

Planning and Zoning Department

2011 Annual Report

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Introduction

2011 Planning and Zoning Department activities were varied, but some areas of focus are important to mention--expansion of TID 4, farmland preservation, agricultural zoning, SmartCode implementation, redistricting, a master plan for McGaw Park, Arrowhead Industrial Infill and Redevelopment Plan, and participation in the City of Madison led Leopold-Arbor Hills Neighborhood plan. For more information on planning in the community, and to follow specific planning projects, please refer to the Planning Department web site at: http://www.city.fitchburg.wi.us/planning_zoning/index.php.

Land Use Planning

Comprehensive Plan

The City's first true Comprehensive Plan was adopted in March 2009. This Comprehensive Plan was accomplished to meet the requirements of the Comprehensive Planning Statute, also referred to as the Smart Growth law, which was adopted in October 1999. The plan acts as a land use constitution for the city and sets forth the goals, objectives and policies to guide city actions in land use matters. Under state law, it takes about three to four months to process an amendment to the Comprehensive Plan, and therefore the Comprehensive Plan limits amendments (other than for certain aspects, such as neighborhood plans) to one time per year.

The second annual Comprehensive Plan amendment, adopted on September 27, 2011, focused on map amendments, technical wording related to SmartCode, farmland preservation plan consistency and two individual amendments. One individual amendment was in the Post Road extension area and reclassified land from mixed use and business to high density residential. This is to accommodate a multi-family project being proposed by Fiduciary Real Estate Development, Inc. This request was approved. The other individual amendment, which was denied, was proposed for the Dellvue area to designate a portion of former right-of-way of South Fish Hatchery Road acquired by a nearby landowner to rural development to allow business expansion on the site. While it was denied, policy makers left an opening to consider the request in 2012 if the applicant is able to reach agreement with the neighborhood on an expansion plan.

Arrowhead Industrial Infill and Redevelopment Plan

In early 2011 Planning Staff prepared and issued a Request for Proposal for planning services for the Arrowhead Industrial Infill and Redevelopment Plan. Through the RFP process, MSA Professional Services was engaged by the City to assist with this planning effort. Staff worked closely with MSA in the preparation of the plan, and because no steering committee was used, the Plan Commission took the lead and had several meetings with the consultant on the neighborhood plan. Two open houses were held, as well as a large number of meetings with individual property owners. Plan Commission approved the plan in November 2011, and it will go before the Council in January 2012.

McGaw Neighborhood

Upon adoption of the McGaw Neighborhood Plan in June 2009, staff began working on an Urban Service Amendment request which was submitted to the Capital Area Regional Planning Commission in October 2009. In March 2010 CARPC approved the Urban Service Amendment request with some stringent storm water performance standards, to which the City agreed.

The next challenge is to meet the storm water performance standards while at the same time accomplishing the types and levels of development in the neighborhood. The City joined with CARPC in receiving a federal grant to study this issue. The City is looking to engage an engineering firm to provide a tool box of Best Management Practices (BMP) to meet the 100% stay-on requirement imposed by CARPC. The bulk of the work for this project will be undertaken in 2012. The Catalytic Project for the McGaw Plan will entail hiring a consultant with a goal to develop cost-effective strategies to address stormwater regulations. Using a Request for Qualification (RFQ) process, city staff has suggested engaging the engineering firm of Emmons and Olivier in Minnesota to assist with the work effort. Consultants will: review the McGaw Plan and local regulations; review literature on volume control BMP performance, cost and analysis methods; conduct modeling analysis of a hypothetical block (or blocks) of the McGaw Neighborhood with a range of development types to assess volume control performance, options and costs; and run a half-day "charrette" with a few local developers and engineers for input on how volume control BMPs could fit into site development plans, and implications for costs. Consultants are expected to complete their work in 8 to 12 months. Fitchburg is not unique in its need to address these concerns; work completed here will be of use to other communities facing similar stormwater requirements.

Leopold—Arbor Hills Neighborhood Plan

This joint project is being led by the City of Madison. Planning staff has participated through staff, stakeholder, and open houses arranged by the City of Madison. Much of the planning area is already developed and major land use changes are not expected, although as the neighborhood ages different opportunities and challenges present themselves. The planning process is producing a variety of ideas in urban design, employment, transportation, community wellness and parks. This project is expected to be finalized in early 2012.

Southdale Neighborhood

The Southdale Neighborhood Plan was adopted by the Common Council on September 22, 2009. Covering the area of the Town of Madison along USH 14 and Rimrock Rd to come to the City of Fitchburg by 2022, along with the portion of Fitchburg along Rimrock Rd, this plan sets forth a long-term vision for this neighborhood. Controversy exists as to the determination of the Drumlin Garden area, in the City of Fitchburg along Oregon Rd. The Plan side-stepped the controversy by designating the area as the Drumlin Garden Study Area, in which a final land use decision could be made through a separate study process before the September 22, 2010 deadline. The September 22, 2010 deadline was altered as part of the 2010 Comprehensive Plan amendment to December 31, 2011. No additional work was accomplished by Planning Staff, as no policy maker direction was provided, to account for a potential revised designation. Therefore, the deadline has passed, and the designation originally intended will take precedent.

In November 2009 staff began work on an ETJ zoning ordinance for part of the Southdale area.

The ETJ Committee prepared a draft ordinance that went to public hearing in May 2010. To answer concerns of the Committee, staff created an overlay ordinance to allow the existing Dane County zoning to remain in place until the occurrence of any one of a number of trigger points. A few land owners raised some issues about the draft ordinance, and additional work on this ordinance was delayed until after completion of the City's zoning code rewrite. Staff attempted to meet with a major landowner to resolve some differences, but the meeting failed to take place. The time frame for implementation was not able to be met. Political changes also occurred to remove the desire to advance ETJ zoning for this area.

An interesting occurrence, which may affect Southdale, is that during 2011 the State Legislature amended the Tax Increment District law to allow town TID's to continue after being attached to a municipality. The change in the law was suggested by a major property owner in the Southdale Neighborhood.

Landmarks Preservation

The annual report on city designated sites was filed with the US Department of the Interior. No new designations have occurred.

Agricultural and Rural Affairs

A great deal of activity occurred during 2011 relating to agriculture. The primary activity involved updating and then implementing the Farmland Preservation Plan. This plan was adopted by the County, and conditionally adopted by the State of Wisconsin. The update was necessary to address issues related to the State of Wisconsin Working Lands Initiative that was signed into law as part of the biennial budget in 2009. In order for the City of Fitchburg landowners to obtain farmland tax credits or the state agricultural conservation easements (PACE), the City was required to update its farmland preservation plan, and have that amended into the Dane County Farmland Preservation Plan to be certified by the Department of Agriculture, Trade and Consumer Protection (DATCP). Based on the Comprehensive Plan, Committee's vision and the public comments, goals, objectives and policies were developed to assist in the implementation of the preservation of farmland and open space within rural Fitchburg. Dane County has received an extension, by the State, for the completion of their Farmland Preservation Plan update.

The Farmland Preservation Plan Map, created by the Agricultural and Rural Affairs Committee identifies areas to be preserved for agriculture and open space for the next 15+ years. The area to be preserved is all of the land outside of the 2010 urban service area boundary, except the Northeast Neighborhood, the western half of the North Stoner Prairie Neighborhood and, generally, rural development areas. This preservation area in the City encompasses approximately 10,000 crop and pasture acres, four dairy farms, two beef farms and six equestrian farms.

In addition to the Farmland Preservation Plan work, the committee also began the process to recertify the Farmland Preservation Zoning within the City. The Committee, through multiple meetings, proposed amendments to the existing Exclusive Agriculture (A-X) and Transitional Agriculture (A-T) zoning districts to conform to the new requirements of the State Statute. The

Committee also made the decision to have one certified agriculture zoning district and to not certify the A-T zoning district. This was based on the new requirements that agricultural land located outside of the farmland preservation area cannot be zoned a certified agricultural zoning district. A-T is currently a certified district, but will now provide a non-certified agricultural zoning district, within the City, to preserve productive farm operations.

With the proposed agricultural zoning amendments and State Statute requirements, this affected local landowners with either a required rezone or a decision on if they wanted their A-T zoned land to be rezoned to A-X to maintain receiving the farmland preservation tax credits. The Planning Department and Committee notified over 100 agricultural landowners via letters, phone calls, an open house and personal visits seeking their decision. The committee honored each landowner's request and maintained the existing zoning on the landowners that never responded. The Planning Department applied to DATCP to certify the A-X zoning district and the revised farmland preservation zoning map in November. The City is reviewing the comments received and should be obtaining certification in early 2012. Once the certification is granted by DATCP, the zoning amendments and zoning map will go through the adoption process with the City.

The Working Lands Initiative, beginning January 1, 2010, had required the City to collect a rezoning conversion fee from the landowner for each rezoning of land from a certified agricultural district to a non-certified agricultural district. A report was to be completed by City Staff each March of the following year to the Department of Agriculture, Trade and Consumer Protection, outlining the rezonings and accompanied by the conversion fees. The City had one fee imposed for a rezoning prior to the fee being canceled during one of the 2011 legislative sessions. This loss of funding and no funding allocation in the 2011-2012 State Budget also meant that the PACE agriculture conservation easement program ceased. DATCP has been asked to review a new format for calculating the agricultural conversion fee, however a timeline has not been established.

Another project the committee worked on throughout the year was research into rural cluster housing. The committee created a policy for landowners to be able to transfer their claims for a potential rural cluster site. However, they are still debating the guidelines as to where the clusters will be located, along with the development parameters. This work will continue into next year.

Undertaking an activity related to agriculture production, the Agriculture and Rural Affairs Committee has started to link landowners interested in leasing a few acres to small farm producers who primarily grow fruits and vegetables for sale at farmer markets. It intends to continue this work into 2012, along with working on potential community garden sites.

In 2012 the Ag and Rural Affairs Committee is planning to continue work on a Rural Cluster Ordinance that would use the potential splits, complete zoning text and map amendments related to the Exclusive Agriculture (A-X) and Transitional Agriculture (A-T) zoning districts implementing the approved Farmland Preservation Plan, and begin outreach on community service agriculture.

Code Development

The major code development activity for 2011 related to installation of a bicycle module into the SmartCode, along with a few minor SmartCode clarifications.

The SmartCode is an integrated land development ordinance that sets forth a variety of development types to form neighborhoods offering a diversity of land use opportunities within a pedestrian scale. As an integrated development code it combines aspects of public works construction, such as street types, with zoning and land use. Land use is important, but it is to work with the development form, or the look and feel of a place. It attempts to replicate conditions and situations that exist in older small towns or city neighborhoods, usually pre World War II—hence it is a neo-traditional neighborhood development ordinance. This ordinance meets the State of Wisconsin requirement for a Traditional Neighborhood Design Ordinance. After World War II development took on a sprawl oriented pattern based on the automobile, and provided single use areas with little or no integration of land use types. Sprawl development patterns receive part of the blame for the Nation's obesity epidemic as less pedestrian and bicycle activity occurs due to the separation distance of various uses. The SmartCode uses a transect based pattern with each transect zone representing certain development patterns. T3, for example, is representative of a typical single family subdivision, while T5 is a multi-family and commercial district that provides for a mix of office, business, and residential uses. T4 falls between T3 and T5, and allows some corner commercial property, although limited in size. T4 allows for narrow single family lots usually served by an alley, and attached row houses or other medium density multi-unit options.

Planning staff Tom Hovel and Susan Sloper provided a presentation at the Wisconsin Chapter of the American Planning Association (WAPA) in March 2011 in Milwaukee, WI. The presentation focused on making the SmartCode fit under WI law. The bicycle module, once completed, may form the basis for another presentation in planning for bikes and walking in new developments.

In 2011, the City made some additional alterations to SmartCode text and began work in June 2011 on a Bicycle Module to allow the possibility for bicycle friendly components into the street sections. The Street Plans Collaborative of New York was engaged to assist with the Bicycle Module. Street Plans Collaborative visited Fitchburg in early June doing a handle-bar survey, as well as hosting a public information session to gather input for use in the bicycle module. Planning staff and the City Transportation Engineer have worked to review and position the aspects of the module into the draft code. The code has been preliminarily reviewed by the Plan Commission, Transportation and Transit, and the Park Commission in November or December 2011. Formal action by these committees and the Common Council is expected in early 2012.

Application Activity

General Application Information

	Submitted Requests		Plan Commission Meeting Agenda Activity**	
	2010	2011	2010	2011
Architectural & Design Review Requests	15	16	14	19
Rezoning and Conditional Use Permits	22	21	20	20
Certified Survey Map Requests	6	4	4	4
CDP's &/or Preliminary Plats	1	2	0	4
Final Plats	0	0	0	0
Variances/ Administrative Appeals	1	0	n/a	0
Other Requests to Plan Commission *	34	26	47	33
Telecommunication Permits	2	0	2	0
Demolition Permits	8	4	8	4

<u>Administrative Permits</u>	<u>2010</u>	<u>2011</u>
Sign Permits	62	45
Zoning Permits	101	101

*These issues include, but are not limited to, resolutions, ordinance amendments and other matters referred to the Plan Commission for action or reports such as easements, pre-submission conferences, ordinance amendments, TID consideration, land use planning activities, review of standards or policies and other activities that do not fall under a specifically identified category noted under Commission and Board activity.

**Includes applications submitted in 2010 but on 2011 agenda.

Due to budget constraints, Plan Commission meetings in 2012 will be held one time per month, and the Agriculture and Rural Affairs Committee are set for eight meetings in 2012. Significant reductions were seen in a number of other budget accounts. The Planning Intern position continued a decrease of more than 40% from its budgeted hours in 2010, again limiting intern availability to assist in accomplishing planning and zoning work.

Sign Code

Sign permits were significantly less in 2011 than in 2012. The slowing of the national economy may have had a delayed affect for business activity in Fitchburg. Some businesses continue to seek loop holes in the sign ordinance and many have resorted to over use of temporary signs, “shaker boards” (persons walking with a sign hanging off their person), banners and the like without obtaining the necessary permits, or simply ignoring sign regulations. A complaint on one business often leads to that business then complaining about others, leading to a never ending domino effect and significant time spent in enforcement.

Rezoning and Conditional Uses

Of the rezoning activity, perhaps two stand out and are worth special mention. First, the Green Tech Village (now referred by the developer as “Nine Springs”) area, which encompasses much of an area east of Syene Road to USH 14 and north of Lacy Road, to West Clayton, was rezoned to SmartCode. This represented the first use of SmartCode zoning within the City. In November, an individual parcel adjoining this area was also attached to the SmartCode zoning.

Zoning was also accomplished for phase 2 of the Fitchburg Tech Campus. Rezoning of these areas was necessary to meet the industrial zoning requirement for the expansion of tax increment district #4.

Conditional uses were issued for a variety of activities. One conditional use permit application, to remove a drumlin for fill activity was denied by the Plan Commission and the appeal to the Common Council was denied. The property owner has initiated court action regarding the denial of the permit.

Tax Incremental Districts

A great deal of Planning staff time was used to create an expansion of TID 4 east to USH 14 to allow funding of the USH 14—Lacy Road interchange (relocated Lacy Road) and connecting roadways by TID 4. The TID was expanded east of Fitchburg Research Park through Swan Creek to the proposed Nine Springs development. Parcel re-configurations were required to make the proposed TID boundary feasible.

In regard to TID 7, City Planning staff led an effort, which was completed in early 2010, for general design work for public bus shelters, signage and landscaping along the northern portion of Fish Hatchery Road. Landscape improvements were completed in 2011.

Planning staff also had a number of discussions, particularly with City Attorney Mark Sewell, Michael Harrigan of Ehler's and Associates, and representatives of EJ Plesko over the timing and boundary for a possible Tax Increment District for Fitchburg Ridge and the former Ridgewood Country Club apartment areas. As of September 2011, Plesko and Associates was going to work to obtain update market feasibility and other pertinent project information.

Even though it was approved in 2009, no activity has been seen in TID 8. Stewart Brown, the land owner, has so far been unable to obtain financing for the project. This TID saw its 2011 value decrease beyond the base value, leading to what is referred to as a decrement (as opposed to increment).

Special Projects

Public Facilities

Planning staff served on the Library oversight committee. The Arrowhead Industrial Infill planning project also had some interface regarding future public facilities as one of the future fire stations is proposed for the Thermo-Fisher site.

Moraine Edge Park/Parks and Open Space Proposal

This project is a joint effort between the Parks Department and the City Planning Department. Originally conceived by City Planner Tom Hovel in 2003, as a proposal for open space

stretching from Stoner Prairie east to USH 14 south of the urban edge, this proposal was originally called Moraine Edge Park. As the Moraine Edge Park idea went under further examination and review, the Parks Department and Parks Commission called for a broader effort to examine areas worthy of preservation in the City, thus advancing this proposal to a broad Parks and Open Space proposal identifying land that should be considered for preservation. Some land in this larger effort may be acquired for parks and open space use, and other land may be preserved through other efforts such as conservation easements. Of course, some land may not be preserved at all. Work on this proposal culminated in its being part of the Comprehensive Park, Open Space, and Recreation Plan, which was approved by the Common Council in early 2010. Since early 2011 the Parks Department has often asked for the creation of steering committee to assist with issues related to implementation of the Moraine Edge Park and the Open Space Proposal. As of December 2011 no committee has yet been formed.

The 2006-2011 Dane County Parks and Open Space plan should be updated in 2012. Planning will work with the Parks Department to determine if Dane County has any interest in recognizing or supporting all or parts of the Moraine Edge Park and the larger Open Space Proposal.

McGaw Park Plan

Attempts to raze and build a new shelter in McGaw Park were not realized when the Common Council did not accept the project bid. Opposition from certain area residents to the shelter proposal led, in part, to non-acceptance of the bid. To assist in working through the issues that arose, planning staff suggested that a McGaw Park Master Plan be completed. This effort has been led by planning staff although working closely with parks staff. A number of public input sessions, and meetings with the Park Commission has led to the creation of a Master Plan. Instead of creating a steering committee, the Parks Commission decided to be the primary body associated with the creation of the McGaw Park Master Plan. The Master Plan document retains, but renovates the current shelter, and provides recommendations for potential future amenities. However, the McGaw Park Master Plan is an organic document intended to be flexible in order to better meet the challenges and opportunities faced by the changing recreational environment. The Park Commission, after public hearing, acted on the Plan on December 1, 2011 and recommended approval with three amendments. The Plan Commission recommended approval of the Park Commission version of the plan on December. 20, 2011. Council action is anticipated on January 24, 2012.

CARPC Consortium

After lengthy discussion, the Council approved Fitchburg's involvement in the CARPC consortium related to sustainable communities. It is a part of this consortium that Fitchburg was awarded a grant to identify a tool box of cost-effective strategies to assist with meeting the 100% stay-on control for the part of the McGaw Neighborhood brought into the urban service area in 2010.

Water Quality Initiative

The City of Fitchburg, in October 2012, held a one and half day work session with representatives of the US EPA regarding water quality and land use. Fitchburg was one of four local units in the nation to participate in the workshop which is intended to provide the USEPA with background information regarding water quality initiatives and voluntary action possibilities. Information from this session will be helpful for the McGaw Catalytic project discussed above.

Another issue related to water quality, and which is related to urban development, is the potential use of easements to protect streams and water bodies. Point source control agencies and stormwater permitted agencies will, likely within the next five years, be required to limit phosphorus into water bodies. According to information on the WI DNR website, “there are approximately 40 waters in the Rock River Basin that are impaired by excess phosphorus (TP) and total suspended solids (TSS).” These pollutants cause low dissolved oxygen, degraded habitat and excessive turbidity in waterways, resulting in harm to the receiving waters. Rock River watershed TMDL (Total Maximum Daily Load) regulations could soon be put in place (WI DNR in August 2011 forwarded a draft Rock River TMDL to the US EPA for review and approval). One aspect being examined by the Madison Metropolitan Sewerage District is a trading concept to be undertaken within the Yahara watershed (which is a part of the Rock River watershed). In the trading concept, an agency needing to limit phosphorus (such as a point source agency) could acquire easements, or land, and provide a natural buffer to streams and lakes to limit phosphorus introduction into the surface waters, rather than simply using engineered solutions. Use of natural buffers may be a more cost effective solution. A combination of solutions may also evolve.

GeoPrime

In 2011, Planning and Public Works staff worked with GeoDecisions, out of Madison, to create a web application GIS platform called GeoPrime, which is similar to the GIS tool Staff Analyst. GeoPrime launched internally for City Staff to review in November, which allows users to search for parcels by the parcel number, address, or owner and obtain specific information on a parcel such as which voter district it is in, the property assessment, zoning, plat, special charges, and refuse collection. The program is currently not linked to the site plans folder; however, the user is able to obtain the path link to locate a specific set of files. A unique feature is the multi view tool, which opens up a new window and is linked to Google Maps, Google Street View and Bing Bird’s Eye View. This allows the user to see a quick review of the property. The program also allows a user to quickly prepare a map of an area for reference.

An informal class on the use of the application was presented to City Staff in December. A quick user guidebook on the product is expected to be completed in early 2012. Planning & Public Works staff, over the year, will be updating the program based on feedback from City Staff and address those requests deemed feasible. It is planned to offer a GIS platform for the public to use off of the City website which, depending on the complexity of building the application, could be available in 2012.

Redistricting

Planning Staff, with the City Clerk, worked on the 2011 redistricting of the wards and alder

districts. Using the Census 2010 data, these boundaries are adjusted based on population changes that have occurred over the last decade. Population within each aldermanic district is equalized so that Fitchburg residents have equal representation on the Common Council. Planning staff prepared multiple scenario maps for the Redistricting Committee to review before the committee advanced one option for adoption to the Common Council. The Common Council adopted the committee recommended districts, which created 19 wards and 4 alder districts.

SmartCode Implementation Workshop

Assisted by the Economic Development department, Planning staff organized a two-day SmartCode Implementation Workshop. After building Fitchburg's SmartCode with input from public and private partners to achieve a user-friendly, consistent urban form, the next step was implementation. This workshop, held in mid-December 2011, included presentations on urban retail, commercial building types, multifamily building types and also schematic designs where example designs were prepared for select sites and uses. The workshop was led by Susan Henderson of PlaceMakers LLC, as she was the main consultant who calibrated Fitchburg's SmartCode, but also included retail specialist Bob Gibbs and architect Eric Brown. The successful outcomes of the workshop should assist staff, developers and other stakeholders in continuing implementation of Fitchburg's SmartCode. The information gleaned from the workshop was also important to staff in better understanding certain design aspects of SmartCode. While the code regulates aspects of building form and placement, it does not regulate building design and architecture—aspects of which are very important to a good project. In SmartCode the details matter; careful and coordinated integration of building design and layout is important to assure project success.

Conclusion

The continued pursuit of responsible planning is vital to a strong and well functioning community. The Planning and Zoning Department continues to analyze and engage in activity that will benefit the entire Fitchburg community, including promoting and maintaining healthy neighborhoods. A well-planned city can provide efficient and cost-effective services. The Planning Department is committed to continuing its provision of strong, sound, and smart planning, as historically demanded by Fitchburg citizens.

Work effort for 2012 will involve agriculture zoning updates, continued work on a rural residential cluster program, North Stoner Prairie Neighborhood Plan, review and refinement of demographic and other statistics following tabulation by the US Census, and continued work on other long range planning activities. The Planning Department looks forward to furthering the vision of the Comprehensive Plan.