing stock, a 50/50 mix of owner versus rental occupied housing for the community, affordability of owner-occupied housing, vacancy rates, household income discrepancies, quality of affordable rental units, a suppressed annual rate of new single-family homes, and the cost of developing in Fitchburg, including park fees.

Goals and objectives include:

- Build more owner-occupied homes at various price points

- Build more owner-occupied housing affordable below median household income
- Build more attached owner-occupied units,
- Build more rental units at various price points
- Upgrade or replace existing rental housing and maintain affordability
- Build more rental units with 3+ bedrooms
- Support the housing needs of seniors

A primary goal is to promote healthy neighborhoods with mixed incomes, mixed housing types and a mix of housing tenancy. The Common Council adopted the plan in 2019. A Housing Advisory Committee was formed in 2019, which was one recommendation from the Housing Plan. While the Economic Development Department lead development of the Plan, it is expected that Planning Department staff will assist with implementation efforts.



### ***Housing Reports***

In accordance with 2017 Wisconsin Act 243, the City prepared two housing reports. This was the first year the City was required to prepare the reports. The Housing Fee Report required the City to calculate the amount of residential development fees that were paid for each new residential unit that was approved in 2018. The number of new residential units included all units approved by subdivision plats, certified survey maps, condominium plats, and building permit applications. Fitchburg approved 1,411 residential units, and collected \$2,163,292 in residential development fees in 2018. Developers paid approximately \$1,533.16 in fees per unit.

The Housing Affordability Report identified how the City could modify residential development regulations to meet existing and forecasted housing demand, and provide a 20% reduction in the time and cost required to approve a new residential subdivision. In addition to this analysis the report included a list and map of undeveloped parcels suitable for residential development. The report found that the City met the forecasted housing demand in 2018. The Housing Plan states that the City needs to develop 1,300 owner-occupied units (108/year) and 1,400 rental units (117/year) over the next 12 years. The City issued building permits for 120 potentially owner-occupied units and 358 rental units in 2018. Various land division requests were approved, which would allow for the development of an additional 123 owner-occupied and 810 rental units in the future. The report made several recommendations that could be implemented to reduce the cost of developing a new subdivision:

- Biannual minor Comprehensive Plan amendments
- Streamline internal review
- Waive or reduce impact fees
- Review park fees
- Review development oversight costs
- Enable Accessory Dwelling Units (ADUs)

- Reduce minimum lot size requirements
- Create an affordable housing trust

Per state statute, the Planning Department will update the Housing Affordability Report annually.

### ***Rideshare***

The Fitchburg Rideshare pilot program was terminated in mid-2019. The program began operating in December 2017, under contract with Richwood Transport, Inc. The intent of the program was to provide affordable transportation options for residents while increasing transit options from the east to west across Fitchburg, which is currently underserved by Madison Metro bus service.

The pilot program provided 1,319 rides from December 2017 to the end of 2018. During the pilot program, riders had complaints about service quality and reliability. The pilot program showed that riders want reliable, simple, and affordable transportation options, however, concerns regarding quality of service led to the program's termination.

### ***SolSmart***

In 2019, Fitchburg was recognized as a SolSmart community for the first time, achieving Bronze designation and joining Madison (gold) as the only two Dane County municipalities to receive a SolSmart designation. SolSmart is a national program funded by the U.S. Department of Energy Solar Energy Technologies Office, dedicated to helping communities make solar energy more accessible to their residents by breaking down regulatory barriers, increasing education, and connecting interested parties with funding opportunities.

Fitchburg earned Special Recognition in the Inspection category for achieving 60%+ of the points available in that area.

### ***O'Brien Farm Solar Project and Renewable Energy Rider***

EDF Renewable and Madison Gas and Electric made significant progress on a planned 20-megawatt solar array at the O'Brien Farm near Lacy Rd and Seminole Hwy in 2019, as the Plan Commission approved the project to go forward and the Wisconsin Public Service Commission approved initial contract language for MG&E customers to purchase portions of electricity produced by the array. While the solar array will feed directly into MG&E's grid, these purchases will credit renewable energy to the customer accounts, similarly to other renewable energy credits.

The City of Fitchburg began pursuing a Renewable Energy Rider with MG&E for a 250-kilowatt portion of that array to be credited to city accounts, making further progress on the city's renewable energy goals set by the 2019 Clean Energy Resolution and demonstrating City support for this solar project within the municipal boundaries.

Department staff will serve as staff liaison to this Committee, tasked with encouraging full participation in the 2020 Census by City residents.

Department staff also partnered with City Public Works staff to initiate an overhaul to the City's GIS mapping and data upkeep/maintenance system, including coordination with the Dane County Land Information Office on address and parcel data-sharing, to ensure efficiencies/economies to the taxpayer and City/County staff.

## **Conclusion**

Work efforts for 2020 will focus on adopting the Comprehensive Plan update, advancing strategy development for distressed neighborhoods, implementation of the Agriculture Plan, and the varied plats, such as Terravessa, along with other development projects that arise. The reconstruction of Fish Hatchery Road will begin in 2020. Planning staff anticipates supporting planned redevelopment and place making efforts along the Fish Hatchery Road corridor. The Department will begin preparing for the attachment of portions of the Town of Madison to the City of Fitchburg.

The continued pursuit of responsible planning is vital to a strong and well-functioning community. The Planning and Zoning Department continues to analyze and engage in activities that will benefit the entire Fitchburg community, including promoting and maintaining healthy neighborhoods. A well-planned city can provide efficient and cost-effective services. The Planning and Zoning Department is committed to continuing its provision of strong, sound, and smart planning, as historically demanded by Fitchburg citizens.