



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

## SMARTCODE NEW COMMUNITY REGULATING PLAN APPLICATION (ARTICLE 3)

**1. Location of Property:**

Street Address: Central Park Place

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

Outlots 1 and 2 of CSM 15162, Outlots 1 and 2 of CSM 15163, Outlots 1 and 2 of CSM 15164.

**2. Community Unit Type (mark all that apply):**  CLD or  TND or  TOD

**3. Applicant shall submit one or more maps, explanatory text and statistical information describing the following for each Community Unit in the Regulating Plan area:**

- 1. Transect zones & allocations
- 2. Density calculations (anticipated)
- 3. Civic zones
- 4. Thoroughfare network (include thoroughfare types and block sizes)
- 5. Special Districts, if any
- 6. Special Requirements, if any
- 7. All requests for Administrative Waivers, if any
- 8. All requests for Administrative Approvals, if any

\*\*\* Also submit all mapping in either CADD or GIS files

**4. Aerial photo of existing site**

Current Owner(s) of Property: Green-Tech Land Company, LLC Attn: Chris Armstrong

Address: 120 E Lakeside St, Madison WI 53715 Phone No.: 608.294.4080

Contact Person: Vierbicher Attn: Suzanne Vincent E-mail: svin@vierbicher.com

Address: 999 Fourier Drive Suite 201, Madison WI 53717 Phone No.: 608.821.3963

Respectfully Submitted By: *Suzanne M Vincent* Date: 12.23.2020  
 Owners or Authorized Agent's Signature

\*(If multiple owners, application shall include statement of consent by all property owners)

**PLEASE NOTE** – Applicants shall be responsible for legal or outside consultant costs incurred by the City. It is the responsibility of the owner/applicant to insure compliance with all local and state requirements.

\*Application shall be accompanied by one (1) PDF document of complete submittal, one (1) full-size set of plans, two (2) reduced sets of plans (11" x 17"), and the required CADD or GIS files for mapping.

**FOR CITY USE ONLY**

Date Received: 3/8/21 Permit Request No.: Article 3 Plan Amendment #10

Comments: See attached conditions.

**APPROVED**  
 w/conditions  
 6/15/21 YFM



## CITY OF FITCHBURG

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Planning Department

5520 Lacy Road  
Fitchburg, WI 53711-5318

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

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

Nine Springs, Article 3 Amendment 10 – Conditions  
June 15, 2021

1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
2. Approval is based on Article 3 plan set dated February 12, 2021, resubmitted June 10, 2021.
3. Shall comply with all requirements of Chapter 23 SmartCode.
4. Density calculations shall comply with section 3.8 of the SmartCode Ordinance.
5. Approval is for specific amendments represented in this Article 3 Plan request. Prior approvals and conditions remain in effect for areas and items not modified by this amendment.



March 8, 2021

Sonja Kruesel, City Planner/Zoning Administrator  
City of Fitchburg  
5520 Lacy Road  
Fitchburg, WI 53711

Re: Nine Springs Article 3 Amendment 10 Submittal

Dear Ms. Kruesel:

Attached is Amendment #10 to the Regulating Plan for the Nine Springs (Uptown) Neighborhood. This amendment includes adjustments to the transect zone allocation, civic space and street configuration in the area of the blocks 11 & 13 and west to the rail right-of-way.

These changes reflect the existing conditions after recent construction of Central Park Place and associated storm water management area. Administrative Approval #11 is requested to reflect the recent dedication of Outlot 5 as public open space, and an associated 20' strip of the adjacent T1 stormwater lot to provide access to Outlot 5 from a public thoroughfare. ~~AA #11 is requested because both lots are less than the 8-acre minimum for a conservancy civic space; per 3.5.3.b and Table 8a this is allowed via Administrative Approval.~~ AA#11 not required JM 6/10/21

Please feel free to contact me at 821-3963 or [svin@vierbicher.com](mailto:svin@vierbicher.com) to discuss the Regulating Plan Amendment.

Sincerely,

Suzanne Vincent, PLA

CC: Justin Zampardi, Chris Armstrong

Attachments: Regulating Plan (pdf)  
SmartCode New Community Regulating Plan Application (pdf)  
Administrative Approval Application #11



N I N E S P R I N G S  
Fitchburg, Wisconsin

SMARTCODE - ARTICLE 3 APPLICATION  
MARCH 16, 2011

**AMENDMENT 10 - February 12, 2021**



Amendment & Plat Prepared By:

vierbicher  
planners | engineers | advisors

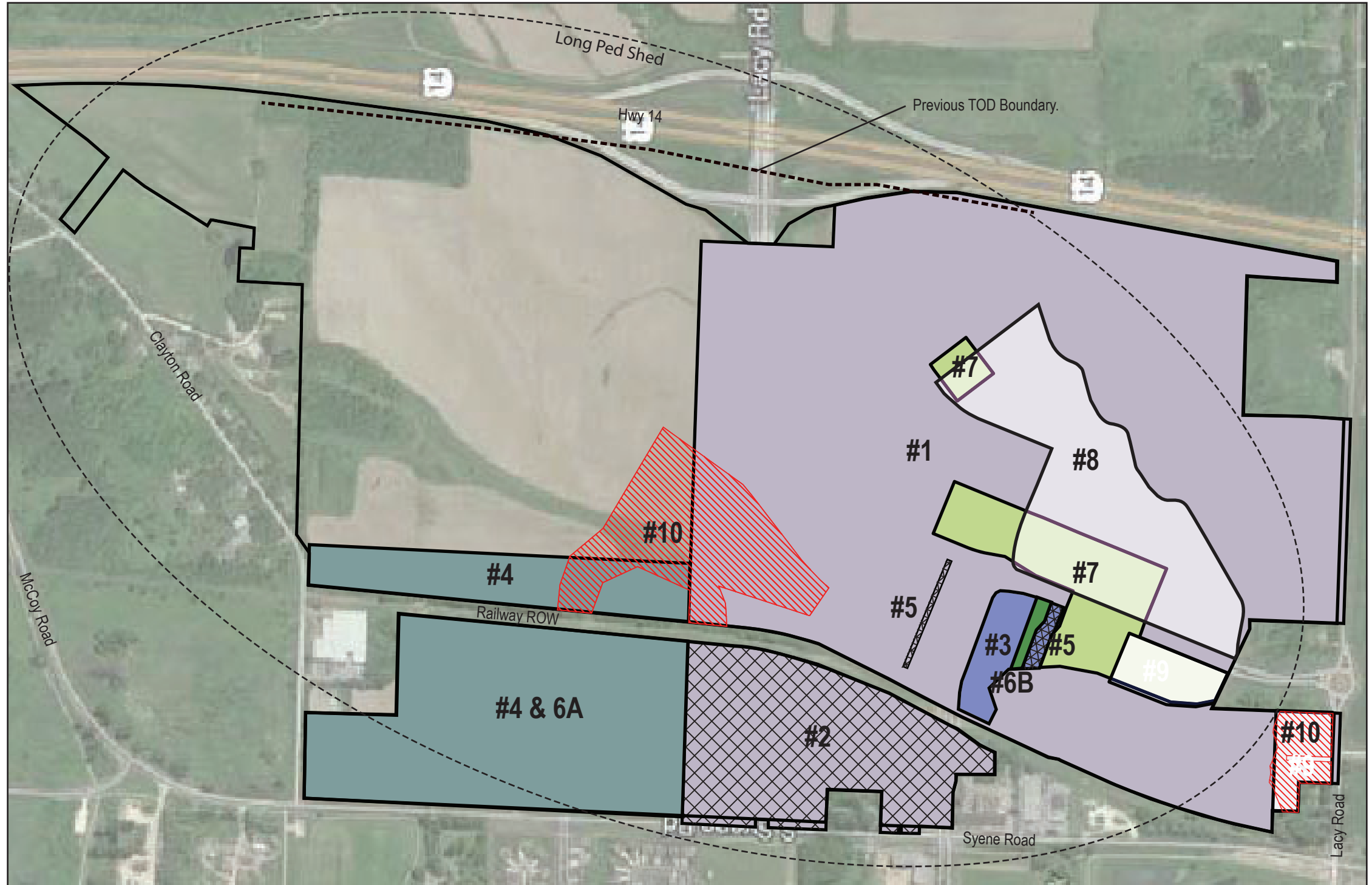


**3.3.3 Transit Oriented Development (TOD)**

- a. A Transit Oriented Development (TOD) shall be permitted within the G-3 Intended Growth Sector and the G-4 Infill Growth Sector.
- b. A TOD within the G-3 Intended Growth Sector shall be structured by one Long Pedestrian Shed or Linear Pedestrian Shed and shall consist of no fewer than 80 acres and no more than 640 acres.
- c. A TOD shall include Transect Zones as allocated on Table 2a and Table 3.
- d. For larger sites, a TOD may be adjoined without buffer by one or more TNDs, each subject to the individual Transect Zone requirements for TND as allocated on Table 2a and Table 3. The simultaneous planning of adjacent parcels is encouraged.
- e. Any TOD on an existing or projected Transit network is permitted the higher Density represented by the Effective Parking allowance in Section 5.9.2d.

Neighborhood Area = 376.0 acres

- #0 Amendment Number
- Current Amendment Area
- Amendment Area #1
- Amendment Area #2
- Amendment Area #3
- Amendment Area #4
- Amendment Area #5
- Amendment Area #6A
- Amendment Area #6B
- Amendment Area #7
- Amendment Area #8
- Amendment Area #9
- TOD Boundary



**3.4 TRANSECT ZONES**

3.4.1 Transect Zones shall be assigned and mapped on each New Community Regulating Plan according to the percentages allocated on Tables 2a and 3.

Tables 2 & 9 Requirements for a TOD:

T-zone	T3	T4	T5	SD1	SD2	Total
Acres	4.1	45.0	97.8	40.7	10.4	198.1*
Required	20% max.	20 – 50%	40 – 60%	30% max.		
Provided	2.1%	22.6%	49.6%	25.7%	100%	

\* net site area

3.4.3 Transect zones shall, to the extent practical, be designed so that the same Transect zone designation is on opposite sides of a primary thoroughfare. Where this is not practicable, such arrangement shall be limited to no more than 15% of the respective Transect zone block perimeter, unless a greater level is allowed by Administrative Waiver.

\* Administrative Waiver #1 (prior approval) for SD1 across from T5 along Lacy Road. More of this area is now matching.

\* Administrative Waiver #3 (prior approval) for SD1 across from T5 along Greenmarket Place and Cheryl Parkway.

\* Administrative Waiver #11 (prior approval) for SD2 across from T5 along Lacy Road.

T-zone	Frontage	Unmatched	%
SD2	4,488	899	20%
SD1	12,858	1533	11.9%
T5	45,014	3,130	7.0%
T4	26,224	669	2.6%
T3	5,042	218	4.3%

3.4.5 Where more than one type of Transect Zone of T3, T4, or T5 exists in a block, the Transect Zone with the greatest area in the block shall be used to determine the maximum block perimeter. If equal, the lower Transect Zone number shall control.

Block #	Total Area	SD2	%	SD	%	T5	%	T4	%	T3	%
2	10.7			6.5	60.7%	4.2	39.3%				
8	4.2			2.6	61.9%	1.6	38.1%				
18	20.2	10.4	51.5%	9.8	48.5%						
22	3.0					1.6	53.3%	1.4	46.7%		
23	3.3					1.4	42.4%	1.9	57.6%		
27	4.2					2.9	69%	1.3	31%		



**3.5 CIVIC ZONES**

**3.5.1 General**

d. A Civic Zone(s) shall not occupy more than 20% of a Pedestrian Shed, otherwise it is subject to the creation of a Special District.

No single Civic Space exceeds 2.94% of the Pedestrian Shed.

**3.5.3 Civic Space (CS) Specific to T3–T5 Zones**

a. Each Community Unit shall assign at least 5% of its Urbanized area to Civic Space.

see 3.5.3f on page 5 for calculation.

b. Civic Spaces shall be designed as generally described in Table 8, approved by Administrative Approval, and distributed throughout Transect Zones as described in Table 2e.

See page 5 for details.

#13: Conservancy – 1.33 acres – Table 8 specifies that Conservancy should be a minimum of 8 acres.

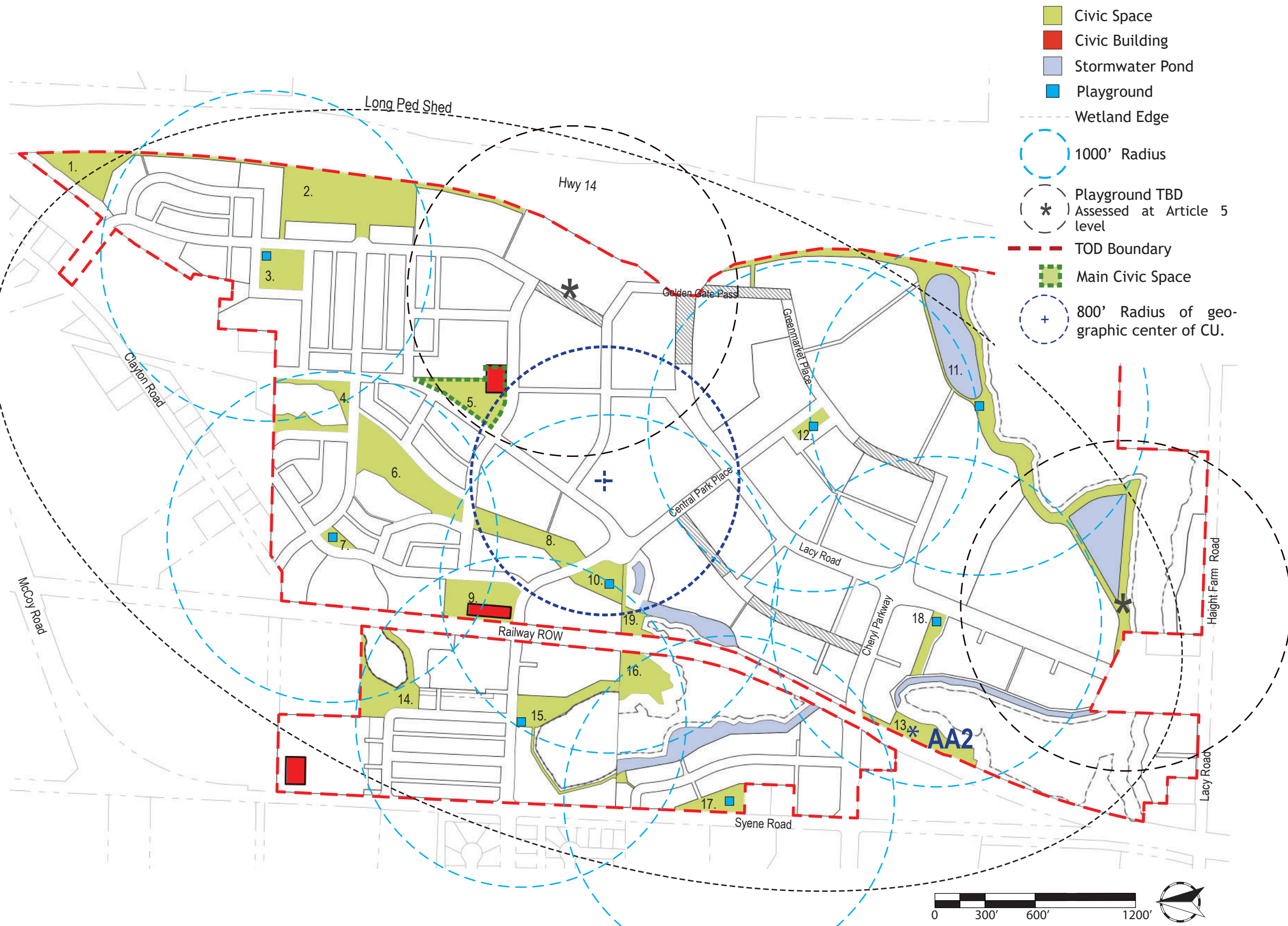
\* Admin Approval #2 (prior approval) as per 3.5.3.b.

d. Each Community Unit shall contain at least one Main Civic Space located within 800 feet of the geographic center of each Community Unit, unless a greater distance is approved by Administrative Waiver. A Main Civic Space shall conform to one of the types specified in Table 8d – 8f.

#5 meets the requirement for the Main Civic Space for the Community Unit.

e. Within 1,000 feet of every Lot in Residential use, a Civic Space designed and equipped as a playground shall be provided. A playground shall conform to Table 8g.

**Playground Locations shall be more closely assessed at the Article 5 level.**



3.5.3 f. Each Civic Space shall provide frontage of its perimeter on a thoroughfare in accord with the following:

i. Types 8c – 8f used to meet the minimum 5% required Civic Space under 3.5.3(a) shall provide a minimum of 50%;

CS	Area	Permitted Area	Thoroughfare Perimeter %
3. Square	1.32	.5 - 5	100%
4. Green	1.21	.5 - 8	50%
5. Plaza	1.97	.25 - 2	60%
6. Green	3.18	.5 - 8	73%
7. Playground	0.29	n/a	63%
9. Square	2.1	.5 - 5	51%
12. Plaza	0.4	.25-2	100%
<b>Total</b>	<b>10.5</b>		
<b>Urbanized Area</b>	<b>198</b>		
<b>Civic Area</b>	<b>5.3%</b>		

ii. Types 8c – 8f shall provide a minimum of 20% when in addition to the minimum Civic Space;

CS	Acres	Permitted Area	Thoroughfare Perimeter %
1. Green	2.18	.5 - 8	41%
2. Green	5.78	.5 - 8	40%
8. Playground	1.75	n/a	18%
10. Square	1.04	.5 - 5	37%
11. Green *AW4	7.43	.5 - 8	17%
13. Conservancy *AA2	1.33	8 min.	2%
14. Green	1.91	.5 - 8	10%
15. Neighborhood Park *AA8	1.73	4 - 5	6%
16. Conservancy *AA5	1.40	8 min.	0%
17. Playground	0.94	n/a	35%
18. Playground	0.55	n/a	9%
19. Conservancy	0.57	8 min.	2%

NOTE: Hwy. 14 is counted as a Thoroughfare perimeter for Civic Space 1, 2, and 11. The rationale is the visibility of the space is greatly enhanced by the frontage, and thus increases the use by the entire community. This was previously approved in the March 16 application.

g. Neighborhood Parks, as identified in Tables 8b & 8c, may be permitted in Transect Zone T5 by Administrative Approval.

CS	Acres	Permitted Area	Thoroughfare Perimeter %
15. Neighborhood Park	1.73	4 - 5	6%

Number	Type	T-zone	Table 8 T-zones	Area
1.	Green	T3	T3, T4	2.18 acres
2.	Green	T4	T3, T4	5.78 acres
3.	Square	T4	T4, T5	1.32 acres
4.	Green	T4	T3, T4	1.21 acres
5.	Plaza	T5	T5	1.97 acres
6.	Green	T4	T3, T4	3.18 acres
7.	Playground	T4	all	0.29 acres
8.	Playground	T5	all	1.75 acres
9.	Square	T5	T4, T5	2.1 acres
10.	Square	T5	T4, T5	1.04 acres
11.	Green	SD	T3, T4	7.43 acres

\* Administrative Waiver #4 (prior approval), thoroughfare perimeter.

12.	Plaza	SD	T5, SD1	0.4 acres
13.	Conservancy	T1	T1, T2, T3	1.33 acres

\* Administrative Approval #2 (prior approval)

14.	Green	T4	T3, T4, SD	1.91 acres
15.	Neighborhood Park	T5	T1, T2, T3, T4	1.73 acres

\* Administrative Approval #8 (prior approval) for Neighborhood Park in T5

16.	Conservancy	T1	T1, T2, T3	1.4 acres
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\* Administrative Approval #5 (prior approval) per 3.5.3.b.

17.	Playground	T4	all	0.94 acres
18.	Playground	T5	all	0.55 acres

perimeter is 1,375 ft.. – 61% of which is T1

19.	Conservancy	T1	T1, T2, T3	0.57 ac
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<b>Total Civic / Park Space</b>	<b>37.1 acres</b>
<b>Urbanized acres</b>	<b>199.0</b>
<b>Urbanized area % Civic/Park</b>	<b>18.6%</b>
<b>Urbanized area % Civic</b>	<b>5.3%</b>



**3.5.4 Civic Buildings (CB) Specific to T3–T5 Zones**

**a.** The applicant shall covenant to construct a Meeting Hall or a Third Place within one block of the Main Civic Space of each Community Unit. Its corresponding Public Frontage should be equipped with a shelter and bench for a transit stop.

#1. Meeting Hall or Third Place

**b.** One Civic Building Lot shall be reserved for an elementary school. It shall be reserved up to five (5) years after the date of Common Council acceptance of public improvements for the phase in which it is located for the construction of a neighborhood school. After this period of time the developer, if unused may sell it. The school site may be within any Transect Zone except T1.

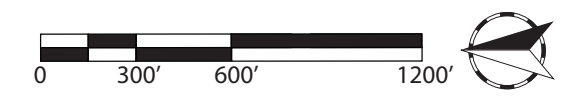
*\*Administrative Waiver (rezoning) for 3.5.4.b. (prior approval)*

**c.** Civic Building sites should not occupy more than 20% of the area of each Pedestrian Shed.

Civic Building sites total 9.2 acres or 4.6% of the Net Site Area.

**d.** Civic Building sites should be located within or adjacent to a Civic Space, or at the axial termination of a significant Thoroughfare.

All Civic Building sites are located within or adjacent to a Civic Space, and the Meeting Hall or Third Place is also the axial termination of a thoroughfare with views from Lacy Road. The future train station is a deflected vista from westbound Ninebark.



**3.7 THOROUGHFARE STANDARDS**

**3.7.1 General**

c. Thoroughfares shall be designed in context with the urban form and desired design speed of the Transect Zones through which they pass.

f. Thoroughfares shall connect wherever possible to those on adjacent sites. Cul-de-sacs shall be subject to approval by Administrative Approval to accommodate specific site conditions only.

g. See page 8.

h. Thoroughfares along a designated B-Grid may be exempted by Administrative Waiver from one or more of the specified Public Frontage or Private Frontage requirements. See Table 14.

k. Thoroughfare types ST-45-22 and AV-80-40 shall only be used where approved by the Fitchburg Fire Chief.

**3.7.2 Vehicular Lanes**

b. A bicycle network consisting of Mountain Bike Trails, Bicycle Routes, Shared Use Trails, Shared Use Paths, Bicycle Lanes, Bicycle Boulevards, Cycle Tracks, and Shared Use Lanes should be provided throughout as defined in Article 6 Definitions of Terms and allocated as specified in Table 2d with context-appropriate bikeway enhancements as specified in Table 2A.

**3.9 SPECIAL REQUIREMENTS**

3.9.1a. ...The Frontages assigned to the B-Grid shall not exceed 30% of the total length of Frontages within a Community Unit.

Total Frontages	93,626
B-grid Frontages	5,831
B-grid Percentage	6.2%

\* Administrative waiver # 6 (prior approval) for 18' width.

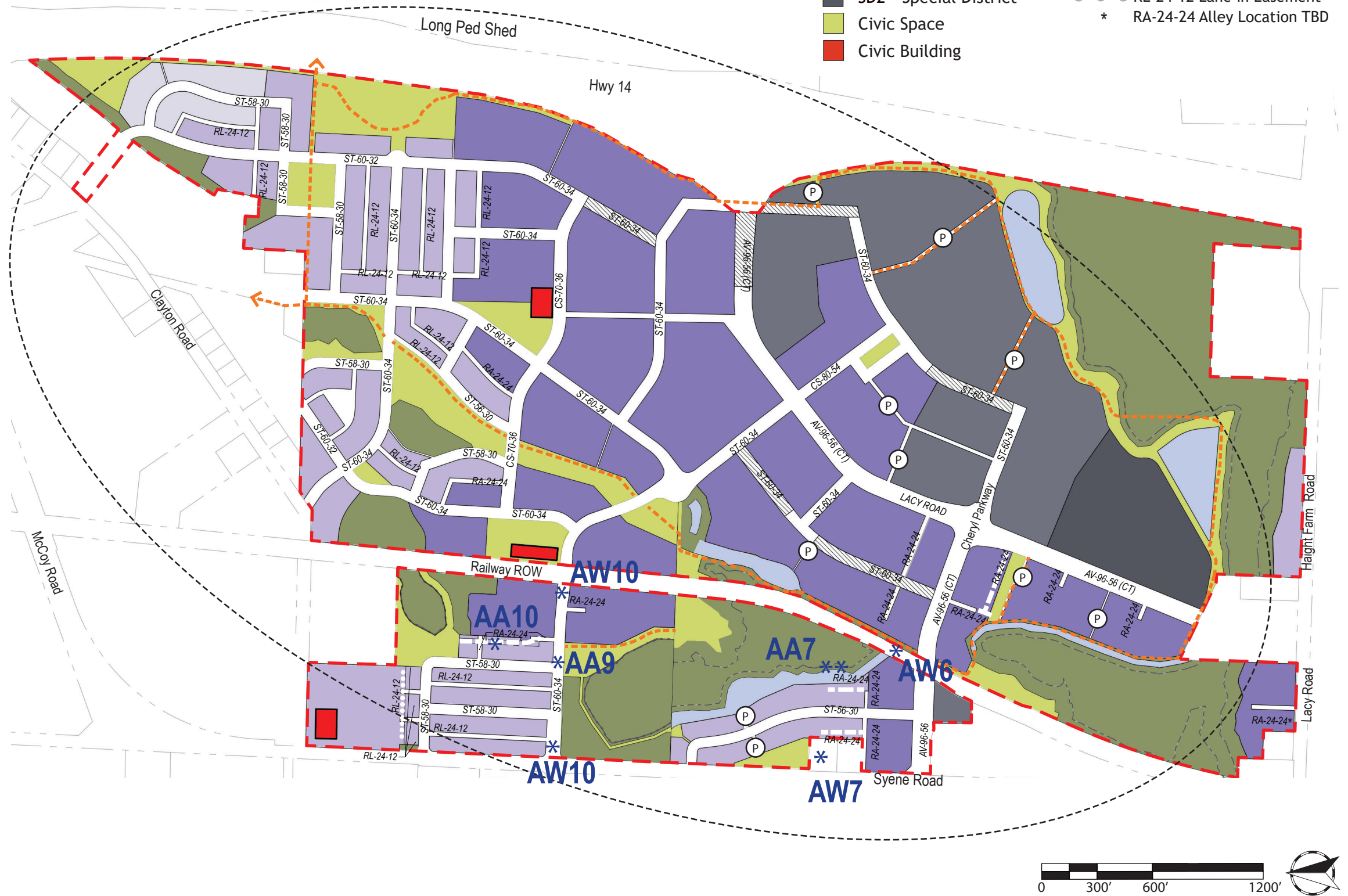
\*\* Administrative approval #7 (prior approval) for RA in/adjoining T4.

\* Administrative Approval #9 (prior approval) for continuous planter instead of tree wells in the terrace area of ST-60-34 Thoroughfare Assembly per 3.7.1.p.

\* Administrative Approval #10 (prior approval) for RA-24-24 Assembly in T4 adjacent to T5 per Table 4.

\* Administrative Waiver #10 (prior approval) to vary from standard thoroughfare assembly to accommodate existing conditions (RR crossing and existing intersection design) per 3.7.1.m.

- T1 Natural Zone
- T3 SubUrban Zone
- T4 General Urban Zone
- T5 Urban Center Zone
- SD1 - Special District
- SD2 - Special District
- Civic Space
- Civic Building
- B-Grid
- Passage (Minimum 8')
- Off-Street Bike Paths
- TOD Boundary
- Wetland Edge
- RA-24-24 Alley in Easement
- RL-24-12 Lane in Easement
- \* RA-24-24 Alley Location TBD



**3.4 TRANSECT ZONES**

3.4.5 Where more than one type of Transect Zone of T3, T4, or T5 exists in a block, the Transect Zone with the greatest area in the block shall be used to determine the maximum block perimeter. If equal, the lower Transect Zone number shall control.

**3.7 THOROUGHFARE STANDARDS**

**3.7.1 General**

e. The Thoroughfare network shall be designed to define Blocks not exceeding the size prescribed in Table 2c. ...Block perimeter at the edge of the development parcel shall be subject to approval by Administrative Approval. Block perimeters may be reduced by Passages not more than 20% of each Transect Zone.

Transect Zone	Maximum Perimeter
T3	2400 feet max
T4	2300 feet max
T5	2050 feet max*
SD1	3000 feet max
SD2	4600 feet max

\*2500 feet max with parking structures

Block #	T3	T4	T5	SD1	SD2	Perimeter max.
2			4.2	6.5		3000
8			1.6	2.6		3000
18				9.8	10.4	4600
22		1.4	1.6			2050
23		1.9	1.4			2300
27		1.3	2.9			2050

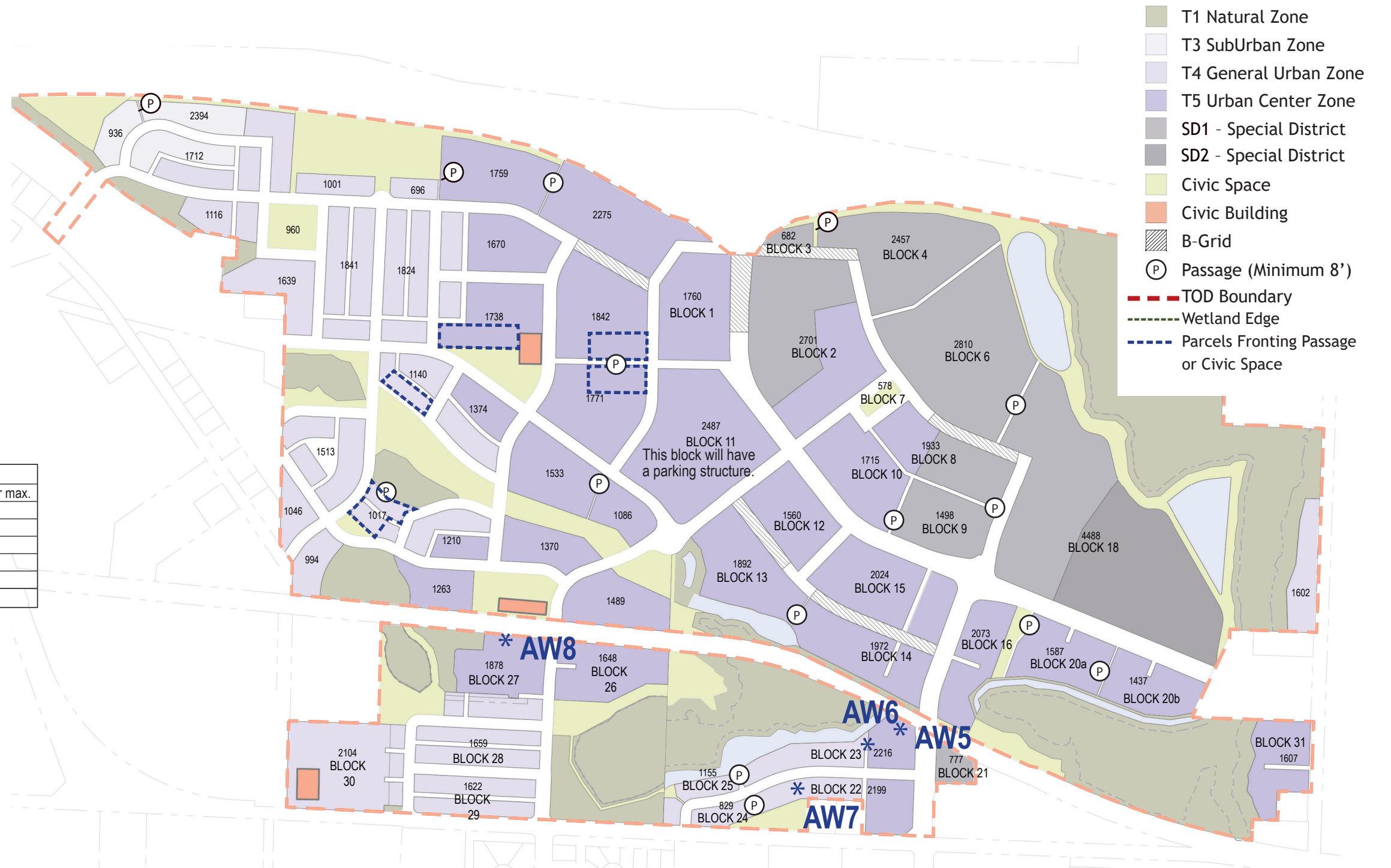
g. Each Lot shall Enfront a vehicular Thoroughfare, except that 20% of the Lots within each Transect Zone may Enfront a Passage or a Civic Space.

T-Zone	Area	Area of Lots not facing Thoroughfare	Percentage
T4	45.0	1.4	3.1%
T5	98.8	3.1	3.1%

T-Zone	Block Perimeter	Perimeter Reduced by Passage	Percentage
T3	5,042 ft	241 ft	4.8%
T4	26,224 ft	670 ft	2.6%
T5	45,014 ft	2,252 ft.	5.0%
SD1	12,858 ft.	3980ft.	31%

\*Admin Approval #6 (prior approval) as per 3.7.1.e.

\* NOTE: The Passages in Block 10 are place holders for future block division. It is anticipated this block will be finer grained as end users are identified. This will change the SD1 Passage reduction percentage to 15%.



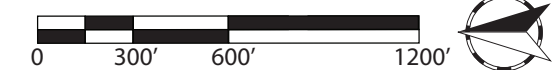
\* Administrative Waiver # 5 (prior approval) for block perimeter

Block Perimeter- Blocks 2 and 28.

\* Administrative Waiver # 6 (prior approval) for pavement width of RA-24-24 in Block 23.

\* Administrative Waiver #7 (prior approval) for Lot Width of Lots 24, 25, and 33 in Uptown Village.

\* Administrative Waiver #8 (prior approval) for



**3.8 DENSITY CALCULATIONS**

**3.8.1** The Net Site Area shall be allocated to the various Transect Zones according to the parameters specified in Table 2a.

See page 3.

**3.8.2** Base Residential Density shall be expressed in terms of housing units per acre as specified for the area of each Transect Zone by Table 2b.

	Area ac.	DUA net Table 2b		Dwelling Units	
		min	max	min	max
T3	4.1	3	8	13	32
T4	45.0	6	12	271	539
T5	98.8	12	n/a	1,187	n/a
SD1	40.7	n/a	12	n/a	98
SD2	10.4	0	0	0	0
<b>Total</b>				1,472	<b>1,856 +</b>

**3.8.3** The housing and other Uses for each Transect Zone shall be subject to further adjustment at the building scale as limited by Table 19, Table 20 and Section 5.9.





## MEMORANDUM

CITY OF FITCHBURG  
PLANNING DEPARTMENT

5520 LACY ROAD  
FITCHBURG, WI 53711  
(608) 270-4200

FAX: (608) 270-4275

EMAIL: [planning@city.fitchburg.wi.us](mailto:planning@city.fitchburg.wi.us)

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Application: Nine Springs Article 3 Amendment 10

Review Date: March 16, 2021

*Planning Staff Review #1*

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Planning staff has reviewed the submitted Amendment 10 to the Nine Springs Article 3 Plan, plan set dated February 12, 2021. The following comments are based on this review. Please provide a detailed narrative response to each of these comments/questions, along with appropriate revised plans by **4:30 p.m., Tuesday, March 23<sup>rd</sup>, 2021**. Further comments or questions may arise as additional review occurs.

1. Why are Civic space 19 and 20 not combined? **Response: They are two different parcels.**
2. Will Civic space 20 be private or public? Is 20 ft. sufficient to provide a bike path on Civic space 20? **Response: Public. Yes 20' would be sufficient for a 10' wide bike path.**
3. What type of civic building was expected on Civic space 10? **I don't believe a specific Civic Building type was determined, it was more of a potential place holder.**
4. The acreage of Civic space 10 did not change in Tables 5-B and 5-D, but it appears the size was reduced. **Response: Civic space 10 areas have been updated in the tables.**
5. Why are playgrounds in two areas to be determined at the Article 5 Plan level? **Response: These were indicated as such in order to provide flexibility since the use is unknown. At the time of an Article 5 submission for that area, a playground location would be would be look at more closely.**
6. The rear alley on Block 31 was relocated per CSM 15609 **Response: Rear alley has been updated on Amendment 10.**
7. Has the updated Article 3 Plan been shared with other property owners? **Response: No it has not been shared.**



## MEMORANDUM

CITY OF FITCHBURG  
PLANNING DEPARTMENT

5520 LACY ROAD  
FITCHBURG, WI 53711  
(608) 270-4200

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EMAIL: [planning@city.fitchburg.wi.us](mailto:planning@city.fitchburg.wi.us)

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Application: Nine Springs Article 3 Amendment 10

Review Date: June 3, 2021

*Planning Staff Review #2*

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Planning staff has reviewed the submitted Amendment 10 to the Nine Springs Article 3 Plan, plan set dated February 12, 2021 and the revised plan set submitted on May 13, 2021. The following comments are based on this review. Please provide a detailed narrative response to each of these comments/questions, along with appropriate revised plans by **4:30 p.m., Thursday, June 10<sup>th</sup>, 2021**. Further comments or questions may arise as additional review occurs.

1. Per the application Administrative Approval #11 is being requested because civic spaces 19 & 20 do not meet the 8-acre minimum for a conservancy. The code says a conservancy "should" be 8 acres. We can use the liberal interpretation of "should" and not require 8 acres. Per Table 2e. an Administrative Approval is actually required to allow conservancy space in Transect 4 or Transect 5, not to waive the acreage minimum. I understand that Administrative Approvals have been approved in the past for conservancies that are less than 8 acres. However, I believe the language was incorrectly applied.

Civic spaces are controlled by the dominant adjoining Transect Zone. It appears that the dominant adjoining Transect for civic spaces 19 & 20 is Transect 1. An Administrative Approval is not required. **Request for AA #11 has been removed from application.**

2. Civic Space 19 & 20 should be combined to make them more conforming to the 8-acre minimum. It does not matter if they are on separate parcels. **Civic Spaces 19 & 20 have been combined into one (Civic Space 19).**