

**PLANNING AND ZONING DEPARTMENT**

# 2022 Annual Report



February 2023

## **DEPARTMENT STAFF**

Deanna Schmidt, City Planner/Zoning Administrator  
Phil Grupe, Sustainability Specialist  
Zack Jones, Associate Planner  
Brad Sippel, Community Development Planner

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## INTRODUCTION

In 2022, the planning department welcomed three new staff members – Deanna Schmidt, City Planner / Zoning Administrator; Zack Jones, Associate Planner; and Brad Sippel, Community Development Planner. With three new staff members out of department of four, the team had a challenging but very productive year. While getting up to speed, they processed the most planning applications since 2009. The department highlights four other 2022 achievements. First, staff coordinated with Dane County to recertify the City’s Farmland Preservation Plan. Second, the Healthy Neighborhoods grant program awarded and processed over \$95,000 in funds. Third, Fitchburg sourced 45% of its municipal electricity needs from renewable energy, enabling the city to reach its original goal three years early. Finally, planning staff supported the Town of Madison attachment by rezoning each town parcel to a Fitchburg zoning district. This Annual Report will lay out the major 2022 activities in detail. Additional information may be found at the Planning Department web site: <http://www.fitchburgwi.gov/206/Planning-Zoning>

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## LAND USE PLANNING

### ***Comprehensive Plan Minor Amendment***

The City of Fitchburg Comprehensive Plan allows the city to process amendments no more frequently than twice per year. In compliance with the State of Wisconsin Comprehensive Planning Law, the planning department processed two minor Comprehensive Plan amendments in spring of 2022. The first proposed amendment sought a future land use change for lands at the southeast corner of County Highway MM and East Clayton Road. The applicant sought to change approximately 6 acres from Mixed-Use future land use to High Density Residential future land use. This amendment may have allowed the applicant to build multi-family housing. Plan Commission and Council denied this minor amendment. Plan Commission and Council approved the second amendment request. This request changed the future land use of a 1.8-acre parcel north of Haight Farm Road from Low Density Residential to Mixed Use. The Mixed-Use future land use designation is consistent with the current zoning of Smart Code – New Community.

### ***Neighborhood Planning***

Staff developed RFPs for two neighborhood plans to be released in 2023, the Greenfield Neighborhood and the South Stoner Prairie Neighborhood. These neighborhood plans are the first to be initiated in approximately a decade and will define the future growth and expansion of the City’s urban service area in these two neighborhoods. These RFPs are also taking a new approach in partnership with the Capital Area Regional Planning Commission to reduce the administrative needs of future urban service area amendment applications by developing the neighborhood plans to include all the information necessary for future urban service area amendment applications.

## ***Landmarks Preservation***

Exterior alterations to designated landmark properties require approval of a Certificate of Appropriateness (COA) by the Landmarks Preservation Commission (LPC). In 2022, the Commission did not designate any historic structures or review any certificates of appropriateness.

The Landmarks Preservation Commission must meet at least four times per year to maintain the City of Fitchburg's Certified Local Government (CLG) status with the Wisconsin Historical Society. Staff completed the four-year CLG check-in with the Wisconsin Historical Society and discussed potential improvements to city codes related to landmarks designation processes and historic properties.



**Fox Hall**

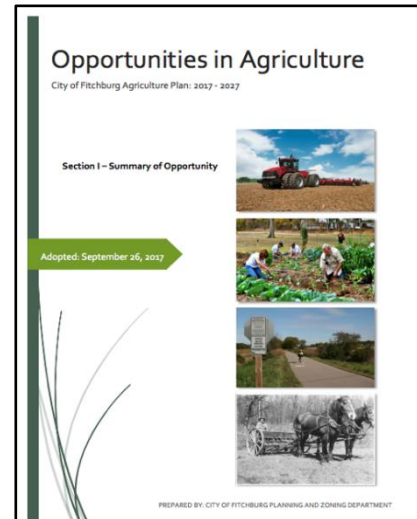
In 2022 the LPC met for the first time since 2020 to review and discuss the results of the Historical and Architectural Resources Survey completed in 2019. The committee decided to explore the listing of two of the potentially historic properties identified in the survey and staff has started that process.

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

Department staff 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 2022 included:

- Continued management of the City’s community gardens on public parkland at Swan Creek Park, Briarwood, Huegel-Jamestown, and Quarry Hill Parks.
- Started the design of an agriculture “Signature Theme” Park in the Northeast Neighborhood, including a public meeting and workshop on the design of the park.

The Department also led the update of the City’s Farmland Preservation Plan, as required by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, including coordination with DATCP and Dane County on the mapping of farmland preservation areas. The City’s farmland preservation areas were successfully included in the Dane County Farmland Preservation, which was adopted by the Dane County Board and Fitchburg Common Council and was certified by DATCP. This maintains eligibility for the State of Wisconsin Farmland Preservation Tax Credits Program for City farmers.



Additionally, Department staff continues to serve as liaison to the City’s Agriculture and Rural Affairs Committee. The Committee continues to provide recommendations to the Plan Commission on all rezoning/land divisions that take place on the City’s agricultural-zoned lands.

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## CODE DEVELOPMENT

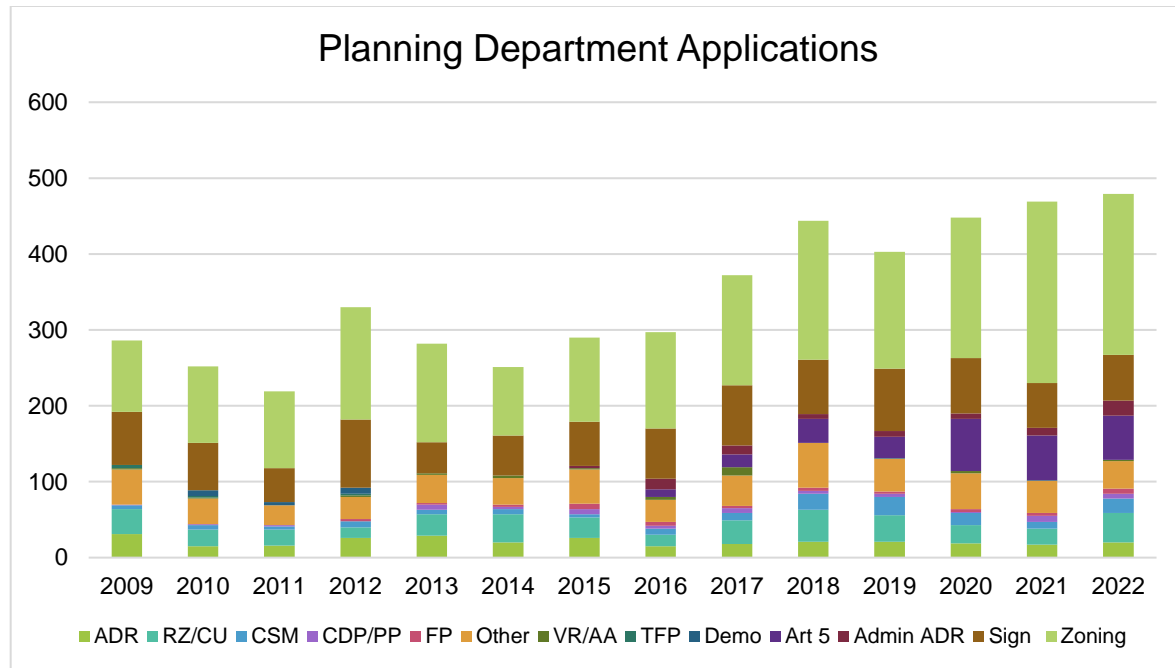


Staff recognizes that portions of the current planning codes are outdated. In 2022, staff considered next steps to update the conditional use permit requirements, flex space, tree protection, park fees, and sign codes. Most progress has been made regarding sign code updates. Updating the sign code is a high priority because of direct and indirect implications from the United States Supreme Court’s 2015 ruling in *Reed v Gilbert*. That decision found the City of Gilbert, Arizona’s content-based sign restrictions to infringe on constitutional rights. The recent

Supreme Court *Austin v Regan* 20222 ruling further clarifies what sign content can be regulated. This court case clarified that regulation against off-premise signs was content-neutral and thus allowable. Planning staff is preparing recommendations for council’s consideration that will maintain the city’s signage standards and comply with recent court rulings.

## APPLICATION ACTIVITY

In 2022, the Planning Department processed 479 applications, more than any year since 2009. Prior to 2009, data is not readily available. The chart below includes nearly all the applications that the planning department processed, except for Early Start Permits and Article 3 requests which were not tracked prior to 2020.



The Planning Department processes several types of development applications administratively. These applications are not reviewed by Plan Commission and Council. SmartCode applications are an important part of the administrative review work load for staff. SmartCode Article 3 applications and amendments are the overall master plans for Fitchburg’s three SmartCode communities – Terravessa, Nine Springs, and North Park. Amendments are processed two to three times per year to allow for minor changes in the master plans. For example, an Article 3 application was approved for Terravessa in 2022 to accommodate changes in lots size for Terravessa 2<sup>nd</sup> and 3<sup>rd</sup> additions. SmartCode Article 5 applications are the equivalent of zoning permits in standard development for – new buildings, homes, or remodeling. The number of early start permits in the chart above is only an estimate. Unfortunately, there are some data inconsistencies that arose when building permit software changed from iWorQ to OpenGov.

### **Administrative Permits**

	Submitted Requests		
	2020	2021	2022
SmartCode Article 3	0	0	0
SmartCode Article 3 Amendments	3	2	2
SmartCode Article 5	69	59	58
Architectural Design Review	7	10	20
Demolition permits—Zoning action	0	0	0
Sign Permits	73	59	60
Zoning Permits	185	239	212
Early Start Permits	75	80	73*

\* Estimated because of the change to OpenGov

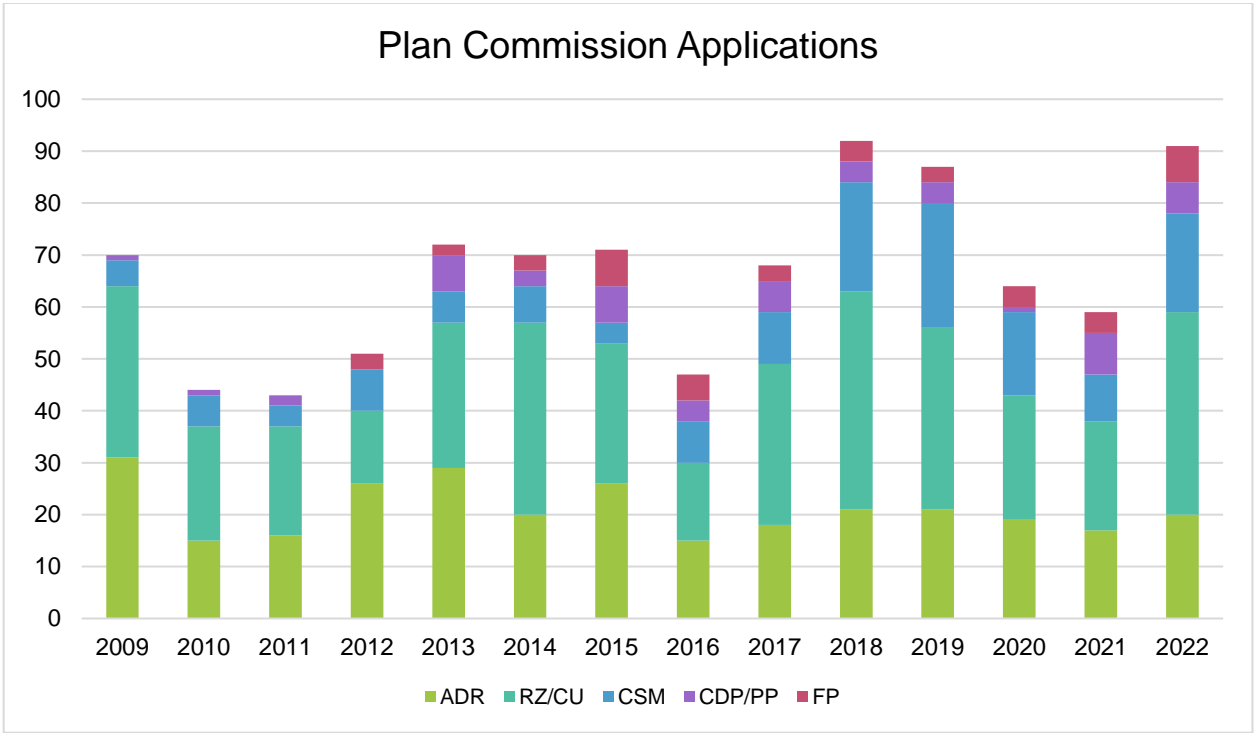
The Planning Department processes several types of applications for review by Plan Commission and in some cases approval by Council. Architectural design reviews and conditional use permits are two of the most common types of applications that Plan Commission reviews and approves or disapproves. Rezones, certified survey maps, and plats are approved or disapproved by Council with recommendation by Plan Commission.

### **Plan Commission Application Information**

	Submitted Requests		
	2020	2021	2022
Architectural & Design Review Requests	19	17	20
Rezoning and Conditional Use Permits	24	21	39
Certified Survey Map Requests	16	9	19
CDP's and/or Preliminary Plats	1	8	6
Final Plats	4	4	7
Variances / Administrative Appeals	3	0	2
Other Requests to Plan Commission*	47	42	36
Telecommunication Permits	0	1	0
Demolition Permits	0	0	0

\*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.

The below graph depicts the number of Plan Commission applications submitted from 2009-2022. This includes architectural design review, rezones/conditional use permits, certified survey maps, comprehensive development plans/preliminary plats, and final plats. This graph does not include telecommunications permits, demolition permits or other items. The years 2022 and 2018 are currently the busiest years with 91 applications and 92 applications respectively.



**Major Development Projects Approved**

In 2022, Council approved, with Plan Commission’s favorable recommendation, 20 rezones including 12 planned development districts (new and amended). Council approved four major planned development districts for large multifamily developments including over 740 housing units – Traceway North (construction not started), Ochalla (under construction), Irish Fields (under construction) and Avalon (constructed planned to start in early March 2023). Council approved the planned development district and final plat for Highfield Reserve in March 2023. Highfield Reserve is currently under construction with an expected 269 single-family and twin homes. Two other major development projects included Nine Springs and Hartung Fields. The Nine Springs developer, Royal Capital, has secured Council approval for the planned development district general implementation plan (PDD-GIP) and preliminary plat. The site is located on the west side of MM and east of Highway 14 north of Lacy Road. The proposed development will include mixed use/commercial, senior housing and rental and for-sale housing. Hartung Fields is located southeast of the Syene Road / Lacy Road intersection. Council has



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## SPECIAL PROJECTS

### ***Bicycle Committee***

The Bicycle Committee had two major areas of focus in 2022: renewing the City's status as a Bicycle-Friendly Community (BFC) through the League of American Bicyclists and bringing the BCycle bicycle-share program to Fitchburg to start 2023. For the BFC application, the Bicycle Committee and staff worked with Bike Fitchburg to collect all pertinent data and organize it in a 34-page application that was submitted in January 2023. Fitchburg has been a BFC since 2012, and a Silver-level community since 2015. The hope for this application cycle is to increase from Silver to Gold, joining Madison (Platinum) as the only Wisconsin communities above Silver in 2023.

Supporting the BFC application effort, Fitchburg added 9 new Bicycle-Friendly Businesses in 2022's summer cycle, a larger number of successful applicants in that cycle as any entire state except for Arkansas. Fitchburg now has 12 total Bicycle-Friendly Businesses, second only to Madison in the state, as well as 7 businesses participating in the Bicycle Benefits customer discount program, enhancing the City's bikeability by providing incentives for employees and customers to travel by bike whenever possible. Fitchburg also collected its first full year of data from the infrared trail counters set up in late 2021, supplementing the BFC application with numbers that showed higher ridership than what the League of American Bicyclists was getting from US Census ACS (American Community Survey) self-reported commuter data. That trail data will also be used moving forward to better understand how the City's trails are being used, and potentially for related decision-making.

The introduction of BCycle electric bike-sharing has been in the works for several years now, as initial discussions took place in 2019 and 2020, with several members of Fitchburg staff, Bike Fitchburg, and the Bicycle Committee meeting with BCycle representatives in 2020 for a test ride of the program's then-new e-bikes. Several local businesses reached out to BCycle to express interest in participating in their program over the following months, and the aforementioned groups plus the Fitchburg Chamber Visitor & Business Bureau began planning for a BCycle expansion from Madison into Fitchburg through 2021. A successful Wisconsin DOT TAP (Transportation Alternatives Program) grant application set the stage for sufficient funding to expand a planned smaller pilot program, and 2022 was spent planning out the two phases of program implementation. The initial 7-location phase will include McKee Farms Park, Agora Fitchburg, the Wyndham Gardens at Hatchery Hill, and several other businesses and developments that were eager to sponsor early locations. This first phase will kick off in March of 2023, bringing bike-share as a new transportation option for Fitchburg residents.

Later in 2023, the second BCycle phase will commence, as the planning team looks to eventually add docks at the Civic Campus, additional City parks, the N Fish Hatchery Hub, additional business locations with sponsorship interest, and potentially some nonprofit partners as well. The BCycle program will ultimately feature as many as two dozen locations around Fitchburg, giving residents, workers, and visitors alike an active and zero-emissions option for taking advantage of Fitchburg's expansive trail and bike path network for recreation, shopping, dining, and more.

### ***Clean Energy Resolution***

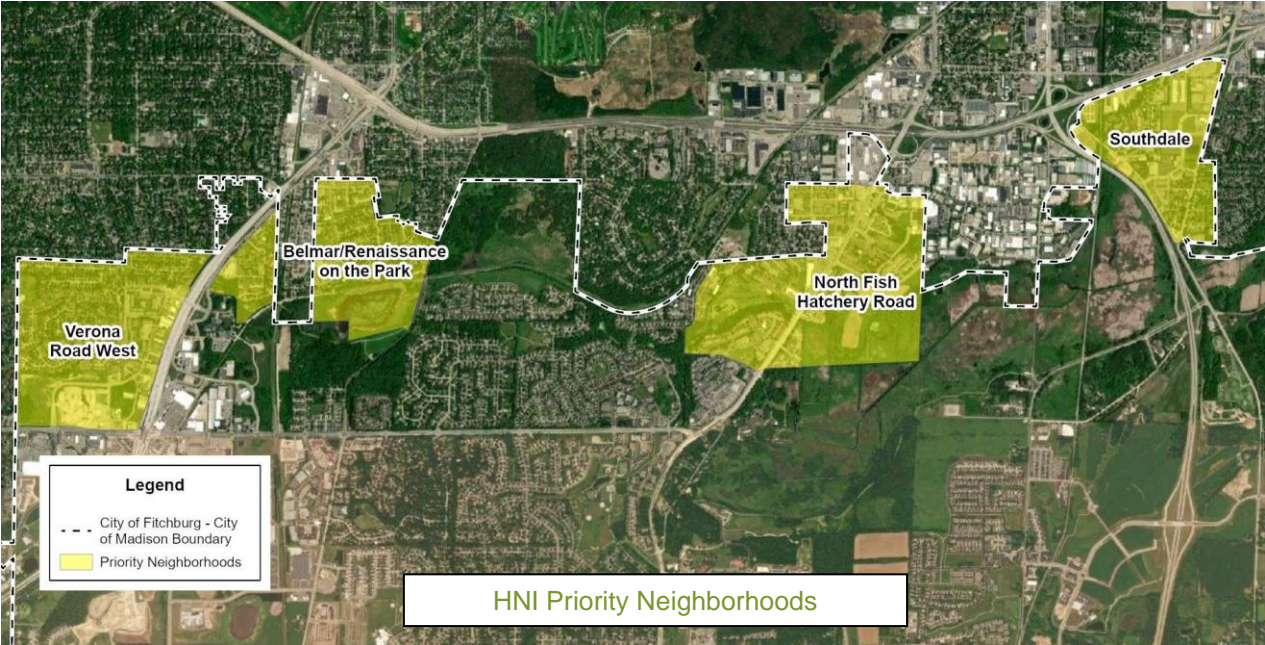
Fitchburg added a new notable accomplishment in 2022 vis-à-vis the pledges made in its 2019 Clean Energy Resolution (R-26-19, the City of Fitchburg Resolution to Address Global Climate

Change Through Clean Energy). Thanks to a full year of production from the O'Brien Solar Farm, of which 1/40<sup>th</sup> of the electricity generated is being purchased by the city, Fitchburg passed 45% of its municipal electricity needs being provided by renewable energy, enabling the city to reach its original 2009 "25 x 25" commitment three years early. That year, Fitchburg signed on to the Wisconsin Energy Independent Communities partnership, one of the primary goals of which was seeing 25% of Wisconsin's electricity and fleet fuel needs met through renewable sources by the year 2025. While Fitchburg is not yet using renewable fuel sources for any of its fleet vehicles, the strong investment in renewable electricity means that for this calendar year, 28% of the City's electricity-and-fleet-fuel needs were met with renewable energy production.

The next major Clean Energy Resolution goals for Fitchburg are more ambitious: achieving 100% renewable electricity by 2030, as well as a 30% reduction in per-capita fossil fuel usage for all City buildings and operations by 2030. These goals will be addressed through a combination of increased building and equipment efficiency, fleet vehicle upgrades that prioritize higher fuel efficiency and renewable fuel sources (electric vehicles charged from solar energy, as well as looking into biodiesel and renewable natural gas for medium- and heavy-duty vehicles), electrifying buildings to eliminate the use of natural gas in HVAC and water heating, and continuing to encourage the City's two utility providers (Madison Gas & Electric and Alliant Energy) to further increase their grid energy generation with renewables.

**Healthy Neighborhoods Initiative**

Department staff continued implementation of the City's Healthy Neighborhoods Initiative in 2022. 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. In 2022 the attachment of the Southdale neighborhood from the Town of Madison added a fourth priority neighborhood.



Implementation of the HNI is guided by a strategic plan that was adopted in early 2019. Staff reviewed the HNI Strategic Plan to formulate next steps, as the plan horizon goes through 2023.

Specific pieces of the HNI strategic plan that were implemented by the Department in 2022 include the following:

- Continued progress towards completion of final design for N. Fish Hatchery Road Hub Phase 1, entailing a multimillion-dollar City investment in creating an “enhanced” park space on the north side of Traceway Drive. Staff has participated in frequent design development meetings.
- Completed the first feasibility study for the Verona Road West Teen Center with EQT by Design. The complete study focused on community engagement and can be accessed at this [link](#).
- Garnered approximately \$21,000 in Dane County funds to continue implementation/management of the “neighborhood navigator” program, consisting of funding one HNI neighborhood resident as part-time Department staff to facilitate better program/service/resource awareness and delivery in said neighborhoods. The navigators connected with hundreds of HNI priority neighborhoods in 2022.
- Maintained a Neighborhood Navigator position throughout 2022 that worked to foster improved communication, civic engagement, and connection to services in the City’s priority neighborhoods.
- Worked with Dane County to revise the Neighborhood Navigator contract. After Council approval, executed the new Neighborhood Navigator contract with Dane County that will allow the program to continue through 2023.
- Awarded approximately \$95,000 in City funds, and managed awards thereof, via the City’s HN Grant Program, funding eight non-profit partners working to provide programs/services/ resources in HNI neighborhoods. The city received eight total Program applications and all funding requests were fulfilled in 2022.
- Began work on the RFP for the feasibility study for phase II of the potential teen center for release in early 2023.

### ***Parks, Recreation, and Open Space Plan – 5-Year Update***

Department staff provided support to the City’s Parks Department by serving as project manager for the 5-year update to their Parks, Recreation, and Open Space Plan, including coordinating community engagement efforts and identifying plan revisions. The update process began in mid to late 2021 and is scheduled for completion in mid-2023.

### ***Town of Madison Attachment***

Department staff lead the re-zoning for each Town of Madison parcel attached to Fitchburg in 2022. This required data collection and analysis. The data collected included the Dane County zoning designation, existing on-site uses, numbers of housing units, and business occupants. Staff analyzed this data to develop a proposed zoning map for Plan Commission and Council review. Plan Commission held two public hearings – September 20<sup>th</sup> and October 18<sup>th</sup>, 2022 – gather input from the public regarding the proposed zoning map. Ordinances 2022-O-32, 2022-O-33 and Ordinance 2022-O-34 were enacted by Council on October 25<sup>th</sup>, 2022, establishing the zoning districts for the Town of Madison parcels.

In addition to establishing the new zoning district, department staff worked with the City Attorney and a surveyor under contract to complete the formal city boundary adjustment. Also, in October 2022, Council enacted the ordinances to change the city's boundaries. Staff completed with process upon notice from the Wisconsin Department of Administration, Municipal Boundary Review Team, that the boundary change ordinances had been filed.

***Dane County Housing Initiative***

Department staff has been participating in the Dane County Housing Initiative - Regional Housing Strategy development process. This is a workgroup made up of municipalities and private and non-profit stakeholders from all of Dane County that is developing a strategic plan to address the housing affordability and shortage crises in Dane County. This has included monthly workgroup meetings, sharing of housing policies, and raising awareness of a countywide housing survey.

***Zoning Code Enforcement***

Code enforcement cases involve letter and email communication, coordination with other departments and generally, a positive outcome. Last year the planning team addressed the following code enforcement cases:

- Lafayette Apartment Homes bike racks
- The Hen House
- Fitchburg Farms
- Latinos and Latinas Indoor Soccer
- MadPower Fitness
- JC Property Management

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**CONCLUSION**

The Planning Department looks forward to a very busy 2023. Staff will continue to focus on development review based on the Comprehensive Plan and sound planning and community development principles. The department will be managing four major planning studies including the Sustainability Plan, South Stoner Neighborhood Plan, Greenfield Neighborhood Plan and the Verona Road West Teen Services and Resources Facility – Feasibility Study.

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.