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Tx:8487831

**Amending Planned Development District  
General Implementation Plan  
Zoning for Lots 109, 110 and 117  
First Addition to Swan Creek of Nine Springs**

**KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS**

**DOCUMENT #  
5026032**

09/19/2013 3:16 PM

Trans. Fee:

Exempt #:

Rec. Fee: 30.00

Pages: 4

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

Parcel No's: 060911301112  
060911301222  
060911301992

**Legal Description: Lot 109, 110, and 117 First Addition to  
Swan Creek of Nine Springs**

Plan Commission  
Initiated By

Thomas D. Hovel  
Drafted By

8/7/2013  
Date

**ORDINANCE NO. 2013-O-20  
ZONING ORDINANCE AMENDMENT  
AMENDING GENERAL IMPLEMENTATION PLAN ZONING  
FOR LOTS 109, 110, and 117 FIRST ADDITION TO SWAN CREEK OF NINE SPRINGS**

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

WHEREAS, Fitchburg Lands, LLC has submitted an application (RZ-1969-13) to amend Planned Development District General Implementation Plan (PDD-GIP) zoning for lots 109, 110 and 117 First Addition to Swan Creek of Nine Springs, and

WHEREAS, the proposal will amend ordinances 2002-0-43 (recorded as document #3635346) and 2002-0-44 (document # 3635347) to: (A) reduce the dwelling unit count for lot 109 from 82 dwelling units to 42 dwelling units; (B) reduce the dwelling unit count for lot 110 from 32 dwelling units to 12; (C) Allow a two three story multi-family buildings on lot 117 with 48 and 47 dwelling units per building.

WHEREAS, the Plan Commission considered the request to amend the PDD-GIP zoning and has reviewed the application according to the standards outlined in the ordinance, and has determined that the request, in conjunction with the proposed conditions, meets said criteria, and the Plan Commission has recommended approval, with conditions.

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

(A) PDD-GIP zoning is hereby amended in accord with submitted plans dated July 23, 2013, information sheet dated July 25, 2013 and additional information dated August 7, 2013 to allow the following:

1. 42 dwelling units for lot 109 currently identified as in five buildings.
2. 12 dwelling units for lot 110 currently identified as in one building.
3. 95 dwelling units for lot 117 (in lieu of business use) in two buildings, with one building at 48 dwelling units, and a second building at 47 dwelling units.
4. Park fees for lot 117 are due prior to issuance of any building or zoning permit. Required park fees (using 2013 fee schedule) are:
  - A. Fee in lieu of dedication for 9.4 dwelling units: \$40,413 (2013 \$).
  - B. Park Improvement fee: \$12,445
  - C. Fee in lieu of park street: \$3,438.75

Any park fees not paid in 2013, shall be adjusted in accord with the annual City fee schedule in effect at the time of payment.

5. Fee in lieu of park street has been allocated to lots 109 and 110 through previous approval. A park improvement fee, in accord with the annual fee schedule will be due in accord with the city annual fee schedule in effect at the time of payment.
6. A fee-in-lieu of dedication for lots 109 and 110 shall be allocated, between the two lots, on a first come first served basis. A fee-in-lieu of dedication for 4.6 dwelling units shall be provided where more than 49 dwelling units, but not more than 54 dwelling units, are to be constructed on lots 109 and 110. In accord with the 2013 City fee schedule, this fee is equal to \$20,207. If not paid in 2013, the fee shall be adjusted in accord with the annual City fee schedule in effect at the time of payment.
7. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
8. It is applicant's responsibility to assure that all local and state fire code requirements are met for any of the alternatives.
9. Previous PDD-SIP approval for Lot 109, under Ordinance 2002-O-44, is no longer consistent with this PDD-GIP and shall be amended prior to any development on the lot.

(B) The wetland area to the north of the east half of lot 117 has increased since original platting, and thus the reach of its related environmental corridor. This wetland increase now places the location of a platted access to Syene Road within the environmental corridor, but is allowed due to peculiar circumstances of the increase in the wetland. Applicant shall obtain approval of the Capital Area Regional Planning Commission for the drive access located within the environmental corridor.

(C) 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 the PDD-GIP zoning to take effect.

(D) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

The above and foregoing ordinance was duly adopted by the City Council of the City of Fitchburg, at a regular meeting held on the 27<sup>th</sup> day of August, 2013.

Linda J. Cory  
Linda J. Cory, City Clerk

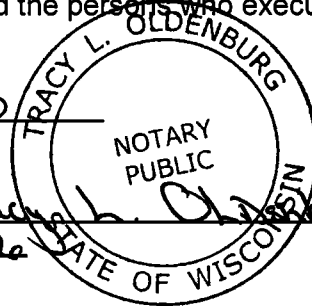
Approved: 9/3/13

Shawn Pfaff  
Shawn Pfaff, Mayor

STATE OF WISCONSIN)ss.  
COUNTY OF DANE

Personally came before me this 3 day of September, 2013, the above named Linda J. Cory, and Shawn Pfaff to me known to be the City Clerk and Mayor (respectively) of the City of Fitchburg, and the persons who executed the foregoing instrument and acknowledged the same.

Tracy L. Oldenburg  
Notary Public, State of Wisconsin



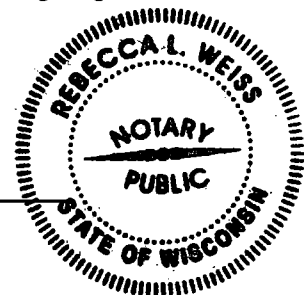
Printed Name of Notary Public Tracy L. Oldenburg  
My Commission Expires: Dec 18, 2016

**Consent of the Property Owner**

PAF  
Date: 9-9-13

Personally came before me this 9<sup>th</sup> day of September, 2013, the above named Patrick Swan to me known to be managing member of Fitchburg Lane, LLC and the person who executed the foregoing instrument and acknowledged the same.

Rebecca L. Weiss  
Notary Public, State of Wisconsin



Printed Name of Notary Public Rebecca L. Weiss  
My Commission Expires: July 27, 2014

Consent of Mortgage Holder:

[Signature] V.P.  
Mortgage Holder  
Anchorage

Date: 9/10/13

Personally came before me this 10<sup>th</sup> day of September, ~~2006~~ <sup>2013</sup>, the above named  
Karl Sachtjen to me known to be the Vice President  
of Anchorage, Fsb and the person who executed the foregoing instrument  
and acknowledged the same.

Michael Gunter  
Notary Public, State of Wisconsin

Printed Name of Notary Public Michael Gunter  
My Commission Expires: 3/31/2017



# Capital Newspapers Proof of Publication Affidavit

Ad #: 2105053 Price: \$136.30 Ad ID: Ordinance 2013-O-20

Retain this portion for your records.

Please do not remit payment until you receive your advertising invoice.

Mail to:

FITCHBURG CITY OF  
Tracy Oldenburg  
CITY CLERKS OFFICE  
5520 LACY RD  
MADISON, WI 53711

**ORDINANCE NO. 2013-O-20**  
**ZONING ORDINANCE AMENDMENT**  
**AMENDING GENERAL**  
**IMPLEMENTATION PLAN ZONING**  
**FOR LOTS 109, 110, and 117 FIRST**  
**ADDITION TO SWAN CREEK OF**  
**NINE SPRINGS**

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 WHEREAS, Fitchburg Lands, LLC has submitted an application (RZ-1969-13) to amend Planned Development District General Implementation Plan (PDD-GIP) zoning for lots 109, 110 and 117 First Addition to Swan Creek of Nine Springs, and WHEREAS, the proposal will amend ordinances 2002-0-43 (recorded as document #3635346) and 2002-0-44 (document #3635347) to: (A) reduce the dwelling unit count for lot 109 from 82 dwelling units to 42 dwelling units; (B) reduce the dwelling unit count for lot 110 from 32 dwelling units to 12; (C) Allow a two three story multi-family buildings on lot 117 with 48 and 47 dwelling units per building.

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(D) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

The above and foregoing ordinance was duly adopted by the City Council of the City of Fitchburg, at a regular meeting held on the 27th day of August, 2013.

/s/ Linda J. Cory, City Clerk

/s/ Shawn Pfaff, Mayor

PUB. WSJ: September 5, 2013

#2105053 WNAJLP

**SHARON SCALLON**

being duly sworn, doth depose and say that he (she) is an authorized representative of Capital Newspapers; publishers of

**Wisconsin State Journal**

paper, at Madison, the seat of government of said State, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on September 5th, 2013

d)

*Sharon Scallon*

Principal Clerk

Subscribed and sworn to before me on

9-5-13

*Ellen M. Morgan*

Notary Public, Dane County, Wisconsin

My Commission expires July 31st, 2017

ELLEN M. MORGAN  
Notary Public  
State of Wisconsin

Print Form



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

# REZONING APPLICATION

The undersigned owner, or owner's authorized agent, of property herein described hereby petitions to amend the zoning district map of the Fitchburg zoning ordinance by reclassifying from the PDD-GIP district to the Same district the following described property:

1. **Location of Property / Street Address:** Lots 109, 110 and 117 Swan Creek

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

First Addition to Swan Creek of Nine Springs, Lot 109  
First Addition to Swan Creek of Nine Springs, Lot 110  
First Addition to Swan Creek of Nine Springs, Lot 117

\*\*\*Also submit in electronic format (MS WORD or plain text) by email to: [planning@city.fitchburg.wi.us](mailto:planning@city.fitchburg.wi.us)

2. **Proposed Use of Property - Explanation of Request:**

Amend approved PDD-GIP Use: Lots 109 and 110 (From HDR to MDR); Lot 117 (From BUS to HDR)

3. **Proposed Development Schedule:** No set schedule for Lots 109 and 110; Lot 117 early Fall 2013

4. **Future Land Use Plan Classification:** Lots 109 and 110 (MDR); Lot 117 (HDR)

\*\*\*Pursuant to Section 22-3(b) of the Fitchburg Zoning Ordinance, all Rezoning shall be consistent with the currently adopted City of Fitchburg Comprehensive Plan.

\*\*\*Attach three (3) copies of a site plan which shows any proposed land divisions, plus vehicular access points and the location and size of all existing and proposed structures and parking areas. Two (2) of the three (3) copies shall be no larger than 11" x 17". Submit one (1) electronic pdf document of the entire submittal to [planning@city.fitchburg.wi.us](mailto:planning@city.fitchburg.wi.us). Additional information may be requested.

**Type of Residential Development (If Applicable):** Single Family, Two Family and/or Multi-Family Residential

**Total Dwelling Units Proposed:** Lots 109 & 110: (54) Lot 117: (95) **No. Of Parking Stalls:** per city

**Type of Non-residential Development (If Applicable):** n/a

**Proposed Hours of Operation:** n/a **No. Of Employees:** n/a

**Floor Area:** n/a **No. Of Parking Stalls:** n/a

**Sewer:** Municipal  Private  **Water:** Municipal  Private

**Current Owner of Property:** Fitchburg Lands, LLC

**Address:** 5500 E. Cheryl Parkway, Suite #106, Fitchburg, WI 53711 **Phone No:** 608-276-3161

**Contact Person:** Randy Christianson

**Email:** rc@cbcworldwide.com

**Address:** 7609 Elmwood Avenue, Suite #102, Middleton, WI 53562 **Phone No:** 608-288-3328

**Respectfully Submitted By:**  Randy Christianson  
Owner's or Authorized Agent's Signature Print Owner's or Authorized Agent's Name

PLEASE NOTE - Applicants shall be responsible for legal or outside consultant costs incurred by the City. Submissions shall be made at least four (4) weeks prior to desired plan commission meeting.

**For City Use Only:** **Date Received:** \_\_\_\_\_ **Publish:** \_\_\_\_\_ and \_\_\_\_\_

**Ordinance Section No.** \_\_\_\_\_ **Fee Paid:** \_\_\_\_\_

**Permit Request No.** \_\_\_\_\_

Revised: August 7<sup>th</sup>, 2013



**INTRODUCTION:**

An amendment to the Comprehensive Plan amending Lots 109, 110 and 117 is currently in the review process and was granted approval at the Plan Commission on 7-16-13.

We are requesting to amend for approval the previously approved PDD-GIP dated in November of 2002. Fitchburg Lands, LLC respectfully requests to amend the designated use for Lots 109, 110 and 117 in the First Addition to Swan Creek of Nine Springs. The current use of Lots 109 and 110 is (HDR) High Density Residential and the current use for Lot 117 is (BUS) Business, this amendment looks to change those usages to (MDR) Medium Density Residential for Lots 109 and 110, and to (HDR) High Density Residential for Lot 117.

**RATIONALE FOR PLANNED DEVELOPMENT DISTRICT:**

We are looking to place multi-family apartment use on Lot 117 in Swan Creek to accommodate multi-family buildings. The adjacent multi-family developer/owner of Lot 111 in Swan Creek is looking to add additional units to what they currently own in order to have an onsite manager, leasing office and exercise room.

**SOCIAL AND ECONOMIC IMPACTS:**

The development at build-out will have an estimated assessed value as follows:

- 95 High Density Residential Apartment Units at \$90,000 to \$95,000 each = \$ 8,550,000 to \$ 9,025,000
- 54 Medium Density Residential Units at \$100,000 to \$120,000 each = \$ 5,400,000 to \$ 6,480,000
- \$ 13,950,000 to \$ 15,505,000

**CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT PLAN:**

Staying consistent with the approved Comprehensive Development Plan for Swan Creek which placed a cap on the number of units that could be built in the subdivision at 910 dwelling units there are currently 149 units left under the cap...to accommodate the apartment buildings for Lot 117 and staying within the allowed cap we are looking to transfer some of the approved units from Lots 109 & 110 (currently at 114 units) to Lot 117, which would increase the density on Lot 117 to 95 Units and reduce the density on Lots 109 & 110 to 54 Units.

Further...in advancing the goals and objectives of the Comprehensive Plan Swan Creek provides a great balance and mix of housing choices to meet the demand for a number of markets, from Large to Small Single Family Lots, Multi-Family Rental Options, Multi-Family Condominium Options (Larger Dense Buildings to 3 and 4 Unit Buildings) and Senior Housing Options. We feel the addition of this project of Multi-Family Rental Housing creates the balance and mix that's compatible with the intended uses the Swan Creek Subdivision set out to accomplish in its inception and following the goals and objectives the Comprehensive Plan laid out.

**GENERAL DEVELOPMENT PLAN:**

**Lots 109 and 110:**

We request the approval to amend Lots 109 and 110 from High Density Residential (HDR) to Medium Density Residential (MDR). This amendment looks to only adjust the number of units to reflect a maximum of 9 dwelling units per acre per the MDR designation for a total of 54 units for these two lots. The attached site map shows this adjustment to the existing and approved PDD-GIP approval from November of 2002...all other documents on file with the city related to original approval whether narrative or site/building drawings shall refer to the attached site map and this amendment and reflect the adjustment for density under the MDR designation.

We understand this is a PDD-GIP amendment approval only. When there are plans to develop, which could change and/or be adjusted/alterd, to new density to develop said lots the owner understands a PDD-GIP/SIP approval will be required.

**Lot 117:**

We request the approval to amend Lot 117 from Business (BUS) to High Density Residential (HDR) to include one 48 unit apartment building and one 47 unit apartment building with a leasing office and exercise room (Please refer to full submittal package PDD-GIP/SIP on all details for this Lot). Both buildings are three stories with underground parking accommodating each building. Off street surface parking remains internalized on the backside of the buildings with buildings acting as screening from the site perimeter. The total parking spaces of 172 will provide 1.81 stalls per residential unit.

Site landscaping plantings will include a mix of trees, shrubs and ground covers. Storm water infiltration ponds will be provided to facilitate on-site storm water infiltration.

Site lighting will include a combination of pedestrian scale light standards and building mounted fixtures to light the driveway and parking area. All fixtures are "full cut off". Trash rooms are inside the parking garage.

The exterior of the buildings incorporate vertical elements establishing a residential scale and urban architecture. The architectural detailing and use of materials reinforce the vernacular architecture of the neighborhood. Quality, low maintenance, durable exterior materials are being used.

**Statistical Data: per attached site map**

**Lot 109:**

<u>Building #</u>	<u>Number of Units</u>
6	8
7	8
8	8
9	8
10	<u>10</u>
Total Units:	42
Density: 10.8 Dwelling Units per Acre	

**Lot 110:**

<u>Building #</u>	<u>Number of Units</u>
17	12
Density: 8.9 Dwelling Units per Acre	

Combined Density for 109 and 110 is 9.1 Dwelling Units per Acre.

**Lot 117: Please see PDD-SIP submittal for specifics.**

**NEIGHBORHOOD MEETINGS:**

The owner/developer and its representatives held a neighborhood meeting in May and the Mayor held a meeting in June including city staff from Planning and Public Works. Those meetings provided information and input to allow us to get to this point in the approval process.

**SCHEDULE PLAN FOR PROPOSED PROJECT:**

**Lots 109 and 110**

No time schedule for development at this time.

**Lot 117**

The anticipated schedule for construction is to begin in the early fall of 2013, pending approvals, with completion in the late spring/early summer of 2014.

August 7, 2013

To: Tom Hovel  
Planning & Zoning Administrator  
City of Fitchburg  
2377 S. Fish Hatchery Road  
Fitchburg, WI 53711

From: Phil Sveum  
Fitchburg Lands, LLC  
5500 E. Cheryl Parkway, Suite #106  
Fitchburg, WI 53711

Re: CDP Amendment & Rezone: Lots 109,110 and 117 Swan Creek

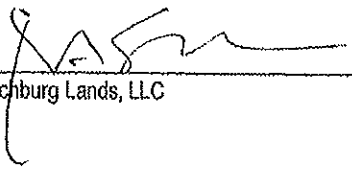
Dear Mr. Hovel,

Please find below an agreement relating to City of Fitchburg Planning Department Comments to:

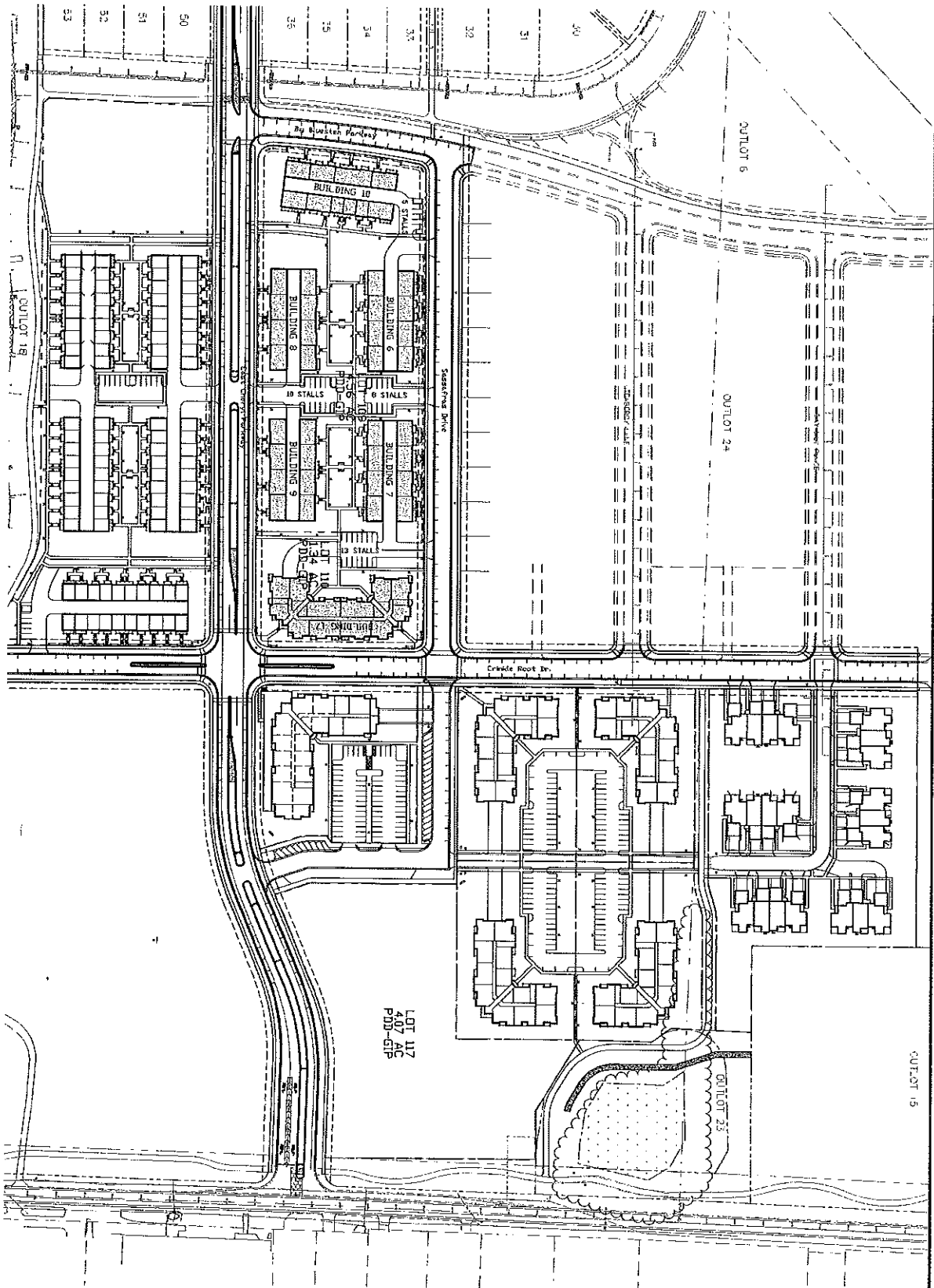
Application #: CDP-1968-13 & RZ-1969-13 item #3 (a) Fee in lieu of dedication 14 dwelling units at \$4330 each (2013 fee) = \$60,620.

It is agreed upon between Fitchburg Lands, LLC, the developers for Lot 117 Swan Creek and the City of Fitchburg that the fee of \$60,620 shall be allocated as follows.

- a. Developers of 117 shall pay prior to the issuance of building permit for said lot \$40,413 of said fee.
- b. Fitchburg Lands, LLC and/or future developer/buyer for Lots 109 and 110 Swan Creek shall pay the remaining \$20,207 of said fee prior to the issuance of a building permit once that would occur. However, said fee shall be only applied and payable on developed units of 40 or more and not exceeding 54 units.

  
\_\_\_\_\_  
Phil Sveum, Fitchburg Lands, LLC

8/7/13  
Date



07-22-2018  
 DP-518  
 OVERALL SITE  
 PLAN  
 1304 C-11

Lot 109,110  
 Swan Creek  
 Fitchburg, WI

550 Summit Drive, Suite 201  
 Post Office Box 1074  
 Spring Green, WI 53588  
 Phone: 608-785-4491  
 Fax: 608-785-2582



