

**Ordinance No. 2007-O-09  
Issuing Planned Development District  
General Implementation Plan and  
Planned Development District  
Specific Implementation Plan Zoning for  
Development at 2875 Fish Hatchery Road**



\* 4 3 3 5 5 3 1 6 \*

DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
**4335531**

07/19/2007 10:59AM

Exempt #:

Rec. Fee: 21.00  
Pages: 6

Return to: City Clerk  
5520 Lacy Road  
Fitchburg, WI 52711

Legal Description:

Parcel Address: 2875 Fish Hatchery Road  
Fitchburg, Wisconsin 53713

Part of Lot 21, Lots 23 and 24, and part of lots 25, 27, and 28, Maple Lawn Heights, all located in the Northeast ¼ of the Northeast ¼ of Section 3, T6N, R9E, City of Fitchburg, Dane County, Wisconsin more particularly described as follows: Commencing at the Northeast corner of said Section 3: Thence N89°40'54" W along the North line of said Northeast ¼, 1106.57 feet: Thence S27°36'51"W, 688.31 feet to the point of beginning, said point being on the Easterly right of way line of Fish Hatchery Road and the most westerly corner of Lot 1, Certified Survey Map No. 3505; Thence S63°09'34"E (recorded as S63°07'55"E) along the Southwesterly line of Certified Survey Map No. 3505, 190.42 feet: Thence continuing along said Southwesterly line N27°36'51", 99.51 feet (recorded as N27°38'21"E 99.83 feet): Thence continuing along said Southwesterly line S63°08'47"E, 898.25 feet to the centerline of Index Road: Thence S00°36'02"W along said centerline, 152.20 feet (recorded as S00°37'00"W) to a point on a curve: Thence Southwesterly on a curve to the right which has a radius of 383.06 feet and a chord which bears S20°40'34"W 277.43 feet: Thence continuing along said centerline S41°54'24"W, 277.43 feet: Thence continuing along said centerline S41°54'24"W, 0.77 feet to the Northeasterly line of Lots 21 and 22, Maple Lawn Heights: Thence N63°36'23" W along said Northeasterly line, 976.52 feet: Thence continuing along said Northeasterly line S27°34'59"W, 60.02 feet: Thence continuing said Northeasterly line N63°32'14"W, 214.76 feet to the Easterly right of way line of Fish Hatchery Road: Thence N27°05'45"E along said Easterly right of way line, 2.09 feet: Thence N27°36'38"E along Easterly right of way line, 260.79 feet to the most Westerly corner of Lot 25, Maple Lawn Heights: Thence S63°05'54"E, along the Southwesterly line of said Lot 25, 190.41 feet: Thence N27°36'51"E, 100.21 feet: Thence N63°09'34"W, 190.42 feet to the said Easter right of way line: Thence N27°36'51"E along said Easterly right of way line, 20.00 feet to the point of beginning.

Parcel Numbers:

06090311191  
06090311424  
06090311525  
06090311555  
06090311737  
06090311383  
06090311727  
06090311323

4/21

Plan Commission  
Initiated By

Thomas D. Hovel  
Drafted By

3/13/2007  
Date

**ORDINANCE NO. 2007-O-09**  
**ZONING ORDINANCE AMENDMENT**  
**ISSUING GENERAL IMPLEMENTATION PLAN and SPECIFIC IMPLEMENTATION**  
**PLAN FOR AVALON SENIOR HOUSING CAMPUS**  
**2875 FISH HATCHERY ROAD**

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, applicant proposes to rezone the property from Residential Low Density (R-L) to Planned Development District General Implementation Plan (PDD-GIP) for the full property and to grant Planned Development District Specific Implementation Plan (PDD-SIP) zoning for proposed lot 2 as shown on the submitted (for approval) Certified Survey Map (CS-1648-07), and

WHEREAS, the proposed plan is in general compliance with the North Fish Hatchery Road Opportunity Study adopted in 2004, and

WHEREAS, applicants desire to provide for a senior campus offering a variety of options including Community Based Residential Facilities (CBRF), Residential Care Apartment Complex (RCAC), independent senior care housing, and a medical or senior oriented commercial services or offices for a lot to be created along Fish Hatchery Road, and

WHEREAS, the approval intends for four lots to be created out of the site by a Certified Survey Map, and

WHEREAS, the Plan Commission considered the request to grant PDD-GIP zoning and issue the SIP on 3/20/2007, has reviewed the application according to the standards outlined in the ordinance, and has determined that the request, in conjunction with the proposed conditions, meets said criteria, and the Plan Commission has recommended approval, with conditions.

NOW THEREFORE the Common Council of the City of Fitchburg, Dane County, Wisconsin ordains as follows:

**(A) Planned Development District General Implementation Plan (PDD-GIP) zoning is hereby issued for the property described above subject to the following:**

1. This approval is based on the plan document submitted dated March 6, 2007 titled: "Planned Development District Avalon Senior Campus" and its addendum dated 03/13/2007, responses to staff comments dated March 5, 2007, "Trip Generation Analysis" by Stockham Consulting dated 3/16/2007. No other permit or approval is waived or deemed satisfied except for the approval herein provided.

2. This zoning shall take effect with the recording of the Certified Survey Map (CS-1648-07) or the signing and publication of this ordinance by the City and land owner, which ever occurs last.

3. At the time of any Planned Development District Specific Implementation Plan zoning to be granted for proposed lot 3 of the Certified Survey Map (also known as lot 3 in the plan documents) all park fees for the City shall be paid in accord with the fee schedule in effect at the time of payment. The fees include: fee in lieu of dedication, park improvement fee, and fee in lieu of street frontage. Any other fees that may be instituted by the City between now and the time of any specific implementation plan for any land covered by the description above shall be due at such time and in accord with any fee schedule in effect at that time. No permit to start, land disturbing permit, zoning permit or building permit shall be issued until such fees are paid.

4. This approval will allow the conversion of 32 CBRF units to 16 multi-family units. Given that the impact of the 16 multi-family units is expected to be similar to the existing 32 beds CBRF, no park fees are required for this portion of the facility.

5. Land use. In addition to descriptions and information provided in the submitted materials, the following limitations shall also apply (lots referenced below refer to lots in the proposed CSM-1648-07 that is subject to separate approval without which the PDD-SIP is not approved):

**Lot 1:** Uses shall be in accord with those described for this proposed parcel in the 3/13/2007 addendum. If parking stalls on one of the other sites (lot 2) are to count as parking stalls for this site, parking and access easement and maintenance agreement shall be provided at the outset and recorded with the proposed CSM to denote this occurrence. If a food service use is proposed for this parcel, then parking shall be at 1 stall per 3 patron seats, or 1 stall per 6,000 sq ft, which ever is greater.

**Lot 2:** Uses shall be limited to the level and activity as described in the 3/6/2007 document and associated addendum of 3/13/2007. No additional building construction shall be allowed for this lot, unless it represents a minor addition to any building (less than 5% of that buildings floor area). Minimum parking to be provided is 1.25 stalls per unit and up to 1.5 stalls per unit. The lower parking ratio is based on information submitted by the applicant that comparable senior housing projects require no more than this level. No change shall be made to alter the senior use of the facility; if a change in use occurs, the parking shall be reevaluated and additional parking required in accord with standard city practice and requirements in effect at that time.

**Lot 3:** Senior citizen residential use as multi-family or care as described in the 3/6/2007 document, and its associated 3/13/2007 addendum, is the allowable use. The following, however shall apply: (a) in no case shall the density be less than 80 units, nor greater than 120 units. (b) The building footprint shall not exceed 20,000 sq ft per building and a maximum of two buildings shall be allowed on the lot at a minimum height of two (2) stories, and a maximum height of three (3) stories for each building. There is to be an underground parking level making overall the building at 3 and 4 total levels. (c) Parking shall be at 1.25 to 1.5 stalls per unit. If built at 1.25 and a parking issue arises, the City reserves the right to require addition

of stalls to the 1.5 stalls per unit level. At least one stall per unit shall be understructure parking. No change shall be made to alter the senior use of the facility; if a change in land use occurs, the parking shall be reevaluated and additional parking required in accord with standard city practice and requirements in effect at that time. If parking stalls on one of the other sites (lot 2) are to count as parking stalls for this site, parking and access easement and maintenance agreement shall be provided at the outset and recorded with the proposed CSM to denote this occurrence. (d) Park fees are due in accord with section (A) 3, noted above. (e) As noted on the CSM, no development of this site shall occur until the Index Road extension is constructed and connected to a Post Road extension east of Fish Hatchery Road.

Open space and impervious surface ratios as identified on the CSM and in the plan document of 3/6/2007, and the associated 3/13/2007, addendum shall be applicable (the most restrictive shall be applicable) to all uses within this application. Architectural and design review is also required for construction of any building, parking addition or other alterations as identified in the zoning code or architectural control ordinance. It is applicant's responsibility to assure that all proper access requirements for the Fire Dept. and emergency services are met.

**(B) Planned Development District Specific Implementation Plan (PDD-SIP)** zoning is hereby approved for lot 2 of the proposed CSM subject to the following:

1. No other permit or approval is waived or deemed satisfied except for the approvals herein conditionally granted.
2. Approval is based on the submitted plans and uses identified in the submitted documents and in this ordinance, except as may be amended by the conditions that are placed by this action
3. Architectural and design review is required for the site alterations, and the applicant should take care to provide suitable pedestrian access within and out of the site as well as to do what is possible to lessen impervious surface areas, but to still maintain viable site planning.

**(C) Waiver for the Certified Survey Map.** Pursuant to section 15.16 of the Land Division Code the Plan Commission may declare requirements of the Land Division Code to be not applicable to the development if the requirements of the land division code run counter to the proposed development. The Plan Commission hereby declares section 15.08(7)(E) which requires 50 feet of frontage on a public street to not be applicable to lot 2 of the proposed Certified Survey Map. The applicant shall provide access easements and maintenance agreement to be recorded with such recording to be noted on the face of the CSM. These easements and agreements shall be approved by City Planning prior to the recording of the Certified Survey Map.

**(D)** As used and interpreted, unless otherwise noted, square feet in this ordinance, and the referenced planning documents and plans refers to the overall square feet of the structure including exterior walls and appurtenances.

**(E)** This approval shall not take effect until the certified survey map (CS-1648-07) is approved and recorded, and signatures provided on this document and the ordinance recorded, and published which ever occurs last. However, in accord with section 22.92 of the zoning code, the

owner shall consent within 30 days of the date of adoption for the PDD-GIP and PDD-SIP zoning to take effect.

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

The above and foregoing ordinance was duly adopted by the Common Council of the City of Fitchburg, at a regular meeting held on the 27th day of MARCH, 2007.

Tanya O'Malley  
Tanya O'Malley, Acting City Clerk

Approved: 4-9-07

Thomas Clauder  
Thomas Clauder, Mayor

STATE OF WISCONSIN)ss.  
COUNTY OF DANE

Personally came before me this 9th day of April, 2007, the above named Tanya O'Malley, and Thomas Clauder to me known to be the Acting City Clerk and Mayor (respectively) of the City of Fitchburg, and the persons who executed the foregoing instrument and acknowledged the same.

Lisa M. Schulz  
Notary Public, State of Wisconsin

Printed Name of Notary Public Lisa M Schulz  
My Commission Expires: 4/26/2009

**Consent of the Property Owner**

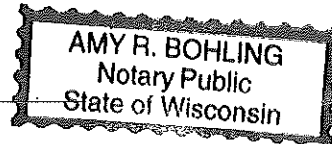
William R. Clemens  
Homeville Fitchburg LLC.  
By William R. Clemens

Date: 4-18-07

Personally came before me this 18th day of April, 2007, the above named William R. Clemens to me known to be SOLE OWNER, of Homeville Fitchburg, LLC and the person who executed the foregoing instrument and acknowledged the same.

Amy R. Bohling  
Notary Public, State of Wisconsin

Printed Name of Notary Public Amy R. BOHLING  
My Commission Expires: 7-11-2010



**Consent of Mortgage Holder: BANK OF SUN PRAIRIE**

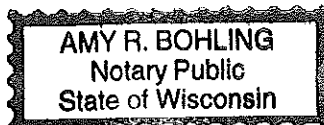
*Alice Hensen* Date: 4-18-07  
~~Mortgage Holder~~ ALICE HENSEN, PRESIDENT  
BANK OF SUN PRAIRIE

Personally came before me this 18 day of April, 2007, the above named

ALICE HENSEN to me known to be the PRESIDENT

of BANK OF SUN PRAIRIE and the person who executed the foregoing instrument and acknowledged the same.

*Amy R. Bohling*  
Notary Public, State of Wisconsin



Printed Name of Notary Public Amy R. BOHLING  
My Commission Expires: 7/11/2010