

**Swan Creek of Nine Springs
Comprehensive Development Plan
Amendment #2**

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5958402
04/24/2024 10:21 AM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 15

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

Parcel No's:
225/0609-113-0117-2

Legal Description:

Lot 1 of CSM 13827

R-40-24

15

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15

Consent of the Property Owner

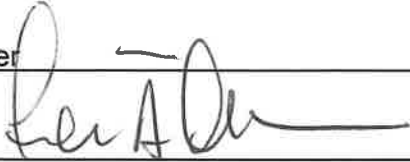
Name: IP Holdings, LLC

Date: Wed., 4/17/2024

Authorized Agent:

Name: Fredric A. DeVillers

Title: Manager

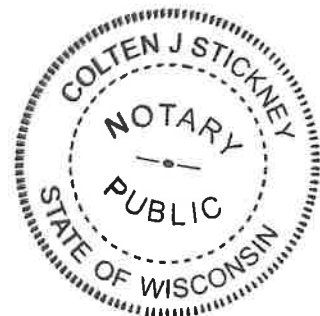
Signed: 

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally, came before me this 17th day of April, 2024, the
above named Fredric A. DeVillers to me known to
be Manager, of IP Holdings, LLC and the person
who executed the foregoing instrument and acknowledged the same.


Notary Public, State of Wisconsin

Printed Name of Notary Public Colten J. Stickney
My Commission Expires: 09/07/2024



Drafted by the City of Fitchburg Planning Department

Mayor Arata-Fratta
Introduced by

Planning
Prepared by

Plan Commission
Referred to

February 20, 2024
Date

RESOLUTION R-40-24

APPROVING COMPREHENSIVE DEVELOPMENT PLAN REQUEST CDP-2532-24 BY FRED DEVILLERS, AGENT FOR IP HOLDINGS LLC, TO AMEND THE SWAN CREEK COMPREHENSIVE DEVELOPMENT PLAN TO ALLOW THE CONSTRUCTION OF 60 HIGH-DENSITY UNITS IN THE SWAN CREEK DEVELOPMENT ON PROPERTY LOCATED AT THE CORNER OF E CHERYL PARKWAY AND CRINKLE ROOT DRIVE ON LOT 1 OF CSM 13827

WHEREAS, Fred DeVillers, Agent for IP Holdings LLC, to Amend the Swan Creek Comprehensive Development Plan to Allow the Construction of 60 High-Density Units in the Swan Creek Development on Property Located at the corner of E Cheryl Parkway and Crinkle Root Drive on Lot 1 of CSM 13827; and

WHEREAS, the Plan Commission has reviewed and recommended approval of the Comprehensive Development Plan amendment with the following conditions; and

NOW BE IT HEREBY RESOLVED, by the Fitchburg Common Council that it herewith approves CDP-2532-24 with the following conditions:

1. *No other approval or permit is waived or deemed satisfied except for the approval provided herein.*
2. *The CDP shall be recorded within 30 days of common council approval. No future major change in a recorded CDP may be made without approval. Future development applications shall be consistent with the recorded CDP.*
3. *The developer's engineer shall work with Public Works on the design of the public water main and sanitary sewer to service the proposed development.*
4. *All public mains, hydrants, and water services shall be within easement that extend 10' on all sides of the public infrastructure.*
5. *Public water mains are required to be looped.*
6. *The developer shall enter into an amendment to the subdivision improvement agreement with the City due to the lapse of time and to address additional requirements.*
7. *Driveways are prohibited off East Cheryl Parkway.*

Adopted this 9th day of April, 2024.



Julia Arata-Fratta Mayor



Tracy Oldenburg, City Clerk



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

LDIV-24-2

Land Division Conditions of Approval

- 1. Project Name:** Swan Creek CDP Amendment
- 2. Location:** 43.0073, -89.4014
- 3. Permit Request No.:** CDP-2532-24
- 4. Resolution No.:** R-40-24
- 5. Decision Date:** February 20, 2024
- 6. Type of Action Requested:** Comprehensive Development Plan Approval
- 7. Zoning District:** PDD-SIP
- 8. Legal Description:** Lot 1 CSM 13827

Zoning Conditions

1. No other approval or permit is waived or deemed satisfied except for the approval provided herein.
2. The CDP shall be recorded within 30 days of common council approval. No future major change in a recorded CDP may be made without approval. Future development applications shall be consistent with the recorded CDP.
3. The developer's engineer shall work with Public Works on the design of the public water main and sanitary sewer to service the proposed development.
4. All public mains, hydrants, and water services shall be within easement that extend 10' on all sides of the public infrastructure.
5. Public water mains are required to be looped.
6. The developer shall enter into an amendment to the subdivision improvement agreement with the City due to the lapse of time and to address additional requirements.
7. Driveways are prohibited off East Cheryl Parkway.



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

LDIV-24-2

Land Division Feedback Letter

Issued to: Fredric DeVillers

Issued Date: February 5, 2024

This feedback letter contains the comments from our internal departments in regards to your recently submitted Land Division Application.

Please read through the feedback and attach any adjusted materials to the form in our OpenGov portal. Also submit an explanation of the changes you've made in a separate attachment.

We require response to feedback to be submitted within 1 week of issuing of this letter. Response added by Fred DeVillers, 2/8/2024.

Only feedback with a status of Open needs a response.

Planning & Zoning Comments

<u>Submitted by</u>	<u>Date</u>	<u>Status</u>	<u>Comment</u>
Planning	02/01/2024	Open	<p>1. Please be prepared to provide an overview of your proposal to the Plan Commission and to be available for questions. In-person or virtual attendance for applicants is permitted. Be sure to contact Deanna Schmidt or Zack in the Planning office for virtual attendance registration in advance of the meeting. Understood.</p> <p>2. Please describe any neighborhood outreach and feedback received. I contacted the Swan Creek HOA board to inquire of the best weekday night to hold a neighborhood meeting, and then scheduled the neighborhood meeting for Th, 1/18/2024. The only feedback I received in writing is what Mayor Julia Arata-Fratta shared with Chad Brecklin, and Deanna Schmidt forwarded to me via email:</p> <ul style="list-style-type: none"> • I like the open field. • Hate to see houses there. • More potential than cramped homes / apartments. • Prefer a community pool. • Concerned about traffic. • Tiny houses will not blend in with our neighborhood. • Why not build in downtown Fitchburg near 14? • 67 homes are too much, not possible. <p>Much of the discussion during the neighborhood meeting was not relevant to the project since it didn't reflect the land use or site planning. There was a comment about traffic on Sassafra and the existing invasive species of trees that were directly associated with the project. A traffic analysis is being performed. The rest of the discussion was about a grocery store, the Veridian Uptown Crossing houses, a community pool, apartments, and home values.</p> <p>3. A narrative justification for the proposed increase in units will be required. It should address why the increase from 54 to 60 units on original Lots 109 & 110 Swan Creek and 910 to 916 units in Swan Creek CDP total is necessary. The reason for the increased units is to spread the project costs across a larger quantity of units with the goal to reduce the costs per house. Also, purposefully designing narrower home sites reflects the sizes of the majority of the homes being developed (i.e., 20', 24' and 28' wide) to try and deliver the lowest possible overall construction cost of a single-family home.</p>

4. The Land Division fee must be paid promptly. Lack of payment may cause the application to be removed from the February 20th, 2024, Plan Commission agenda. **This was paid on M, 2/5/2024.**
 5. The CDP shall be recorded within 30 days of common council approval. No future major change in a recorded CDP may be made without approval. Future development applications shall be consistent with the CDP. **Understood.**
 6. If Plan Commission approves, the approval will be conditioned on Council approval of the Minor Comp Plan Amendment. **Understood.**
 7. Please refer to the original Swan Creek CDP: [Swan-Creek-CDP- 2001 \(fitchburgwi.gov\)](#):
1. Provide a new description of Medium-High Density Condominiums consistent with the other descriptions in the original CDP. **The original CDP included Medium Density Condominiums at 9.4 DU/ac and High-Density Condominiums at 15 DU/ac and had High Density Condominiums programmed for the land parcels on either side of E. Cheryl Parkway**

- between Crinkle Root Drive and Big Bluestem Parkway. A Medium-High Density Condominium would be represented by an average of 12.2 DU/ac. The currently proposed single-family condominium homes is 10.2 DU/ac, providing for 60 ownership housing units. Each home would have a 2-car attached private garage with walkup 2-story living space. Access to garages would be provided by a private street and private driveways to 10 of the units fronting Sassafra Drive. All of the homes fronting the surrounding public streets would be activated toward the street including a covered front porch and entry door. The ISR will be less than the required 54%.**
2. The proposed development shall be consistent with the General Design Standards on page 8. **Understood. The design standards shall reflect those of the Swan Creek CDP.**
 3. The original CDP included 1,000 trips retail and 500 trips school. The neighborhood will not have those uses in the foreseeable future. Therefore, traffic should remain consistent with the original CDP. **Understood. The traffic for 60 single-family homes will be notably less than the originally planned 114 multi-family apartment units.**

Administration Comments

Assessing Comments

Econ Dev Comments

Finance Comments

01/30/2024 Open UTILITY - N/A
RE-TAX - PAID FIRST INSTALLMENT
PP-TAX- N/A
INVOICE(S) - N/A
SA- N/A
Outstanding invoices will be paid.

Fire Comments

Parks Comments

Parks 01/29/2024 Open Parks has no comments on this request at this time.

Thank you. **Understood.**

Parks 01/29/2024 Open Scott
Parks has no comments on this request at this time.

Thank you **Understood.**

Scott

PW - General Comments

Tracy Foss 01/31/2024 Open 1. The developer will be required to enter into an amendment to the subdivision improvement agreement with the City due to the lapse of time and to address any additional requirements. **Understood.**
2. Driveways are prohibited off of East Cheryl Parkway. **Understood.**

PW - Stormwater/Erosion Control Comments

Ben Schulte 01/25/2024 Open 1. A new Erosion Control & Storm Water Management permit application will need to be submitted to the Fitchburg Public Works Department for review and approval if land disturbance will exceed 4,000 s.f. The ECSWM application and information on requirements can be found at: <http://www.fitchburgwi.gov/231/ECSWM-Requirements>. **An ECSWM permit application will be submitted for review and approval.**
2. A stormwater maintenance agreement (recorded at the Dane County Register of Deeds office) will be required for the necessary private stormwater management practices approved by the City (e.g. private storm sewer, rain gardens, etc.). The owner(s) would be eligible for up to a 50% reduction in stormwater utility rates for the proposed stormwater practices. The following link: <http://www.fitchburgwi.gov/230/Credit-Opportunities> provides the application form and details on this program. **Understood.**
3. Infiltration is required to meet the ECSWM requirements. Follow the DNR's Site Evaluation for Stormwater Infiltration (1002) guidelines to determine the infiltration rate used for modeling prior to submitting the Stormwater Report. **Understood.**
4. Stormwater facilities should be designed using DNR's post-construction technical standards, available at: https://dnr.wi.gov/topic/stormwater/standards/postconst_standards.html. **Understood.**

PW - Transportation Comments

PW - Utilities Comments

Tracy Foss 01/31/2024 Open 1. The Developer's engineer shall work with Public Works on the design of the public water main and sanitary sewer to service the proposed development. **Understood.**
2. All public mains, hydrants, and water services shall be within

easements that extend 10' on all sides of the public infrastructure.
Understood.

3. Public water mains are required to be looped. **Understood.**

IP Holdings, LLC

January 22, 2024

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

Re: Comprehensive Development Plan Minor Amendment
Swan Creek of Nine Springs

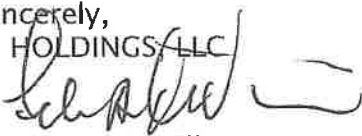
Dear Mrs. Schmidt:

Submitted electronically is the Land Division Application, and uploaded as attachments are the Land Use Map of Swan Creek of Nine Springs, Lot 1 of CSM 13827 and Site Plan D, depicting sixty home sites.

Per Ordinance No. 2013-O-20, the current Swan Creek Comprehensive Development Plan allows for 54 units on Lot 1, CSM 13827, formerly 42 dwelling units on lot 109 and 12 dwelling units on lot 110, totaling 54 units. The proposed Land Division Application proposes to amend the Swan Creen Comprehensive Development Plan to allow for the development of sixty (60) home sites with land condominium units on Lot 1, CSM 13827.

Please let me know if you have any questions or need any other information by calling or emailing at your convenience to the contact information listed below.

Sincerely,
IP HOLDINGS, LLC

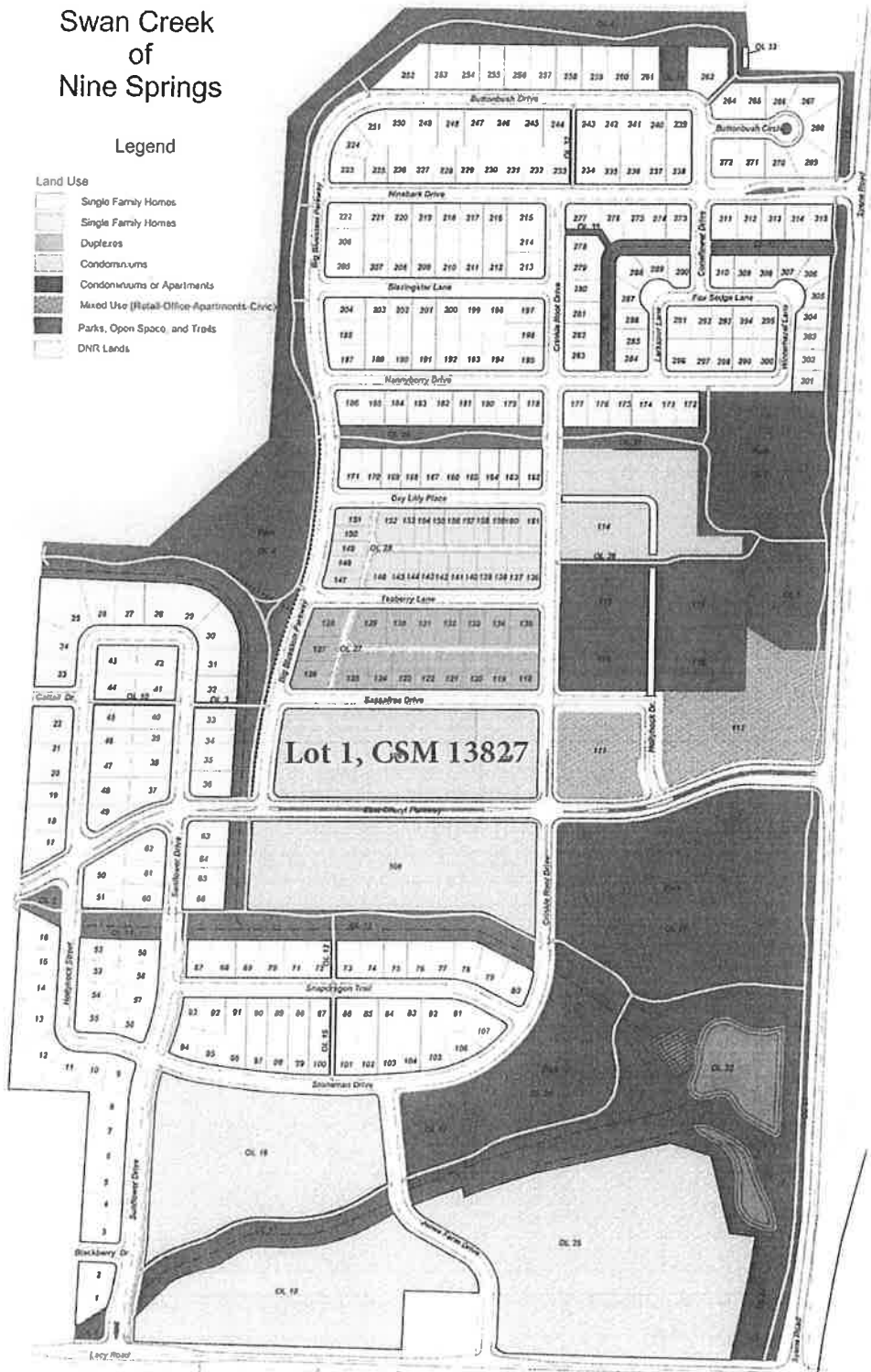


Fredric A. DeVillers
Member

Swan Creek of Nine Springs

Legend

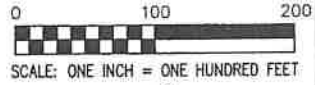
- Land Use
-  Single Family Homes
 -  Single Family Homes
 -  Duplexes
 -  Condominiums
 -  Condominiums or Apartments
 -  Mixed Use (Retail-Office-Apartments, Civic)
 -  Parks, Open Space, and Trails
 -  DNR Lands



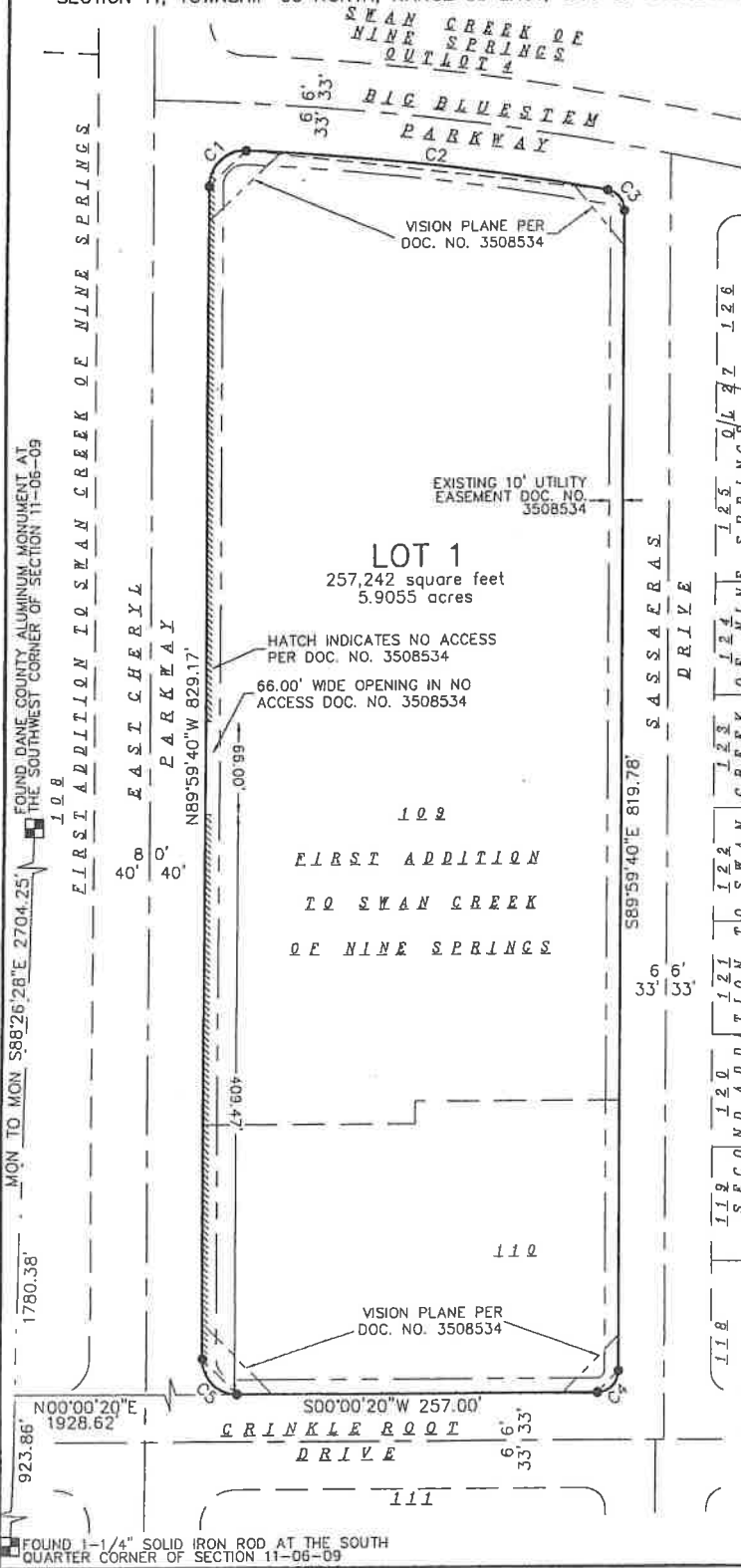
Viewers are advised to ignore illegible text on this map. It is presented to show spatial relationships only.

CERTIFIED SURVEY MAP No. 13827

ALL OF LOTS 109 AND 110, FIRST ADDITION TO SWAN CREEK OF NINE SPRINGS, AS RECORDED IN VOLUME 58-017B OF PLATS, ON PAGES 91-92, AS DOCUMENT NUMBER 3672859, 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.



ASSUMED NORTH
BEARINGS ARE BASED UPON THE
SOUTH LINE OF LOT 109.
ASSUMED TO BEAR N89°59'40"W



SURVEYED FOR :
Fitchburg Lands, LLC
5500 EAST CHERYL PARKWAY,
SUITE 106
FITCHBURG, WI 53711

SURVEYED BY :
Burse
surveying & engineering
1400 E. Washington Ave., Suite 158
Madison, WI 53703 608.250.9263
Fax: 608.250.9266
email: mburse@BSE-INC.net
www.bursesurveyingr.com



Revsd: 10/14/2014 *mx*

MAP NO. 13827
DOCUMENT NO. 5104760
VOLUME 91 PAGES 271-273
Date: Oct 14, 2014
PLOT VIEW: CSM
BSE1691/CSM/BSE1691CSM.DWG
SHEET 1 OF 3

FOUND 1-1/4" SOLID IRON ROD AT THE SOUTH QUARTER CORNER OF SECTION 11-06-09

CERTIFIED SURVEY MAP No. 13827

ALL OF LOTS 109 AND 110, FIRST ADDITION TO SWAN CREEK OF NINE SPRINGS, AS RECORDED IN VOLUME 58-017B OF PLATS, ON PAGES 91-92, AS DOCUMENT NUMBER 3672859, 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.

CURVE TABLE

NUMBER	ARC LENGTH	CENTRAL ANGLE	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	40.60	93°02'19"	25.00	N43°28'30.5"W	36.28
C2	260.14	06°59'28"	2132.00	N06°32'23"E	259.98
C3	20.94	79°58'14"	15.00	N50°01'13"E	19.28
C4	23.56	90°00'00"	15.00	S44°59'40"E	21.21
C5	39.27	90°00'00"	25.00	S45°00'20"W	35.36

LEGEND

- 1-1/4" SOLID IRON ROD FOUND
- 3/4"x18" SOLID IRON ROD SET WT. 1.13 lbs/ft

DISTANCES ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

NOTES:

- DATE OF FIELD WORK: May 01, 2014.
- Refer to Building Site Information contained in the Dane County Soil Survey.
- There are no buildings on Lots 109 or 110 at the time of survey.

CITY OF FITCHBURG APPROVAL:

This certified survey, including any dedications shown thereon, has been duly filed with and approved by the City Council of the City of Fitchburg, Dane County, Wisconsin.

Dated this 15th day of October, 2014

Pat Anderson
City Clerk



SURVEYOR'S CERTIFICATE:

I, Michelle L. Burse, Registered Land Surveyor No. 2020, hereby certify that I have surveyed, divided, and mapped, ALL OF LOTS 109 AND 110, FIRST ADDITION TO SWAN CREEK OF NINE SPRINGS, AS RECORDED IN VOLUME 58-017B OF PLATS, ON PAGES 91-92, AS DOCUMENT NUMBER 3672859, 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, under the direction of Fitchburg Lands, LLC, owner of said land. I further certify that the map on sheet one (1) is a correct representation of the exterior boundaries of the land surveyed and the division of that land, and that I have fully complied with the provisions of Chapter 236.34 of the State Statutes, and the Land Division Ordinance of the City of Fitchburg in surveying, dividing, and mapping the same.

Dated this 21ST day of MAY, 2014

Signed: Michelle L. Burse
Michelle L. Burse, R.L.S. No. 2020

Revised this 14TH day of OCTOBER, 2014 MAB

SURVEYED BY :

Burse

surveying & engineering s

1400 E. Washington Ave, Suite 158
Madison, WI 53703 608.250.9263
Fax: 608.250.9266
email: Mburse@BSE-INC.net
www.bursesurveyengr.com

Date: Oct 14, 2014
PLOT VIEW: CSM
BSE1691/CSM/BSE1691CSM.DWG



MAP NO. 13827

DOCUMENT NO. 5104760

VOLUME 91 PAGES 221-273

CERTIFIED SURVEY MAP No. 13827

ALL OF LOTS 109 AND 110, FIRST ADDITION TO SWAN CREEK OF NINE SPRINGS, AS RECORDED IN VOLUME 58-017B OF PLATS, ON PAGES 91-92, AS DOCUMENT NUMBER 3672859, 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.

OWNER'S CERTIFICATE

Fitchburg Lands, LLC, a Wisconsin limited liability company, as owner, does hereby certify that said limited liability company caused the land described on this Certified Survey Map to be surveyed, divided and mapped as represented on this Certified Survey Map.

Fitchburg Lands, LLC does further certify that this Certified Survey Map is required by S.236.34, Wisconsin Statutes to be submitted to the following for approval or objection:

City of Fitchburg

IN WITNESS WHEREOF, the said Fitchburg Lands, LLC has caused these presents to be signed by Phillip Sveum, its managing member on this 15th day of October, 2014.

Fitchburg Lands, LLC

By: [Signature]
managing member

STATE OF (WISCONSIN)
)ss

County of Dane)

Personally came before me this 15th day of October, 2014 Phillip Sveum managing member of the above named Limited Liability Company to me known to be the person who executed the foregoing instrument, and to me known to be such managing member of said Limited Liability Company, and acknowledged that they executed the foregoing instrument as such officers and the deed of said limited liability company, by its authority.

[Signature]
Notary Public, Wisconsin

My commission expires 7/23/18



CONSENT OF MORTGAGEE

AnchorBank, fsb, a banking association duly organized and existing under and by virtue of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping, and mapping of the land described on this Certified Survey Map, and does hereby consent to the above owner's certificate.

IN WITNESS WHEREOF, the said AnchorBank, fsb, has caused these presents to be signed by Karl Sachtjen, its VICE PRESIDENT - CRE at MADISON Wisconsin, this 15 day of October, 2014.

[Signature]
Authorized Representative

State of Wisconsin)

)ss.

County of Dane)

Personally came before me this 15 day of October, 2014 Karl Sachtjen its VICE PRESIDENT - CRE of the above named banking association, and acknowledged that they executed the foregoing instrument as such officers as the deed of said banking association by its authority.

[Signature]
Notary Public
My commission expires/is permanent: May 10, 2015



REV'D: 10/14/2014 MZB

Date: Oct 14, 2014
PLOT VIEW: CSM
BSE1691/CSM/BSE1691CSM.DWG

Office of the Register of Deeds
Dane County, Wisconsin
Received for Record
16th October, 2014 at
09:14 o'clock AM as
Document No. 5104760
in Volume 91 of
Certified Survey Maps
Pages 271-273
Kristis Chebowatzi, by,
Cherylann Meyer, Deputy
Register of Deeds

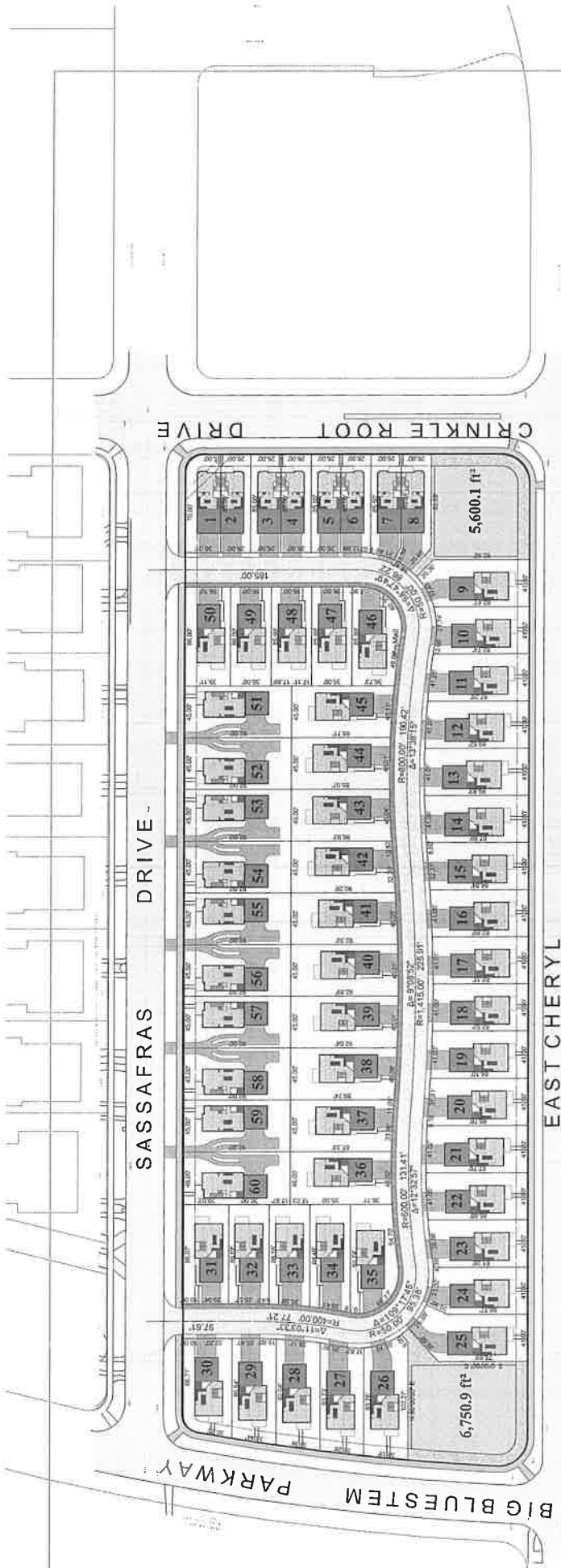
Received 10/15/14 at 4:15pm

MAP NO. 13827

DOCUMENT NO. 5104760

VOLUME 91 PAGES 271-273

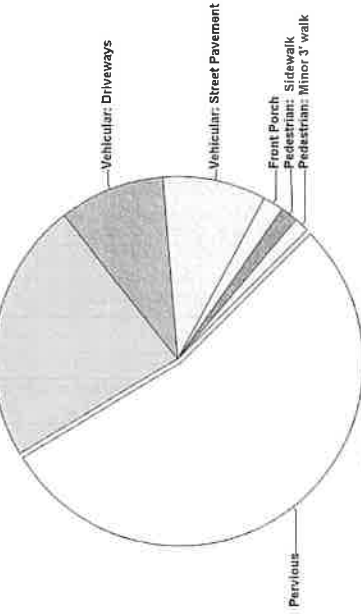
SHEET 3 OF 3



Viewers are advised to ignore illegible text on the map. It is presented to show spatial relationships only.

Note:
Homes shown for graphical purposes only.

Environmental Density - Man-made Impacts (46.1%) - Single Family Home



Total Site: 257,742 ft² (5.9052 acres)

[[Pedestrian: Minor 3' walk: 1.28 3,377 ft² (0.0775 acres)
[[Pedestrian: Sidewalk: 1.58 4,236 ft² (0.0984 acres)
[[Pervious: 1.00 2,618 ft² (0.0602 acres)
[[Paved: 1.00 2,618 ft² (0.0602 acres)
[[Vehicular: Driveways: 9.24 23,853 ft² (0.5476 acres)
[[Vehicular: Street Pavement: 23.18 59,309 ft² (1.3615 acres)
[[Single Family Home: 53.59 138,575 ft² (3.1312 acres)



1" = 40 feet

Inspiration at Swan Creek

An I.P. Holdings Neighborhood

Rick Harrison Site Design Studio



Revision: 02/14/24

