

# MEMORANDUM

**TO:** DANE COUNTY ZONING & LAND REGULATION (ZLR) COMMITTEE

**CC:** ROGER LANE, ZONING ADMINISTRATOR; STEVEN PETERSON, AGENT FOR BEAR TREE FARMS

**FROM:** PAMELA ANDROS, AICP

**DATE:** SEPTEMBER 15, 2014

**RE:** STAFF ANALYSIS OF BEAR TREE FARMS SUBDIVISION PRELIMINARY PLAT AND REZONE PETITION NO. 10754; APPLICANT BEAR TREE FARMS, INC.

---

The following is a brief analysis of the Bear Tree development proposal located in sections 28 & 33 of the town of Windsor. The applicant has submitted a petition to rezone the property (petition no. 10754) and a preliminary plat.

## Summary of Proposal

This subdivision plat is located in sections 28 & 33 of the town of Windsor, east of Highway 51 and south of Windsor Road, on land neighboring the Village of DeForest. The proposal is for a residential development containing 368 lots to be developed in nine phases. The following table shows the breakdown of the lots and the associated number of dwelling units, acres and dwelling units per acre:

Housing type	Number of Lots	Dwelling Units (DUs)	Acres	Density (DU/acre)
Single Family	364	364	121.11	3.00
Commercial/retail	1			
Multi-Family*	3	248	20.78	11.93

\* *Note:* The 248 units will be a mix of traditional multi-family and senior housing, of which there will be a maximum of 168 traditional multi-family.

The rezoning of 227 acres for this proposal, is from a combination of agricultural zoning districts (A-1 Ex, A-2 and A-3) to R-2 residence, R-4 residence, B-1 local business, RE-1 recreational and CO-1 conservancy. The applicant has requested a delayed effective date on the zoning change to allow sufficient time to complete and record the final plat for the development, including allowing them to record the final plat in phases if desired by the developer.

The development is described as “a planned community of single-family detached homes, senior housing, multi-family housing and one commercial parcel” and as the application goes on to explain, it “includes a significant amount of park and open space land, and also includes the preservation of existing wooded areas on the site”. The proposed development plan includes trails within the plat and trail connections to adjoining areas.

Bear Tree Farms is part of a larger planned development which will also include an additional residential and commercial development.

## **Surrounding Area**

The proposed development is bordered by existing residential development to the east, on the north by Windsor Road and farmland north of that road, on the south by land in the Village of DeForest planned for a mix of residential and commercial uses, and on the west, land in the Village of DeForest planned for multi-family and commercial development.

## **Sewer and Water Service**

Development will be served with public sewer and water service. The proposed subdivision is located within the Northern Urban Service Area and is also included in the Madison Metropolitan Sewerage District (MMSD).

## **Plan Documents**

In 2010 the Village of DeForest and Town of Windsor adopted a Cooperative Plan. Bear Tree falls within the cooperative area boundary, and is addressed in the associated cooperative land use plan. It is also included in a long-term annexation plan with the Village of DeForest. The town, village and cooperative plans are incorporated into the Dane County Comprehensive Plan.

The subject property is shown as “Transition Residential” and as “Future development subject to cooperative plans” in the Town of Windsor Future Land Use Plan map found in the *Town of Windsor Comprehensive Plan: 2025*, most recently amended in 2010. The Comprehensive Plan also includes a “Village of DeForest/Town of Windsor Cooperative Plan” map. The subject property is noted as Area B on this map, stating the following policy “No annexation/attachment for 30 years; development of Bear Tree Windsor deferred for 10 years”. A note on this map explains that the Cooperative Plan document is the controlling document.

CARPC staff did an analysis of this proposal which was part of a larger development proposal, that required revision of the Northern Urban Service Area (NUSA). The NUSA amendment was reviewed and approved in 2012. CARPC staff prepared a report called *Staff Analysis of Proposed Amendment to the Dane County Land Use and Transportation Plan and Water Quality Plan, revising the Northern Urban Service Area (NUSA) boundaries and Environmental Corridors in the Bear Tree Windsor Area of the Town of Windsor and the Bear Tree Farms and Reardon Road Areas of the Village of Deforest*. The full analysis can be found at:

[http://danedocs.countyofdane.com/webdocs/PDF/capd/2012\\_postings/2012\\_SAs/SA\\_Windsor\\_Bear\\_Tree\\_03.13.12.pdf](http://danedocs.countyofdane.com/webdocs/PDF/capd/2012_postings/2012_SAs/SA_Windsor_Bear_Tree_03.13.12.pdf)

## **Wetlands and Environmental Corridors**

As can be seen in the composite report map, there is a DNR mapped wetland shown on the property. A wetland delineation was conducted as part of the revision to the NUSA noted above. The applicant is in the process of providing a copy of that delineation (map and report) to Dane County zoning staff.

Also worth noting on the composite report, it appears that the mapped environmental corridors (see mapped areas on composite report or Map 1 Bear Tree North in the CARPC staff analysis) do not line up with areas shown as going into either CO-1 or RE-1 zoning.

The applicant is working with the town of Windsor and CARPC staff in amending the town’s environmental corridors. These changes must be initiated and approved by the town. In order for this proposal to be consistent with the Dane County Comprehensive Plan, the environmental corridors will have to be adjusted.

**Planning Staff recommendations**

The existence of poorly drained soils on some lots should be addressed. Poorly drained soils are identified on Map 8: Potential Seasonal High Groundwater and Shallow Bedrock, and in Table 4, noted as EfB and RaA, of the CARPC staff analysis report. It is important that future buyers of effected lots be aware of the existence of these soils and the associated potential building limitations.

The Committee may wish to condition approval of rezone petition #10754 on noting the soils and building limitations on affected lots. Because the exact layout may change before the final plat is submitted and approved, naming specific lots would not be appropriate at this time. Once the layout is final, approval can be conditioned upon a deed restriction being placed on given lots as well as notes being made on the final subdivision plat.

The committee should postpone action on this petition to allow time to collect and analyze more information regarding wetlands and environmental corridors.