



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-SIP district to the PDD-GIP district the following described property:

1. **Location of Property/Street Address:** East Cheryl and Big Blue Stem Parkways, Sassafras and Crinkle Root Drives

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

Lot 1 of CSM 13827

***Also submit in electronic format (MS WORD or plain text) by email to: planning@fitchburgwi.gov

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

Planned Development District (PDD) General Implementation Plan (GIP) with sixty (60) single family residential houses. The total unit count for the project is 60.

3. **Proposed Development Schedule:** Construction to commence July 2024 following governmental approvals.

***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@fitchburgwi.gov. Additional information may be requested.

Type of Residential Development (If Applicable): Single Family Residential housing.

Total Dwelling Units Proposed: 60 **No. Of Parking Stalls:** 120 garages, 120 driveways

Type of Non-residential Development (If Applicable): NA

Proposed Hours of Operation: NA **No. Of Employees:** NA

Floor Area: NA **No. Of Parking Stalls:** NA

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

Current Owner of Property: IP Holdings, LLC

Address: 5210 Siggelkow Road, Madison, WI 53718 **Phone No:** 608-220-6129

Contact Person: Fredric A. DeVillers

Email: fred@forward-development.com

Address: same

Phone No: same

Respectfully Submitted By: 
 Owner's or Authorized Agent's Signature

Fredric A. DeVillers
 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. _____

IP Holdings, LLC

April 23, 2024

Deanna Schmidt, AICP
City Planner and Zoning Administrator
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

Re: Inspiration at Swan Creek PDD-GIP

Dear Deanna:

On behalf of IP Holdings, LLC, the property owner, I am pleased to transmit the following information for your staff's review and consideration by the City of Fitchburg. I am requesting that this project be placed on the May 21st, 2024, Planning Commission Agenda for PDD-GIP review and approval.

Please accept the following documents:

Rezoning Application
PDD-GIP Narrative
Site Location Aerial Photo Context Exhibit
Condominium Plat (DRAFT)
Preliminary Civil Engineering Overall Site Plan, Sheet C120
Preliminary Civil Engineering Site Grading Plan, Sheet C130
Preliminary Civil Engineering Site Utility Plan, Sheet C140
Preliminary Landscape Plan, Sheets L-1.1, L-1.2

The project design consultants and I look forward to working with the City's staff on this project. Please feel free to contact me with questions and we will work to get the answers and additional information necessary to facilitate the review and approval process.

Sincerely,

IP HOLDINGS, LLC



Fredric A. DeVillers
Manager

Copy, w/encl: Debbie Hatfield, MSA Professional Services, Inc., Senior Project Engineer

April 23, 2024
PDD-GIP
Lot 1 of CSM 13827

Introduction:

Lot 1 of CSM 13827 was originally approved for Planned Development – General Implementation Plan (PDD-GIP) zoning in 2002. The Comprehensive Plan and PDD-GIP were amended in August 2013 amending this lot from (HDR) High Density Residential to the current (MDR) Medium Density Residential.

In 2015, an amendment to the GIP was approved as well as a Specific Implementation Plan (SIP). The proposed use of the site has changed since 2015. Instead of amending the nearly 20-year-old GIP, a new GIP was submitted in June 2021. Due to economic factors associated with the COVID-19 pandemic, the GIP and SIP approved in 2021 did not get constructed. This submittal reflects a revised land use program. Associated with the current proposed land use, Resolution R-40-24, Plan Commission Resolution PCR-01-24 and Ordinance 2024-O-03, all dated February 20, 2024, were approved by Common Council on April 9, 2024, thus amending this lot from (MDR) Medium Density Residential back to the previous (HDR) High Density Residential land use to allow for the development of sixty (60) units.

Rational for the PDD-GIP

The planned development district requested for this general implementation plan is proposed to create a single cohesive environment composed of several single-family residential building types, which provide the framework for a viable community of residents, as well as providing access to more affordable housing with the goal of owner occupiers of the single family and duplex units.

None of the standard zoning districts accommodate the unit count and dimensional standards needed to create this development. Residential zoning districts R-L through R-M do not allow multiple buildings on one lot. R-H does not allow duplexes. Creating multiple lots for the different buildings cannot accommodate the proposed development because of the required minimum lot sizes and dimensional requirements including front, side and rear setbacks and maximum lot area coverage. In addition, a central private drive is critical to the proposed development.

The combination of the housing types, along with the desire to respect the natural contours of the land with the curvilinear design of the interior private roadway and the horizontal and vertical geometrics of the roadway’s design would not be possible utilizing traditional zoning.

Social and Economic Impacts

Upon complete build out, the Inspiration at Swan Creek Residential Community development will provide more housing for sixty households in the single family and duplex units. The development at build out will have an estimated market value as follows:

8 duplex units at approximately \$397,678 each (see note) =	\$3,181,424
52 single family homes at approximately \$499,041 each (see note) =	<u>\$25,950,132</u>
Total estimated market value =	\$29,131,556

Note: Estimated market value is using City of Fitchburg MLS average sales price listings of active newly built single-family homes and duplex units.

Consistency with the Comprehensive Development Plan

This proposed development remains consistent with the recently approved HDR land use per the amended Comprehensive Development Plan for this site. It should be noted that although the total unit count has been revised to sixty (60), the overall bedroom count between the prior project's site plan of 202 versus the current project's anticipated bedroom count of 180 for a reduction of an anticipated 22 bedrooms overall. The currently proposed project plan also includes more affordable housing types (i.e., duplexes) as well as less expensive single-family homes due to the purposefully designed more narrow lot widths. The proposed buildings have an architectural mass that is less than the neighboring apartments to the east, the larger row townhomes to the south as well as the duplexes to the north.

Project Analysis

Site Planning Considerations

The building layout has been carefully considered to work with the site's existing topography instead of against the site's natural features. The duplexes have been located along the east side of the property to provide for a transitional architectural massing between the 3-story apartments to the east and the single-family houses within the project site.

The total unit count is 60, summarized as follows:

Single Family	52
<u>Duplex</u>	<u>8</u>
Total	60

The duplex units are anticipated to be the typical 3-bedroom, 2 ½ bathroom, 2-car garage units with the requisite common areas (i.e., kitchen, storage, closets, living, laundry, etc.). The single-family units are also anticipated to be 3-bedroom, 2 ½ bathroom, 2-car garage units with the typical common areas.

The internal private drive has been designed with a vertical profile that reflects the natural grades of the site, as well as geometrics allowing the safe travel of pedestrians and vehicles to access all the buildings. The project site's size at just under six acres allows for clustering of the duplex units at the perimeter east end of the site to transition from the existing adjacent multifamily buildings. The design of the meandering internal private drive allows the open space within the interior of the site, thus resulting in a more favorable site design, creating a much more aesthetically appealing community.

Neighborhood Context

Adjacent land uses include:

Duplexes to the north

Townhomes to the south

Multi-family to the east

Natural and man-made features

The project area has no natural or man-made features. Prior to the Swan Creek development being constructed, the area was a farm field. The block was seeded with lawn type vegetation with the original development. Since then, fast-growing low-quality, invasive species trees and undergrowth have established on the site. However, they have recently been removed to prepare the site for topographic studies to aid in the mass grading design.

Vehicle, Pedestrian and Bike Circulation

The project site is surrounded by public streets, sidewalks and neighborhood pedestrian and bike trails. Within the site, each building will have private sidewalk connections to the public sidewalks.

Parking and Building Occupancies

On-site parking will consist of 120 covered garage stalls and 120 surface stalls within the driveways associated with each housing unit. On-site parking demand was evaluated based on the anticipated needs of the residents of the single-family and duplexes units as well as their anticipated guests.

General Implementation Plan

We request the approval of this Planned Development District to reflect the unique site vehicular and pedestrian circulation, aesthetically designed landscaping, parking, types, size, uses, and location of the various housing structures, utility plan, grading plan, use of open spaces, and other land use features as described in the attached supporting documents. The site plan represents a maximum dwelling unit count of 60 units, as previously approved.

We understand this is a PDD-GIP submittal approval only and when plans are further developed, a PDD-SIP submittal and approval will be required.

Site development statistics are enclosed; see Table 1-A.

PDD-GIP Development Parameters:

Front Building Setback: 10 feet from site perimeter property line adjacent to surrounding public streets.
Maximum ISR: 54%; impervious surface area as designed is: 45.7%.
Minimum Open Space: 30%; pervious open space as designed is 54.3%.

Zoning Requirements and Building Architecture

Protective covenants will be drafted to accompany the Declaration of Condominium to provide guidelines for the site planning and the architectural design for each of the single-family and duplex buildings. The protective covenants drafted for the Inspiration at Swan Creek housing units will reflect the protective covenants recorded for the single-family residential lots within the Swan Creek neighborhood to maintain a consistent and complimentary architectural theme. Examples of representative exterior elevations of the front of the single-family residential homes fronting the surrounding public streets are exhibited herein. Land uses allowed on the land condominium units (i.e., the “lots”) will be limited to single-family homes and duplex units as depicted in Exhibit A, Development Programming Site Plan. Front and rear building set back lines will be exhibited on the final Condominium Plat. Side yard building set back distances will be dictated by SPS 321.08 Fire separation and dwelling unit separation with a minimum of three (3) feet from the land condominium property lines. Each pair of duplex units within a duplex building will be considered a zero-property line scenario. Examples of items addressed within the protective covenants are the following:

- 1) Elevated decks as well as on-grade patios shall not encroach within building setbacks.
- 2) Animals residing within the project shall be limited to indoor, domesticated pets (ex.: dogs and cats) or those animals that reside within a cage or tank (ex.: birds or fish).

Examples of exterior building elevations fronting the surrounding public streets:



Infrastructure

General Grading Plan

Generally, the existing western two-thirds of the site slopes to the southwest while the eastern one third of the site slopes to the southeast. The proposed grading generally follows the existing slope direction. A preliminary grading plan is attached.

General Utility Plan

The water main for the site is proposed to be public. The water main will be extended from the existing water main within Sassafras Drive near the west end of the site, extending along the internal roadway and then reconnecting to the water main within Sassafras near the east end of the project site. The sanitary sewer is proposed to be public and will connect to the existing sanitary sewer main within Sassafras Drive. A preliminary utility plan is attached.

Stormwater Management

Peak rate control and sediment control are provided by the Swan Creek regional stormwater management facilities. Infiltration will be provided on site, located in two (2) basins, one in the southeast corner of the site and the other in the southwest corner of the site.

Property Owners Association Structure

The site will be organized as a horizontal land condominium structure with sixty (60) units and three (3) common elements representing the areas for the roadway and utilities, as well as the infiltration basins. The duplex units' owners and the single-family units' owners will be members of the Homeowners Association organized to manage the ongoing maintenance of the site. There will be a Declaration of Condominium document that discusses the operation of the Homeowners Association and the maintenance of the site improvements.

Project Management and Phasing

The site will be developed as a land condominium with a Homeowners Association organized to maintain the site's common infrastructure. Since the housing product is being developed on narrower land condominium units (i.e., the "lots"), and will be single-family and duplexes units, the sales prices are anticipated to be lower than the typical wide lot, front loaded single-family home. As such, the project is designed to provide more affordable workforce housing for those that desire to live and pursue their professional endeavors in the City of Fitchburg. As such, market acceptance should be realized, positively influencing the absorption of the units. The anticipated schedule for site infrastructure improvements followed by building construction is to begin in summer 2024, with completion dependent on market absorption, but an anticipated final phase to be completed in 2026.

Neighborhood Outreach

A neighborhood meeting was coordinated with the Swan Creek Homeowners Association Board for Thursday, January 18, 2024. The meeting had approximately three dozen participants. Numerous participants asked questions but many of them were not associated with the actual project being proposed. City Planner and Zoning Administrator Deanna Schmidt, as well as Alder Jay Allen were in attendance and provided guidance on several of the attendees' inquiries. Much of the discussion during the neighborhood meeting was not relevant to the project since it did not reflect the land use or site planning. There was a comment about traffic on Sassafras and the existing invasive species of trees that were directly associated with the project. A traffic analysis has been performed, confirming that there will be no traffic volume issues. The rest of the discussion included an inquiry about a community pool, a grocery store, as well as discussion about the Veridian Uptown Crossing houses, apartments which are not being proposed, and home values.

Table 1-A
Site Development Statistics

PDD-GIP	Lot Area (S.F.)	Buildings			Bedrooms			Parking			Stalls Per Unit	Imp. Surf. Area (S.F.)	ISR	FAR	DU / AC
		# of Buildings	# of Stories	Total # of Units	Per Unit (b)	Units Per Bldg	Total	Enclosed	Surface	Total					
Lot 1 of CSM 13827															
Single Family Homes		60	2	60	3	1	180	120	120	240	4				
Total	257,241 (5.91 AC)	60	2 (a)	60	180	1	180	120	120	240	4.00	117,494	45.7%	NA	10.2

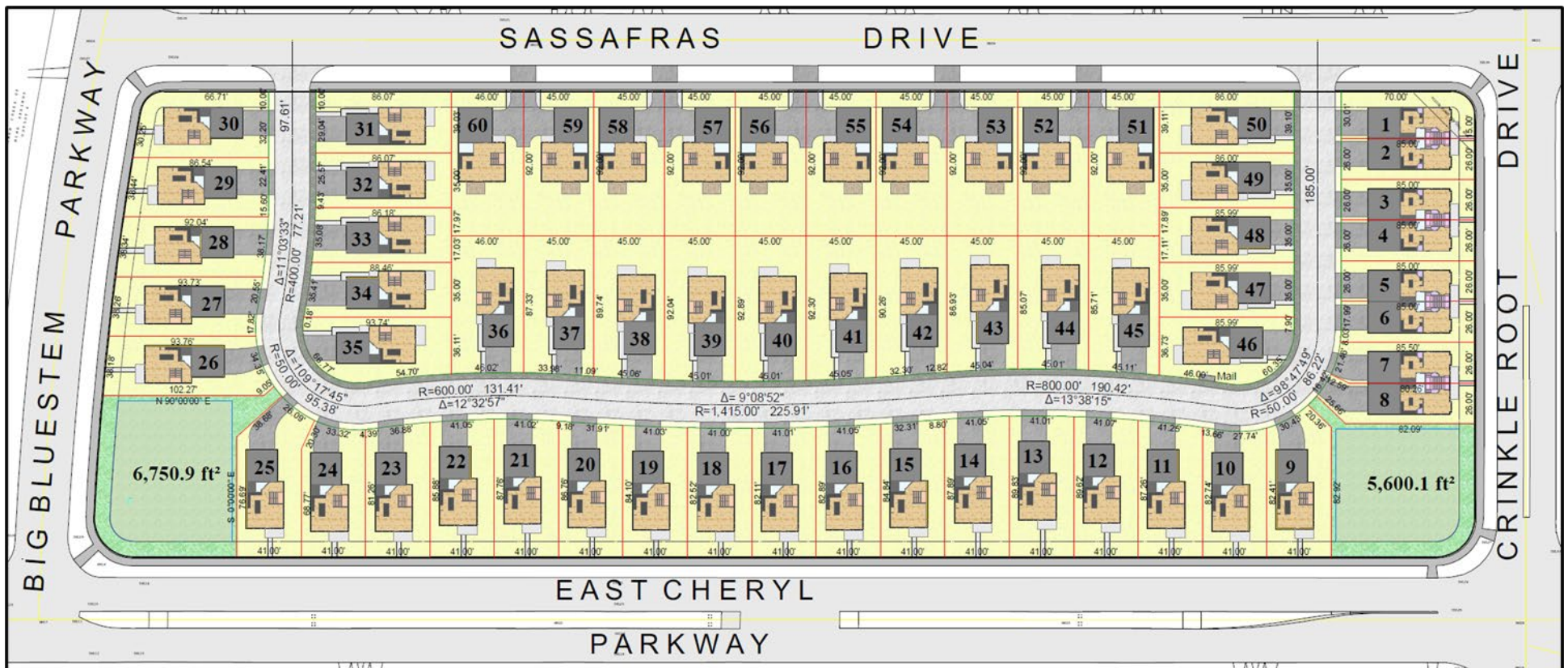
(a) The single-family residential buildings are anticipated to be 2 stories.

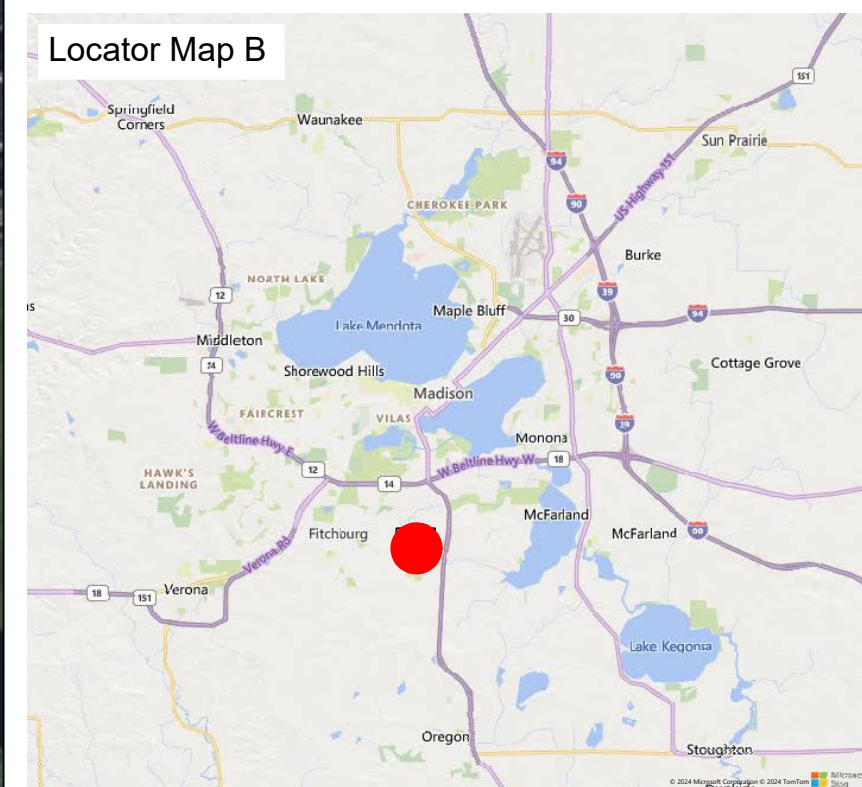
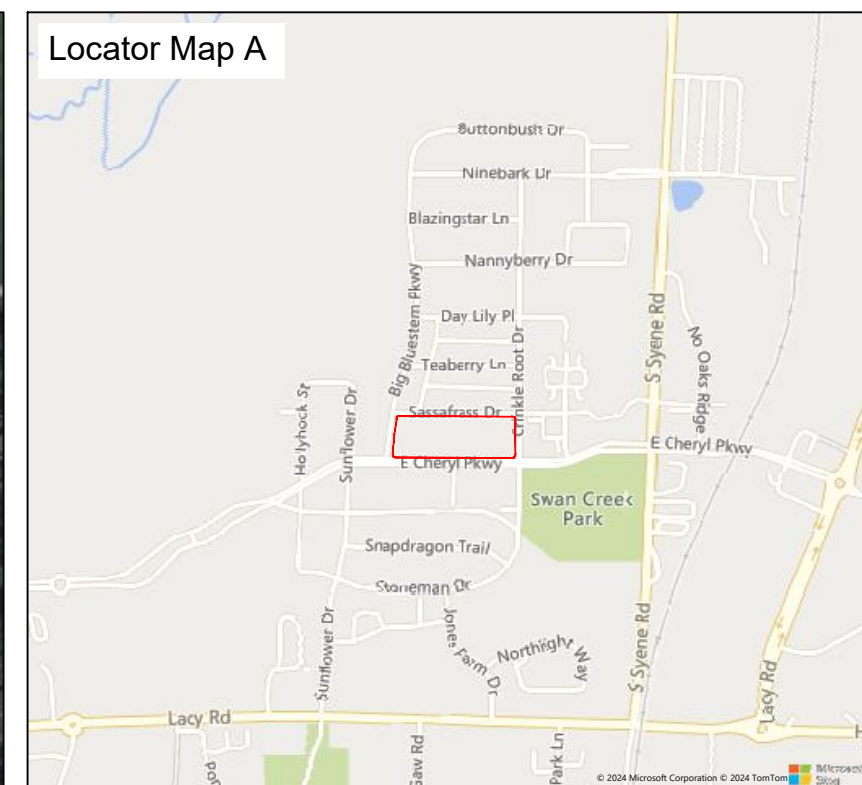
(b) Bedrooms per Unit is based on anticipated 3-bedroom homes being developed by home builders.

Exhibit A

Development Programming Site Plan

The site plan exhibited below has been updated since the version submitted with the Comprehensive Development Plan Minor Amendment on January 22, 2024. The home sites along SassafRAS Drive (51 to 60) have revised driveway layouts representing less asphalt pavement reducing the impervious surface and construction cost, providing lower cost to the homeowner. The proposed orientation of the homes has resulted in deeper rear yards creating a larger greenspace.





LEGEND

———— PROJECT PARCEL

Locator Maps not to scale.

PROJECT DATE:	NO.	DATE	REVISION	BY:
DRAWN BY: Init	-	-	-	-
DESIGNED BY: Init	-	-	-	-
CHECKED BY: Init	-	-	-	-

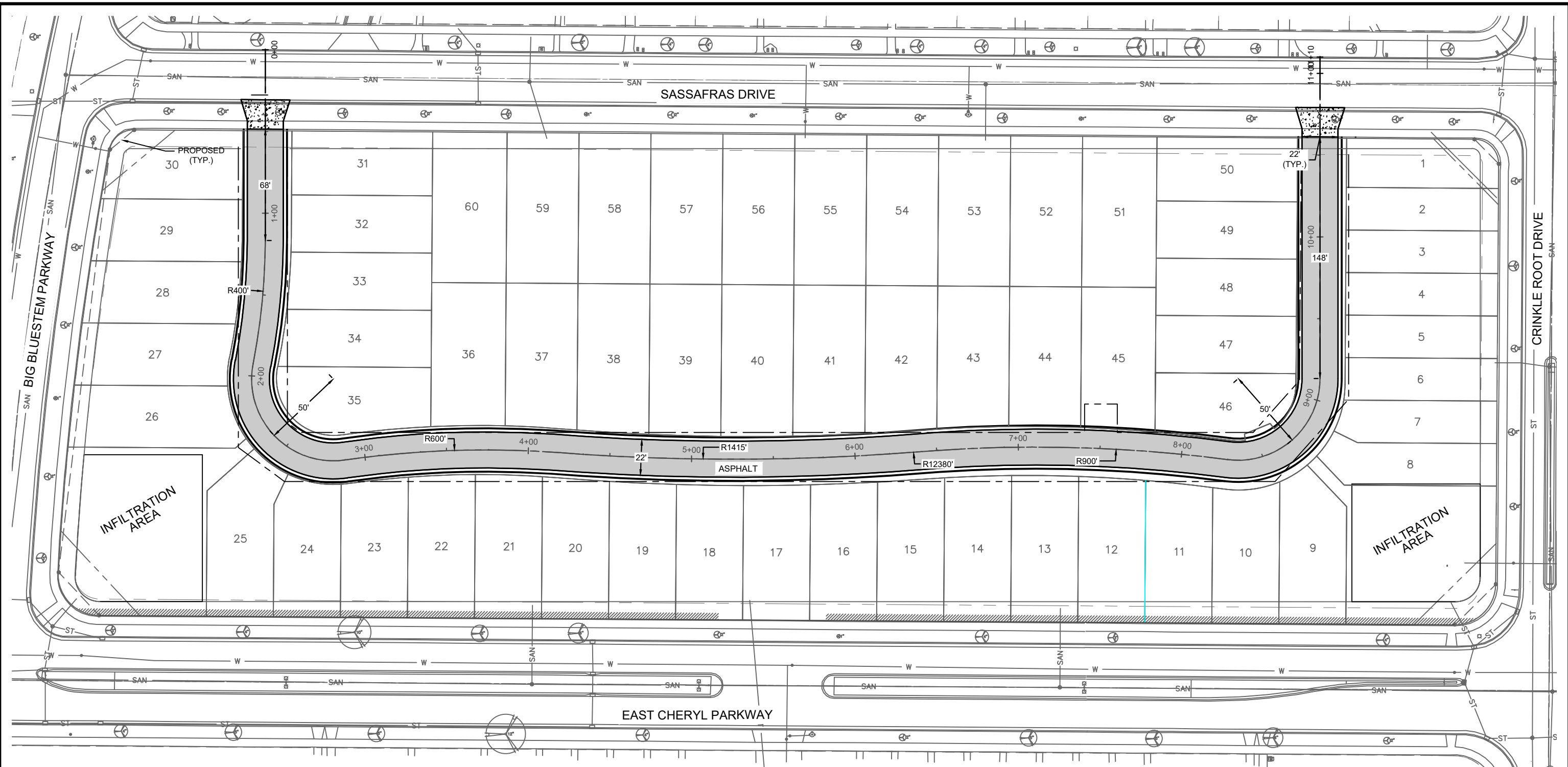


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INSPIRATION AT SWAN CREEK
 CITY OF FITCHBURG
 DANE COUNTY

SITE LOCATION MAP

PROJECT NO.
 22281000
 SHEET
 C001



- NOTES**
1. ALL WORK IN THE RIGHT-OF-WAY AND COMMON ELEMENT FOR THE PRIVATE ROADWAY SHALL BE IN ACCORDANCE WITH THE CITY OF FITCHBURG STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST ADDITION.
 2. ALL DIMENSIONS ARE TO THE FACE OF CURB EXCEPT AS NOTED.
 3. ALL RADII ARE TO THE FACE OF CURB.
 4. ALL CURB AND GUTTER AND SIDEWALK REPLACEMENT AS REQUIRED BY THE CITY OF FITCHBURG INSPECTOR WITHIN THE ROW SHALL BE INSTALLED PER THE CITY OF FITCHBURG STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST ADDITION.
 5. SIGNS TO MEET MANUAL ON UNIFORM TRAFFIC CONTROL AS TO COLOR, LETTERING AND DIMENSIONS AND SHALL BE INSTALLED AT A HEIGHT OF SEVEN FEET.
 6. PROVIDE SIDEWALK CONSTRUCTION JOINTS AT EVEN SPACING AT A DISTANCE APART EQUAL TO THE SIDEWALK WIDTH AND AS IS TYPICAL IN CONCRETE CONSTRUCTION.
 7. A CITY OF FITCHBURG STREET OPENING PERMIT IS REQUIRED FOR ALL WORK WITHIN THE RIGHT OF WAY.
 8. ALL RETAINING WALLS TO BE DESIGNED AND CONSTRUCTED BY CONTRACTOR.

SITE INFORMATION
 SITE ADDRESS: EAST CHERYL PARKWAY
 LOT ACREAGE: 5.905 AC

USE OF PROPERTY: RESIDENTIAL
 ZONING: PLANNED DEVELOPMENT DISTRICTS - SIP
 PROPOSED ZONING: PLANNED DEVELOPMENT DISTRICTS - SPECIFIC IMPLEMENTATION PLAN

SETBACKS:
 FRONT YARD: 10 FT

MAXIMUM LOT AREA COVERAGE: 54%
 MINIMUM OPEN SPACE REQUIRED: 30%

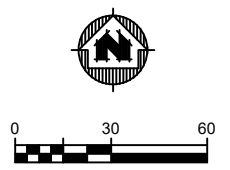
EXISTING IMPERVIOUS SURFACE AREA: 0 SQ.FT.
 PROPOSED IMPERVIOUS SURFACE AREA: 117,494 SQ.FT.

PERCENT LOT IMPERVIOUS:
 EXISTING: 0%
 MAXIMUM PROPOSED: 54 %

OPEN SPACE
 EXISTING: 100 %
 MINIMUM PROPOSED: 46 %

BUILDING AREA: 63,849 SF
 PAVEMENT AREA: 53,645 SF

DISTURBANCE LIMITS: 257,241 SQ.FT.



LEGEND

	PROPERTY LINE
	UTILITY EASEMENT
	CONDO UNIT LINES
	PRO ASPHALT
	PRO CONCRETE



Dial **811** or (800) 242-8511
www.DiggersHotline.com

NOT FOR CONSTRUCTION

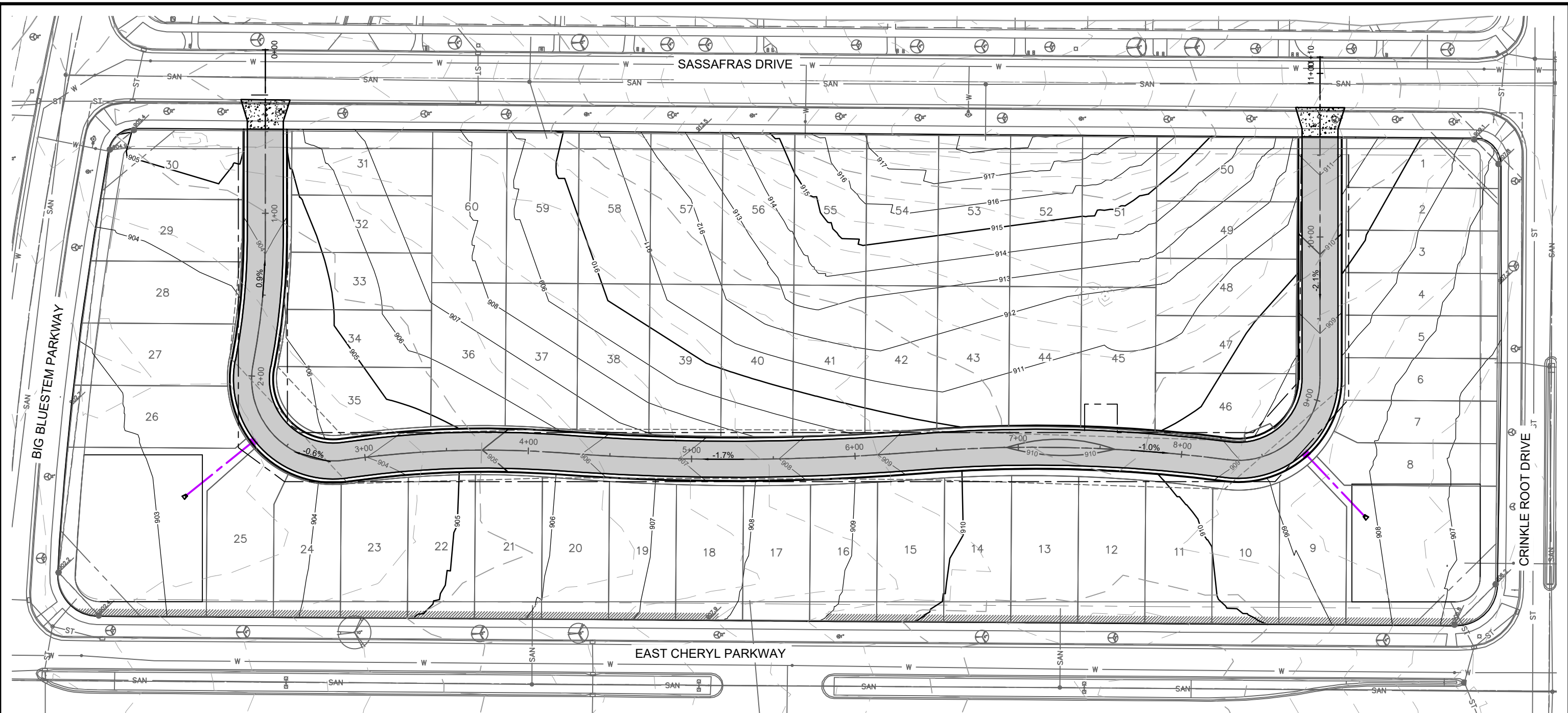
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	DESIGNED BY:	AJM	#	#	#
	CHECKED BY:	CKP	#	#	#

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INSPIRATION AT SWAN CREEK
 CITY OF FITCHBURG
 DANE COUNTY, WISCONSIN

OVERALL SITE PLAN
 PROJECT NO. 22281000
 SHEET C120

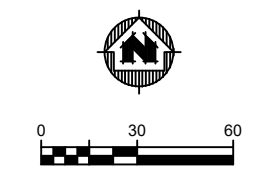
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- GENERAL NOTES**
- EXISTING CONDITIONS SHOWN ARE FROM SURVEY PROVIDED BY BURSE SURVEYING AND ENGINEERING, INC. EMMONS & OLIVER RESOURCES (EOR) TAKES NO RESPONSIBILITY FOR ACCURACY OF ANY EXISTING CONDITIONS ELEVATIONS OR BENCHMARKS.
 - ALL WORK IN THE RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH CITY OF FITCHBURG STANDARDS.
 - NO SITE GRADING SHALL BE PERFORMED OUTSIDE OF THE SILT FENCE / GRADING LIMITS / PROPERTY LINE / EASEMENTS EXCEPT AS NOTED.
 - THIS PROJECT HAS BEEN DESIGNED AND MUST BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF FITCHBURG STANDARDS AND DEPARTMENT OF SAFETY AND PUBLIC SERVICES STANDARDS.
- GRADING NOTES**
- ALL PROPOSED GRADES SHOWN ARE FINISHED GRADES. CONTRACTOR SHALL VERIFY ALL GRADES TO MAKE SURE ALL AREAS DRAIN PROPERLY AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO CONSTRUCTION.
 - CONTRACTOR TO DEEP TILL ALL COMPACTED PERVIOUS SURFACES PRIOR TO SEEDING AND MULCHING.
 - ALL LANDSCAPE AREAS SHALL BE RESTORED WITH A MINIMUM OF 6" OF TOPSOIL.
- CONSTRUCTION SCHEDULE**
- BEGIN CONSTRUCTION. INSTALL ALL PERIMETER EROSION CONTROL DEVICES AS SHOWN.
 - SITE MASS GRADING.
 - UTILITY CONSTRUCTION.

- EROSION CONTROL NOTES**
- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE CURRENT WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR) EROSION AND SEDIMENT CONTROL TECHNICAL STANDARDS (dnr.wi.gov).
 - EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO SITE DISTURBANCE.
 - ENGINEER / CITY OF FITCHBURG HAS THE RIGHT TO REQUIRE OWNER / CONTRACTOR TO IMPLEMENT ADDITIONAL EROSION CONTROL MEASURES AS NECESSARY.
 - EROSION AND SEDIMENT CONTROL PRACTICES SHALL BE INSPECTED ONCE PER WEEK AND FOLLOWING EACH RAINFALL EVENT. INSPECTION REPORTING SHALL BE IN ACCORDANCE WITH CITY OF FITCHBURG REQUIREMENTS AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN EROSION AND SEDIMENT CONTROL PRACTICES IN WORKING ORDER.
 - DEWATERING PRACTICES SHALL COMPLY WITH TECHNICAL STANDARD 1061.
 - ALL SLOPES EXCEEDING 20% (5:1) SHALL BE STABILIZED WITH A CLASS I, TYPE A URBAN EROSION MAT.
 - DUST CONTROL SHALL BE MITIGATED IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1068.
 - ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED IMMEDIATELY FOLLOWING FINAL GRADING ACTIVITIES.
 - SEED MIX AND RATE SHALL BE, AT A MINIMUM, IN ACCORDANCE WITH WDNR TECHNICAL STANDARD 1059.
 - TRACKED SOIL FROM THE SITE TO STREETS SHALL BE REMOVED AT THE END OF EACH WORKDAY OR AS DIRECTED BY THE CITY ENGINEER.

- INSTALL PERIMETER CONTROLS ON THE DOWNSLOPE SIDE OF STOCKPILES AND PROVIDE TEMPORARY SEEDING ON STOCKPILES WHICH ARE TO REMAIN IN PLACE FOR MORE THAN SEVEN (7) DAYS.
- BIORETENTION FACILITIES MUST BE USED AS A TEMPORARY SEDIMENT BASIN DURING CONSTRUCTION.
- GRADE FACILITY TO BOTTOM OF ENGINEERED SOIL MIX, PROVIDING A 3' DEEP SEDIMENT STORAGE SUMP DURING CONSTRUCTION.
- AFTER PLAT INFRASTRUCTURE CONSTRUCTION IS COMPLETE AND LOTS ARE RESTORED, REMOVE ACCUMULATED SEDIMENT AND EXCAVATE TO BOTTOM OF PEA GRAVEL LAYER.
- INSTALL PEA GRAVEL LAYER, UNDERDRAIN, ENGINEERED SOIL MIX, AND RESTORE WITH PLUGS.



- LEGEND**
- PROPERTY LINE
 - BUILDING SETBACK
 - PRO ASPHALT
 - PRO CONCRETE
 - EXISTING MINOR CONTOURS
 - EXISTING MAJOR CONTOURS (5-FT)
 - PROPOSED MINOR CONTOURS
 - PROPOSED MAJOR CONTOURS (5-FT)

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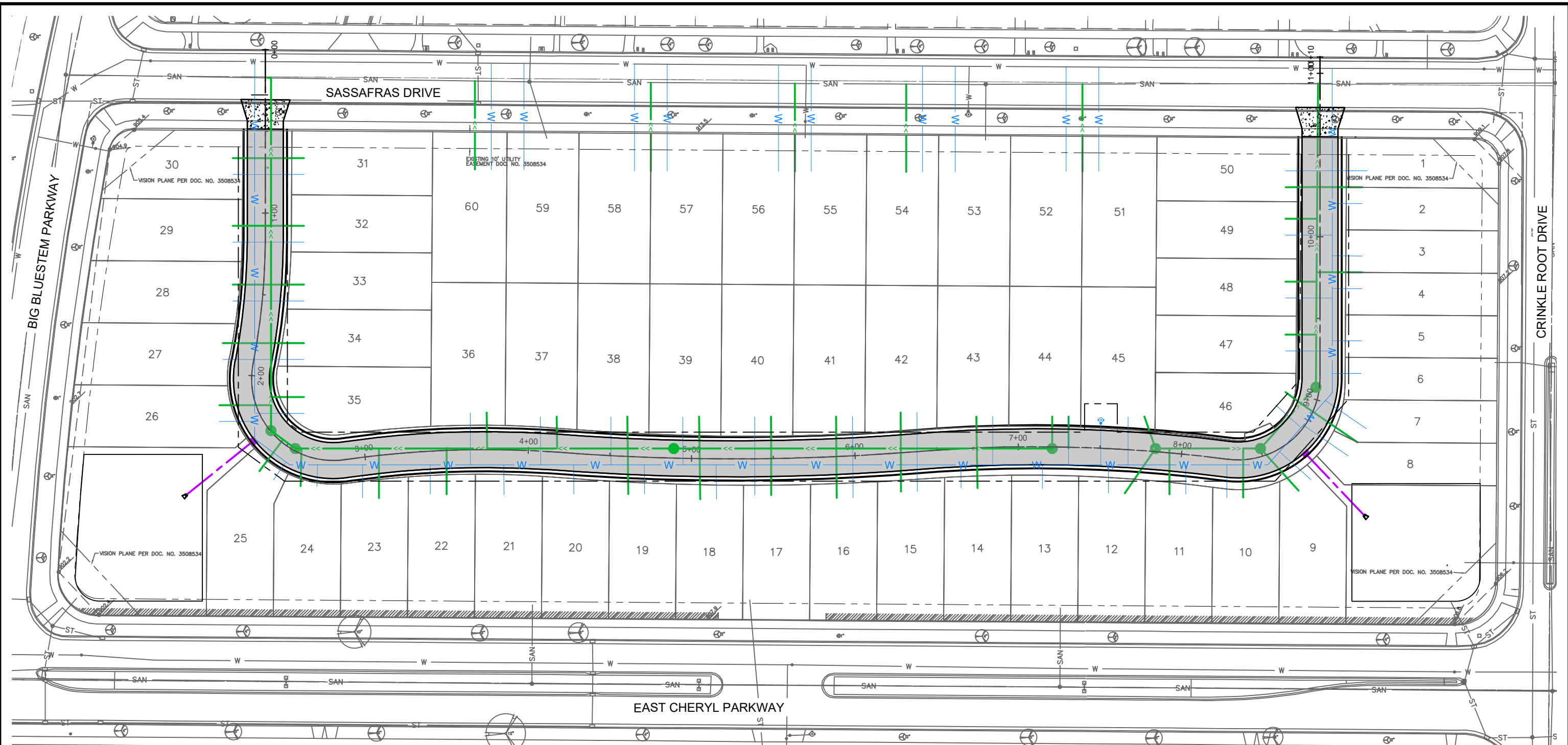
PROJECT DATE: #	DRAWN BY: AJM	NO. #	DATE #	BY #
	DESIGNED BY: AJM	#	#	#
	CHECKED BY: CKP	#	#	#

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INSPIRATION AT SWAN CREEK
 CITY OF FITCHBURG
 DANE COUNTY, WISCONSIN

SITE GRADING PLAN

PROJECT NO. 22281000
 SHEET C130

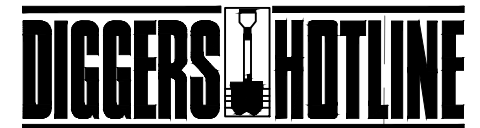
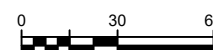


UTILITY PLAN NOTES

- PER CITY ORDINANCE, CONTRACTORS ARE NOT ALLOWED TO OPERATE CITY OWNED VALVES. THE CONTRACTOR SHALL CALL THE FITCHBURG UTILITY AT 270-4270 FOR OPERATION OF THESE VALVES 48 HOURS IN ADVANCE OF CONNECTION.
- SAFE SAMPLE RESULTS NEED TO BE PROVIDED TO THE FITCHBURG UTILITY PRIOR TO INSTALLING COPPER WATER SERVICES AND PRIOR TO PRESSURE TEST. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE EXISTING VALVES WILL HOLD THE PRESSURE TEST PRIOR TO CONNECTION. THE CITY IS NOT RESPONSIBLE FOR ANY COST INCURRED DUE TO THE CONTRACTOR NOT VERIFYING THAT THE EXISTING VALVE WILL HOLD THE PRESSURE TEST PRIOR TO CONNECTION. IF A NEW VALVE IS REQUIRED, THE APPLICANT WILL BE REQUIRED TO INSTALL ONE AT THEIR EXPENSE AT THE POINT OF CONNECTION.
- DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
- LENGTHS OF ALL UTILITIES ARE TO CENTER OF STRUCTURES OR FITTINGS AND MAY VARY SLIGHTLY FROM PLAN. LENGTHS SHALL BE VERIFIED IN THE FIELD DURING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY ALL ELEVATIONS, LOCATIONS, AND SIZES OF SANITARY, WATER AND STORM LATERALS AND CHECK ALL UTILITY CROSSINGS FOR CONFLICTS.
- THE PROPOSED IMPROVEMENTS MUST BE CONSTRUCTED IN ACCORDANCE WITH ENGINEERING PLANS DESIGNED TO MEET ORDINANCES AND REQUIREMENTS OF THE MUNICIPALITY AND WISDOT, WISDPS, AND WDRN.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR:
 - EXAMINING ALL SITES CONDITIONS RELATIVE TO THE CONDITIONS INDICATED ON THE ENGINEERING DRAWINGS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ENGINEER AND RESOLVED PRIOR TO THE START OF CONSTRUCTION.
 - OBTAINING ALL PERMITS INCLUDING PERMIT COSTS, TAP FEES, METER DEPOSITS, BONDS, AND ALL OTHER FEES REQUIRED FOR PROPOSED WORK TO OBTAIN OCCUPANCY.
 - VERIFYING UTILITY ELEVATIONS AND NOTIFYING ENGINEER OF ANY DISCREPANCY. NO WORK SHALL BE PERFORMED UNTIL THE DISCREPANCY IS RESOLVED.
- NOTIFYING ALL UTILITIES PRIOR TO THE INSTALLATION OF ANY UNDERGROUND IMPROVEMENTS. NOTIFYING THE DESIGN ENGINEER AND MUNICIPALITY 48 HOURS PRIOR TO THE START OF CONSTRUCTION TO ARRANGE FOR APPROPRIATE CONSTRUCTION OBSERVATION.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING THE ENGINEER WITH AS-BUILT CONDITIONS OF THE DESIGNATED IMPROVEMENTS IN ORDER THAT THE APPROPRIATE DRAWINGS CAN BE PREPARED. IF REQUIRED, ANY CHANGES TO THE DRAWINGS OR ADDITIONAL ITEMS MUST BE REPORTED TO THE ENGINEER AS WORK PROGRESSES.
- THE PRIME CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL CONSTRUCTION WITH OTHER CONTRACTORS INVOLVED WITH CONSTRUCTION OF THE PROPOSED DEVELOPMENT AND FOR REPORTING ANY ERRORS OR DISCREPANCIES BETWEEN THESE PLANS AND PLANS PREPARED BY OTHERS.
- ANY SANITARY SEWER, SANITARY SEWER SERVICES, WATER MAIN, WATER SERVICES, STORM SEWER, OR OTHER UTILITIES, WHICH ARE DAMAGED BY THE CONTRACTORS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AT THE CONTRACTOR'S EXPENSE.
- MINIMUM 6.5' COVER OVER WATER MAINS, UP TO AND INCLUDING HYDRANTS.
- GRANULAR BACKFILL MATERIALS ARE REQUIRED IN ALL UTILITY TRENCHES UNDER SIDEWALKS AND PROPOSED PAVED AREAS (UNLESS OTHERWISE SPECIFIED IN THE GEOTECHNICAL REPORT). ALL UTILITY TRENCH BACKFILL SHALL BE COMPACTED PER SPECIFICATIONS. ALL PAVEMENT PATCHING SHALL COMPLY WITH THE CITY OF FITCHBURG STANDARD SPECIFICATIONS AND ALL OTHER PATCHING REQUIREMENTS OF THE CITY. ADDITIONAL PAVEMENT MILLING AND OVERLAY MAY BE REQUIRED BY PERMIT.
- CONTRACTOR SHALL NOTIFY THE CITY OF FITCHBURG PUBLIC WORKS DEPARTMENT A MINIMUM OF 48 HOURS BEFORE CONNECTING TO PUBLIC UTILITIES.
- IN ACCORDANCE WITH ACT 425 OF THE WISCONSIN LEGISLATURE, LOCATED IN SECTION 182.075(2) OF THE STATE STATUTES AND OTHER APPLICABLE REQUIREMENTS, ALL NON-METALLIC BUILDING SEWER AND WATER SERVICES MUST BE ACCOMPANIED BY MEANS OF LOCATING UNDERGROUND PIPE. TRACER WIRE VALVE BOXES SHALL BE INSTALLED ON ALL LATERALS AND AS INDICATED ON THESE PLANS.
- ALL EXTERIOR CLEANOUTS SHALL BE PROVIDED WITH A FROST SLEEVE IN ACCORDANCE WITH SPS 382.35(5)(a) AND SPS 384.30(2)(c).
- ALL PRIVATE SANITARY BUILDING SEWER PIPE AND TUBING SHALL CONFORM TO SPS 384.30-3.
- SANITARY SEWER BETWEEN MH#1 AND MH#2 IS REQUIRED TO BE INSTALLED PER THE LATEST EDITION OF THE CITY OF FITCHBURG STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. SANITARY IS PUBLIC.
- ALL PRIVATE PIPE AND TUBING FOR WATER SERVICE SHALL CONFORM TO SPS 384.30-7.
- CONTRACTOR SHALL VERIFY AND COORDINATE ALL UTILITY CONNECTIONS WITH THE BUILDING PRIOR TO CONSTRUCTION.
- ALL CONNECTIONS TO PUBLIC WATER MAIN AND SANITARY MANHOLES SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF FITCHBURG STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- OPEN PICKHOLES ARE PROHIBITED IN SANITARY MANHOLES.
- PAVEMENT PATCH SHALL CONSIST OF:
 - 12" OF CRUSHED AGGREGATE BASE COURSE (8" OF 3" DENSE AND 4" OF 1-1/4" DENSE)
 - 4-1/2" ASPHALT PATCH
- WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE CITY OF FITCHBURG STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
- ALL SANITARY LATERALS SHALL BE 4" UNLESS OTHERWISE MARKED. 4" SANITARY LATERALS SHALL BE INSTALLED AT A 2% SLOPE.

LEGEND

- PROPERTY LINE
- UTILITY EASEMENT
- CONDO UNIT LINES
- PROPOSED WATER
- PROPOSED SANITARY
- PRO ASPHALT
- PRO CONCRETE



Dial 811 or (800) 242-8511

www.DiggersHotline.com

NOT FOR CONSTRUCTION

PROJECT DATE: #	NO.	DATE	REVISION	BY



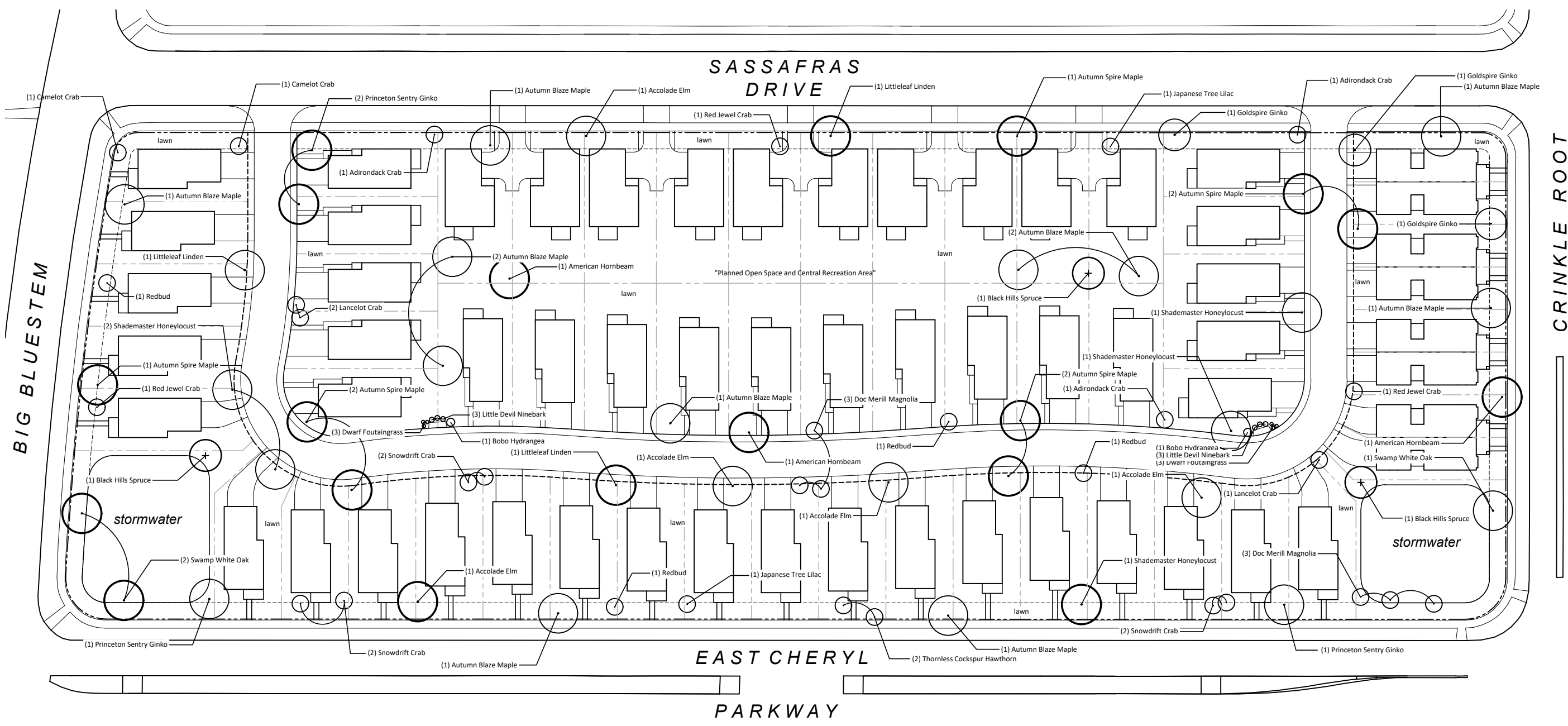
ENGINEERING | ARCHITECTURE | SURVEYING
 FUNDING | PLANNING | ENVIRONMENTAL
 1702 Pankratz St Madison, WI 53704
 (608) 242-7779 www.msa-ps.com
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INSPIRATION AT SWAN CREEK
 CITY OF FITCHBURG
 DANE COUNTY, WISCONSIN

SITE UTILITY PLAN

PROJECT NO.
22281000
 SHEET
C140

DATE	04-23-24
ISSUANCE/REVISION	
PLAN SUBMITTAL	



OVERALL LANDSCAPE PLAN

INSPIRATION AT SWAN CREEK
FITCHBURG, WISCONSIN

1 SPECIFIC LANDSCAPE TREATMENT PLAN

Scale: 1"=30'-0"

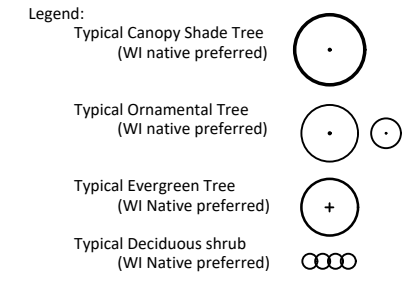
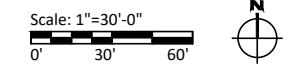
GENERAL LANDSCAPE NOTES:

- Individual tree and shrub groupings found within lawn areas are to receive wood mulch rings and/or wood mulch beds consisting of a mixture of recycled brown dyed wood mulch spread to a 3" min. depth over a pre-emergent herbicide.
- "Edging" to be professional grade polyethylene lawn edging available in 20' flat strips. Basis of Design: Valley View Black Diamond. Valley View Industries. (www.valleyviewind.com/professional/)
- All lawn areas shall be fine graded and installed with seed at a rate of 200lbs. per acre. Basis of Design: Supreme Lawn Seed Mix, Reinders Company (www.reinders.com/golfsoftgoods/reinmixtures.asp).
- Slope areas of 3:1 or greater and concentrated overland drainage channels shall be seeded with lawn seed mixture and overlaid with a single net, photo biodegradable straw blanket that is pegged with metal staples or biodegradable stakes.
- Perennials in mass bed plantings to be planted in staggered rows.
- Contractor is responsible for repairing any and all damage to the adj. properties. Planted areas shall be replanted, damaged lawn areas shall be repaired with sod and adjacent curbs and pavement shall be re-paved.
- Maintenance, watering and warranty of plants to extend for 12 months after project completion/acceptance. Maintenance, watering and warranty period for seed to extend 60 days from project completion/acceptance of installation.
- Contractor to install a stone maintenance edge around the building perimeter of all buildings. Maintenance edge to be locally available landscape stone installed to a depth of 4". Stone shall be contained by steel edging, typ. and stone shall be spread over a commercial grade weed barrier fabric, typ.
- Due to extensive utility easements around and through the site, Landscape Contractor responsible to call Diggers Hotline to locate all existing utilities prior to installation of landscaping near easements.

PROJECT PLANT SCHEDULE

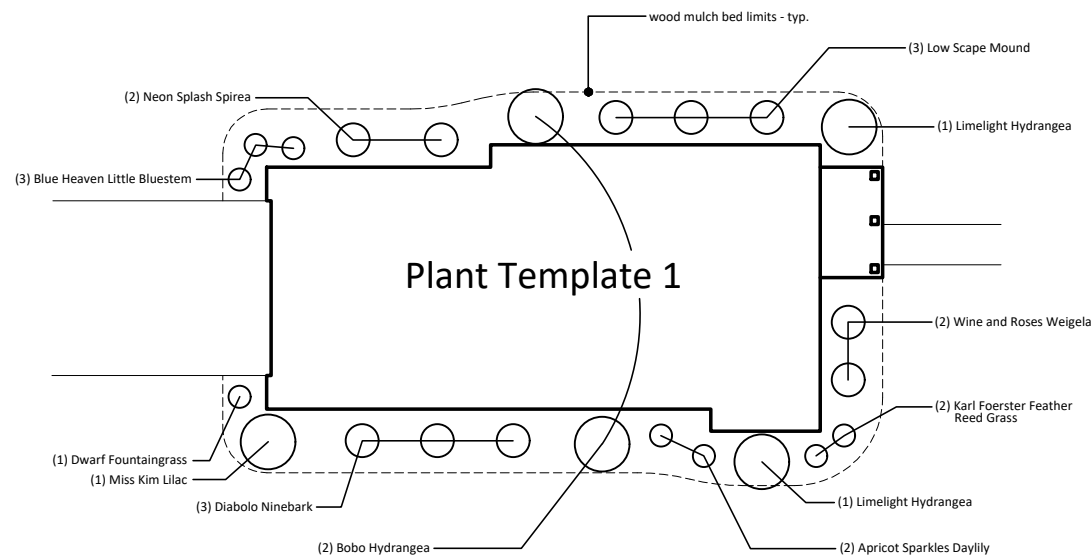
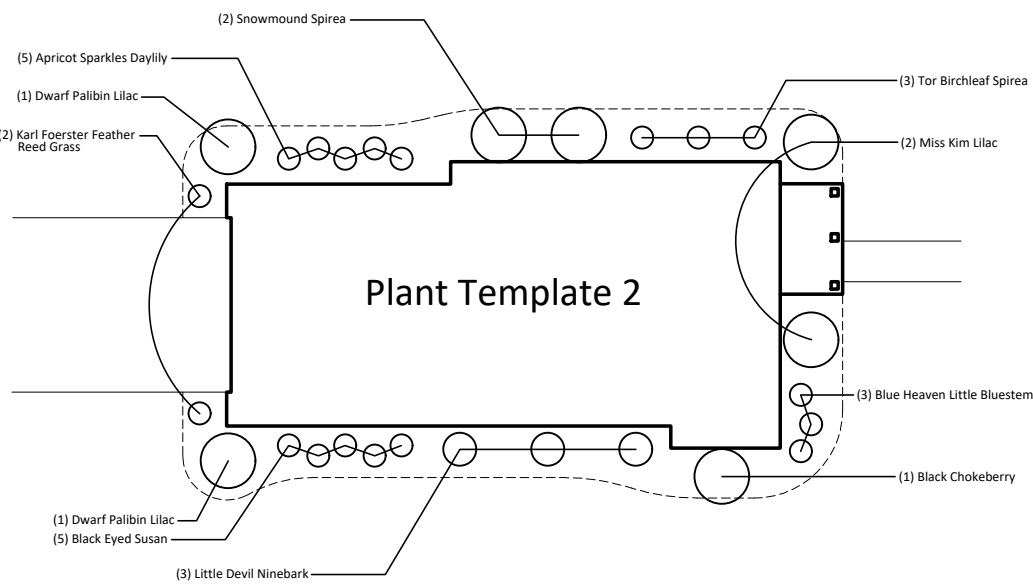
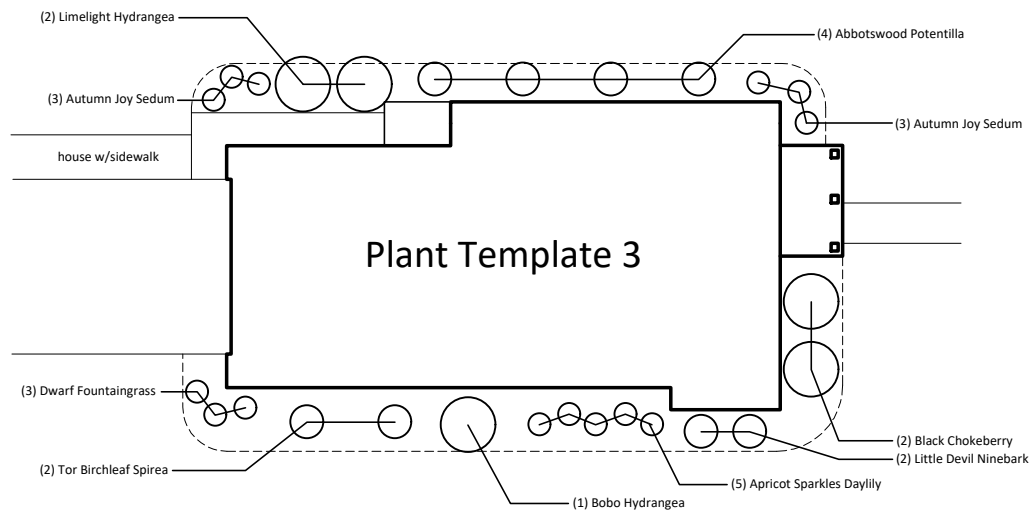
Shade & Ornamental Trees	
Autumn Brilliance Serviceberry	Amelanchier x grandiflora 'Autumn Brilliance'
Adirondack Crab	Malus 'Adirondack'
Shademaster Honeylocust	Gleditsia triacanthos var. inermis 'Skycole'
Red Jewel Crab	Malus 'Jewelcole'
Redbud (multi-stem)	Cercis canadensis
Accolade Elm	Ulmus 'Morton'
Doc Merrill Magnolia	Magnolia x loebneri 'Merril'
Camelot Crab	Malus 'Camelot'
Thornless Cocksaur Hawthorn	Crataegus crus-galli var. inermis
Autumn Blaze Maple	Acer x freemanii 'Jeffersred'
Lancelot Crab	Malus 'Lanzam'
Japanese Tree Lilac	Syringa reticulata
Goldspire Ginko	Ginkgo biloba 'Goldspire'
Swamp White Oak	Quercus bicolor
Snowdrift Crab	Malus 'Snowdrift'
American Hornbeam	Carpinus caroliniana
Littleleaf Linden	Tilia cordata
Autumn Spire Maple	Acer rubrum 'Autumn Spire'
Princeton Sentry Ginko	Ginkgo biloba 'Princeton Sentry'
Evergreen Trees	
Black Hills Spruce	Picea glauca var. densata
Douglas Fir	Pseudotsuga menziesii

2" cal.	Diabolo Ninebark	18" ht.
1 1/2" cal.	Neon Splash Spirea	18" ht.
2" cal.	Miss Kim Lilac	24" ht.
1 1/2" cal.	Wine and Roses Weigela	18" ht.
2" cal.	Limelight Hydrangea	24" ht.
2" cal.	Snowmound Spirea	18" ht.
5' ht.	Green Velvet Boxwood	18" ht.
1 1/2" cal.	Dwarf Palatin Lilac	24" ht.
2" cal.	Abbotswood Potentilla	18" ht.
1 1/2" cal.	Low Scape Mound	18" ht.
2" cal.	Little Devil Ninebark	18" ht.
2" cal.	PJM Rhododendron	18" ht.
Perennials and Grasses		
1 1/2" cal.	Karl Foerster Feather Reed Grass	1 gal.
2" cal.	Mary Todd Daylily	1 gal.
2" cal.	Black Eyed Susan	1 gal.
2" cal.	Stella De Oro Daylily	1 gal.
2" cal.	Autumn Joy Sedum	1 gal.
2" cal.	Dwarf Fountaingrass	1 gal.
2" cal.	Apricot Sparkles Daylily	1 gal.
2" cal.	Purple Coneflower	1 gal.
18" ht.	Physcarpus opulifolius 'Monlo'	
18" ht.	Spiraea japonica 'Neon Splash'	
18" ht.	Syringa patula 'Miss Kim'	
18" ht.	Weigela florida	
24" ht.	Hydrangea paniculata 'Limelight'	
18" ht.	Spiraea nipponica 'Snowmound'	
18" ht.	Buxus 'Green Velvet'	
24" ht.	Syringa meyeri 'Palatin'	
18" ht.	Potentilla fruticosa 'Abbotswood'	
18" ht.	Aronia melanocarpa 'Low Scape Mound'	
18" ht.	Physocarpus opulifolius 'Little Devil'	
18" ht.	Rhododendron x 'P.J.M.'	
1 gal.	Calamagrostis acutiflora 'Karl Foerster'	
1 gal.	Hemerocallis 'Mary Todd'	
1 gal.	Rudbeckia hirta	
1 gal.	Hemerocallis 'Stella De Oro'	
1 gal.	Sedum 'Herbstfreude'	
1 gal.	Pennisetum alopecuroides 'Hameln'	
1 gal.	Hemerocallis 'Apricot Sparkles'	
1 gal.	Echinacea purpurea	



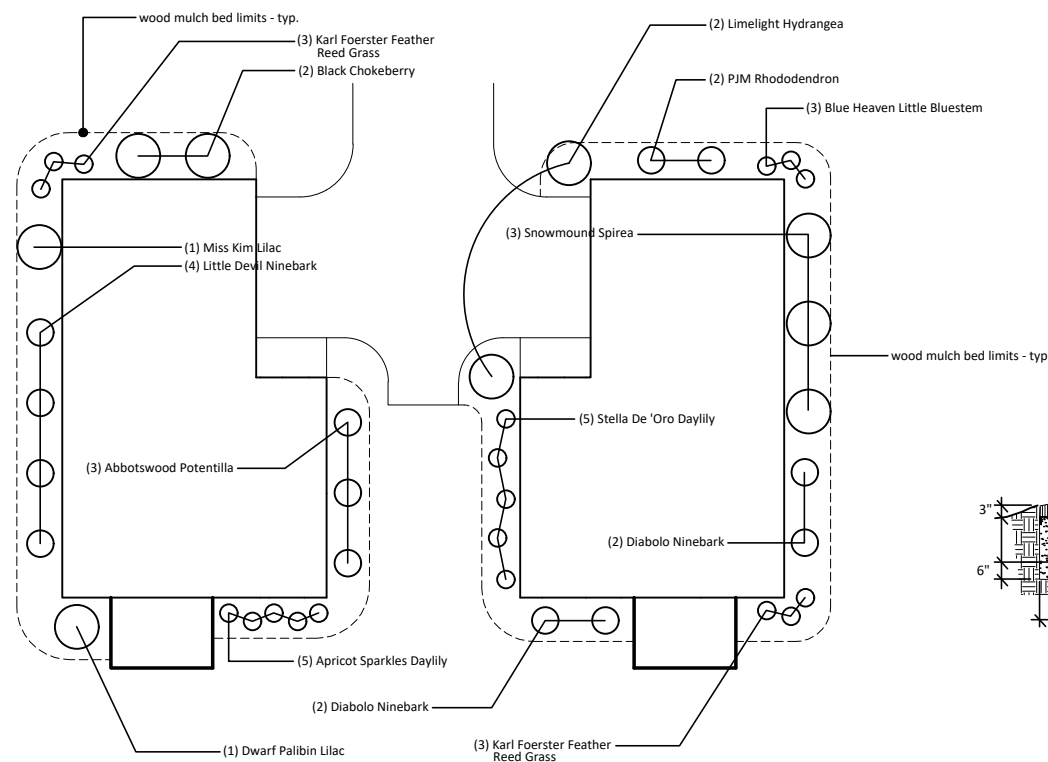
DIGGERS HOTLINE
Toll Free (800) 242-8511 -or- 811
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

L-1.1



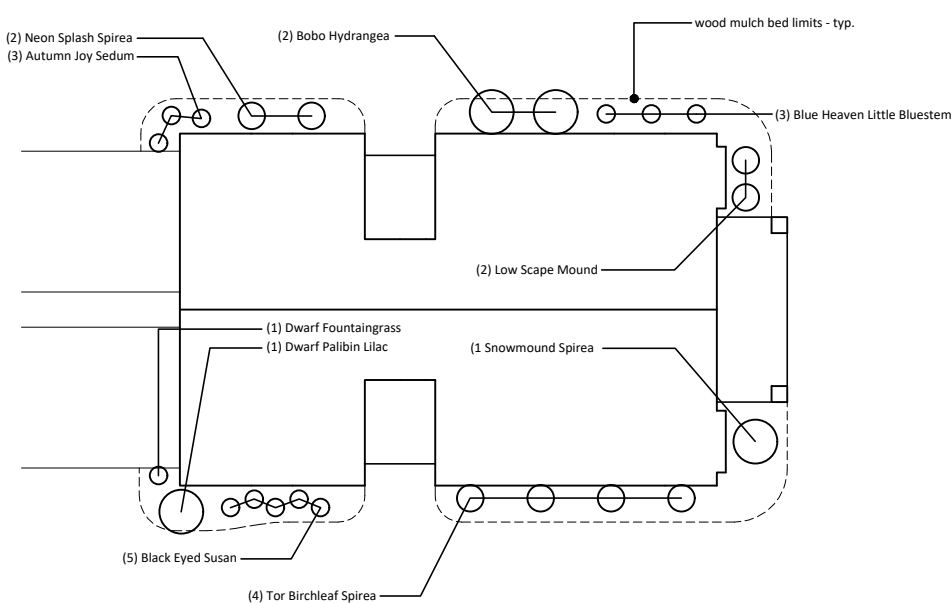
1 TYPICAL SINGLE UNIT LANDSCAPE EXAMPLES

Scale: 1/8"=1'-0"
 Notes: 1) Final plant selection to be based on final building footprint and orientation on site.
 2) Plantings to have wood mulch bed limits to extents as approx. shown



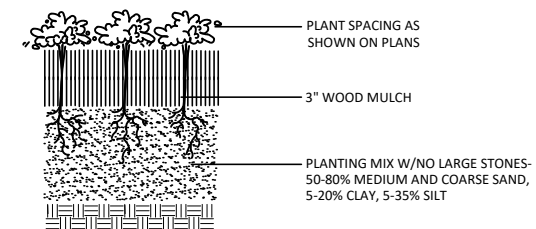
2 TYPICAL SINGLE UNIT (shared drive) EXAMPLE

Scale: 1"=10'-0"
 Notes: 1) Final plant selection to be based on final building footprint and orientation on site.
 2) Plantings to have wood mulch bed limits to extents as approx. shown



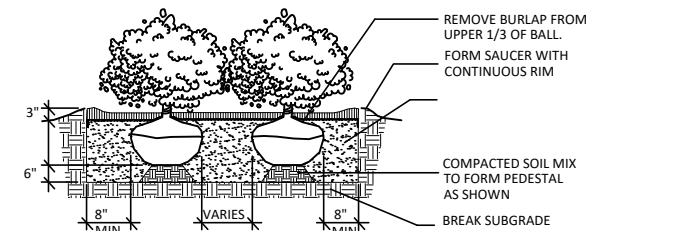
3 TYPICAL DOUBLE UNIT EXAMPLE

Scale: 1"=10'-0"
 Notes: 1) Final plant selection to be based on final building footprint and orientation on site.



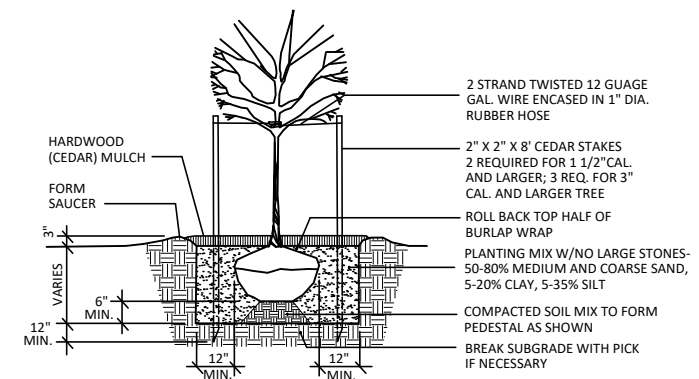
4 PERENNIAL PLANTING

NTS



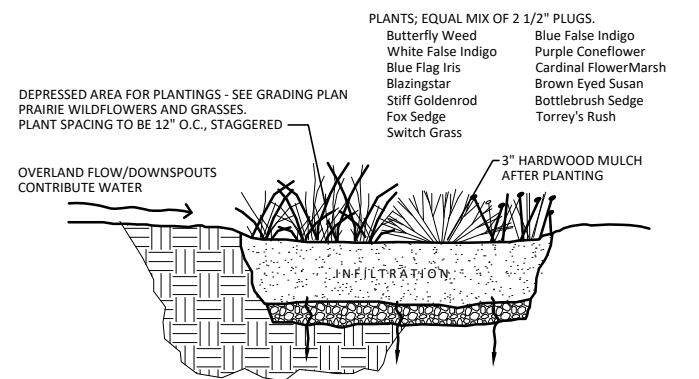
5 SHRUB PLANTING

NTS



6 TREE PLANTING

NTS



7 BIOINFILTRATION PLANTS

NTS

DATE	04-23-24
ISSUANCE/REVISION	
PLAN SUBMITTAL	

RE: Inspiration at Swan Creek - PDD-GIP Submittal (DRAFT)

Fred DeVillers <fred@forward-development.com>

Tue 4/23/2024 12:21 AM

To: Deanna Schmidt <Deanna.Schmidt@fitchburgwi.gov>

Cc: Hatfield, Deborah <dhatfield@msa-ps.com>

Deanna:

Thanks for the review. Very much appreciated.

I revised the narrative and sent it over to Debbie and Christine to compile with all the preliminary plans and other documents.

I've added some comments **below** for reference.

Thanks again for all your guidance,

Fred

Fredric A. DeVillers

C: (608) 220-6129

Fred@Forward-Development.com

Strive to make each path you encounter better than prior to your crossing.

From: Deanna Schmidt <Deanna.Schmidt@fitchburgwi.gov>

Sent: Monday, April 22, 2024 9:15 AM

To: Fred DeVillers <fred@forward-development.com>

Subject: Re: Inspiration at Swan Creek - PDD-GIP Submittal (DRAFT)

Hi Fred,

It is always helpful to have visuals with the application. Please include anything that you believe to be representative and accurate. **I added some photos of houses that I believe will be representative of what the builders will develop.**

Please include the site plan. **I added it with a note as to its revisions since the Comp Plan Minor Amendment submittal.**

Do you have any engineering drawings ready for review? **Yes, Christine sent me the preliminary site, grading and utility plans earlier this evening. I'll be red lining them for corrections.**

The zoning requirements will need more detail: **There will be considerable detail in the Protective Covenants, but I addressed what you've listed below in the revised narrative.**

Uses: ADUs? Office, Vocational uses....? **SFR and duplex residential uses only.**

Is the 10' the front setback from the street? **From the site's perimeter property line adjacent to the public streets.**

Will the condo documents further detail rear and side setbacks from the condo lines? **Yes, but I provided some initial guidance in the revised narrative.**

Maximum ISR is 65% and the minimum open space is 30%. What makes up the remaining 5%? **Debbie reminded me today that the maximum impermeable surface area is 54%. I revised this in the narrative and added the as designed impervious and permeable open space in the revised narrative.**

How will patios and decks be addressed? **Required to be within the building setbacks. I discussed this in the narrative but there will be language in the Protective Covenants.**

Chickens? Bees? **No, just domesticated pets and caged / tanked animals. I discussed this in the narrative but there will be language in the Protective Covenants.**

Do you know what the current median new home sales price in Fitchburg is? Just might be a good reference to have. **I revised the market value with the statistical averages for both SFRs and Duplex units.**

Thanks,
d

Deanna Schmidt, AICP
City Planner & Zoning Administrator

City of Fitchburg

5520 Lacy Road

Fitchburg, WI 53711

deanna.schmidt@fitchburgwi.gov

608-270-4255



From: Fred DeVillers <fred@forward-development.com>
Sent: Monday, April 22, 2024 12:02 AM
To: Deanna Schmidt <Deanna.Schmidt@fitchburgwi.gov>
Subject: Inspiration at Swan Creek - PDD-GIP Submittal (DRAFT)

EXTERNAL EMAIL: BEWARE OF UNKNOWN ATTACHMENTS AND LINKS.

Deanna:

Thanks for the discussion last Thursday when I delivered the signed and notarized Swan Creek Comprehensive Development Plan Amendment #2. Attached for your review if you have availability, is the draft PDD-GIP. Since the colored 3D architectural renderings of the Basis Of Design house depicted on the site plan are not completed to a level of detail I believe are worthy, I did not include them. However, if you would prefer to have some images included, let me know and I can add some representative front elevations of similar homes that should be very representative of what I anticipate the builders to develop. I did note that GIP narrative that I submitted in 2021 did not include any architectural discussion. The architectural details were discussed in the SIP submittal. I did add a discussion referencing the drafting of Protective Covenants specifically for the Inspiration at Swan Creek project as we discussed last Thursday.

Thanks for your support and guidance throughout this project's process.

I very much appreciate it.
Best regards,
Fred

Fredric A. DeVillers

C: (608) 220-6129

Fred@Forward-Development.com

Strive to make each path you encounter better than prior to your crossing.

The information contained in this communication, including any attachments or website links, may be confidential and is intended only for the sole use of the intended recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please return it to the sender immediately and delete the original message and any copy of it from your computer system. If you have any questions concerning this message, please contact the sender.



Think Green. Print this email only if you absolutely need to. Thanks!

LOT 1, CERTIFIED SURVEY MAP NUMBER 13827, AS RECORDED IN VOLUME 91 OF CERTIFIED SURVEY MAPS, ON PAGES 271-273, AS DOCUMENT NUMBER 5104760, DANE COUNTY REGISTRY, LOCATED IN THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 06 NORTH, RANGE 09 EAST, CITY OF FITCHBURG, DANE COUNTY, WISCONSIN.



DocId:10077569
Tx:9356792

**AGREEMENT FOR
SUBDIVISION IMPROVEMENTS
IN THE INSPIRATION AT SWAN CREEK CSM**

**City of Fitchburg, Dane County
Wisconsin**

This Agreement, executed in two (2) or more originals, is entered into as of this 9th day of November, 2021, by and between IP Holdings, LLC and each partnership jointly and severally, hereinafter referred to as "Subdivider", and the City of Fitchburg, a Wisconsin municipal corporation, hereinafter referred to as the "City":

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5791314
11/22/2021 02:09 PM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 13

Recording Area

Return to:

City Clerk
City of Fitchburg
5520 Lacy Road
Fitchburg, WI 53711

Parcel Number:
225/0609-113-0117-2

Legal Description: Lot 1 of CSM 13827, City of Fitchburg, Dane County, Wisconsin.

WITNESSETH

WHEREAS, CSM 13827 is recorded, herein referred to as "Plat"; and

WHEREAS, Chapter 24 of the General Code of Ordinances of the City of Fitchburg, hereinafter referred to as the "Ordinance", requires, among other things, that Subdivider agree to make and install all necessary public improvements, including, but not limited to, sanitary sewers, water mains, and lot stakes and that said improvements be constructed by the Subdivider to City standards and dedicated to the City without cost to the City; and

WHEREAS, the Ordinance requires that as a condition of plat approval adequate public sites, open spaces, park, and recreation areas with suitable street frontage be improved and dedicated to the City or that certain fees be paid to the City in lieu of such improvements and dedication.

NOW, THEREFORE, in consideration of the above recitals, which are incorporated by reference, the mutual covenants hereinafter set forth, the approval of the Plat by the City, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby mutually agree:

R-165.21

13

Section 1

Required Improvements

1.01 Sanitary Sewers

- (1) Subdivider shall submit to the City Engineer, Wisconsin Department of Natural Resources, Capital Area Regional Planning Commission, and Madison Metropolitan Sewerage District, if required, for review and approval, plans and specifications for sanitary sewers, complete with laterals and appurtenances, thereto in accordance with the Ordinance and Section 40-627 of the City's General Code of Ordinances.
- (2) After all required approvals have been obtained, the Subdivider shall, without cost to the City and in accordance with the Schedule set forth in Section 2.01 of this Agreement, construct sanitary sewers in the Plat, complete with laterals and appurtenances, in accordance with the approved plans and specifications.
- (3) Subdivider shall pay any Madison Metropolitan Sewerage District charges, Syene Interceptor charges, and assessments against the Plat to the Fitchburg Utility District No. 1 of the City of Fitchburg prior to commencing any construction in the Plat.
- (4) Easements for sewer mains within the Plat shall be dedicated to the City by the Subdivider. Easements for sewer mains not located in rights-of-way shall be centered on the pipe and have a minimum width of 20 feet.
- (5) Subdivider shall abandon all unused sanitary laterals per City requirements.

1.02 Water Improvements

- (1) Subdivider shall submit to the City Engineer and, if required, to Wisconsin DNR and Department of Commerce for approval, plans and specifications for water mains, complete with laterals and appurtenances, thereto in accordance with the Ordinance and Section 40-275 and 40-276 of the City's General Code of Ordinances.
- (2) After all required approvals have been obtained, Subdivider shall, without cost to the City and in accordance with the schedule set forth in Section 2.01 of this Agreement, construct water mains throughout and to serve the Plat, complete with laterals and appurtenances thereto, in accordance with the approved plans and specifications.
- (3) Water mains shall be looped or connected to existing mains as required to service Plat.

- (4) Easements for water mains within the Plat shall be dedicated to the City by the Subdivider. Easements for water mains not located in rights-of-way shall be centered on the pipe and have a minimum width of 20 feet.
- (6) Subdivider shall abandon all unused water laterals per City specifications.

1.03 Grading

- (1) Subdivider shall submit to the City Engineer for review and approval, grading plans and specifications to provide positive drainage of the Plat as well as drainage in the flow directions as depicted on the Plat.
- (2) After approval of the plans and specifications by the City Engineer, Subdivider shall, without cost to the City and in accordance with the schedule set forth in Section 2.01 of this Agreement, grade the Plat in accordance with the approved plans and specifications.

1.04 Erosion Control

- (1) Subdivider shall submit an application for storm water and erosion control in the Plat to the City Engineer pursuant to Chapter 30 of the City's General Code of Ordinances for review and issuance of a permit. No work shall commence until such permit is issued.
- (2) After the City Engineer has issued a permit and before any land surface disturbances are made in the Plat, Subdivider shall, without cost to the City, provide all erosion control measures in accordance with the approved plans and specifications. Erosion control measures shall be maintained, repaired, and/or replaced so they continue to function as designed until permit closure.
- (3) Temporary basins, stone weepers, sediment netting, and similar erosion control devices shall be installed by Subdivider during construction as directed by the City Engineer. All temporary devices shall be maintained by the Subdivider.
- (4) Before constructing any temporary device, the Subdivider shall file plans with the City Engineer for approval. No erosion control facility shall be constructed by the Subdivider unless approved by the City Engineer.
- (5) If the method of erosion control fails, the Subdivider shall clean up the materials which have been displaced and repair or replace the method of control which has failed prior to construction of additional improvements to the Plat.
- (6) All areas of the Plat shall be properly and promptly fine graded and restored upon completion of the necessary grading.

1.05 Electric, Communications and Gas Facilities

- (1) Prior to commencing construction of any required electric, gas or communication utilities, the Subdivider shall submit the construction schedule to the City Engineer for review and approval and shall furnish proof that such arrangements as may be required under applicable rates and rules filed with the Wisconsin Public Service Commission have been made with the owner or owners of the utility lines or services for placing their respective facilities underground.
- (2) All new electric distribution lines (excluding lines of 14,400 volts or more), all new telephone lines from which lots are individually served, all new communication lines, television cables and service installed within the Plat shall be underground unless a waiver is obtained from the City Plan Commission in accordance with Section 24-10 (e) of the Ordinance.
- (3) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes, may be located above ground at rear lot lines. All electric and communication systems requiring above ground appurtenances within 25 feet of public right of ways or outlots, shall submit a plan and obtain approval from the City Engineer prior to installation.
- (4) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the Subdivider, prior to the installation of such facilities, and prior to placement of base course. Earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the Plat. Subdivider shall record a Plat restriction prohibiting disturbance of finished grade of utility easements by more than six (6) inches without consent of the City Engineer and Utilities.
- (5) All underground utilities in street right-of-way shall be installed prior to construction of street improvements. Provision must be made for mechanical compaction of all underground utility ditches or trenches situated within a street right-of-way or within a dedicated outlot.

Section 2

Construction Schedule

2.01 Public Improvements

- (1) **Installation Deadline.** Subdivider shall commence and complete installation of required public improvements in the Plat within 18 months of the recording of this Agreement:

- (2) **Contractor Acknowledgment.** The following notation shall be included in the Agreement section of the Contract Documents: The Subdivider acknowledges by signing this Agreement that NO paving on public streets shall occur after October 31. The public improvements for this Plat will not be accepted by the City unless all the improvements are installed and all punchlist items are complete.
- (3) **Land Conveyance.** No lot or future buildable outlot may be conveyed until public improvements as outlined in this Agreement have been installed and accepted by the City or a letter of credit or surety identified in Section 5 has been posted with the City Engineer for 120% of the costs of public improvements for the lot being conveyed. No building permits can be issued for any lot in the Plat until substantial completion as defined in Wis. Statute 236.13.

2.02 Commencement of Construction

Subdivider shall not commence construction of the required improvements for any phase of the Plat prior to the time that:

- (1) Copies of all contracts for the construction and installation of the required improvements have been filed with the City Engineer.
- (2) A proposed construction schedule for the required improvements has been submitted to, reviewed, and approved by the City Engineer.
- (3) A copy of this Agreement, duly executed by the Subdivider and the City, has been filed in the office of the City Planner/Zoning Administrator and recorded with the Dane County Register of Deeds.
- (4) The required security described in Section 4 has been approved by the Mayor as to sureties and City Attorney as to form and filed with the City Clerk.
- (5) The required sewer fees identified in 1.01(3) have been paid to the Fitchburg Utility.
- (6) The construction plans have been submitted to, reviewed, and approved by the City Engineer. City plan approval is only valid for 12 months.
- (7) All required approvals have been obtained with copies sent to the City Engineer.
- (8) All required fees imposed under Sec. 24-15 of the Ordinance have been deposited with the City Zoning Department or City Clerk.
- (9) A preconstruction meeting has been held with the City, Subdivider, contractor, consultant, and utilities present.

2.03 Construction Submittals and Requirements

Subdivider shall submit to the City the following:

- (1) **Record Drawings.** One set of 24" x 36" Mylar drawings and a digital file of the record drawings shall be submitted to the City within three (3) months of acceptance of the work in accordance with the latest edition of the City of Fitchburg Standard Specifications for Public Works Construction. If record drawings are not submitted within the specified time frame, the City reserves the right to restrict commencement of subsequent project phases and/or assess the Subdivider for actual expenses incurred for creation of such drawings. Pipe/structure tables shall be provided on the plan and profile sheet the pipe/structure is depicted on. Drainage record drawings (showing lot corner elevations and other pertinent elevation information) as 11" x 17" digital files.
- (2) **Plant Value Submissions.** A copy of final construction costs, broken down per item, shall be submitted to the City by December 15 of the year the construction is completed.
- (3) **Construction Survey Benchmarks.** A location map with benchmark descriptions and elevations shall be delivered to the City within three (3) months of acceptance of the work. Elevations shall be in English units (feet) utilizing USGS elevations.
- (4) **Property Iron Markers.** Subdivider shall confirm that all property irons required for the plat are installed. Subdivider shall replace all missing property irons required within the plat and remove all property irons that are no longer necessary.
- (5) **Utility Locating.** Subdivider shall mark all public utilities in the field, per Digger's Hotline requirements, after all public improvements are constructed and prior to acceptance of public improvements. Subdivider is responsible for locating all public utilities until the City receives and approves the record drawings. If public infrastructure is damaged as a result of unmarked utilities, prior to the City approving the record drawings, they shall be repaired at Subdivider's expense.

Section 3

Recreation, Parkland, and Open Space

3.01 Parkland Dedication and Park Improvement Fees

Fee in lieu of parkland dedication and the park improvement fees have been paid for this development.

Section 4

Maintenance of Land within Plat

4.01 Mowing of Lots

Subdivider shall cause all Subdivider owned lots and outlots to be mowed to height of 6 inches or less at least 3 times a year. Mowing shall occur at the following approximate times: mid-to-late May, July, late August to early September. The City Engineer or Fire Chief may require more frequent mowing if the Engineer or Fire Chief determines a health, safety or sanitary hazard exists which requires more frequent mowing.

Section 5

Security for Performance

5.01 Security to be Furnished Prior to Start of Construction

At the time of entering into this Agreement, the Subdivider shall file an acceptable irrevocable letter of credit, a bond, or other certified funds with the City in an amount equal to 120% of the estimated total cost to complete the required public improvements as approved by the City Engineer. Upon substantial completion of construction of the required improvements, as defined under Wis. Stats. §236.13(2)(am)2 and submittal to the City Engineer of proof of payment to contractors, the City Engineer shall release 90% of the security furnished hereunder during the fourteen -month guarantee period as provided in Section 5.03 except with respect to any uncompleted work. Security for the Plat shall be agreed to and posted prior to commencement of any construction in the Plat.

Notwithstanding anything to the contrary, if the Subdivider and the City enter into a Tax Incremental Financing Developer Agreement that provides for a reduction of any Tax Incremental Financing payments due to the Developer in the event the Subdivider does not complete the required public improvements or necessary repairs during the Guarantee Period defined below, then the requirement that the Subdivider must furnish security pursuant to this section shall not apply.

5.02 Security to Guarantee Payment and Performance

The security furnished pursuant to Section 5.01 of this Agreement, whether for Phase I or subsequent phases of the Plat, shall guarantee that each and every phase of construction will be completed in accordance with the schedule established in Section 2.01 of this Agreement, that the work will comply with the approved plans and specifications, and that all obligations of the Subdivider to the City under this Agreement and to the contractors, subcontractors, laborers and materialmen will be fully paid and timely met.

5.03 Guarantee of Finished Work

The security furnished pursuant to Section 5.01 shall be held to guarantee all required improvements against defects in workmanship and materials. If any defects appear during the period of the guarantee, the Subdivider shall, at its expense, install replacements or perform acceptable repairs. In the event that the Subdivider fails to install the required replacements or perform the repairs, the City may do so and deduct the cost thereof from the security. Unless defects have appeared and have not been repaired, the City will release all remaining security to the Subdivider upon expiration of the guarantee period; provided the security furnished on completion of the final asphalt layer of streets, including the cost of the work plan, plus 10% shall not be released sooner than fourteen-months from the date of substantial completion as defined under Wis. Stats. §236.13(2)(am)2. If any defect is discovered during such fourteen-month period, the security retained shall not be released until all required replacements and repairs have been performed and acknowledged by the City Engineer to be in accordance with this Agreement and the Ordinance.

- (1) **Guarantee Period.** The guarantee period shall be fourteen (14) months from substantial completion as defined under Wis. Stats. §236.13(2)(am)2.

Section 6

Miscellaneous Provisions

6.01 Qualifications of Contractors

Only contractors who submit proposals which meet the plans and specifications previously approved by the City Engineer shall be engaged for the installation and construction of the required improvements.

6.02 Acceptance of Improvements

All public improvements required under Section 1 shall be completed, inspected, and approved by the City Engineer, and accepted by the City Council.

6.03 Awarding of Contracts for Construction

The Subdivider shall not award any contract for the construction of the required improvements until all bids have been submitted to, reviewed, and approved by the City Engineer as meeting the requirements of Section 6.01.

6.04 City Engineering, Inspection, Testing, Consulting and Legal Fees and Expenses

Subdivider shall pay all engineering, inspection, testing, consulting and legal fees and expenses incurred by the City arising out of or in any way related to the Plat and Article 3 Plan. Payments shall be made within 30 days of the City's billing date.

6.05 Infrastructure Inventory Updates

Subdivider shall pay for all costs relating to the GIS system and water model for infrastructure data added as a result of this Plat.

6.06 City designated Holidays

No work shall take place within the Plat on City designated Holidays and on days designated by the City as non-workdays for City designated Holidays.

6.07 Agreement Not Construed as Waiver of Land Division & Other City Ordinances

Except as herein specifically provided, nothing set forth in this Agreement shall be construed as intended to be a waiver or release of any obligations imposed upon the Subdivider by the Ordinance or the City's Code of Ordinances.

6.08 Amendments

The parties may amend this Agreement by express mutual written agreement for any phase of the Plat.

6.09 Breach

In the event of breach of this Agreement, or any part thereof, by either party or their contractors, sureties or agents, the defaulting party agrees to pay all reasonable engineering, inspection, consulting and legal fees or expenses incurred by the non-defaulting party as a result of such default.

6.10 Agreement Binding on Heirs and Assigns of Parties

This Agreement shall be binding upon the Subdivider jointly and severally, upon their personal representatives and heirs, and upon the successors and assigns of all parties hereto.

6.11 Assignment Only with Express Written Approval

This Agreement shall not be assigned by any party without express written approval of the other party which shall not be unreasonably withheld.

6.12 Entire Agreement

This Agreement, consisting of thirteen (13) pages and executed in two counterparts, each one of which shall constitute an original for all purposes, contains the entire agreement of the parties and shall not be modified, amended, or extended except by express written agreement duly executed by all parties hereto.

6.13 Recording

A fully executed original of this Agreement shall be recorded by the Subdivider and proof of such recording filed with the City Clerk. Upon acceptance by the Common Council of the City of all the improvements described in this Agreement, and upon all conditions precedent to such acceptance being met, and upon the 14 month guarantee period referred to in Section 5.03 having expired, the City agrees to execute, acknowledge and deliver to the Subdivider, in recordable form, a certificate of termination providing that all of the Subdivider's obligations under this Agreement have been met and that this Agreement is hereby terminated.

6.14 General Provisions

- (1) If any part, term, or provision of this Agreement is held by the courts to be illegal or other wise unenforceable, such illegality or unenforceability shall not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the part, term, or provision was never part of this Agreement.
- (2) Nothing contained in this Agreement constitutes a waiver of the City's sovereign immunity under applicable law.
- (2) The Subdivider hereby warrants to being now lawfully seized and possessed of the real estate to be improved pursuant to this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 9th day of November, 2021.

By: Aaron Richardson
Aaron Richardson, Mayor

By: Tracy Oldenburg
Tracy Oldenburg, City Clerk

STATE OF WISCONSIN) ss.
COUNTY OF DANE)

Personally came before me this 9th day of November, 2021, the above-named Aaron Richardson and Tracy Oldenburg, to me known to be the Mayor and City Clerk of the City of Fitchburg and the persons who executed the foregoing instrument and acknowledged the same.

Jami A. Erickson

Notary Public, State of Wisconsin
Printed Name of Notary: Jami A. Erickson
My Commission Expires: 5/28/2024



SUBDIVIDER(S): IP Holdings LLC

By: [Signature]
President

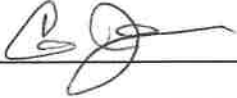
5210 S GREGORY ROAD
Address

By: [Signature]
Secretary

MADISON, WI 53718
City, State, Zip

STATE OF WISCONSIN) ss.
COUNTY OF DANE

Personally came before me this 3rd day of November, 2021, the above named
Frederic A. Devillens to me known to be the
Managing Member of FP Holdings, LLC and the
persons who executed the foregoing instrument and acknowledged the same.



Notary Public, State of Wisconsin
Printed Name of Notary: Christy Jackson
My Commission Expires: 03/15/2025



Drafted by: City of Fitchburg, Wisconsin, Department of Public Works

EXHIBIT A
Location Map

