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**Zoning Ordinance Number 2005-O-16  
Amending General Implementation Plan  
for Lot 13 Fitchburg Research Park Associates  
and Approving Updates to Comprehensive  
Development Plan**

Legal Description: Lots 3, 4, 5, 6,7 and  
Outlots 5, 6, 7 of the  
Fitchburg Center North Plat

Return to:  
Fitchburg City Clerk  
5520 Lacy Road  
Fitchburg, WI 53711

PIN: 060910260032  
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060910300051  
060910301569  
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Plan Commission  
Initiated By

Thomas D. Hovel  
Drafted By

April 13, 2005  
Date

**ORDINANCE NO. 2005-O-16  
ZONING ORDINANCE AMENDMENT  
AMENDING PLANNED DEVELOPMENT DISTRICT GENERAL IMPLEMENTATION  
PLAN FOR LOTS 4, 5, 6, 7 and OUTLOTS 5, 6, and 7  
FITCHBURG CENTER NORTH PLAT**

WHEREAS, pursuant to Fitchburg Ordinance No. 87-0-06, Section 3, Zoning District Maps were adopted within the corporate limits of the City of Fitchburg until expressly altered by the City Council, and

6/2/05

WHEREAS, Fitchburg Research Park Associates received approval in May 13, 1995 for Planned Development District General Implementation Plan (PDD-GIP) zoning under file number RZ-0607-95 for what is now known as lots 3, 4, 5, 6, 7, and Outlots 5, 6, and 7 Fitchburg Center North Plat (Fitchburg Center North Plat recorded in Volume 57-081B, pages 318–322, as document number 2890423) by Ordinance Number 95-O-10, approved by the Common Council of the City of Fitchburg on May 9, 1995, and

WHEREAS, Fitchburg Research Park Associates L.P. has filed a rezoning to amend the PDD-GIP in effect for lots 4, 5, 6, 7, and Outlots 5, 6, and 7 Fitchburg Center North Plat (file number RZ-0607-95ANP) in order to accomplish a replat of the above noted lots, and

WHEREAS, the Plan Commission reviewed the application on March 15, 2005, April 5, 2005, and on April 19, 2005 according to the standards outlined in the ordinance, and has determined the requests, in conjunction with the proposed conditions, meets said criteria, and

WHEREAS, the Plan Commission has recommended approval, with conditions, amending the Planned Development District General Implementation Plan (PDD-GIP) for lots 4, 5, 6, 7, and Outlots 5, 6, and 7 Fitchburg Center North Plat

NOW THEREFORE the City Council of the City of Fitchburg, Dane County, Wisconsin does ordain:

**Section A:** Planned Development District General Implementation Zoning (amended) and Plan for lots 4, 5, 6, 7, and Outlots 5, 6, and 7 Fitchburg Center North Plat is hereby amended subject to the following conditions:

1. The approval is based on the following information as submitted, except as such information may be amended by the conditions imposed herein:
  - A. Fitchburg Center Update to the 1995 Comprehensive Development Plan dated February 15, 2005.
  - B. General Implementation Plan Cinque Terre–Replat of a portion of the Fithcburg Center North Plat. Dated February 15, 2005.
  - C. Cinque Terre Supplemental Information of March 3, 2005
  - D. Supplemental Information for Cinque Terre and Fitchburg Center CDP, dated March 7, 2005.
  - E. Street detail of 3/4/05 (cross section).
  - F. Email from Jim Bricker to Thomas Hovel dated 3/8/2005 3:46:49 pm.
  - G. Related information from Land Division application PP-1407-05–Preliminary Plat latest version dated 3/4/05.
  - H. General Implementation Plan dated April 12, 2005.

- I. Fitchburg Center Update to the 1995 Comprehensive Development Plan dated April 11, 2005, map 1 is dated April 12, 2005.
  - J. Proposed Cinque Terre plat dated: April 15, 2005.
2. No other permit or approval is waived or deemed satisfied except for the approvals herein conditionally granted.
  3. The impervious surface (ISR) and development ratios identified in the report are for general planning purposes only, and those two ratios shall be considered the maximum to be allowed. However, it is the expectation that the Specific Implementation Plans for each lot will provide for a lower ISR and development ratio. Development ratio is to be considered to be any installed pavement, building, or other equipment whether it is a pervious surface or not.
  4. Map 1 of the Comprehensive Development Plan 2005 Update dated April 12, 2005 does not provide for a through private street. The Plan Commission and Common Council expect the cul-de-sacs shown to be connected. However, the measure and method of connection will be determined at the point in time of submittal, by the applicant of a detailed Comprehensive Development Plan for what is termed the east meadow area (the residential area east of this replat and Promega, but west of the drainage corridor south to East Cheryl Parkway) is provided to the City for approval. The connection is expected due to the need for alternate transportation routes to persons living in the proposed residential clusters.
  5. Park dedication was provided in the original plat. Park dedication provided accounts for a total of 296 dwelling units. 30 units in the Forest Glen project, lot 2 CSM 9025, counts to this dedication leaving 266 dwelling units able to be counted by development in the Fitchburg Center clusters (subject to RZ-0607-95, Ordinance # 95-O-10), and the Town Center (RZ-0606-95, Ordinance # 95-O0-09). If there is unused parkland developed in this area, it shall not be counted toward any land not subject to RZ-0607-95 or RZ-0606-95). This is consistent with ordinance 95-O-09 which limited park land credits to the Town center or "dwelling units constructed on FRPA lands identified in the Land Use Map of the General Development Plan as residential cluster site."
  6. Park street frontage provided allows for 300 dwelling units. The Forest Glen project utilized 30 dwelling units, leaving 270 more units to be accounted for land to be developed as described in point 5, above.
  7. Applicants shall grade lot 3, in exchange for the drainage easement provided, in a manner acceptable to the City of Fitchburg Parks Department.
  8. Specific Implementation Plans for each lot shall identify the number of dwelling units to be placed on lots 1, 2, or 4 of proposed Cinque Terre Plat, and such dwelling units shall be then be

counted toward the park dedication noted above.

9. A long term replacement, repair and maintenance agreement for the private street shall be submitted with the application for Planned Development District Specific Implementation Plan (PDD-SIP) zoning for any site contained within this revised Planned Development District-General Implementation Plan zoning.

10. A minimum of 22 dwelling units, and a maximum of 34 dwelling units (du) shall be constructed in accord with the following lots in the proposed Cinque Terre Plat: lot 1--range of 3 to 4 du; lot 2--range of 7 to 12 du; lot 4--range of 12 to 18 du.

11. Lot 1, at 200,376 sq ft will allow for 3 du at a maximum development ratio of just under 9%, with a corresponding open space ratio of at least 91%; for 4 du, the development ratio is 11.97%, with an open space ratio of 88.03%.

12. Park improvement fee shall be paid at the time of the PDD-SIP zoning for each lot in accord with the park improvement fee schedule in effect at the time of payment.

13. A development agreement with the City shall be required for the public improvements required by the development, such agreement put into effect the necessary requirements of this ordinance, such as park land allocation, development ratios, impervious ratios, and open space ratios, and other such requirements as may be appropriate. The developer agreement shall be required prior to signing of a final plat.

#### **Section B: Administrative Measures.**

14. Lot 3, which is dedicated park land, shall retain its current Park and Recreation zoning. Lot 3 is noted with this approval not for specific zoning purposes, but do to the easements being requested over the park land for storm water management purposes, its being included as part of the proposed Cinque Terre replat, and its inclusion in the planning documents submitted and referred to in section A1 of this document.

15. This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22.92 of the zoning code, owners shall consent within 30 days of approval for this PDD-GIP amendment to take effect.

16. Applicant shall pay cost of publication to avoid a two council meeting approval process.

17. Related to this request is planning department file number CDP/PP-1407-05 Cinque Terre Plat.

The above and foregoing ordinance was duly adopted by the City Council of the City of Fitchburg, at a regular meeting held on the 26 day of April, 2005.

Ruth M Becker  
Ruth Becker, Deputy City Clerk

Approved: 5-2-2005

Thomas Clauder  
Thomas Clauder, Mayor

STATE OF WISCONSIN)ss.  
COUNTY OF DANE

Personally came before me this 2 day of May, 2005, the above named Ruth Becker, and Thomas Clauder to me known to be the Deputy City Clerk and Mayor (respectively) of the City of Fitchburg, and the persons who executed the foregoing instrument and acknowledged the same.

Diane Mancini  
Notary Public, State of Wisconsin  
My Commission Expires: 6/22/08

**Consent of the Property Owner**

William Linton  
William Linton, General Partner  
Fitchburg Research Park Associates, L.P.

Date: MAY 12, 2005

STATE OF WISCONSIN)ss.  
COUNTY OF DANE

Personally came before me this 13<sup>th</sup> day of May, 2005, the above named William Linton to me known to be the General Manager of Fitchburg Research Park Associates, LP. and the person who executed the foregoing instrument and acknowledged the same.

Diane B. Fink  
Notary Public, State of Wisconsin  
My Commission Expires: 4/15/07

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**Consent of Mortgage Holder**

NONE

Date: \_\_\_\_\_

STATE OF WISCONSIN)ss.  
COUNTY OF DANE

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2005, the  
above named \_\_\_\_\_ to me known to be the \_\_\_\_\_ and the person  
who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin

My Commission Expires: \_\_\_\_\_