

**Planned Development District
Issuing Specific Implementation Plan
Zoning for Lot 1 CSM 12135 for a
Commercial Development Consisting of
Two 2-Story Buildings**

Legal Description:

Lot 1 CSM 12135

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

Parcel No's: 060903113052

Plan Commission
Initiated By

Planning/Zoning
Drafted By

11/17/2015
Date

**ORDINANCE NO. 2015-O-35
ZONING ORDINANCE AMENDMENT ISSUING SPECIFIC IMPLEMENTATION PLAN
ZONING FOR LOT 1 CSM 12135 FOR A COMMERCIAL DEVELOPMENT CONSISTING OF
TWO 2-STORY BUILDINGS**

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, Tom Sanford, agent for Homeville Fitchburg LLC/Bill Clemens, has submitted an application (RZ-2082-15) to issue Planned Development District Specific Implementation Plan (PDD-SIP) zoning for Lot 1 CSM 12135, to be divided into two lots, to allow for a commercial development consisting of two 2-story buildings, and

WHEREAS, PDD-GIP zoning was originally granted by Ordinance No. 2007-O-09 (Rezoning request RZ-1649-07), with amendments granted by Ordinance 2014-O-14 and 2015-O-21; and

WHEREAS, the Plan Commission has reviewed the application in accord with ordinance standards and recommends approval of issuing PDD-SIP zoning for Lot 1 CSM 12135, which is proposed to be divided into two lots.

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

- (A) PDD-SIP zoning is hereby issued in accord with submitted plans and information which accompanied the rezoning application and plans submitted on September 22, 2015, revised on October 20, 2015 and certain sheets (CSM, site plan, grading, utility and landscaping plan) revised on November 10, 2015, which are hereby made a part of this ordinance, and with the following additional requirements:
1. No other permit or approval is waived or deemed satisfied except for the approval provided herein.
 2. The submitted proposal increases the Impervious Surface Ratio (ISR) of the site from 63% that was allowed in the 2007 approval, up to 85% (as detailed in the submission). At this time no specific calculations have been submitted to indicated sufficiency of the storm water system to handle the increase in impervious surface. Verification of storm water sufficiency, including any calculations as may be required by the City Engineer, shall be submitted prior to the PDD-SIP zoning taking effect. Depending upon the results of the storm water analysis, site plan changes may be required.
 3. Applicant shall obtain, prior to the issuance of any permit, an Erosion Control and Storm Water Management Permit.
 4. This approval allows 30 parking stalls for the south building site, in lieu-of- the 33 identified in the GIP.
 5. This approval allows for: (a) South building as a financial institution or office space with up to four drive-through lanes for the financial institution. Per the PDD-GIP approved alternate 1 plan, submitted by applicant and dated 1 June 2013, the south building (financial institution) shall have a second floor space totaling at least 2,250 sq ft, but not to exceed 4,500 sq ft. (b) For the North building the only food, restaurant or beverage use specifically approved is 1940 sq ft for a coffee shop, not including the mezzanine space, with one drive-through lane. Additional square footage may be occupied by retail or office.
 6. Maintain provision of potential access to a future Pike Drive extension.
 7. Prior to any City execution of the PDD-SIP zoning request or CSM, the following executed documents, which are to have been approved as to content by the Public Works Department, shall have been recorded: (a) Private water main easement; (b) a water access agreement for municipal or utility employees to operate valves for each building on the property. The City Attorney and City Engineer are hereby authorized to approve and have the appropriate officials execute such agreement; and (c) waiver for street trees.
 8. Water impact fees shall be required to be paid prior to receipt of any building permit.
 9. Building height shall not exceed 45 feet. Proper screening of mechanical equipment shall be provided on the PDD-SIP rezoning submission.
 10. Satisfaction of Public Works (Review #4) comments.
 11. Signage shall follow Chapter 26 as existing or amended.
 12. Provide an executed alternate electric easement and agreement to relocate utilities due to the conflict with the proposed drive-thru canopy associated with the south building.
 13. Site plan alterations to achieve greater efficiency is allowed with staff approval.

(B) This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22-596 of the zoning code, owners shall consent within 30 days of approval for the PDD-GIP zoning to take effect.

(C) 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 24th day of November, 2015.

Patti Anderson, City Clerk

Approved: _____

Stephen L. Arnold, Mayor

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally came before me this ____ day of _____, 2015, the above named Patti Anderson, and Stephen L. Arnold 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.

Notary Public, State of Wisconsin

Printed Name of Notary Public _____

My Commission Expires: _____

Consent of the Property Owner

Name: _____

Date: _____

Title _____

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally came before me this ____ day of _____, 2015, the
above named _____ to me known to
be _____, of _____ and the person
who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

Printed Name of Notary Public _____
My Commission Expires: _____

Consent of Mortgage Holder:

Mortgage Holder Date: _____

STATE OF WISCONSIN)ss.
COUNTY OF DANE

Personally came before me this ____ day of _____, 2015, the above named
_____ to me known to be the _____
of _____ and the person who executed the foregoing instrument
and acknowledged the same.

Notary Public, State of Wisconsin

Printed Name of Notary Public _____
My Commission Expires: _____