

**TOWN OF WINDSOR  
TOWN BOARD RESOLUTION 2014-51**

**RESOLUTION CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF  
BEAR TREE FARMS DATED SEPTEMBER 16, 2014 AND PROPOSED REZONING BY  
DANE COUNTY FROM A-1 EX, A-2 AND A-3 TO R-2, R-4, B-1, CO-1 AND RE-1  
ALL LOCATED IN THE TOWN OF WINDSOR**

[Submitted by Petitioners and owners  
Bear Tree Farms, Inc., Statz Bros. Inc., and Steve Pederson]

**WHEREAS**, Bear Tree Farms, Inc., Statz Bros. Inc., and Steve Pederson (collectively herein, "Petitioners") have applied for approval of the Preliminary Plat of Bear Tree Farms dated September 16, 2014<sup>1</sup> (the "Plat") located in the Town of Windsor, Dane County, Wisconsin, and rezoning by Dane County from A-1 EX, A-2 and A-3 to R-2, R-4, B-1, CO-1 and RE-1 as described with particularity in the Staff Report; and

**WHEREAS**, Town staff recommendations are set forth in the Staff Report dated September 11, 2014, as further supplemented for presentation to the Town Board on September 18, 2014 (collectively herein, "Staff Report"), which Staff Report is incorporated herein by reference; and

**WHEREAS**, Petitioners presented their application and a public hearing was held at a regular meeting of the Town of Windsor Plan Commission on July 15, 2014, after which the Plan Commission considered the presentation, staff comments and public comments and recommended conditional approval on the terms set forth in Plan Commission Resolution 2014-21, which is incorporated by reference; and

**WHEREAS**, at a regular meeting of the Town Board held on September 18, 2014, the Town of Windsor Town Board considered all of the aforementioned and additional information provided to the Town through September 17, 2014, and wishes to conditionally recommend approval as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Windsor as follows:

- A. The Windsor Town Board **Conditionally Approves** the Preliminary Plat<sup>2</sup> and Rezone for the property located at Lot 1 of CSM 11197 and referred to as Bear Tree Farms-Windsor or the Plat, and owned by Bear Tree Farms Inc., Statz Bros. Inc., and Steve Pederson (collectively, "Petitioners"), subject to the following conditions:

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<sup>1</sup> **NOTE:** The Preliminary Plat as revised on September 16, 2014 is the Plat referenced in this Resolution 2014-51. The initial application included a Preliminary Plat dated June 25, 2014 and interim maps dated August 21, 2014, September 3 and September 10 have been prepared.

<sup>2</sup> **NOTE:** In the event of a conflict among the documents submitted to and reviewed by the Plan Commission and/or Town Board, the more stringent requirements shall be applied and bind the Petitioners. This determination shall be made by Town staff.

1. Provided that there are no substantive changes to the Final Plat, as determined by the Town Planner, the technical comments set forth in the Planning Comments section of this Staff Report<sup>3</sup> shall be addressed as follows:
  - a. As applied to this Plat, the overall gross density of 2.5 D.U./acre for the Transition Residential category per the Town of Windsor Comprehensive Plan: 2025 is found by the Town Board to be a guideline for the Transition Residential category of the Town of Windsor Comprehensive Plan: 2025.
  - b. As applied to this Plat, the 15% open space calculation for the Transition Residential category per the Town of Windsor Comprehensive Plan: 2025 is found to be a guideline for the Transition Residential category of the Town of Windsor Comprehensive Plan: 2025.
  - c. The unit count set forth on the Final Plat shall be limited and set forth in a deed restriction or other binding agreement approved by the Town Attorney, to include the following units:
    1. Single Family      364 units 3.0 DU/acre
      - a. Lots 163-181 (lots along eastern boundary of plat north of OL 4) shall each be 20,000 sf or larger
      - b. All SF Lots shall be 12,000 sf or larger
    2. Multi-Family and Senior shall be on Lots 1, 3, and 270 only
      - a. The maximum number of units on these three lots shall be 232, of which 80 or more shall be senior housing and 152 or less shall be multifamily. (If senior housing increases, multifamily units will decrease. Multifamily will never be more than 152 units.)
      - b. For these purposes, senior housing means housing subject to legal age restrictions, assisted living units and nursing homes. The form of ownership could be condominiums, zero lot line duplexes, or rental units.
    3. The Dwelling Unit Density Information on the Plat shall be revised to more fully reflect the unit count and the restrictions set forth above.
  - d. As to compliance with Section 42-115 of the Town of Windsor Code of Ordinances: A waiver has been requested by the Petitioner and approved by the Town Board with respect to the curb and gutter requirement. The use of a rural cross section with open drainage swales, as shown in the application, is hereby approved by the Town, subject to construction, monumenting and implementation as approved by the Town Planner and Town Engineer.

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<sup>3</sup> **NOTE:** The Town of Windsor Plan Commission voted as “Not in Support” of granting waivers to the items set forth in Section A.1.a.-d. (July 15, 2014 Plan Commission Meeting).

- e. As to compliance with Section 42-118 of the Town of Windsor Code of Ordinances: A waiver has been requested by the Petitioner and conditionally approved by the Town Board with respect to the sidewalk requirement. The conditions include: (i) the Town Board's approval of the location of 10-foot multi-purpose paths within public right-of-way or across private easements granted by lot owners, all in a manner that furthers connectivity of a walking, biking and trail system; (ii) execution of a separate easement agreement for any and all multi-purpose paths that cross private property, which agreement shall be subject to approval of the Town Attorney, Town Planner and Town Engineer; and, (iii) execution of a monument and maintenance agreement, which agreement shall be subject to approval of the Town Engineer, Town Planner and Town Attorney.
2. The Petitioners shall address the technical comments set forth in the Engineering Comments section of this Staff Report to the satisfaction of the Town Engineer.
3. The Petitioners shall address the technical comments set forth in the Surveying Comments section of this Staff Report to the satisfaction of the Town Planner.
4. The Petitioners shall address the comments set forth in the Town Policy Concerns/Issues section of this Staff Report to the satisfaction of the Town of Windsor Plan Commission and Board.
5. The Petitioners shall provide letters of no objection to the Town Planning & Development Coordinator regarding the proposed development from the following entities:
  - a. DeForest Area Fire & EMS
  - b. Windsor Sanitary District No. 1
  - c. DeForest Area School District
6. The Petitioners shall present to the Town Planning & Development Coordinator the following fully executed original documents, with exhibits attached, each and all of which shall be in a form that meets the requirements for recording, and is satisfactory to the Town Attorney:
  - a. Deed Restriction, prohibiting the conveyance of a lot to a homeowner prior to the Petitioners complying with the recommended conditions of approval of the Preliminary Plat and Final Plat; and
  - b. Development Agreement using the base template of the Town's Development Agreement, dated 07-17-2014, and covering the installation of improvements for the proposed development including a security for the public improvements in an amount and form required by law, and approved by the Town of Windsor Board, Attorney, and Engineer; and
  - c. Declaration of Covenants and Restrictions, ensuring the quality of development, and approved by the Town of Windsor Board, Attorney, and Engineer; and

- d. Stormwater Management Agreement, for all stormwater management facilities, and approved by the Town of Windsor Board, Attorney, and Engineer. Storm water conveyance should be maintained primarily within public rights-of-way. Where storm water conveyance is maintained along common lot lines, the easement boundaries shall be monumented in a manner intended to give notice to subsequent owners, as approved by the Town Engineer.
7. The Petitioners shall provide a vehicular connection from Warner Drive to Pederson Crossing in the general area of Lot 3 and Lot 11 of Phase 6. (*Note: This is included on the Preliminary Plat.*)
8. The Petitioners shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
9. The Petitioners shall obtain approval of Construction Plans and Specifications, in a form satisfactory to the Town Engineer and in accordance with the Development Agreement, for all public improvements. The Pavement Design Report using the Preliminary Plat Soil Report shall be submitted to verify that the proposed pavement cross-section is sufficient.
10. The Petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees in Lieu of Parkland Dedication in the amount determined pursuant to Section 38-637(b) of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
11. The Petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-639(e) of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
12. The final design, amenities, phasing and funding mechanisms for the proposed Community Park shall be agreed upon by the Town of Windsor Board and the Petitioners as part of the Development Agreement.
13. The final design, location, and phasing for the 10' multi-purpose path shall be agreed upon by the Town of Windsor Board and the Petitioners as part of the Development Agreement.
14. The Petitioners shall obtain approval for the Preliminary Plat by Dane County, Village of DeForest, and all other approving authorities.
15. The Petitioners shall obtain approval for the Rezone by Dane County.

16. The Petitioners shall submit the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the Town of Windsor (and any other approving authority) may refuse to approve the Final Plat or may extend the time for submission of the Final Plat, all in accordance with Wis. Stats. Section 236.11(1)(b).
17. The Final Plat shall be consistent with the facts set forth in the Staff Report and the Town Board Resolution, as determined by the Town of Windsor Staff. If the Final Plat is not consistent therewith, then the Town of Windsor Staff may request such action as is necessary to be consistent therewith and/or may refer the Final Plat to the Town of Windsor Plan Commission and/or Town of Windsor Board, or both.
18. The Petitioners shall comply with Division 8 *Fees, Administrative Charges and Financial Guarantees* of Article IV of Chapter 38 of the Town of Windsor Code of Ordinances; however, the Escrow Deposit set forth in Sec. 38-309 shall be set at \$10,000.00 for this project. The Town is revising this Sec. 38-309 to reflect the need for higher escrow deposits on projects such as Bear Tree Farms and the Petitioners are hereby advised that the ordinance currently under consideration shall be applied to Bear Tree Farms.
19. The Petitioners shall promptly<sup>4</sup> reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Preliminary Plat and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
20. **THE TOWN OF WINDSOR SHALL NOT SIGN THE FINAL PLAT UNTIL EACH AND ALL OF THE CONDITIONS SET FORTH ABOVE HAVE BEEN MET TO THE TOWN'S SATISFACTION.**

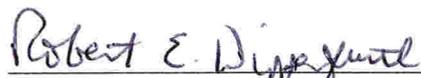
B. It is the Petitioners' obligation to satisfy those conditions adopted by the Town Board, and to provide satisfactory verification of compliance to the Town. All submissions to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

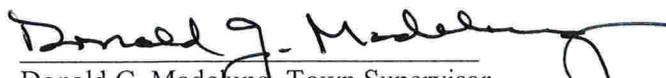
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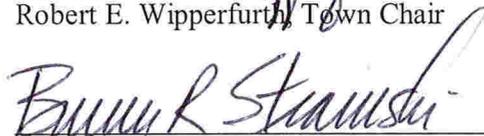
<sup>4</sup> As used herein, "promptly" means within 45 days from the date of the Town's invoice to the Petitioners.

The above and foregoing Resolution was recommended for approval at the regular meeting of the Town Board of the Town of Windsor on the 18th day of September, 2014, with a delayed effective date to allow for final review and ratification at the regular meeting of the Town Board of the Town of Windsor on the 2<sup>nd</sup> day of October, 2014. The Resolution above was ratified and is effective October 2, 2014.

TOWN OF WINDSOR

  
Robert E. Wipperfurth, Town Chair

  
Donald G. Madelung, Town Supervisor

  
Bruce Stravinski, Town Supervisor

  
Alan Buchner, Town Supervisor

  
Monica M. Smith, Town Supervisor

Attested by:

  
Christine Capstran, Town Clerk

Documents incorporated by reference:

Preliminary Plat for Bear Tree Farms dated September 16, 2014  
Staff Report



**TO:** Town of Windsor Board

**CC:** Robert Wipperfurth, Chairman  
Tina Butteris, Office Manager  
Amy Anderson Schweppe, Planning & Development Coordinator  
Kevin Richardson, Engineer  
Connie Anderson, Attorney

**FROM:** Jamie Rybarczyk, Planning Consultant

**RPT DATES:** July 07, 2014 (PC)  
August 11, 2014 (TB)  
September 12, 2014 (TB)  
September 18, 2014 (TB)  
October 06, 2014 (TB)

**MTG DATES:** July 15, 2014 (PC)  
August 21, 2014 (TB)  
September 18, 2014 (TB)  
October 16, 2014 (TB)

**APRVL DATE:** N/A

**FOTH FILE:** 13W027.01/13

**RE:** Bear Tree Farms – Preliminary Plat & Rezone Request

**BACKGROUND:**

1. Petitioner/Agent: Bear Tree Farms, Inc., Statz Bros. Inc., Steve Pederson
2. Property Owner: Bear Tree Farms, Inc., Statz Bros. Inc., Steve Pederson
3. Location/Address: Lot 1 of CSM 11197
4. Taxkey Number: 0910-283-8002-0, 0910-283-9503-0, 0910-332-8003-0, 0910-284-8601-0, 0910-284-8554-0, 0910-284-9002-0, 0910-331-8502-0, and 0910-331-9002-0
5. Area: 227.01 acres
6. Existing Zoning: A-1 EX Agricultural District, A-2 Agricultural District, and A-3 Agricultural District
7. Proposed Zoning: R-2 Residential District, R-4 Residential District, B-1 Local Business District, CO-1, Conservancy District, and RE-1 Recreational District
8. Future Land Use: Transition Residential, Neighborhood Mixed Use, and Environmental Preservation and Parks

**OVERVIEW:**

The Petitioners are requesting approval of a Preliminary Plat and Rezone for Bear Tree Farms development. The latest version of the Preliminary Plat is dated September 16, 2014.

The Petitioners are proposing a 227-acre mixed-use development that includes 364 single-family lots, 232 multi-family units (approximately 152 multi-family units and 80 senior units), 1.5 acres of commercial, 30 acres of park (comprising of three tot lots and a community park), and 16 acres for stormwater management. The Petitioner anticipates 9 phases to the build-out.

The Bear Tree Farms development is intended to offer a variety of housing types within close proximity to shopping, employment, and recreation. The single-family lots range in size from about 12,000 SF (a little over ¼

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acre) to 23,000+ SF (over ½ acre). The largest lots are located adjacent to the Terrace Park Subdivision. The multi-family units and senior housing units are located along Windsor Road and Warner Drive. The latest version of the Preliminary Plat shows a smaller multi-family area along Windsor Road east of Warner Drive to allow for additional single-family homes as a buffer to the existing homes on Royal View Drive. The small-scale commercial use is located along to Pederson Crossing. The tot lots, community park, and open space (i.e. stormwater management and wooded areas) are distributed throughout the development linked by a 10' multi-use pedestrian/bicycle path.

The Petitioner has requested a Rezone of Bear Tree Farms development under Dane County zoning. The requested zoning districts are as follows (see Exhibit B):

- CO-1 Conservancy District – Outlots for Stormwater Management
- RE-1 Recreational District – Outlots for Tot Lots and Community Park
- R-2 Residential District – Single Family Lots (10,000 SF Min Lot Area)
- R-4 Residential District – Multi-Family and Senior Housing Lots (2,000 – 2,250 Min Lot Area/D.U.)
- B-1 Local Business District – Commercial Lot

Submitted with the Preliminary Plat and Rezone application for Bear Tree Farms, the Petitioners have provided the following documents and plans:

- Storm Water Management Plan (April 2014) prepared by Vierbicher Associates
- Preliminary Engineering Plans (April 2014) prepared by Vierbicher Associates
- Utility Design Report (May 2013) prepared by Vierbicher Associates
- DeForest South Water System Evaluation Memo (January 2014) prepared by Vierbicher Associates
- Draft Development Agreement (May 2014)
- Environmental Assessment Report (April 2014)
- Tree Preservation Plan (May 2014)
- Affidavit of Ownership Status (June 2014) prepared by Mike Lawton

### **PLANNER COMMENTS:**

Staff has the following planning comments regarding the Preliminary Plat and Rezone for the Bear Tree Farms development:

#### Comprehensive Plan

1. Most of the Bear Tree Farms development is planned as “Transition Residential” per the Town of Windsor Future Land Use Plan. This area serves as a transition between the lands to the west and the Terrace Park Subdivision. Future uses include traditional single-family, parks, schools, churches, and limited multi-family residential. Development should be sewerred as it becomes available and the overall gross density in this district should not exceed 2.5 D.U./acre including any limited multi-family units. In addition, the “Transitional Residential” requires at least 15% of each development to remain in open space. The minimum lot size is 12,000 SF unless standards for Planned Residential Development (Land Division Ordinance) are followed. Residential lot sizes must be transitioned and match those of surrounding (existing and planned) developments. A small land area along Pederson Crossing is planned for “Neighborhood Mixed Use.” Commercial uses and structures are planned to be of a smaller, community-serving scale that are compatible with and complimentary to residential use. (*Planner Note: On September 18, 2014 the Town of Windsor Board found the 2.5 D.U./acre to be a guideline for the Transition Residential category of the Town of Windsor Comprehensive Plan: 2025, and approved the density outlined under the section titled “2011 Restrictions Affecting Lands Commonly Known as Bear Tree Farms (Windsor) and Bear Tree Farms (DeForest)”*).
2. The proposed development is 596 dwelling units on 142 acres of land (excluding roads, parks, open space, and commercial), which equates to 4.20 D.U./acre. If the density is calculated based on the gross area (excluding the commercial lot), the development is 596 dwelling units on 225.5 acres, which equates to 2.60 D.U./acre. If

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the density is calculated based on the portions of the Bear Tree development located in the Village of DeForest, the density is less than 2.5 D.U./acre.

3. The seven (7) outlots (i.e. dedicated areas for park, open space, and stormwater management) total 46.5 acres which is 20.5% of the total development. When calculating the required open space within the Transitional Residential area, it is Town policy to exclude areas for stormwater management. As a result the Preliminary Plat provides 30 acres of park and open space which is 13.2% of the total development, slightly less than the required 15% open space per the Town of Windsor Comprehensive Plan: 2025. *(Planner Note: On September 18, 2014 the Town of Windsor Board found the 15% open space calculation to be a guideline for the Transition Residential category of the Town of Windsor Comprehensive Plan: 2025.)*
4. The Housing Element in the Town of Windsor Comprehensive Plan: 2025 states that the overall mix of housing types in the Urban Service Area should approach a ratio of 70% single family detached and 30% multi-family. It has been a Town policy to omit senior housing in this ratio calculation. The latest version of the Preliminary Plat represents a ratio of 70% single family lots and 30% multi-family units.
5. The exact boundaries for the "Neighborhood Mixed Use" district shown on the Town of Windsor Future Land Use Plan are representative of an earlier Bear Tree Farms development concept; therefore, do not precisely match the land uses and boundaries illustrated for Lot 2 and Lot 3 of the Preliminary Plat.

#### DeForest-Windsor Cooperative Plan

6. The Village of DeForest and Town of Windsor have been cooperatively planning for the Bear Tree Farms development. The overall layout, land uses, and residential densities have been generally supported by both communities over the past few years. The Cooperative Plan amendments, Northern Urban Service Area amendment, General Development Plan, and the 2011 Deed Restrictions are an indication of the Village and Town cooperative planning.

#### 2011 Restrictions Affecting Lands Commonly Known as Bear Tree Farms (Windsor) and Bear Tree Farms (DeForest)

7. The Village of DeForest, Town of Windsor and PC Farm Holdings LLC, by means of a recorded deed restriction, agreed upon a Development Plan Concept for Bear Tree Farms (Windsor) and Bear Tree Farms (DeForest) that included parameters such as mix of land uses, development quantities and density, design standards, development phasing, road and trail alignments, etc. Town staff revised the Preliminary Plat, dated September 10, 2014 for consistency with the 2011 Deed Restrictions with the focus being on overall density and the ratio of single family to multi-family dwelling units.

Upon review of the Preliminary Plat, dated September 10, 2014, the proposed 612 dwellings units exceeded the allowed dwelling units of 596. By reducing the total dwelling units, the Preliminary Plat would be consistent with the 2011 Deed Restriction and also comply with the Town of Windsor Comprehensive Plan: 2025. The following table identifies the mix of land uses and density for the Bear Tree Farms development. For Lots 1, 3 and 270 the Petitioners have agreed to "cap" the total density at 232 dwelling units for the multi-family housing and senior housing.

	<b>September 16, 2014 Preliminary Plat</b>
<b>Single Family Units</b>	<b>364</b>
<b>Multi-Family Units (Lots 1, 3 &amp; 270)</b>	<b>232 (Max.)</b>
Multi-Family (Apartments)	0 – 152 (Min. & Max.)
Senior Units	0 – 232 (Min. & Max.)
<b>Total Dwelling Units</b>	<b>596</b>
<b>SF/MF Ratio (excluding Senior)</b>	<b>70% SF / 30% MF</b>
<b>Total Dwelling Units allowed under the Transition Residential Land Use Category (2.5 D.U./Acre)</b>	<b>564</b>

Town of Windsor Code of Ordinances

8. Section 42-115 of the Town of Windsor Code of Ordinances requires curb and gutter on all roads within an Urban Service Area. According to the Preliminary Engineering Plans, the Petitioners are proposing a rural cross-section with open drainage swales for the development. The rural cross-section is a result of the Capital Regional Planning Commission (CARPC) requiring a 100% stay-on volume standard, maintaining pre-development groundwater recharge, and mitigating the impacts of groundwater withdrawal for potable water use in the Urban Service Area. *(Planner Note: On September 18, 2014 the Town of Windsor Board approved a variance to Section 42-115 of the Town of Windsor Code of Ordinances.)*
9. Section 42-118 of the Town of Windsor Code of Ordinances requires concrete paths to be installed along both sides of all roads within an Urban Service Area. The Preliminary Plat does not provide paths (or sidewalks) along both sides of each road within the right-of-way, but instead includes a 10' multi-use path for bicycles/pedestrians within private easements along one side of several roads. *(Planner Note: On September 18, 2014 the Town of Windsor Board approved a variance to Section 42-118 of the Town of Windsor Code of Ordinances.)*

Best Planning Practices

10. The street network within Bear Tree Farms development has been modified over time. The latest version of the Preliminary Plat refined the street connectivity as follows:
  - a. Golden Wheat Run has been extended east to Royal View Drive bisecting Black Forest Road and Royal View Drive. Royal View Drive now provides a street connection from Pederson Crossing to Windsor Road.
  - b. The Unnamed Street provides a second street connection for the Bear Tree Farms development to Pederson Crossing.

**ENGINEER COMMENTS:**

Staff has the following engineering comments regarding the Preliminary Engineering Plans and Stormwater Management Plan for Bear Tree Farms:

1. Utility Agreements for water and sewer service for the Bear Tree development will have to be approved by Windsor Sanitary District No. 1 and the Town of Windsor Board.
2. Water and Sanitary Sewer Service Plans will have to be approved by Windsor Sanitary District No. 1.
3. Preliminary Engineering Plans show multi-use paths on private easements in the Preliminary Plat. Easement and Maintenance Agreements have to be approved by Town of Windsor.

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4. The Stormwater Management Plan illustrates storm water conveyance along common lot lines. Conveyance of stormwater should be located within the public rights-of-way or easements which are marked with monuments approved by the Town Engineer. A final Stormwater Management Plan needs to be approved by the Town of Windsor. The Stormwater Management Plan cannot be finalized until there is a final approved roadway configuration. For example, there are culverts shown as 12 inches in diameter; however, the Town of Windsor requires a minimum culvert size of 18 inches.
5. Approval from Dane County Land Conservation has to be obtained for the Stormwater Management Plan.
6. Approval from Dane County Land Conservation has to be obtained for the Erosion Control Plan.
7. A Pavement Design Report using the Preliminary Plat Soil Report shall be submitted to verify that the proposed pavement cross-section is sufficient.

**SURVEYOR COMMENTS:**

Staff has the following surveying comments regarding the Preliminary Plat and Rezone for Bear Tree Farms:

1. The Preliminary Plat shall note that several buildings will be removed on Lot 268 prior to construction of the multi-family for Phase 8.
2. The Lot and Outlot numbering should be revised to be sequential in accordance with the phasing of the development.
3. Outlot 2 should be divided to correspond to the phasing of the development.
4. Outlots 1, 2 and 3 as indicated on the Preliminary Plat are missing boundary dimension information to enable area computations.
5. Lots 3-15 of Phase 6 do not have access until the public improvements are constructed as part of Phase 7.

**TOWN POLICY CONCERNS:**Open Space and Community Park

1. The Town of Windsor Planning and Development Ordinance requires the Preliminary Plat to dedicate 61.0 acres of parkland. The Preliminary Plat illustrates 30 acres of parkland, a deficiency of 31 acres. The Town of Windsor Board should consider the needs of the community as identified in the Town of Windsor Comprehensive Outdoor Recreation Plan when evaluating dedication of land verse fees in lieu of land as it relates to the Preliminary Plat.
2. The Preliminary Plat shows a number of improvements for the community park including: parking, shelters, a baseball and softball diamond, a basketball court, two volleyball courts, and an outdoor pool. These proposed improvements should be considered based on short and long-term maintenance and operating costs as well as the needs of the community as identified in the Town of Windsor Comprehensive Outdoor Recreation Plan and input from the Town Park and Recreation Committee.
3. The proposed baseball diamond and a multi-use path shown within the community park on the Preliminary Plat crosses the Town of Windsor and the Village of DeForest jurisdiction. The entire park and all improvements should be located within the Town of Windsor to avoid any jurisdictional conflicts regarding maintenance, etc.

**STAFF RECOMMENDATION:**

Depending on confirmation by the Town of Windsor Board of the above described comments, the Town of Windsor Board may take the following action:



The Town of Windsor Board **Conditionally Approves** the Preliminary Plat and Rezone for the property located at Lot 1 of CSM 11197 and referred to as Bear Tree Farms-Windsor or the Plat, and owned by Bear Tree Farms Inc., Statz Bros. Inc., and Steve Pederson (collectively, "Petitioners"), subject to the following conditions:

1. Provided that there are no substantive changes to the Final Plat, as determined by the Town Planner, the technical comments set forth in the Planning Comments section of this Staff Report shall be addressed as follows:
  - a. As applied to this Plat, the overall gross density of 2.5 D.U./acre for the Transition Residential category per the Town of Windsor Comprehensive Plan: 2025 is found by the Town Board to be a guideline for the Transition Residential category of the Town of Windsor Comprehensive Plan: 2025.
  - b. As applied to this Plat, the 15% open space calculation for the Transition Residential category per the Town of Windsor Comprehensive Plan: 2025 is found to be a guideline for the Transition Residential category of the Town of Windsor Comprehensive Plan: 2025.
  - c. The unit count set forth on the Final Plat shall be limited and set forth in a deed restriction or other binding agreement approved by the Town Attorney, to include the following units:
    1. Single Family 364 units 3.0 DU/acre
      - a. Lots 163-181 (lots along eastern boundary of plat north of OL 4 shall each be 20,000 sf or larger
      - b. All SF Lots shall be 12,000 sf or larger
    2. Multi-Family and Senior shall be on Lots 1, 3, and 270 only
      - a. The maximum number of units on these three lots shall be 232, of which 80 or more shall be senior housing and 152 or less shall be multifamily. (If senior housing increases, multifamily units will decrease. Multifamily will never be more than 152 units.)
      - b. For these purposes, senior housing means housing subject to legal age restrictions, assisted living units and nursing homes. The form of ownership could be condominiums, zero lot line duplexes, or rental units.
    3. The Dwelling Unit Density Information on the Plat shall be revised to more fully reflect the unit count and the restrictions set forth above.
  - d. As to compliance with Section 42-115 of the Town of Windsor Code of Ordinances: A waiver has been requested by the Petitioner and approved by the Town Board with respect to the curb and gutter requirement. The use of a rural cross section with open drainage swales, as shown in the application, is hereby approved by the Town, subject to construction, monumenting and implementation as approved by the Town Planner and Town Engineer.
  - e. As to compliance with Section 42-118 of the Town of Windsor Code of Ordinances: A waiver has been requested by the Petitioner and conditionally approved by the Town Board with respect to the sidewalk requirement. The conditions include: (i) the Town Board's approval of the location of 10-foot multi-purpose paths within public right-of-way or across private easements granted by lot owners, all in a manner that furthers connectivity of a walking, biking and trail system; (ii) execution of a separate easement agreement for any and all multi-purpose paths that cross private property, which agreement shall be subject to approval of the Town Attorney, Town Planner and Town Engineer; and, (iii) execution of a monument and maintenance agreement, which agreement shall be subject to approval of the Town Engineer, Town Planner and Town Attorney.
2. The Petitioners shall address the technical comments set forth in the Engineering Comments section of this Staff Report to the satisfaction of the Town Engineer.

3. The Petitioners shall address the technical comments set forth in the Surveying Comments section of this Staff Report to the satisfaction of the Town Planner.
4. The Petitioners shall address the comments set forth in the Town Policy Concerns/Issues section of this Staff Report to the satisfaction of the Town of Windsor Plan Commission and Board.
5. The Petitioners shall provide letters of no objection to the Town Planning & Development Coordinator regarding the proposed development from the following entities:
  - a. DeForest Area Fire & EMS
  - b. Windsor Sanitary District No. 1
  - c. DeForest Area School District
6. The Petitioners shall present to the Town Planning & Development Coordinator the following fully executed original documents, with exhibits attached, each and all of which shall be in a form that meets the requirements for recording, and is satisfactory to the Town Attorney:
  - a. Deed Restriction, prohibiting the conveyance of a lot to a homeowner prior to the Petitioners complying with the recommended conditions of approval of the Preliminary Plat and Final Plat;
  - b. Development Agreement using the base template of the Town's Development Agreement, dated 07-17-2014, and covering the installation of improvements for the proposed development including a security for the public improvements in an amount and form required by law, and approved by the Town of Windsor Board, Attorney, and Engineer;
  - c. Declaration of Covenants and Restrictions, ensuring the quality of development, and approved by the Town of Windsor Board, Attorney, and Engineer; and
  - d. Stormwater Management Agreement, for all stormwater management facilities, and approved by the Town of Windsor Board, Attorney, and Engineer. Storm water conveyance should be maintained primarily within public rights-of-way. Where storm water conveyance is maintained along common lot lines, the easement boundaries shall be monumented in a manner intended to give notice to subsequent owners, as approved by the Town Engineer.
7. The Petitioners shall provide a vehicular connection from Warner Drive to Pederson Crossing in the general area of Lot 3 and Lot 11 of Phase 6. (*Planner Note: This is included on the Preliminary Plat.*)
8. The Petitioners shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
9. The Petitioners shall obtain approval of Construction Plans and Specifications, in a form satisfactory to the Town Engineer and in accordance with the Development Agreement, for all public improvements. The Pavement Design Report using the Preliminary Plat Soil Report shall be submitted to verify that the proposed pavement cross-section is sufficient.
10. The Petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees in Lieu of Parkland Dedication in the amount determined pursuant to Section 38-637(b) of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
11. The Petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-639(e) of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.



## Staff Review

12. The final design, amenities, phasing and funding mechanisms for the proposed Community Park shall be agreed upon by the Town of Windsor Board and the Petitioners as part of the Development Agreement.
13. The final design, location, and phasing for the 10' multi-purpose path shall be agreed upon by the Town of Windsor Board and the Petitioners as part of the Development Agreement.
14. The Petitioners shall obtain approval for the Preliminary Plat by Dane County, Village of DeForest, and any other approving authorities.
15. The Petitioners shall obtain approval for the Rezone by Dane County.
16. The Petitioners shall submit the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the Town of Windsor (and any other approving authority) may refuse to approve the Final Plat or may extend the time for submission of the Final Plat, all in accordance with Wis. Stats. Section 236.11(1)(b).
17. The Final Plat shall be consistent with the facts set forth in the Staff Report and the Town Board Resolution, as determined by the Town of Windsor Staff. If the Final Plat is not consistent therewith, then the Town of Windsor Staff may request such action as is necessary to be consistent therewith and/or may refer the Final Plat to the Town of Windsor Plan Commission and/or Town of Windsor Board, or both.
18. The Petitioners shall comply with Division 8 *Fees, Administrative Charges and Financial Guarantees* of Article IV of Chapter 38 of the Town of Windsor Code of Ordinances; however, the Escrow Deposit set forth in Sec. 38-309 shall be set at \$10,000.00 for this project. The Town is revising this Sec. 38-309 to reflect the need for higher escrow deposits on projects such as Bear Tree Farms and the Petitioners are hereby advised that the ordinance currently under consideration shall be applied to Bear Tree Farms.
19. The Petitioners shall promptly reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Preliminary Plat and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
20. THE TOWN OF WINDSOR SHALL NOT SIGN THE FINAL PLAT UNTIL EACH AND ALL OF THE CONDITIONS SET FORTH ABOVE HAVE BEEN MET TO THE TOWN'S SATISFACTION. It is the Petitioners' obligation to satisfy these conditions.

### **COMPREHENSIVE PLAN CONSISTENCY:**

Subject to the above mentioned comments the Preliminary Plat and Rezone for the Bear Tree Farms development is consistent with the Town of Windsor Comprehensive Plan: 2025.

### **PLANNING & DEVELOPMENT ORDINANCE CONSISTENCY:**

Subject to the above mentioned comments the Preliminary Plat for the Bear Tree Farms development is consistent with the Planning & Development Ordinance of Town of Windsor Code of Ordinances.

### **ZONING ORDINANCE CONSISTENCY:**

The Rezone request for the Bear Tree Farms Preliminary Plat is subject to review and approval of Dane County.

### **EXHIBITS:**

- A. DCiMap
- B. Proposed Zoning
- C. Preliminary Plat

**Celebrating 75 Years of Client-Service Excellence**



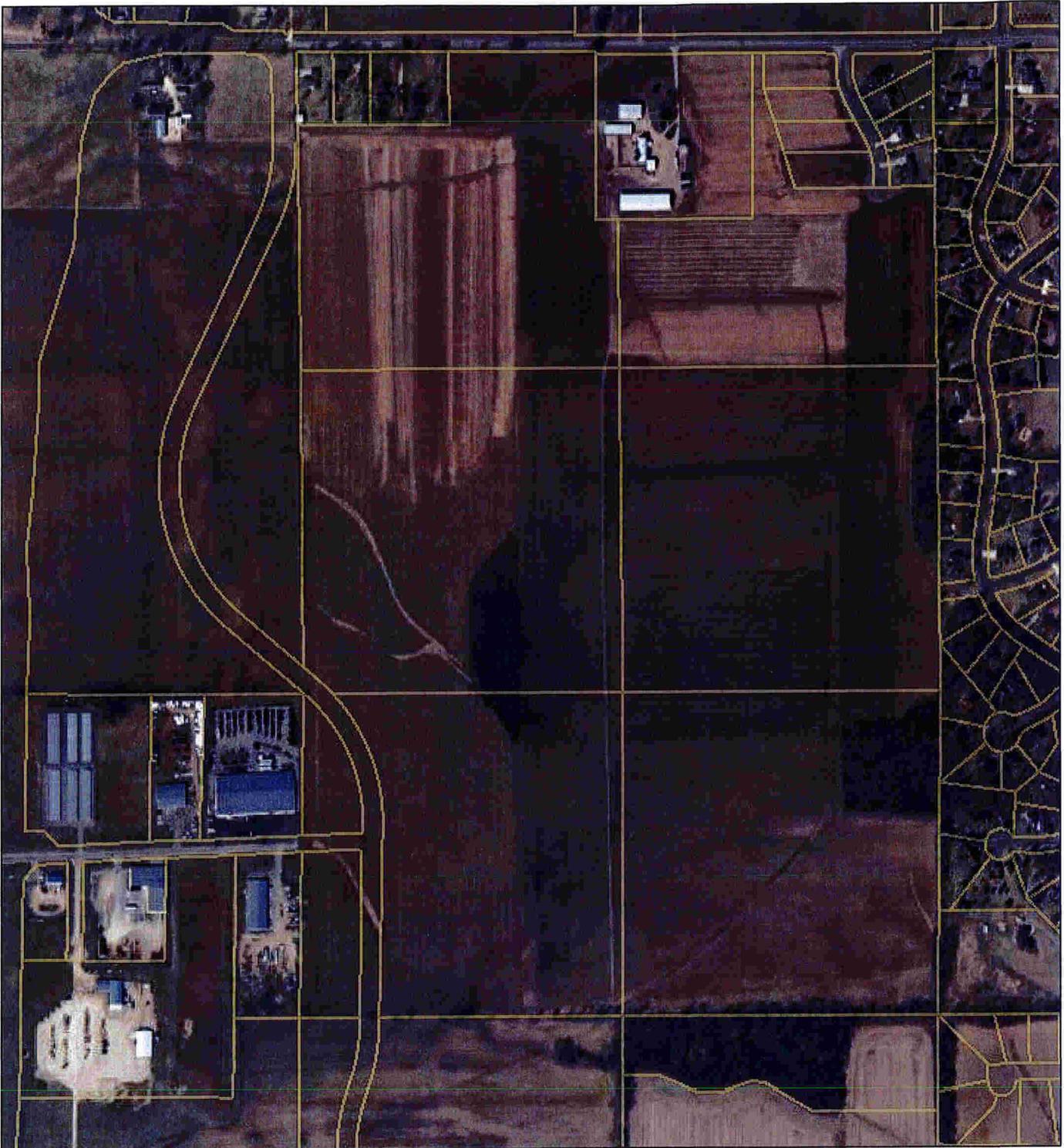
## Staff Review

D. Construction Plans & Document (Town Clerk to Provide Upon Request)

**Celebrating 75 Years of Client-Service Excellence**

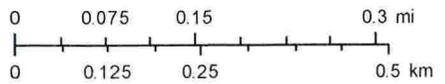
X:\ML\IE\2013\13W027.01\13 Bear Tree Plat Review\10000 Reports\TW-R-BT Plat & Rezone (TB)-2014.10.16.doc  
Lincoln Center II • 2514 South 102<sup>nd</sup> Street, Suite 278 • West Allis, WI 53227 • (414) 336-7900 • Fax: (414) 336-7901

# Bear Tree Farms



July 2, 2014

1:9,600



 Tax Parcels

Planning  
Geophysical  
Water Resources  
Recreation  
ParcelText



# BEAR TREE FARMS

## Proposed Zoning

July 17, 2014  
 Rev. Sept. 4, 2014  
 Rev. Sept. 19, 2014



Proposed Zoning Classifications:		R-2	R-4	B-1	RE-1	CO-1	
A-3 CURRENT DANE COUNTY ZONING							Total
	2014 Acres	157.6	21.6	1.4	30.4	16.0	227.0

**Zoning description (A-3 to R-2):**

Part of the Northwest ¼ of the Southeast ¼ and part of the Southwest ¼ of the Southeast ¼, Section 28; part of the Northwest ¼ of the Northeast ¼, part of the Southwest ¼ of the Northeast ¼, and part of the Northeast ¼ of the Northwest ¼, Section 33; all in T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East ¼ Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast ¼ to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006 and the point of beginning; thence continuing S00°54'28"E, 2054.26 feet along the West line of Terrace Park; thence S00°16'21"W, 14.16 feet; thence S70°27'48"W, 151.70 feet; thence S41°39'54"W, 75.23 feet; thence S85°24'11"W, 255.65 feet; thence S01°52'14"E, 39.16 feet; thence S03°50'57"E, 280.99 feet; thence S80°35'56"W, 121.87 feet; thence S09°24'04"E, 118.92 feet; thence along a curve to the left with a radius of 167.00 feet and a long chord bearing and distance of S18°51'00"E, 54.83 feet; thence along a curve to the left with a radius of 15.00 feet and a long chord bearing and distance of S76°24'08"E, 22.33 feet; thence N55°01'36"E, 7.87 feet; thence along a curve to the right with a radius of 196.00 feet and a long chord bearing and distance of N73°42'27"E, 128.58 feet; thence N08°06'19"E, 95.71 feet; thence S86°50'36"E, 343.72 feet to the West line of CSM No. 5357; thence S00°16'21"W, 780.93 feet along said West line and West line of Lot 1, Terrace Park-Park Addition to the South line thereof; thence S80°03'22"E, 4.46 feet along said South line to the West line of Revere Trails; thence S00°04'16"W, 394.59 feet along said West line; thence S89°43'57"W, 201.02 feet; thence N00°04'25"E, 96.58 feet; thence along a curve to the left with a radius of 334.00 feet and a long chord bearing and distance of N04°00'19"W, 47.52 feet; thence N08°05'03"W, 202.26 feet; thence along a curve to the right with a radius of 466.00 feet and a long chord bearing and distance of N04°00'19"W, 66.29 feet; thence N00°04'25"E, 10.42 feet; thence S86°41'18"W, 94.33 feet; thence N79°56'42"W, 198.69 feet; thence S82°43'12"W, 211.54 feet; thence S88°15'17"W, 258.87 feet; thence S87°14'45"W, 187.68 feet; thence N63°34'48"W, 190.55 feet; thence N49°00'24"E, 162.38 feet; thence along a curve to the right with a radius of 183.00 feet and a long chord bearing and distance of N47°36'08"W, 66.44 feet; thence S49°00'24"W, 156.36 feet; thence N25°56'58"W, 158.88 feet; thence N04°08'20"E, 169.23 feet; thence N20°04'43"E, 217.13 feet; thence N22°48'19"E, 148.57 feet; thence N34°04'20"E, 255.59 feet; thence N60°55'45"E, 157.25 feet; thence N13°13'44"W, 16.30 feet; thence N87°49'55"W, 86.01 feet; thence N76°06'07"W, 324.66 feet; thence S59°21'44"W, 44.96 feet; thence S33°48'22"W, 154.02 feet; thence S47°33'09"W, 127.44 feet; thence S63°46'56"W, 153.27 feet; thence N08°28'01"W, 154.06 feet; thence along a curve to the right with a radius of 333.00 feet and a long chord bearing and distance of S73°31'01"W, 20.20 feet; thence S08°28'01"E, 149.93 feet; thence S88°28'42"W, 380.93 feet; thence S86°32'55"W, 139.96 feet; thence along a curve to the left with a radius of 760.00 feet and a long chord bearing and distance of N23°33'56"W, 523.07 feet to the North line of said Northwest ¼; thence N89°56'41"E, 1204.80 feet along said North line to the West line of said Southeast ¼; thence N01°00'59"W, 175.61 feet along said West line; thence S76°40'59"E, 117.73 feet; thence S13°53'53"W, 139.97 feet; thence S76°46'12"E, 52.75 feet to the North line of said Northeast ¼; thence N89°46'15"E, 13.35 feet along said North line; thence N06°32'30"E, 214.42 feet; thence N03°35'31"E, 666.90 feet; thence S61°47'03"W, 252.20 feet to said West line; thence N01°00'59"W, 231.61 feet along said West line; thence N61°47'03"E, 46.28 feet; thence along a curve to the left with a radius of 15.00 feet and a long chord bearing and distance of N19°48'02"E, 20.07 feet; thence along a curve to the right with a radius of 433.00 feet and a long chord bearing and distance of N13°52'40"W, 125.10 feet; thence S88°54'55"W, 20.45 feet to said

West line; thence  $N01^{\circ}00'59''W$ , 167.22 feet along said West line; thence continuing  $N01^{\circ}00'59''W$ , 606.03 feet along said West line to the South line of CSM No. 11197; thence  $N89^{\circ}52'23''E$  (recorded as  $N90^{\circ}00'00''E$ ), 560.92 feet along said South line; thence  $N00^{\circ}07'37''W$  (recorded as  $N00^{\circ}00'00''W$ ), 670.07 feet along the East line of said CSM No. 11197 to the South right-of-way line of Windsor Road; thence  $N89^{\circ}52'23''E$ , 41.66 feet along said right-of-way line to the Westerly line of CSM No. 11425; thence  $S00^{\circ}16'34''E$  (recorded as South), 140.00 feet along said Westerly line; thence continuing along said Westerly line  $S17^{\circ}50'27''E$  (recorded as  $S17^{\circ}47'04''E$ ), 251.57 feet; thence  $S47^{\circ}14'18''W$ , 161.17 feet to the East line of said CSM No. 11197; thence  $S00^{\circ}07'37''E$  (recorded as  $S00^{\circ}07'37''E$ ), 37.15 feet; thence  $S56^{\circ}12'15''E$ , 8.06 feet; thence  $S73^{\circ}10'17''E$ , 64.69 feet; thence  $S00^{\circ}55'12''E$ , 139.60 feet; thence along a curve to the left with a radius of 317.00 feet and a long chord bearing and distance of  $S89^{\circ}48'22''E$ , 11.75 feet; thence  $N89^{\circ}07'55''E$ , 129.25 feet; thence  $N00^{\circ}55'12''W$ , 139.89 feet to the South line of said CSM No. 11425; thence  $N89^{\circ}07'23''E$  (recorded as  $N89^{\circ}15'27''E$ ), 553.23 feet along said South line and the South line of said CSM No. 7006 to the Southeast corner of said CSM No. 7006 and the point of beginning; Containing 103.4 acres.

**Zoning description (A-1(Ex) to R-2):**

Part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast  $\frac{1}{4}$  to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence S84°37'39"W, 1420.68 feet to the Southwest corner of CSM No. 11197 and the point of beginning; thence N89°52'23"E, 91.08 feet along the South line of said CSM No. 11197 to the East line of said Southwest  $\frac{1}{4}$ ; thence S01°00'59"E, 606.03 feet along said East line; thence continuing along said East line S01°00'59"E, 167.22 feet; thence S88°54'55"W, 80.63 feet; thence N11°16'38"W, 223.53 feet; thence N00°52'05"W, 258.27 feet; thence N67°07'32"W, 66.61 feet; thence S30°37'42"W, 121.77 feet; thence S40°45'04"W, 113.64 feet; thence N44°24'20"W, 140.00 feet; thence along a curve to the right with a radius of 533.00 feet and a long chord bearing and distance of S47°12'25"W, 30.00 feet; thence S41°10'49"E, 140.00 feet; thence S54°12'09"W, 126.27 feet; thence S64°58'04"W, 126.27 feet; thence S19°38'58"E, 37.25 feet; thence N88°59'17"E, 205.75 feet; thence S75°05'55"E, 91.50 feet; thence S38°47'38"E, 57.45 feet; thence S22°16'09"W, 98.09 feet; thence along a curve to the right with a radius of 253.00 feet and a long chord bearing and distance of S47°58'24"E, 171.05 feet; thence S28°12'57"E, 64.52 feet; thence along a curve to the left with a radius of 15.00 feet and a long chord bearing and distance of S73°12'57"E, 21.21 feet; thence N61°47'03"E, 102.08 feet to the East line of said Southwest  $\frac{1}{4}$ ; thence S01°00'59"E, 231.61 feet along said East line; thence S61°47'03"W, 95.51 feet; thence S60°15'26"W, 92.60 feet; thence S36°25'34"W, 209.73 feet; thence S15°54'38"W, 80.00 feet; thence S06°35'38"W, 185.07 feet; thence S12°27'02"E, 77.61 feet; thence N78°24'34"E, 118.19 feet; thence N88°59'27"E, 149.55 feet; thence S76°40'59"E, 62.27 feet to said East line; thence S01°00'59"E, 175.61 feet along said East line to the South line of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; thence S89°56'41"W, 1204.80 feet along said South line to the Easterly right-of-way line of Pederson Crossing Boulevard; thence along said Easterly right-of-way line along a curve to the left with a radius of 760.00 feet and a long chord bearing and distance of N46°41'45"W, 79.60 feet; thence continuing along said right-of-way line N49°41'52"W, 80.05 feet to the East line of CSM No. 13076; thence N01°00'24"W, 1520.20 feet along said East line; thence S65°18'49"E, 87.48 feet; thence along a curve to the right with a radius of 233.00 feet and a long chord bearing and distance of S56°33'23"E, 70.95 feet; thence N68°52'26"E, 149.82 feet; thence N88°59'17"E, 113.31 feet; thence N88°55'25"E, 93.50 feet; thence N87°47'04"E, 90.80 feet; thence N75°57'36"E, 79.38 feet; thence N62°25'58"E, 79.38 feet; thence N48°54'20"E, 79.38 feet; thence N35°22'43"E, 79.38 feet; thence S61°23'06"E, 130.00 feet; thence along a curve to the left with a radius of 467.00 feet and a long chord bearing and distance of N14°14'39"E, 231.82 feet; thence N00°07'37"W, 291.10 feet; thence N89°52'23"E, 224.90 feet; thence S00°07'37"E, 311.45 feet to the point of beginning; Containing 46.6 acres.

**Zoning description (A-2 to R-2):**

Part of the Certified Survey Map No. 11197, being part of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast  $\frac{1}{4}$  to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence S84°37'39"W, 1420.68 feet to the Southwest corner of CSM No. 11197 and the point of beginning; thence N00°07'37"W (recorded as N00°00'00"E), 311.45 feet along the West line of said CSM No. 11197; thence N89°52'23"E, 113.77 feet; thence along a curve to the right with a radius of 287.00 feet and a long chord bearing and distance of S82°08'27"E, 79.75 feet; thence N15°59'41"E, 187.14 feet; thence S89°19'42"E, 106.54 feet; thence N00°34'34"E, 191.41 feet to the South right-of-way line of Windsor Road; thence N89°52'23"E (recorded as N90°00'00"E), 298.41 feet along said right-of-way line to the East line of said CSM No. 11197; thence S00°07'37"E (recorded as S00°00'00"E), 488.80 feet along said East line; thence S47°14'18"W, 31.70 feet; thence S56°12'15"E, 28.10 feet to said East line; thence S00°07'37"E (recorded as S00°00'00"E), 144.11 feet; thence S89°52'23"W (recorded as S90°00'00"W), 652.00 feet along the South line of said CSM No. 11197 to the Southwest corner thereof and the point of beginning; Containing 7.6 acres.

**Zoning description (A-1(Ex) to B-1):**

Part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast  $\frac{1}{4}$  to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence N84°28'51"W, 2664.14 feet to the intersection of the West line of said Southwest  $\frac{1}{4}$  and the Westerly extension of the South line of CSM No. 1257 and the point of beginning; thence N89°51'27"E, 264.23 feet along said extension and South line; thence S00°11'37"E, 234.98 feet; thence S90°00'00"W, 260.91 feet to the West line of said Southwest  $\frac{1}{4}$ ; thence N01°00'24"W, 234.36 feet along said West line to the point of beginning; Containing 1.4 acres.

**Zoning description (A-3 to RE-1):**

Part of the Southwest ¼ of the Southeast ¼, Section 28; part of the Northwest ¼ of the Northeast ¼, part of the Southwest ¼ of the Northeast ¼, and part of the Northeast ¼ of the Northwest ¼, Section 33; all in T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East ¼ Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast ¼ to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence continuing S00°54'28"E, 2054.26 feet along the West line of Terrace Park; thence continuing along said West line S00°16'21"W, 14.16 feet to the point of beginning; thence continuing along said West line and the West line of CSM No. 5357 and the West line of Terrace Park-Park Addition S00°16'21"W, 780.93 feet to the South line of said Terrace Park-Park Addition; thence S80°03'22"E, 4.46 feet along said South line to the West line of Revere Trails; thence S00°04'16"W, 394.59 feet along said West line; S89°43'57"W, 201.02 feet; thence S89°43'57"W, 322.73 feet; thence N60°06'30"W, 219.86 feet; thence N80°51'17"W, 58.91 feet; thence S70°19'36"W, 140.00 feet; thence N89°06'33"W, 91.09 feet; thence N68°47'10"W, 185.98 feet; thence S89°42'37"W, 154.41 feet; thence N00°08'07"E, 252.04 feet; thence S89°57'32"W, 994.66 feet to the East right-of-way line of Pederson Crossing Boulevard; thence along said right-of-way line N00°15'40"E, 791.77 feet; thence continuing along said right-of-way line along a curve to the left with a radius of 760.00 feet and a long chord bearing and distance of N01°35'17"W, 49.05 feet; thence N86°32'55"E, 139.96 feet; thence N88°28'42"E, 380.93 feet; thence N08°28'01"W, 149.93 feet; thence along a curve to the left with a radius of 333.00 feet and a long chord bearing and distance of N73°31'01"E, 20.20 feet; thence N19°30'12"E, 1378.68 feet to the West line of said Southeast ¼; thence N01°00'59"W, 161.84 feet along said West line; thence N88°54'55"E, 20.45 feet; thence along a curve to the left with a radius of 433.00 feet and a long chord bearing and distance of S13°42'01"E, 122.44 feet; thence along a curve to the right with a radius of 18.39 feet and a long chord bearing and distance of S15°10'11"W, 22.14 feet; thence S61°47'03"W, 46.28 feet; thence N33°49'41"E, 1104.48 feet; thence N00°55'12"W, 139.60 feet; thence N73°10'17"W, 64.69 feet; thence N56°12'15"W, 8.06 feet to the East line of CSM No. 11197; thence N00°07'37"W (recorded as N00°07'37"W), 37.15 feet along said East line; thence N47°14'18"E, 161.17 feet to the Westerly line of CSM No. 11425; thence S17°50'27"E, 176.65 feet along said Westerly line; thence N89°07'23"E (recorded as N89°15'27"E), 37.24 feet along the South line of said CSM No. 11425; thence S00°55'12"E, 139.89 feet; thence S89°07'55"W, 129.25 feet; thence along a curve to the right with a radius of 317.00 feet and a long chord bearing and distance of N89°48'22"W, 11.75 feet; S33°49'41"W, 1104.48 feet; thence S19°30'12"W, 1378.68 feet; thence S08°28'01"E, 154.06 feet; thence S32°00'44"E, 93.39 feet; thence S46°06'51"E, 147.44 feet; thence S37°38'47"W, 164.76 feet; thence S17°14'22"W, 132.10 feet; thence S05°59'39"E, 130.07 feet; thence S29°49'19"E, 271.52 feet; thence S83°21'47"E, 289.33 feet to the East line of said Northwest ¼; thence N00°08'30"E, 1293.22 feet along said East line to the South line of said Southeast ¼; thence N01°00'44"W, 995.28 feet along the West line of Southeast ¼; thence continuing along said West line N01°00'59"W, 161.84 feet; thence N88°54'55"E, 20.45 feet; thence along a curve to the left with a radius of 433.00 feet and a long chord bearing and distance of S13°52'40"E, 125.10 feet; thence along a curve to the right with a radius of 15.00 feet and a long chord bearing and distance of S19°48'02"W, 20.07 feet; thence S61°47'03"W, 46.28 feet to said West line of the Southeast ¼; thence S01°00'59"E, 995.28 feet along said West line to the North line of said Northwest ¼; thence S00°08'30"W, 1293.22 feet along the East line of said Northwest ¼; thence S83°21'47"E, 32.26 feet; thence S00°03'42"E, 175.37 feet; thence N32°02'41"E, 202.05

feet; thence N87°14'45"E, 187.68 feet; thence N88°15'17"E, 258.87 feet; thence N82°43'12"E, 211.54 feet; thence S79°56'42"E, 198.69 feet; thence N86°41'18"E, 94.33 feet; thence S00°04'25"W, 10.42 feet; thence along a curve to the left with a radius of 466.00 feet and a long chord bearing and distance of S04°00'19"E, 66.29 feet; thence S08°05'03"E, 202.26 feet; thence along a curve to the right with a radius of 334.00 feet and a long chord bearing and distance of S04°00'19"E, 47.52 feet; thence S00°04'25"W, 96.58 feet; thence N89°43'57"E, 201.02 feet to the West line of Revere Trails; thence N00°04'16"E, 394.59 feet along said West line to the South line of said Terrace Park-Park Addition; thence N80°03'22"W, 4.46 feet along said South line to the West line of said Terrace Park-Park Addition; thence N00°16'21"E, 780.93 feet along said West line and the West line of CSM No. 5357; thence N86°50'36"W, 343.72 feet; thence S08°06'19"W, 95.71 feet; thence along a curve to the left with a radius of 196.00 feet and a long chord bearing and distance of S73°42'27"W, 128.58 feet; thence S55°01'36"W, 7.87 feet; thence along a curve to the right with a radius of 14.89 feet and a long chord bearing and distance of N76°24'08"W, 22.33 feet; thence along a curve to the right with a radius of 175.62 feet and a long chord bearing and distance of N18°51'00"W, 54.83 feet; thence N09°24'04"W, 118.92 feet; thence N80°35'56"E, 121.87 feet; thence N03°50'57"W, 280.99 feet; thence N01°52'14"W, 39.16 feet; thence N85°24'11"E, 255.65 feet; thence N41°39'54"E, 75.23 feet; thence N70°27'48"E, 151.70 feet to the said West line of Terrace Park and the point of beginning; Containing 27.1 acres.

**Zoning description (A-1(Ex) to RE-1):**

Part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast  $\frac{1}{4}$  to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence S55°19'35"W, 1592.45 feet to the East line of said Southwest  $\frac{1}{4}$  and the point of beginning; thence S01°00'59"E, 161.84 feet along said East line; thence S61°47'03"W, 102.08 feet; thence along a curve to the right with a radius of 15.00 feet and a long chord bearing and distance of N73°12'57"W, 21.21 feet; thence N28°12'57"W, 64.52 feet; thence along a curve to the left with a radius of 253.00 feet and a long chord bearing and distance of N47°58'24"W, 171.05 feet; thence N22°16'09"E, 98.09 feet; thence N38°47'38"W, 57.45 feet; thence N75°05'55"W, 91.50 feet; thence S88°59'17"W, 205.75 feet; thence N19°38'58"W, 37.25 feet; thence N64°58'04"E, 126.27 feet; thence N54°12'09"E, 126.27 feet; thence N41°10'49"W, 140.00 feet; thence along a curve to the left with a radius of 533.00 feet and a long chord bearing and distance of N47°12'25"E, 30.00 feet; thence S44°24'20"E, 140.00 feet; thence N40°45'04"E, 113.64 feet; thence N30°37'42"E, 121.77 feet; thence S67°07'32"E, 66.61 feet; thence S00°52'05"E, 258.27 feet; thence S11°16'38"E, 223.53 feet; thence N88°54'55"E, 80.63 feet to the point of beginning; Containing 3.3 acres.

**Zoning description (A-2 to RE-1):**

Part of the Certified Survey Map No. 11197, being part of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence  $S89^{\circ}52'23''W$  (recorded as  $S90^{\circ}00'00''W$ ), 1327.00 feet along the North line of said Southeast  $\frac{1}{4}$  to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line  $S00^{\circ}54'28''E$ , 590.23 feet (recorded as  $S00^{\circ}44'33''E$ , 590.00 feet) to the Southeast corner of said CSM No. 7006; thence  $S80^{\circ}12'31''W$ , 773.71 feet to the Southeast corner of CSM No. 11197; thence  $N00^{\circ}07'37''W$  (recorded as  $N00^{\circ}00'00''W$ ) along the East line of said CSM No. 11197 to the point of beginning; thence  $N56^{\circ}12'15''W$ , 28.10 feet; thence  $N47^{\circ}14'18''E$ , 31.70 feet to said East line; thence  $S00^{\circ}07'37''E$  (recorded as  $S00^{\circ}00'00''E$ ), 37.15 feet to the point of beginning; Containing 0.01 acres.

**Zoning description (A-3 to CO-1):**

Part of the Southwest ¼ of the Southeast ¼, Section 28; part of the Northwest ¼ of the Northeast ¼, part of the Southwest ¼ of the Northeast ¼, and part of the Northeast ¼ of the Northwest ¼, Section 33; all in T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East ¼ Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast ¼ to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence S42°28'31"W, 1599.99 feet to the point of beginning; thence S03°35'31"W, 666.90 feet; thence S06°32'30"W, 216.83 feet; thence S34°09'15"E, 284.24 feet; thence S13°13'44"E, 16.30 feet; thence S60°55'45"W, 157.25 feet; thence S34°04'20"W, 255.59 feet; thence S22°48'19"W, 148.57 feet; thence S20°04'43"W, 217.13 feet; thence S04°08'20"W, 169.23 feet; thence S25°56'58"E, 158.88 feet; thence N49°00'24"E, 156.36 feet; thence along a curve to the left with a radius of 183.00 feet and a long chord bearing and distance of S47°36'08"E, 66.44 feet; thence S49°00'24"W, 154.60 feet; thence S63°34'48"E, 151.55 feet; thence S32°02'41"W, 202.05 feet; thence N00°03'42"W, 175.37 feet; thence N83°21'47"W, 321.59 feet; thence N29°49'19"W, 271.52 feet; thence N05°59'39"W, 130.07 feet; thence N17°14'22"E, 132.10 feet; thence N37°38'47"E, 164.76 feet; thence N46°06'51"W, 147.44 feet; thence N32°00'44"W, 93.39 feet; thence N63°46'56"E, 153.27 feet; thence N47°33'09"E, 127.44 feet; thence N33°48'22"E, 154.02 feet; thence N59°21'44"E, 44.96 feet; thence S76°06'07"E, 324.66 feet; thence S87°49'55"E, 86.01 feet; thence N34°09'15"W, 284.24 feet; thence along a curve to the right with a radius of 467.00 feet and a long chord bearing and distance of N78°23'15"W, 37.25 feet; thence N76°06'07"W, 28.78 feet; thence N13°53'53"E, 139.97 feet; thence N76°40'59"W, 117.73 feet to the West line of said Southeast ¼; thence N01°00'59"W, 584.47 feet along said West line; thence N61°47'03"E, 252.20 feet to the point of beginning; Containing 12.6 acres.

**Zoning description (A-1(Ex) to CO-1):**

Part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 1327.00 feet along the North line of said Southeast  $\frac{1}{4}$  to the East line of Certified Survey Map (CSM) No. 7006; thence along said East line S00°54'28"E, 590.23 feet (recorded as S00°44'33"E, 590.00 feet) to the Southeast corner of said CSM No. 7006; thence S45°04'23"W, 1839.89 feet to a point on the East line of said Southwest  $\frac{1}{4}$  and the point of beginning; thence S01°00'59"E, 584.47 feet along said East line; thence N76°40'59"W, 62.27 feet; thence S88°59'27"W, 149.55 feet; thence S78°24'34"W, 118.19 feet; thence N12°27'02"W, 77.61 feet; thence N06°35'38"E, 185.07 feet; thence N15°54'38"E, 80.00 feet; thence N36°25'34"E, 209.73 feet; thence N60°15'26"E, 92.60 feet; thence N61°47'03"E, 95.51 feet to the said East line and the point of beginning; Containing 3.4 acres.

**Zoning description (A-2 to R-4):**

Part of Certified Survey Map No. 11197, being part of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence S89°52'23"W (recorded as S90°00'00"W), 2653.79 feet along the North line of said Southeast  $\frac{1}{4}$  to the center of section; thence S01°00'59"E, 50.00 feet to the South right-of-way line of Windsor Road and the point of beginning; thence N89°52'23"E, 272.91 feet along said right-of-way line; thence S00°34'34"W, 191.41 feet; thence N89°19'42"W, 106.54 feet; thence S15°59'41"W, 187.14 feet; thence along a curve to the left with a radius of 287.00 feet and a long chord bearing and distance of N82°08'27"W, 79.75 feet; thence S89°52'23"W, 113.77 feet; thence N00°07'37"W, 358.62 feet; thence N89°52'23"E, 80.68 feet to said right-of-way line and the point of beginning; Containing 2.4 acres.

**Zoning description (A-1(Ex) to R-4):**

Part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 28, T9N, R10E, Town of Windsor, Dane County, described as follows:

Commencing at the East  $\frac{1}{4}$  Corner of said Section 28; thence  $S89^{\circ}52'23''W$  (recorded as  $S90^{\circ}00'00''W$ ), 2653.79 feet along the North line of said Southeast  $\frac{1}{4}$  to the center of section; thence  $S01^{\circ}00'59''E$ , 50.00 feet along the East line of said Southwest  $\frac{1}{4}$  to the South right-of-way line of Windsor Road; thence  $S89^{\circ}52'23''W$ , 80.68 feet along said right-of-way line to the point of beginning; thence  $S00^{\circ}07'37''E$ , 358.62 feet; thence  $S89^{\circ}52'23''W$ , 224.90 feet; thence  $S00^{\circ}07'37''E$ , 291.10 feet; thence along a curve to the right with a radius of 467.00 feet and a long chord bearing and distance of  $S14^{\circ}14'39''W$ , 231.82 feet; thence  $N61^{\circ}23'06''W$ , 130.00 feet; thence  $S35^{\circ}22'43''W$ , 79.38 feet; thence  $S48^{\circ}54'20''W$ , 79.38 feet; thence  $S62^{\circ}25'58''W$ , 79.38 feet; thence  $S75^{\circ}57'36''W$ , 79.38 feet; thence  $S87^{\circ}47'04''W$ , 90.80 feet; thence  $S88^{\circ}55'25''W$ , 93.50 feet; thence  $S88^{\circ}59'17''W$ , 113.31 feet; thence  $S68^{\circ}52'26''W$ , 149.82 feet; thence along a curve to the left with a radius of 233.00 feet and a long chord bearing and distance of  $N56^{\circ}33'23''W$ , 70.95 feet; thence  $N65^{\circ}18'49''W$ , 87.48 feet; thence  $N01^{\circ}00'24''W$ , 456.10 feet; thence  $N90^{\circ}00'00''E$ , 260.91 feet; thence  $N00^{\circ}11'37''W$ , 234.98 feet to the South line of CSM No. 1257; thence  $N89^{\circ}48'31''E$ , 360.81 feet along said South line and its Easterly extension; thence  $N00^{\circ}04'44''W$ , 327.59 feet to the North line of said Southwest  $\frac{1}{4}$ ; thence  $N89^{\circ}52'23''E$ , 611.17 feet along said North line; thence  $S00^{\circ}07'49''E$ , 50.00 feet to said right-of-way line and the point of beginning; Containing 19.2 acres.





WINDSOR PLAN COMMISSION

PLAN RESOLUTION 2014-21

**RESOLUTION RECOMMENDING CONDITIONAL APPROVAL OF THE  
PRELIMINARY PLAT OF BEAR TREE FARMS IN THE TOWN OF WINDSOR AND  
REZONING BY DANE COUNTY TO R-2, R-4, B-1, RE-1, CO-1 AS SET FORTH ON  
BEAR TREE FARMS PROPOSED LAND USE MAP DATED JULY 3, 2014**

[Submitted by Petitioners and owners  
Bear Tree Farms, Inc., Statz Bros. Inc., and Steve Pederson]

**WHEREAS**, Bear Tree Farms, Inc., Statz Bros. Inc., and Steve Pederson (collectively herein, "Petitioners") have applied for approval of the Preliminary Plat of Bear Tree Farms dated located in the Town of Windsor, Dane County, Wisconsin, and rezoning by Dane County to R-2, R-4, B-1, RE-1, CO-1 as set forth on Bear Tree Farms Proposed Land Use Map Dated July 3, 2014, which is attached hereto and incorporated by reference; and

**WHEREAS**, Town staff recommendations are set forth in the Staff Report dated July 2, 2014 ("Staff Report"), which Staff Report is incorporated herein by reference; and

**WHEREAS**, Petitioners presented their application and a public hearing was held at a regular meeting of the Town of Windsor Plan Commission on July 15, 2014, to obtain public comments regarding the Preliminary Plat and the proposed rezone; and

**WHEREAS**, the Plan Commission duly considered the presentation, staff comments and public comments and such other information as it deems appropriate, and finds that the Preliminary Plat and the request for rezoning is appropriate for the Preliminary Plat and surrounding area, and meets the intent of the Comprehensive Plan; and

**WHEREAS**, the Plan Commission recommends approval of same to the Town Board, all on the conditions set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Plan Commission of the Town of Windsor as follows:

1. The Plan Commission recommends to the Town Board **Conditional Approval** of the Petitioners' Preliminary Plat for Bear Tree Farms dated June 25, 2014, and Dane County rezoning as presented in the Proposed Land Use Map dated July 3, 2014, subject to the following conditions:
  - 1.1. The Petitioners shall address the technical comments set forth in the Planning Comments section of the Staff Report to the satisfaction of the Town Planner including:

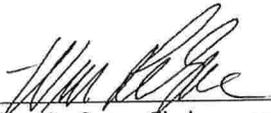
- 1.1.1. The Petitioners complying with Section 38-509 of the Town of Windsor Code of Ordinances, or requesting in writing and obtaining a waiver from the Town of Windsor Board for said provision.
- 1.1.2. The Petitioners complying with Section 42-115 of the Town of Windsor Code of Ordinances, or requesting in writing and obtaining a waiver from the Town of Windsor Board for said provision.
- 1.1.3. The Petitioners complying with Section 42-118 of the Town of Windsor Code of Ordinances, or requesting in writing and obtaining a waiver from the Town of Windsor Board for said provision.
- 1.1.4. The Petitioners addressing Staff concerns outlined in the Staff Report with respect to the proposed road network.
- 1.2. The Petitioners shall address the technical comments set forth in the Engineering Comments section of the Staff Report to the satisfaction of the Town Engineer.
- 1.3. The Petitioners shall address the technical comments set forth in the Surveying Comments section of the Staff Report to the satisfaction of the Town Planner.
- 1.4. The Petitioners shall address the comments set forth in the Town Policy Concerns/Issues section of the Staff Report to the satisfaction of the Town of Windsor Plan Commission and Board.
- 1.5. The Petitioners shall provide letters of no objection to the Town Development Coordinator Amy Anderson Schweppe regarding the proposed development from the following entities:
  - 1.5.1. DeForest Area Fire & EMS
  - 1.5.2. Windsor Sanitary District No. 1
  - 1.5.3. DeForest Area School District
- 1.6. The Petitioners shall present to the Town Development Coordinator the following fully executed original documents, with exhibits attached, each and all of which shall be in a form that is satisfactory to the Town Attorney and meets the requirements for recording with the Dane County Register of Deeds office:
  - 1.6.1. Deed Restriction, prohibiting the conveyance of a lot to a homeowner prior to the Petitioners complying with the recommended conditions of approval of the Preliminary Plat and Final Plat; and,
  - 1.6.2. Development Agreement, covering the installation of improvements for the proposed development including security for the public improvements in an amount and form required by law, and approved by the Town of Windsor Board, Attorney and Engineer; and,
  - 1.6.3. Declaration of Covenants and Restrictions, ensuring the quality of development, and approved by the Town of Windsor Board, Attorney and Engineer; and,
  - 1.6.4. Storm water Management Agreement, for all storm water management facilities., and approved by the Town of Windsor Board, Attorney and Engineer. Storm water conveyance along common lot lines shall be removed and maintained only within public rights-of-way.
- 1.7. The Petitioners shall prepare an Erosion & Sedimentation Control Plan and Storm water Management Plan that meets all standards established by law, and that is satisfactory to the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).

- 1.8. The Petitioners shall prepare Construction Plans and Specifications for all public improvements, which Construction Plans and Specifications shall meet all standards established by law and be so certified by the Developer's Engineer, and that are in a form to the Town Engineer. The Construction Plans and Specifications shall include a Pavement Design Report using the Preliminary Plat Soil Report that verifies that the proposed pavement cross-section is sufficient to meet all standards established by law.
  - 1.9. The Petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees in Lieu of Parkland Dedication in the amount determined pursuant to Section 38-637(b) of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
  - 1.10. The Petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-639€ of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
  - 1.11. The Petitioners shall obtain approval of the Preliminary Plat from Dane County, Village of DeForest, and any other approving authorities required by law.
  - 1.12. The Petitioners shall obtain approval for the Rezone by Dane County.
  - 1.13. The Petitioners shall submit the Final Plat within 12 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 12 months, the Town of Windsor (and any other approving authority) may refuse to approve the Final Plat or may extend the time for submission of the Final Plat. See Wis. Stats. Section 236.11(1)(b).
  - 1.14. The Final Plat shall be consistent with the facts and requirements set forth in the Staff Report and the Town Board Resolution conditionally approving the Preliminary Plat. If the Town of Windsor Staff determines that the Final Plat is not consistent therewith, then the Town of Windsor Staff may request that the Petitioners take such action as is deemed necessary and prudent to make the Final Plat consistent therewith, and/or may refer the Final Plat to the Town of Windsor Plan Commission and/or Town of Windsor Board, or both.
  - 1.15. The Petitioners shall maintain a sufficient escrow with the Town and shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Preliminary Plat and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
2. THE TOWN OF WINDSOR SHALL NOT SIGN THE FINAL PLAT UNTIL EACH AND ALL OF THE CONDITIONS APPROVED BY THE TOWN BOARD HAVE BEEN MET TO THE TOWN'S SATISFACTION.
  3. It is the Petitioners' obligation to satisfy those conditions adopted by the Town Board, and to provide satisfactory verification of compliance to the Town. All submissions to the Town for determinations of compliance shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

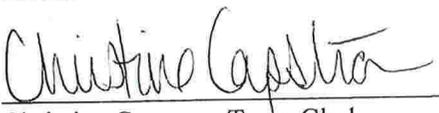
4. The Plan Commission directs the Town Clerk to forward the recommendations set forth in this Resolution to the Town Board.

The above and foregoing Resolution was duly adopted at the regular meeting of the Plan Commission of the Town of Windsor on the 15th day of July, 2014.

**TOWN OF WINDSOR PLAN COMMISSION**

By:   
William LeGore, Chairperson

Attest:

  
Christine Capstran, Town Clerk

Documents incorporated by reference:  
Preliminary Plat for Bear Tree Farms dated June 25, 2014  
Proposed Land Use Map dated July 3, 2014  
Staff Report



**TO:** Town of Windsor Plan Commission

**CC:** Robert Wipperfurth, Chairman  
 Tina Butteris, Office Manager  
 Amy Anderson Schewepe, Planning & Development Coordinator  
 Kevin Richardson, Engineer  
 Connie Anderson, Attorney

**FROM:** Jamie Rybarczyk, Planning Consultant

**RPT DATE:** July 07, 2014

**MTG DATE:** July 15, 2014

**FOTH FILE:** 13W027.01/13

**RE:** Bear Tree Farms – Preliminary Plat and Rezone

**BACKGROUND:**

1. Petitioner/Property Owner: Bear Tree Farms, Inc.; Statz Bros. Inc.; Steve Pederson
2. Agent: Michael J. Lawton (d.b.a. Boardman & Clark, LLP)
3. Location/Address: Lot 1 of CSM 11197
4. Taxkey Numbers: 0910-283-8002-0, 0910-283-9503-0, 0910-332-8003-0, 0910-284-8601-0, 0910-284-8554-0, 0910-284-9002-0, 0910-331-8502-0, and 0910-331-9002-0
5. Area: 227.01 acres
6. Existing Zoning: A-1 EX Agricultural District, A-2 Agricultural District, and A-3 Agricultural District
7. Proposed Zoning: R-2 Residential District, R-4 Residential District, B-1 Local Business District, CO-1 Conservancy District, and RE-1 Recreational District
8. Future Land Use: Transition Residential, Neighborhood Mixed Use, and Environmental Preservation and Parks

**OVERVIEW:**

The petitioners are requesting approval of a Preliminary Plat and Rezone for Bear Tree Farms. The petitioners are proposing 227-acre mixed-use development that includes 344 single family lots, 80 senior units, 170 multi-family units, 1.41 acres of commercial, 31.27 acres of park (3 tot lots and a community park), and 15.84 acres for stormwater management. The petitioner anticipates 9 phases to the build-out of Bear Tree Farms

In conjunction with portions of Bear Tree located in the Village of DeForest, the cohesive development is intended to offer a variety of housing types within close proximity to shopping, employment, and recreation. The single-family lots range in size from 11,000 SF (about ¼ acre) to 25,000+ SF (over ½ acre). The largest lots are located adjacent to the Terrace Park Subdivision. Several small-scale multi-family lots are located at the intersection of Pederson Crossing and Royal View Drive and Pederson Crossing and Golden Wheat Run. The larger multi-family and senior housing uses are located adjacent to Windsor Road and Warner Drive. The small-scale commercial use is located adjacent to Pederson Crossing. The tot lots, community park, and open space (i.e. stormwater management and wooded areas) are distributed throughout the development linked by multi-use pedestrian/bicycle paths.

Following the direction of Staff, the petitioner is requesting a Rezone of Bear Tree Farms under Dane County zoning. The requested zoning districts are as follows:

- CO-1 Conservancy District – Outlots for Stormwater Management
- RE-1 Recreational District – Outlots for Tot Lots and Community Park



## Staff Report

- R-2 Residential District – Single Family Lots (10,000 SF Min Lot Area)
- R-4 Residential District – Multi-Family and Senior Housing Lots (2,000 – 2,250 Min Lot Area/D.U.)
- B-1 Local Business District – Commercial Lot

Submitted with the Preliminary Plat and Rezone application for Bear Tree Farms, the petitioners have provided the following documents and plans:

- Storm Water Management Plan (April 2014) prepared by Vierbicher Associates
- Preliminary Engineering Plans (April 2014) prepared by Vierbicher Associates
- Utility Design Report (May 2013) prepared by Vierbicher Associates
- DeForest South Water System Evaluation Memo (January 2014) prepared by Vierbicher Associates
- Draft Development Agreement (May 2014)
- Environmental Assessment Report (April 2014)
- Tree Preservation Plan (May 2014)
- Affidavit of Ownership Status (June 2014) prepared by Mike Lawton

### PLANNING COMMENTS:

Staff has the following planning comments regarding the Preliminary Plat and Rezone for Bear Tree Farms:

#### Comprehensive Plan

1. Most of the Bear Tree Farms development is planned as "Transition Residential" per the Town of Windsor Future Land Use Plan. This area serves as a transition between the lands to the west and the Terrace Park Subdivision. Future uses include traditional single-family, parks, schools, churches, and limited multi-family residential. Development should be sewered as it becomes available and the overall gross density in this district should not exceed 2.5 D.U./acre including any limited multi-family units. In addition, the "Transitional Residential" requires at least 15% of each development to remain in open space. The minimum lot size is 12,000 square feet unless standards for Planned Residential Development (Land Division Ordinance) are followed. Residential lot sizes must be transitioned and match those of surrounding (existing and planned) developments. A small land area along Pederson Crossing is planned for "Neighborhood Mixed Use." Commercial uses and structures are planned to be of a smaller, community-serving scale that are compatible with and complimentary to residential use.
2. The proposed development is 594 dwelling units on 142.24 acres of land (excluding roads, parks, open space, and commercial), which equates to 4.18 D.U./acre. If the density is calculated based on the gross area (excluding the commercial lot), the development is 594 dwelling units on 225.6 acres, which equates to 2.63 D.U./acre. If the density is calculated based on the portions of Bear Tree located in the Village of DeForest, the total density is less than 2.5 D.U./acre.
3. The six outlots (i.e. dedicated areas for park, open space, and stormwater management) total 47.11 acres which is 21% of the total development, exceeding the required 15% open space per the Town of Windsor Comprehensive Plan: 2025.
4. The exact boundaries for the "Neighborhood Mixed Use" district shown on the Town of Windsor Future Land Use Plan are representative of a previous Bear Tree development concept; therefore, do not precisely match the land uses and boundaries illustrated for Lot 2 and Lot 3 of the Preliminary Plat.

#### DeForest-Windsor Cooperative Plan

5. The Village of DeForest and Town of Windsor have been cooperatively planning for the Bear Tree development. The overall layout, land uses, and residential densities have been generally supported by both communities over the past few years. The Cooperative Plan amendments, Northern Urban Service Area amendment, and General Development Plan are indication of the Village and Town cooperative planning.



## Staff Report

### Town of Windsor Code of Ordinances

6. Section 38-509 of the Town of Windsor Code of Ordinances requires lots less than 12,000 SF shall follow the standards for Planned Residential Development per Section 38-509. Following review of the Preliminary Plat, approximately 27 single family lots are less than 12,000 SF.
7. Section 42-115 of the Town of Windsor Code of Ordinances requires curb and gutter on all roads within an urban service area. According to the Preliminary Engineering Plans, the petitioners are proposing a rural cross-section with open drainage swales for the development.
8. Section 42-118 of the Town of Windsor Code of Ordinances requires concrete paths to be installed along both sides of all roads within an urban service area. The Preliminary Plat does not provide paths (or sidewalks) along both sides of each road within the right-of-way, but instead includes a 10' multi-use path for bicycles/pedestrians within private easements along one side of several roads.

### Best Planning Practices

9. The road network within the Bear Tree development has been modified over time. One theme to the Bear Tree development has been logical connectivity through a network of road alignments. The Preliminary Plat continues this concept with a two exceptions:
  - a. The proposed residential blocks along Black Forest Road and Royal View Drive between Eagle Pass and Sunnyvale Drive are approximately 1,400' in length. Connectivity through the Bear Tree development and pedestrian access to the various parks and open spaces could be improved if Golden Wheat Run was extended east to Royal View Drive bisecting these blocks.
  - b. Previous Bear Tree development concepts illustrated Royal View Drive and Warner Drive as collector roads from Windsor Road to Pederson Crossing. The Preliminary Plat illustrated Royal View Drive terminating as a cul-de-sac.

### **ENGINEERING COMMENTS:**

Staff has the following engineering comments regarding the Preliminary Engineering Plans and Stormwater Management Plan for Bear Tree Farms:

1. Utility Agreements for water and sewer service for the Bear Tree development will have to be approved by Windsor Sanitary District No. 1 and the Town of Windsor Board.
2. Water and Sanitary Sewer Service Plans will have to be approved by Windsor Sanitary District No. 1.
3. Preliminary Engineering Plans show multi-use paths on private easements in the Preliminary Plat. Easement and Maintenance Agreements have to be approved by Town of Windsor.
4. The Stormwater Management Plan illustrates storm water conveyance along common lot lines. Conveyance of stormwater should be located within the public rights-of-way. A final Stormwater Management Plan needs to be approved by the Town of Windsor. The Stormwater Management Plan cannot be finalized until there is a final approved roadway configuration. For example, there are culverts shown as 12 inches in diameter; however, the Town of Windsor requires a minimum culvert size of 18 inches.
5. Approval from Dane County Land Conservation has to be obtained for the Stormwater Management Plan.
6. Approval from Dane County Land Conservation has to be obtained for the Erosion Control Plan.
7. A Pavement Design Report using the Preliminary Plat Soil Report shall be submitted to verify that the proposed pavement cross-section is sufficient.

### **SURVEYING COMMENTS:**

Staff has the following surveying comments regarding the Preliminary Plat and Rezone for Bear Tree Farms:



## Staff Report

1. The Preliminary Plat shall note that several buildings will be removed on Lot 254 prior to construction of the multi-family for Phase 8.
2. The Surveyor's Certificate identifies a dimension of 791.75' but the Preliminary Plat identifies the same dimension as 791.77'.
3. Lot 171 is missing a dimension of 14.16'±.
4. The area for Outlot 2 is depicted as 145,841 SF. Our calculation of Outlot 2 is 146,164 SF which include the 30'± access strip from Warner Drive.
5. The area for Outlot 4 is depicted as 924,506 SF. Our calculation of Outlot 4 is 903,214 SF. In addition, several dimensions are missing for this tract of land.
6. The proposed phasing for the Preliminary Plat will require some adjustment. For example, several lots in Phase 2 and all the lots in Phase 4 will not be accessible by roads until Phase 3 and Phase 5 are complete, or Fox Hills and Revere Trails are developed. In addition, several lots in Phase 6 are not accessible by roads until Phase 7 is complete.

### TOWN POLICY CONCERNS/ISSUES:

Staff has the following policy concerns/issues regarding Preliminary Plat and Rezone for Bear Tree Farms, more specific Lot 1, Lot 3, and Lot 254.

1. Lot 1 (6.52ac) and Lot 254 (6.99ac) of the Preliminary Plat are identified as dense multi-family. The Preliminary Plat estimates 150 D.U. on 13.51 acres for a proposed density of 11.1 D.U./acre. Per the Housing Goals, Objectives and Policies in the Town of Windsor Comprehensive Plan: 2025, projects including duplexes and multi-unit buildings should not exceed 5 acres in total aggregate area without being interspersed with an equal area of single family detached housing or neighborhood commercial or institutional or public open space uses.
2. Lot 3 (11.11ac) of the Preliminary Plat is identified as senior. The Preliminary Plat estimates 80 D.U. on 11.11 acres for a proposed density of 7.2 D.U./acre. Per the Housing Goals, Objectives and Policies in the Town of Windsor Comprehensive Plan: 2025, projects including elderly housing shall not exceed 20 acres in total project area and shall not exceed a gross density greater than 1.5 D.U./acre. Projects that contain more than 50 D.U. should be designed with consideration for incorporating on-site recreation, retail, and services uses into the project area.
3. Per the Housing Goals, Objectives and Policies in the Town of Windsor Comprehensive Plan: 2025, the overall mix of housing types in the Urban Service Area should approach a ratio of 70% single family detached and 30% multi-unit. The Preliminary Plat depicts the ratio as 58% single family detached and 42% multi-unit. If the Town considers senior housing as single family (depending on building type), then the ratio is 71% single family detached and 29% multi-unit.

### STAFF RECOMMENDATION:

Depending on confirmation by the Town of Windsor Plan Commission of the above described comments, the Town of Windsor Plan Commission may take the following action:

The Town of Windsor Plan Commission recommends to the Town of Windsor Board **Conditional Approval** for the Preliminary Plat and Rezone for property located at Lot 1 of CSM 11197 and referred to as Bear Tree Farms-Windsor or the Plat, and owned by Bear Tree Farms Inc., Statz Bros. Inc., and Steve Pederson (collectively, "petitioners"), subject to the following conditions:

1. The petitioner shall address the technical comments set forth in the Planning Comments section of this Staff Report to the satisfaction of the Town Planner including:
  - a. The petitioners complying with Section 38-509 of the Town of Windsor Code of Ordinances, or requesting in writing and obtaining a waiver from the Town of Windsor Board for said provision.



## Staff Report

- b. The petitioners complying with Section 42-115 of the Town of Windsor Code of Ordinances, or requesting in writing and obtaining a waiver from the Town of Windsor Board for said provision.
  - c. The petitioners complying with Section 42-118 of the Town of Windsor Code of Ordinances, or requesting in writing and obtaining a waiver from the Town of Windsor Board for said provision.
  - d. The petitioners addressing Staff concerns outlined in the Staff Report with respect to the proposed road network.
2. The petitioner shall address the technical comments set forth in the Engineering Comments section of this Staff Report to the satisfaction of the Town Engineer.
3. The petitioner shall address the technical comments set forth in the Surveying Comments section of this Staff Report to the satisfaction of the Town Planner.
4. The petitioner shall address the comments set forth in the Town Policy Concerns/Issues section of this Staff Report to the satisfaction of the Town of Windsor Plan Commission and Board.
5. The petitioners shall provide letters of no objection to the Town Planning & Development Coordinator regarding the proposed development from the following entities:
  - a. DeForest Area Fire & EMS
  - b. Windsor Sanitary District No. 1
  - c. DeForest Area School District
6. The petitioners shall present to the Town Planning & Development Coordinator the following fully executed original documents, with exhibits attached, each and all of which shall be in a form that meets the requirements for recording, and is satisfactory to the Town Attorney:
  - a. Deed Restriction, prohibiting the conveyance of a lot to a homeowner prior to the petitioners complying with the recommended conditions of approval of the Preliminary Plat and Final Plat; and
  - b. Development Agreement, covering the installation of improvements for the proposed development including a security for the public improvements in an amount and form required by law, and approved by the Town of Windsor Board, Attorney, and Engineer; and
  - c. Declaration of Covenants and Restrictions, ensuring the quality of development, and approved by the Town of Windsor Board, Attorney, and Engineer; and
  - d. Stormwater Management Agreement, for all stormwater management facilities, and approved by the Town of Windsor Board, Attorney, and Engineer. Storm water conveyance along common lot lines shall be removed and maintained only with public rights-of-way.
7. The petitioners shall obtain approval of an Erosion & Sedimentation Control Plan and Stormwater Management Plan by the Town of Windsor, Dane County, and the Wisconsin Department of Natural Resources (WDNR).
8. The petitioners shall obtain approval of Construction Plans and Specifications, in a form satisfactory to the Town Engineer, for all public improvements. The Pavement Design Report using the Preliminary Plat Soil Report shall be submitted to verify that the proposed pavement cross-section is sufficient.
9. The petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees in Lieu of Parkland Dedication in the amount determined pursuant to Section 38-637(b) of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
10. The petitioners shall submit cash payment (or in kind equivalent, if so specified in the Development Agreement) to the Town of Windsor for Fees for Initial Improvement of Parkland in the amount determined pursuant to Section 38-639€ of the Town of Windsor Code of Ordinances prior to the Town signing the Final Plat.
11. The petitioners shall obtain approval for the Preliminary Plat by Dane County, Village of DeForest, and any other approving authority.



## Staff Report

12. The petitioners shall obtain approval for the Rezone by Dane County.
13. The petitioners shall submit the Final Plat within 12 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 12 months, the Town of Windsor (and any other approving authority) may refuse to approve the Final Plat or may extend the time for submission of the Final Plat. See Wis. Stats. Section 236.11(1)(b).
14. The Final Plat shall be consistent with the facts set forth in the Staff Report and the Town Board Resolution, as determined by the Town of Windsor Staff. If the Final Plat is not consistent therewith, then the Town of Windsor Staff may request such action as is necessary to be consistent therewith and/or may refer the Final Plat to the Town of Windsor Plan Commission and/or Town of Windsor Board, or both.
15. The petitioners shall reimburse the Town of Windsor for all costs and expenses incurred by Windsor in connection with the review and approval of the Preliminary Plat and Rezone, including, but not limited to, the cost of professional services incurred by the Town of Windsor for the review and preparation of required documents, attendance at meetings or other related professional services.
16. THE TOWN OF WINDSOR SHALL NOT SIGN THE FINAL PLAT UNTIL EACH AND ALL OF THE CONDITIONS SET FORTH ABOVE HAVE BEEN MET TO THE TOWN'S SATISFACTION. It is the petitioners' obligation to satisfy these conditions.

### COMPREHENSIVE PLAN CONSISTENCY:

Within the exception of the above comments outlined in the Planning Comments and Town Policy Concerns/Issues, the Preliminary Plat and Rezone for Bear Tree Farms is consistent with the Town of Windsor Comprehensive Plan: 2025.

### PLANNING & DEVELOPMENT ORDINANCE CONSISTENCY:

The Preliminary Plat for Bear Tree Farms is consistent with the Planning & Development Ordinance of Town of Windsor Code of Ordinances subject to further discussions by the Town of Windsor Board regarding Section 38-519, 42-115, and 42-118.

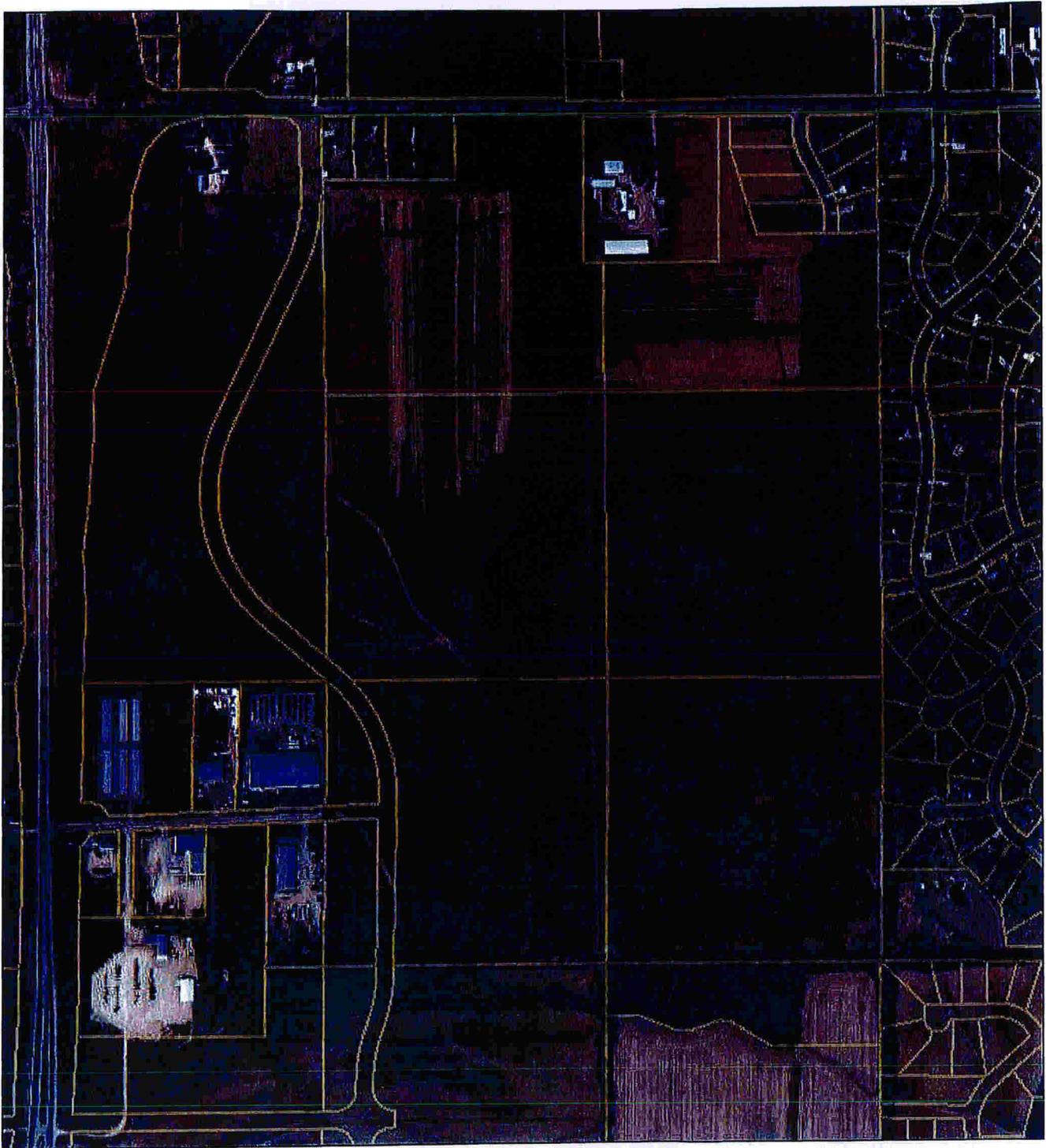
### ZONING ORDINANCE CONSISTENCY:

The Preliminary Plat and Rezone for Bear Tree Farms is consistent with the Dane County Zoning Code..

### EXHIBITS:

- A. DCiMap
- B. Proposed Land Use
- C. Preliminary Plat & Rezone
- D. Application
- E. Construction Plans & Document (Town Clerk to Provide Upon Request)

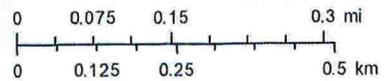
# Bear Tree Farms



July 2, 2014

Tax Parcels

1:10,800

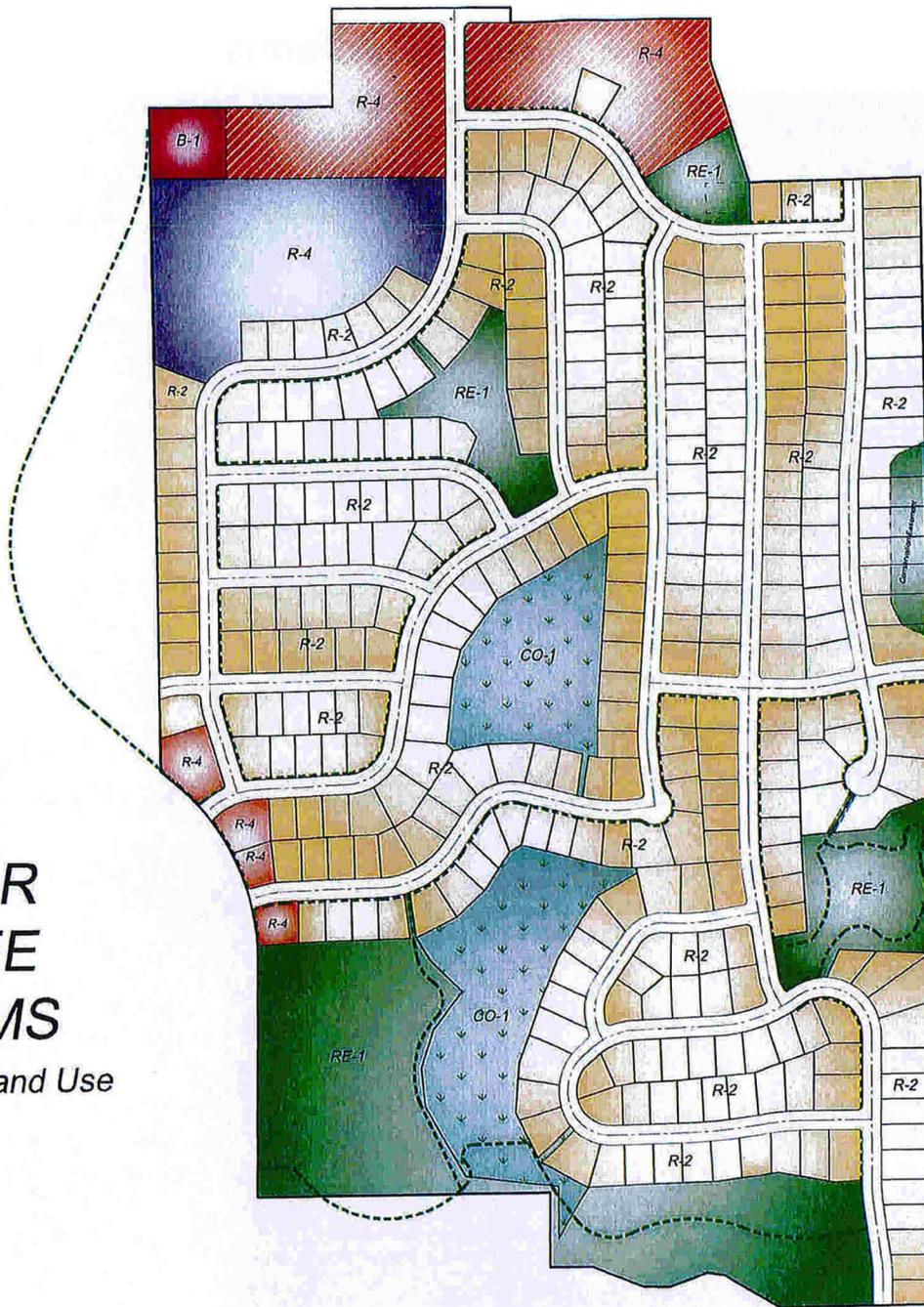


Planning  
Geophysical  
Water Resources  
Recreation  
ParcelText

# BEAR TREE FARMS

## Proposed Land Use

July 3, 2014



**Proposed Zoning Classifications:**

	R-2	R-4	R-4	R-4	B-1	RE-1	CO-1	Right of Way	Total
	Single Family	Senior Housing	Multi-family	Multi-family	Commercial / Retail	Park	Storm water Mgmt.		
<b>2014</b>	Acres 115.34	11.11	13.51	2.28	1.41	31.27	15.84	36.25	227.01
	D.U. 344	80	150	20		(See Note)			594

*An additional 6.08 acres of open space is located on parcels outside of parks and stormwater management areas. This acreage contains 1.67 acres of a Conservation Easement and 4.41 acres of trail easements, bringing the total area for Open Space to 53.19 acres.*

D.U. = Dwelling Unit      - - - - - = Proposed pedestrian / bike path







Contact Information

Applicant:

Name: Bear Tree Farms, Inc  
 Address: 370 Campbell Hill Court  
 City, State, Zip: DeForest WI 53532  
 Phone Number(s): 608-896-2800  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): dlb2fg64@gmail.com; buckhntindad@yahoo.com

Surveyor:

Name: Dan Bickenkott - Bickenkott Surveying  
 Address: 1677 N. Bristol Street  
 City, State, Zip: Sun Prairie WI  
 Phone Number(s): 608-837-7463  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): dbickenkott@bickenkottsurveying.com

Attorney:

Name: Michael J. Lawton - Beardman + Clark LLP  
 Address: Po Box 927  
 City, State, Zip: Madison WI 53701-0927  
 Phone Number(s): 608-256-7236  
 Cell Phone(s): 608-843-4215  
 Email Address(es): mlawton@beardmanclark.com

Owner:

Name: Same as Applicant  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone Number(s): \_\_\_\_\_  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): \_\_\_\_\_

Engineer:

Name: Dave Glusick & Jim Schlefer, Vierbicher  
 Address: 999 Emur Drive, Suite 201  
 City, State, Zip: Madison WI 53717  
 Phone Number(s): 608-821-3947 608-821-3959  
 Cell Phone(s): \_\_\_\_\_  
 Email Address(es): dglu@vierbicher.com tsch@vierbicher.com

# Town of Windsor

## Final Plat Application

### Final Plat Application Form

The Town of Windsor Plan Commission typically meets on the third Tuesday of every month at 6:00 p.m., and the Town Board typically reviews planning issues on the third Thursday of every month at 5:00 p.m. (or as otherwise scheduled) at the Town Hall, 4084 Mueller Road. Applicants must submit an application no less than 30 days prior to the next regularly scheduled Plan Commission meeting.

The application shall: 1) be on forms made available from the Town and accompanied by the required fee and review escrow, 2) include 30 copies of the Final Plat drawn per the requirements of Section 4.4 of the Town Subdivision Ordinance, 3) include a digital pdf copy of all submitted drawings and supplementary data.

*The applicant is responsible for adhering to all requirements of Town ordinances, regulations, plans, and policies. This form shall not be deemed a substitute for the applicant's thorough reading and understanding of applicable Town ordinances, regulations, plans, and policies.*

*The applicant is responsible for adhering to all requirements of any applicable Sanitary District*

Date of Preliminary Plat Approval:

In Process

Outstanding Conditions from Preliminary Plat Approval (attach additional sheet if needed):

To Be Determined

Process for Review and Approval (per Sections 4.1, 4.6, and 4.9 of Subdivision Ordinance)

- 1) Consultation meeting with Town Staff
- 2) Submittal (at least 30 days prior to next plan commission meeting) of application form, fees and review escrow, and Final Plat and supplementary materials as described above
- 3) Staff review of application materials for compliance with requirements.
- 4) Plan Commission review, public hearing, and recommendation

5) Town Board review and action

6) Unless specifically authorized by the Town Board, the Chairman shall not sign the Final Plat until the following has been satisfied, a) the Town Board has received and approved a Development Agreement executed by the Subdivider, b) the Subdivider has paid all outstanding fees and charges for the review of the subdivision, and c) the Subdivider has deposited acceptable surety with the Town Clerk for the completion of required public improvements.

7) The Subdivider shall record the Final Plat with the Dane County Register of Deeds within 30 days of its approval by the Town Board and any other approving agencies. Failure to do so shall necessitate a new review and approval by the Town Board. The Subdivider shall provide a copy of the executed recording documents to the Town Clerk.

**Technical Requirements of Final Plat (per Section 4.8 of Town Subdivision Ordinance)**

The Final Plat shall be prepared by a registered land surveyor and shall comply in all respects with Wisconsin Statutes, Section 236.50 and the Town of Windsor Subdivision Ordinance. All Final Plats shall meet all the surveying and monumenting requirements of Wisconsin Statutes, Section 236.15. The Final Plat shall include the following information correctly on its face per Section 4.8(b) of the Subdivision Ordinance:

Item		Applicant
1	Title under which proposed subdivision is to be recorded	✓
2	Legal description by government lot, quarter section, township, range, county, and state	✓
3	Location map	✓
4	Date of original drawing and all revisions	✓
5	North arrow	✓
6	Names and addresses of the Owner, Subdivider, and Land Surveyor preparing the plat	✓
7	Surveyor's Affidavit	✓
5	Exact length and bearing of the centerline of all streets within and adjoining the plat	✓
8	Exact street width along the line of any obliquely intersecting street	✓
9	Railroad rights of way within and abutting the plat	N/A
10	Setback, building lines, or building envelope limits	A
11	All lands to be dedicated and/or reserved for future public acquisition or reserved for common use of property owners within the plat	✓
12	Special restrictions required by the Town Board relating to access control along public ways or as to the installation and maintenance of landscape buffers	N/A
13	Exact location and description of all easements	N/A
14	Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the plat	N/A

**Supplementary Data to be Filed with Final Plat (per Section 4.7 of Town Subdivision Ordinance)**

The Subdivider shall submit the following documents which shall be considered to be incorporated with and made part of the Final Plat:

Item	Applicant
15 Deed Restrictions and Restrictive Covenants	A
16 Certified Title Report – and other such evidence as the Town Attorney may require showing title or control in the applicant	A
17 Property Owner's Association Agreements	A
18 Joint Maintenance Agreements	A
19 Developer's Agreement – as described by Section 4.7(e)(1)-(5) of the Town Subdivision Ordinance	A
20 Certificates – as required by Wisconsin Statutes, Chapter 236	A
21 Final Street Plan – plans, profiles, and specifications showing existing and proposed grades, elevations, and cross sections	A
22 Final Stormwater Management Plan – plans, profiles, specifications, and design calculations and data showing the location, grades, sizes, cross sections, elevations and materials of required facilities	A
23 Final Erosion and Sedimentation Control Plan – plan and specifications showing site grading, surface treatment, structures, and site management required for compliance with Town and Dane County Ordinances	A
24 Soil and Subsurface Investigation Report – report and analysis of soil borings made at the direction of the Town Engineer	N/A
25 Traffic Control Plan – plan and procedures for maintaining safe traffic movement on adjoining streets during construction of the public improvements	N/A
26 Water and Sewer Plans – Subdivider shall provide certification that final water and sewer facility plans have been submitted to the appropriate sanitary district	A
27 Opinion of Probable Cost – specifications, estimated quantities and costs of constructing all required public improvements	A
28 Additional Plans or Information – as required by Town officials	N/A
29 Landscaping or Restoration Plan – planting layout and restoration plan for all publicly dedicated lands including streets, parks, and drainage facilities showing the locations, age, caliper, species, and time of planting for any required grasses, vines, shrubs, and trees	N/A

**Checklist Legend:**

✓	submitted completely
N/S	not submitted
N/A	not applicable to project
W	waived for reasons to be described in staff report
P	submittal pending, material must be submitted prior to meeting as requested by staff
A	submittal pending, material required as condition for approval

Date Complete Application Submitted: \_\_\_\_\_