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## **VILLAGE OF WAUNAKEE / TOWN OF WESTPORT**

### **JOINT PLAN COMMISSION**

**Town of Westport Community Room**

**5387 Mary Lake Road**

**December 10, 2019 6:00 PM**

Agendas may change prior to the commencement of the meeting.  
Please check the posting board at the Village Hall, 500 W. Main Street,  
Waunakee, Wisconsin for the current agenda.

### **AGENDA**

#### **CALL TO ORDER**

**ROLL CALL: Ken Sipsma, Dean Grosskopf, Eileen Bruskewitz, Brad Zeman, Brian Malich, Brian Wallace**

#### **MINUTES**

**1            October 15, 2019**

#### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

#### **NEW BUSINESS**

- 1            Discussion/Action on a Request for Specific Implementation Plan (SIP)  
Approval for Kwik Trip LLC to Construct a Convenience Store with  
Fueling Canopy and Carwash at the Southeast Corner of CTH Q and Water  
Wheel Drive, in the Kilkenny Farms Subdivision**
- 2            Discussion/Action on Possible Referral of Heritage Hills to the  
Waunakee/Westport Joint Plan Commission**

#### **ADJOURN**

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the municipal clerk at (608) 850-8500, 500 West Main Street, Waunakee, Wisconsin, at least twenty-four hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

#### **VILLAGE OF WAUNAKEE BOARD AND PLAN COMMISSION MEETING TOWN OF WESTPORT BOARD AND PLAN COMMISSION MEETING**

Notice is hereby given that the Village or Town Board or Village or Town Plan Commission may attend this meeting. No action will be taken by the Village or Town Board or Village or Town Plan Commission at this meeting.

*Next scheduled meeting is 1/14/2020 6:00:00 PM.*

**VILLAGE OF WAUNAKEE/TOWN OF WESTPORT  
JOINT PLAN COMMISSION MEETING  
Town of Westport Community Room  
5387 Mary Lake Road, Town of Westport  
October 15, 2019 6:00 PM**

**Meeting Minutes**

**CALL TO ORDER**

The meeting was called to order at 6:00 p.m.

**ROLL CALL:**

**Present:** Ken Sipsma, Dean Grosskopf, , Brad Zeman, Brian Wallace, Brian Malich,

**Absent:** Eileen Bruskewitz

**Also Present:** Tom Wilson, Kevin Even, Tracy Meinholz, Mary Nonn, Pam Dunphy, Gerry Schmitt, Aaron O'Brien.

**MINUTES**

**1 September 10, 2019**

Motion Grosskopf, second by Zeman, to approve the minutes from the September 10, 2019 Joint Plan Commission meeting as presented. Motion carried.

**PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:** None

**NEW BUSINESS**

**1 Public Hearing and Discussion/Action on a Request by Donna Dorn for approval of a certified Survey map splitting off a 3.3 acre parcel and rezoning it from A1-Ex to A-1 Agricultural, at 6303 Meffert Road, Town of Westport**

The public hearing was opened at 6:02 p.m. Mr. Wilson presented the item and relayed feedback from the Town plan commission the previous night. The Town recommended approval with the addition that the CSM note that it is a century old farm. There were no comments from the public, therefor the public hearing was closed at 6:06 p.m. Motion Grosskopf, second Wallace, to recommend approval to the Village and Town boards as recommended by the Town plan commission. Motion carried.

*Brian Malich arrived at 6:09 p.m.*

**2 Update on County Highway M Improvements**

After a brief introduction by Mr. Wilson, Gerry Schmitt of KL Engineering presented an update and overview of the County's CTH M Improvements preliminary design study project. The next Public Involvement Meeting is scheduled for November 13, 5:00 p.m. to 6:30 p.m., at Holy Wisdom.

**ADJOURN**

Motion Wallace, second Grosskopf, to adjourn the meeting at 6:43 p.m. Motion carried.

**Respectfully Submitted:**

Tracy Meinholz, Joint Plan Commission Secretary

**JOINT PLAN COMMISSION SUMMARY SHEET****MEETING DATE:** 12/09/2019**ITEM:** NEW BUSINESS

**TITLE:** Discussion/Action on a Request for Specific Implementation Plan (SIP) Approval for Kwik Trip LLC to Construct a Convenience Store with Fueling Canopy and Carwash at the Southeast Corner of CTH Q and Water Wheel Drive, in the Kilkenny Farms Subdivision

**ISSUE SUMMARY:** The applicant is proposing construction of a 7,300 s.f. convenience store with fueling canopy and carwash. We have a few issues that are not resolved to the satisfaction of the Village staff that the Plan Commission should provide further direction on.

1. Remove right-in movement as recommended by Strand
2. Match the light intensity of the Kwik Trip on Main Street (verified by PD is sufficient for public safety)
3. Signage changes as generally outlined in MSA memo
4. Architecture – Further revisions to the building and canopy as outlined in Freer and Valerius memos.

**STAFF RECOMMENDATION:** Defer and provide direction to the applicant to modify submittal

**RECOMMENDED MOTION:** none at this time

**ATTACHMENT(S):** Application and Staff Comments

**FOR MORE INFORMATION CONTACT:** [kevin@waunakee.com](mailto:kevin@waunakee.com) or (608) 849-6276





**Strand Associates, Inc.®**  
910 West Wingra Drive  
Madison, WI 53715  
(P) 608-251-4843  
(F) 608-251-8655

November 27, 2019

Mr. Kevin Even, P.E.  
Village of Waunakee  
500 West Main Street  
P.O. Box 100  
Waunakee, WI 53597

Re: Kwik Trip Store at Water Wheel Drive  
Second Review  
Village of Waunakee (Village), Wisconsin

Dear Kevin,

Strand Associates, Inc.® (Strand) reviewed revised drawings dated November 15, 2019 for the proposed Kwik Trip store and car wash proposed for the corner of CTH Q and Water Wheel Drive. Strand previously provided comments in a letter dated October 30, 2019 on the same site plan. Very little changes were made to address our original comments, therefore, the comments in that letter still stand. A copy of that letter is enclosed for your convenience.

The applicant provided revisions for the comment regarding the store's access to Water Wheel Drive, and we will address those changes made below.

Strand asked the applicant to eliminate the store access driveway to Water Wheel Drive near the corner of Water Wheel Drive and CTH Q. In our meeting with the applicant to discuss design issues, the applicant requested the Village consider a right-in drive off of Water Wheel Drive for the convenience of Kwik Trip's customers. Village staff indicated it could be considered if other potential access points and driveway configurations using the alley would not work; however, if allowed, the right-in access would require a raised median on Water Wheel Drive to prevent customers from taking a left turn out of the site onto Water Wheel Drive. Given the drawings show that the applicant's revised two driveways on the alley can adequately accommodate Kwik Trip's delivery trucks, the alley access is only 70 feet from the proposed right-in drive, and no median is proposed on Water Wheel Drive (nor does there appear to be space for such median), the right-in access drive should be eliminated.

A fence with posts proposed to be constructed of brick or stone pillars within a utility easement along CTH Q was discussed at our last staff review meeting on the revised plans. The fence should be moved so it will not lie within the easement, nor within the required vision triangle at the intersection of CTH Q and Water Wheel Drive.

RKS:ILLS\MAD\1600-1699\1602\701\WRD\2019 Site Plan Comments\1.1. Kwik Trip Water Wheel\11192019 resubmittal\11.27.2019 KT WW comments.docx

Strand Associates, Inc.®

Mr. Kevin Even, P.E.  
Village of Waunakee  
Page 2  
November 27, 2019

Again, the applicant should address all items in Strand's October 30, 2019 letter. If the applicant feels it has addressed the comments, it should provide an explanation or location of the correction made that ties back to the original comment.

Sincerely,

STRAND ASSOCIATES, INC.®

A handwritten signature in black ink, appearing to read "R. Kent Straus", with a long horizontal flourish extending to the right.

R. Kent Straus, P.E.

c/enc.: Todd Schmidt, Administrator, Village of Waunakee  
Bryan Kleinmeier, Stafford Rosenbaum  
Tim Herlitzka, Village of Waunakee Utilities  
Jason Valerius, MSA

**Strand Associates, Inc.®**

910 West Wingra Drive  
Madison, WI 53715  
(P) 608-251-4843  
(F) 608-251-8655

October 30, 2019

Mr. Kevin Even, P.E.  
Village of Waunakee  
500 West Main Street  
P.O. Box 100  
Waunakee, WI 53597

Re: Kwik Trip Site Plan–Kilkenny Farms

Dear Kevin,

Strand Associates, Inc.® (Strand) received drawings dated September 20, 2019, and associated materials for the convenience store and car wash proposed at the southeast corner of CTH Q and Water Wheel Drive. Strand has the following comments on the materials.

**Certified Survey Map (CSM)**

Our comments on the proposed CSM are as follows:

1. The metes and bounds call of 165.45 feet along the southwest line of Lot 2 differs from the call of 165.59 feet shown on CSM 15048. Was this intended to be the same line?
2. Please add the bearing and distance along the line between new Lot 1 and Lot 2.
3. Please add the Village of Waunakee Approval Certificate.
4. Please verify that the east side of the proposed Car Wash is outside of the current 15-foot side yard offset distance.
5. Explain why none of the bearings and distances on the “Existing Site and Demolition Plan”, sheet DM 1.0, match the new CSM. If the site design is based on an incorrect boundary, there may need to be adjustments to correct for setbacks, grading, and other items.

The same comments are provided on the enclosed CSM document to provide clarity.

**Site Requirements**

The store and carwash structures appear to meet the setback distances required by the Specific Implementation Plan (SIP) for the site. Those setbacks are:

1. From CTH Q: Buildings 25 feet and pavement 6 feet
2. From Water Wheel Drive: Buildings 15 feet and pavement 6 feet
3. From side yard and rear yard property lines: Buildings 15 feet and pavement 5 feet

RKS:sj\MS\MAD\1600-1699\1602\701\WRD\2019 Site Plan Comments\11. Kwik Trip\Kwik Trip Kilkenny Comments.docx

Strand Associates, Inc.®

Mr. Kevin Even, P.E.  
Village of Waunakee  
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October 30, 2019

These lines should be shown on one sheet, preferably sheet SP 1.1, where other dimensions are provided.

Paths and sidewalks exist or are proposed along CTH Q, Water Wheel Drive, and the east side of the alley accessing the store and car wash. A sidewalk should be provided on the west side of the alley to provide better pedestrian access to the store, similar to the bank property north of Water Wheel Drive. The applicant should also provide a cross walk plan for crossing Water Wheel Drive at the alley intersection.

Also, the sidewalk width is not labeled. The proposed sidewalk should be a minimum of 5 feet wide. This will require a change to detail 10 on SP 4.0.

### **Parking and Circulation**

The 7,300-square-foot store requires approximately 37 parking stalls according to village code. The General Development Plan (GDP) for Lot 264 also has a parking stipulation, that being 4.9 stalls per 1,000 square feet of building floor area, or 36 stalls.

There are approximately 28 conventional parking stalls planned on the site. Below the gasoline dispenser canopy, there is room for approximately 20 to 30 more parked vehicles that would be getting gas, accessing the store, or both. While the total number of conventional stalls is short, the under-canopy stalls could provide some of the relief. Strand looked at the parking situation for the existing Kwik Trip on Main Street for comparison. There, there are 27 conventional stalls and approximately 16 to 24 additional stalls below the gas dispenser canopy. This site seems to function adequate, although very busy at times. It seems this site will function adequately if overflow traffic learns to park below the canopy.

A large concern of ours is the proposed access to Water Wheel Drive. Locating access points close to a major collector highway such as CTH Q should not be allowed. Strand recommends no access to the site be allowed from CTH Q or from Water Wheel Drive, similar to the existing development north of Lot 264 (Waunakee Community Bank). Two access points to the alley that splits the store from the car wash would be acceptable.

Village code requires downward projecting lighting to and dark-sky compliant fixtures. It appears that the applicant is meeting these requirements. The code also requires light intensity be less than 3-foot candles at any lot line, which also appears to be met. It is Strand's understanding that there are other requirements for fueling station canopy lighting intensity that will need to be met, so the applicant should confirm they are meeting this. The current plans shows intensities as high as 55-foot candles below the canopy. Light intensities around the store and car wash reach as much as 30-foot candles, which also seems unnecessarily high.

### **Site Utilities**

Water and sewer service laterals are provided to the site from mains within the alley and should be of adequate size to serve the store and the car wash. There are cleanouts proposed for the sewer lines that appear to have plugs that will prevent surface water from entering the lateral.

### **Site Grading and Stormwater Management**

The maximum side slopes surrounding the bioretention basin should not exceed 4:1 (3:1 slopes are shown).

Strand Associates, Inc.®

Mr. Kevin Even, P.E.  
Village of Waunakee  
Page 3  
October 30, 2019

The applicant should better define the overflow route from the biofiltration pond. It is not clear where this water will go and if there is positive drainage.

All inlets on the site should have minimum 2-foot sumps.

The stormwater maintenance agreement provided within Appendix C of the Stormwater Management & Erosion Control Report includes references to the Village of DeForest. This should be corrected. Similarly, the Wisconsin Department of Natural Resources soil loss spreadsheet has the wrong project address.

Village stormwater management permit applications should be submitted for approval.


Confirm that an erosion control permit has been obtained from Dane County.

### **Sign Plan**

We assume others will be reviewing the appropriateness and size of the proposed signs for the entire site, and there for will not comment on that, other than to mention the number of "gas price" electronic signs seems to be excessive.

Sincerely,

STRAND ASSOCIATES, INC.®



R. Kent Straus, P.E.

Enclosure

c/enc.: Todd Schmidt, Administrator, Village of Waunakee  
Bryan Kleinmeier, Stafford Rosenbaum  
Tim Herlitzka, Village of Waunakee Utilities  
Jason Valerius, MSA  
Ed Freer, Graef

## BIRRENKOTT SURVEYING



BIRRENKOTT SURVEYING, INC.  
1677 N. BRISTOL STREET  
SUN PRAIRIE, WIS. 53590  
608-837-7463

PREPARED FOR:  
DON TIERNY  
3564 FORE ROAD  
DEFOREST, WI 53532  
608-241-0162

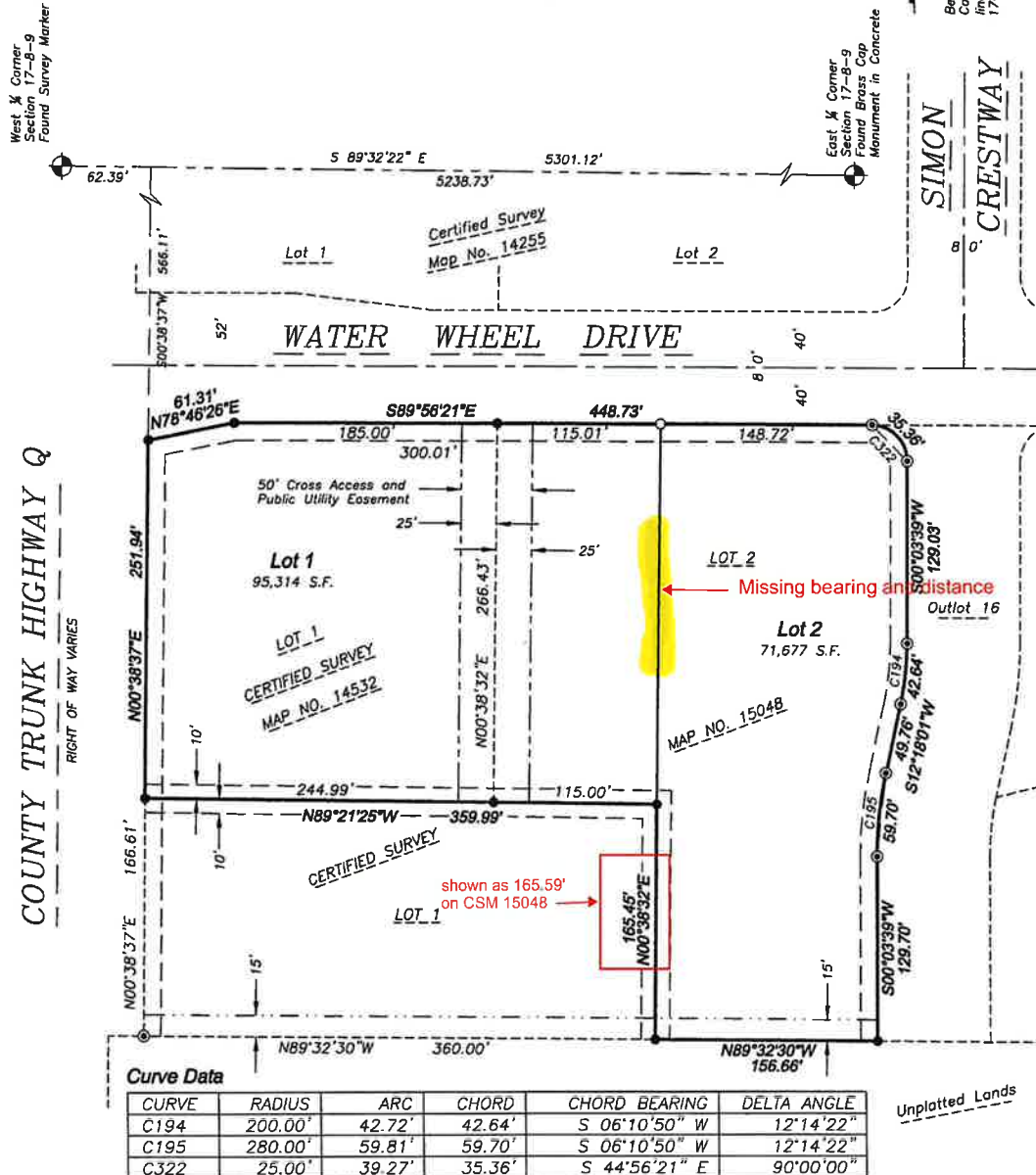
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## CERTIFIED SURVEY MAP

Lot 1, Certified Survey Map No. 14532, as recorded in Volume 100 of Certified Survey Maps of Dane County on Pages 161-163; and Lot 2, Certified Survey Map No. 15048, as recorded in Volume 106 of Certified Survey Maps of Dane County on Pages 181-183; located in the Northwest ¼ of the Southwest ¼, Section 17, T8N, R9E, Village of Waunakee, Dane County, Wisconsin

0 100 200  
Scale: 1" = 100'

Bearings referenced to the Dane County Coordinate System, the North line of the Southwest ¼ of Section 17-8-9, bearing S89°32'22" E



## Legend

- = Found 1-1/4" O.D. Iron Pipe
- ⊙ = Found 1-1/4" Rebar
- = 1-1/4" O.D. x 24" Iron Pipe Set, Weight = 1.68 Lbs/Ft
- = Public utility easement, 12' wide except as noted
- - - - - = 15' Public utility easement
- = 50' Cross Access and Public Utility Easement

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_

DOCUMENT NO. \_\_\_\_\_

Sheet 1 of 2  
Office Map No. 190382





# CERTIFIED SURVEY MAP

DATED: October 3, 2019

## Birrenkott Surveying, Inc.

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, Wisconsin 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

### Surveyor's Certificate:

I, Mark A. Pynnonen, hereby certify that this survey is in full compliance with Chapter 236.34 of Wisconsin Statutes. I also certify that by the direction of the owners listed hereon, I have surveyed and mapped the lands described hereon and that the map is a correct representation of all the exterior boundaries of the land surveyed and the division of that land, in accordance with the information provided.

Mark A. Pynnonen, Professional Land Surveyor No. S-2538

**Description:** Lot 1, Certified Survey Map No. 14532, as recorded in Volume 100 of Certified Survey Maps of Dane County on Pages 161-163; and Lot 2, Certified Survey Map No. 15048, as recorded in Volume 106 of Certified Survey Maps of Dane County on Pages 181-183; located in the Northwest ¼ of the Southwest ¼, Section 17, T8N, R9E, Village of Waunakee, Dane County, Wisconsin; Containing 166,991 square feet, or 3.834 acres.

**Owners Certificate:** As owner, Kilkenny Farms, LLC, does hereby certify that it has caused the lands described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as shown. It also certifies that this Certified Survey Map is required to be submitted to the Village of Waunakee as a required approving authority.

### Kilkenny Farms, LLC

Donald C. Tierney, Member

State of Wisconsin )  
Dane County ) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above-named Donald C. Tierney, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin.

My Commission Expires \_\_\_\_\_

Printed name

Missing the Village of Waunakee Approval Certificate

**Mortgagee Certificate:** First Business Bank, mortgagee of certain of the lands described hereon, does hereby consent to the surveying, dividing, mapping and dedicating of the land described on this Certified Survey map, and does hereby consent to the certification of Kilkenny Farms, LLC, owner.

### First Business Bank

Brian E. Hagen, Senior Vice President

State of Wisconsin )  
Dane County ) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, the above-named Brian E. Hagen, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, Dane County, Wisconsin.

My Commission Expires \_\_\_\_\_

Printed name

### Surveyed For:

Donald and Joanne Tierney  
3564 Egge Road  
DeForest, Wis. 53532  
837-0102

Surveyed: C.K.C.  
Drawn: M.A.P.  
Checked: M.A.P./D.V.B.  
Approved: D.V.B.  
Field book:  
Tape/File: J:\2011\Carlson\110118

### Register of Deeds Certificate:

Received for recording this \_\_\_\_\_ day of \_\_\_\_\_, 2019

at \_\_\_\_\_ o'clock \_\_\_\_\_ m and recorded in Volume \_\_\_\_\_ of Certified Survey

Maps of Dane County on Pages \_\_\_\_\_

Kristi Chlebowski, Register of Deeds

Document No. \_\_\_\_\_

Certified Survey Map No. \_\_\_\_\_, Volume \_\_\_\_\_, Page \_\_\_\_\_

Sheet 2 of 2  
Office Map No.: 190382



To: Kevin Even  
Tracy Meinholz  
From: Randy Dorn  
Dave Dresen  
Tim Herlitzka  
RE: Kwik Trip Submittal  
Date: December 2, 2019

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This memo provides comments for the Kwik Trip submittal.

- We will not allow any fencing or permanent structures in the easement area.
- We would like to remind the applicant that the transformer that serves Boston's Pizza will provide power to this site.





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**To:** Village of Waunakee Plan Commission  
**From:** Jason Valerius, AICP  
**Subject:** Kwik Trip at Water Wheel Drive – Specific Implementation Plan  
**Date:** December 2, 2019

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### **Request**

Applicant (Kwik Trip, Inc.) is requesting approval of a Specific Implementation Plan for a convenience store, car wash and fueling station and canopy on a 2.2-acre site at the southeast corner of Water Wheel Drive and County Highway Q. The submittal package includes full site development plans and details, including all structures, hardscape, landscaping, signage and lighting.

### **Applicable Zoning & Development Code Regulations**

This site is zoned PUD and is subject to the regulations established by the Kilkenney Farms General Development Plan and other ordinances that apply to all development, including standards for sidewalks (Sec. 129-150) parking (Sec. 133, Article VII), signage (Sec. 133, Article VIII), and lighting (Sec. 133, Article IX).

### **Analysis and Recommendations**

#### **Parking and Vehicle Circulation**

Please see Kent Straus's comments on this topic. I concur with the recommendation to remove the right-in access – the added convenience of this is negligible and it will have a negative effect on site appearance, ground sign location availability, and pedestrian safety.

#### **Pedestrian Routes**

The site plan should be revised to show the completed sidewalk along the south side of Water Wheel and crosswalks across the alley access at Water Wheel and across Water Wheel, on the east side of the alley connection.

#### **Architecture**

The GDP identifies this site as “intended to become an attractive high quality gateway to the Village and the immediate neighborhood. The highest quality of design is expected.” The design of the convenience store building has been enhanced to show stone cladding for the lowest three feet of all four facades, and all the way up at the corners. This is a unique look intended to relate to other nearby retail buildings and

**Kwik Trip at Water Wheel SIP Review**

December 2, 2019

offer a bit of “agricultural” character, though the overall building appearance is otherwise the current Kwik Trip standard. Plan Commission should discuss whether the proposed design satisfies the GDP intent of “highest quality”. I suggest that the full-height stone at the corners is acceptable, but that a design that is more similar to the columns flanking the main entrance may be more attractive.

The canopy design has been enhanced to add a pitched roof (similar to downtown Waunakee), to match the color of the fascia to the color scheme of the main building, and to remove the typical red strip across the length of the canopy. The outcome is improved, but still not satisfying. It is quite massive, now reaching to an estimated height of 30’ tall (compared to a building height of 21.5’). The basic metal posts above the height of the pumps appear too slender for the mass that they support (architecturally, not structurally). For comparison, consider the design of the Kwik Trip at Redford Blvd. and Watertown Road near Waukesha, WI:



I recommend the following changes to the gas canopy to achieve “highest quality of design”:

- Reduce the slope of the pitched roof to reduce the total height
- Minimize the fascia height beneath the eave of the roof
- Remove the proposed signage on the canopy
- Extend the brick on the columns all the way to the canopy

Note that the change to the roof pitch may affect the roof and overall design of the main building as well.

**Signage**

The signage limit for wall signs is 150 SF. I am considering the signage on the fueling canopy as wall signage and I find that the total signage on the three proposed structures is about 248 SF, including 88.6 SF on the main building, 39.5 SF on the car wash, and 119.6 SF on the gas canopy. Total signage should be reduced, and I suggest that the canopy should have no signage.

The submittal also includes a monument sign that is 7 feet wide and 8’ 8” tall, located near the Water Wheel and Hwy Q corner. The signage portion of this structure is 33.91 SF on each side. While this sign is consistent with the zoning ordinance limits, it is not consistent with the design intent and recent precedent for Kilkenney Farms along this Hwy Q corridor. It is too tall and too close to Hwy Q, and the digital variable message sign is not really consistent with the desired quality and character. I suggest that it should be further back along Water Wheel (more than one-half the distance to the alley). I suggest that the gas prices should be on this sign instead of on the canopy. Alternatively, I think the Village should consider a design that integrates a sign and the gas prices into a wall near Hwy Q. This approach could

**Kwik Trip at Water Wheel SIP Review**December 2, 2019

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balance the applicant's need for visibility with the desires of the Village and the developer for a unique and high quality outcome.

**Lighting**

The lighting under the gas canopy is excessive. Village ordinance is not specific about how much light is too much, but the Village and the Town of Westport have previously cited a best practice target of 20 footcandles as a maximum lighting level. I recommend this as the maximum for this site, or a level as recommended by the Waunakee Police Department based on consideration of lighting levels at other gas stations in the Village.

Sincerely,  
MSA Professional Services, Inc.



Jason Valerius, AICP  
Planner

## Tracy Meinholz

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**From:** Freer, Ed <Ed.Freer@graef-usa.com>  
**Sent:** December 2, 2019 5:07 PM  
**To:** Jason Valerius (jvalerius@msa-ps.com)  
**Cc:** Kevin Even; Tracy Meinholz; Todd Schmidt  
**Subject:** KWIK TRIP - Current Examples - Observations and Comments by EJF  
**Attachments:** Current Kwik Trip Examples 20191202161434.pdf

Jason

Great to hear from you.

Thanks for sharing the images of proposed Kwik Trip facility being proposed on Waterwheel and Q.

I will try to best offer my critic and answer your inquires with the examples I provided and discussed during our conversation.

I have attached a few examples of Kwik Trip facilities and annotated the points that I shared on the call. It is important to point out that these examples share additional facilities within an hour drive and offer broader perspective beyond the facilities commonly referenced on Cottage Grove Road or in the Village of Delafield .

Two of the three examples also appear to be Kwik Trip turn key projects where the Fitchburg example is a recent PDQ remodel.

### Observations Shared:

#### Architectural:

- I am not suggesting one architectural style over another but want to emphasize the balance and integration of architectural details, materials and massing / roof lines in all solutions;
- The canopies in most cases become an extension of the store structure and provide shade and protection from precipitation;
- The canopy extends the brand through an integration of the architectural detailing and *express the Brand* through the fascia with a strategic integration of the red color;
- The canopy columns are clad up to the ceiling and illustrate a more *harmonious proportion* in which to support the canopy;
- A benefit of fully cladding the pipe columns is *a smoother visual transition to the canopy* , appearing to reduce the scale of the canopy
- Most canopy's have a finished ceiling or soffit treatment;
- There is little to no lettering or any display of gas prices on the canopy structures;

#### Site Design:

- The signage and pricing is integrated into site features, ground signs or walls;
- Signage is located near the access road/street and not on the primary highway corridor;
- Gas pricing is part of a ground sign on a Masonry base;
- Landscaping with site walls help to mitigate the view of cars and expansive asphalt;

Please refer to previously submitted and reviewed Meffert project.

The signage with gas pricing was located and oriented parallel to Waterwheel .

The location was out of any sight triangles and being double sided, visible from both northbound and southbound traffic from HWY Q.

The sign was integrated into a field stone wall on a base that was wider and slightly taller than the site wall.

The 30" – 42" stone wall also functioned to reduce visual impact of parked vehicles and pavement.

I hope this helps clarify past discussions and decisions [as the Meffert Project] and how Kwik Trip can successfully integrate their Brand as tastefully illustrated in other communities.

Regards,  
ed

**Eduard Freer, PLA**

Sr. Landscape Architect | Business Development



1010 E. Washington Ave.  
Suite 202  
Madison, WI 53703

608 / 242 1550 office  
555 / 245 1964 direct  
608 / 320 4567 mobile

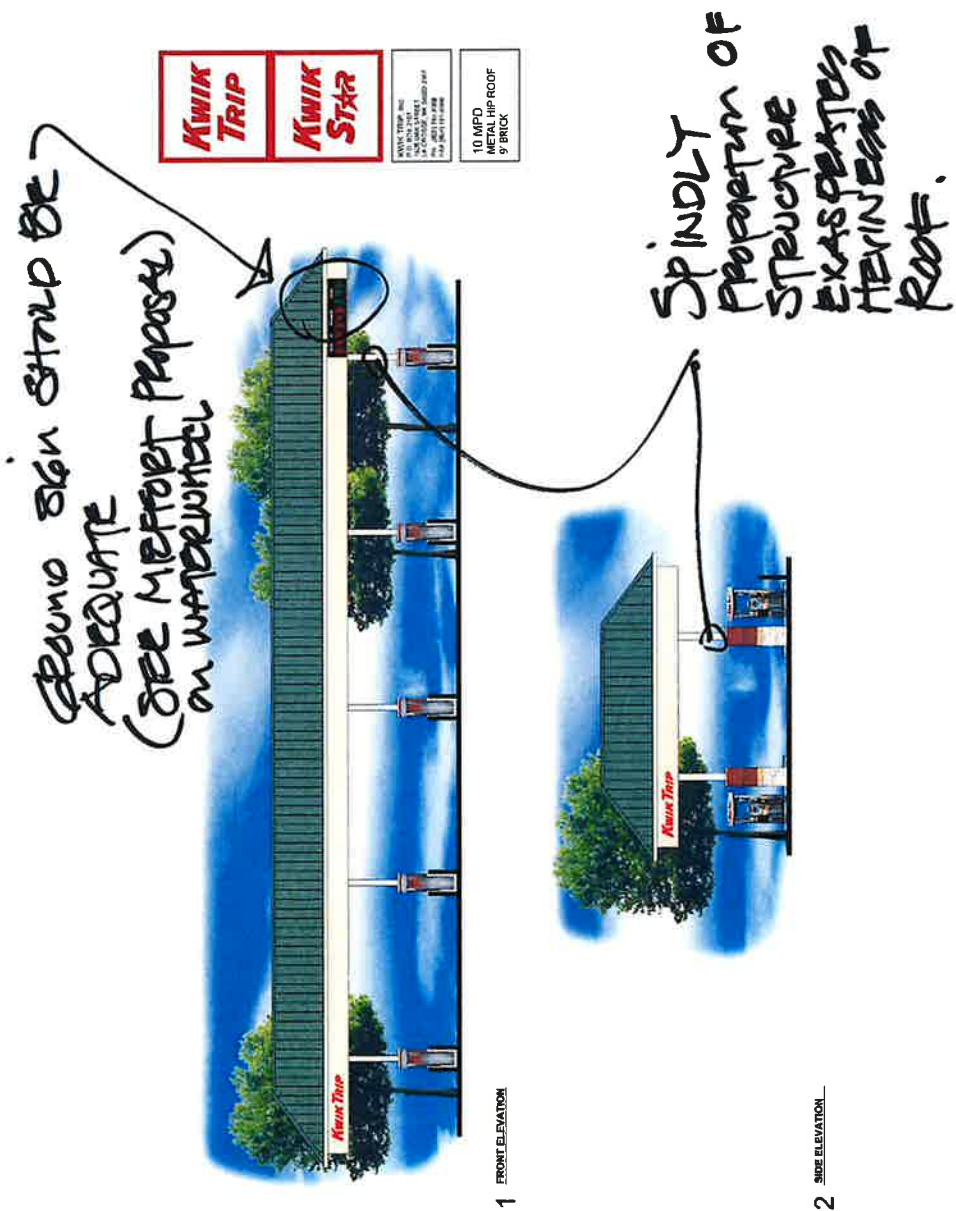
[ed.freer@graef-usa.com](mailto:ed.freer@graef-usa.com)  
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(economic)



• 1/2 in front of building

• consistent professional building

• site with screens case with table

• 8/16/14

1/2

CMK TRIP 4/16

EPF 12-02-2019



Admission

Ground Sign (Not on Highway)

- Highway Exit
- Complimentary
- Burrito

• NO BRAND NAME

• NO GAS PRICING

• FULL HEIGHT OF

• FULL HEIGHT OF



Highway #67  
Turning Lane

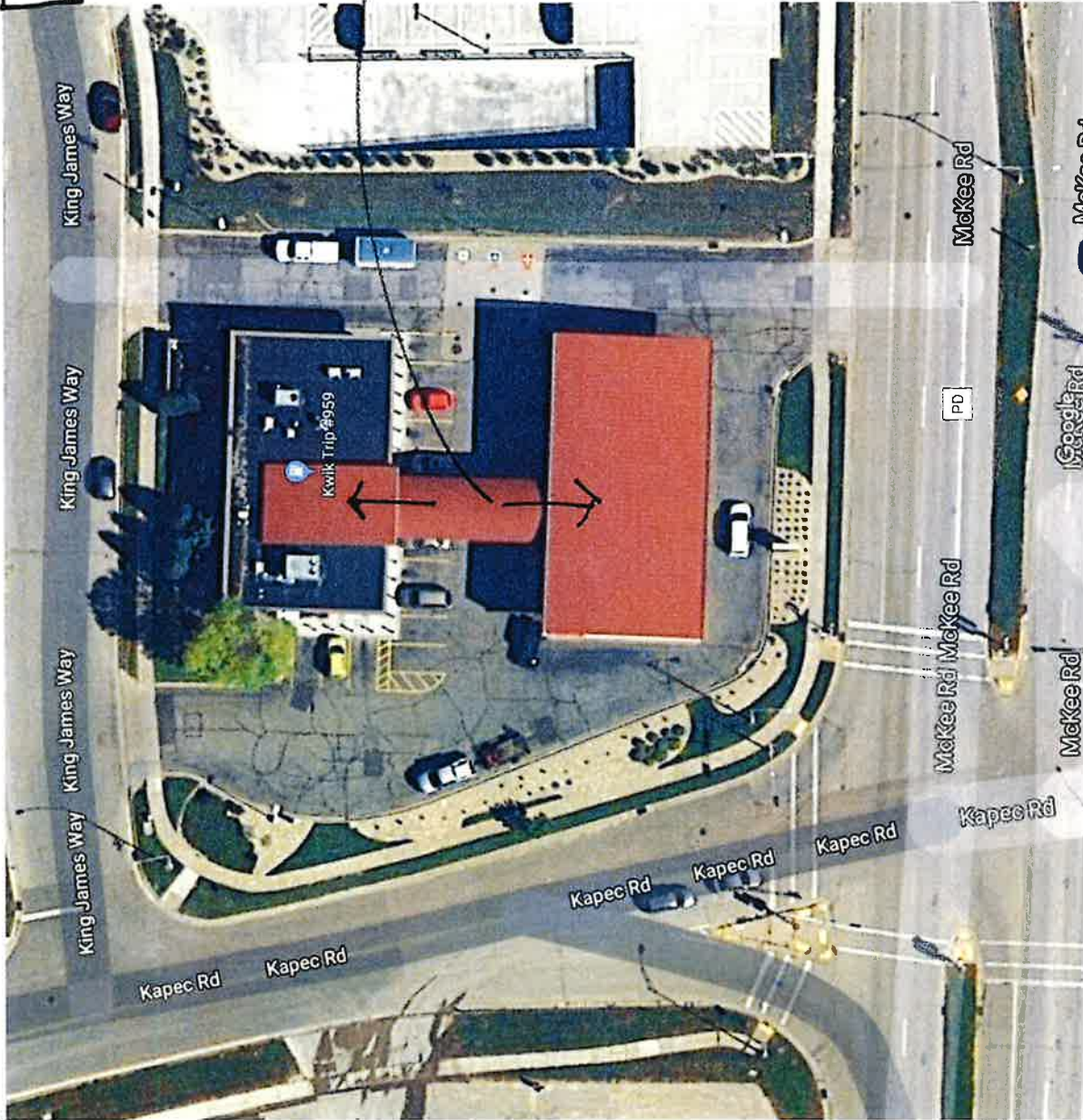
2/2

446  
10-02-2019



Kwik Trip #959  
McKee Park  
Eff 12.01.2019

RECH: TECHNICAL  
TYPE SPECIFIC  
PARTIAL TO  
FUEL DISPENSING  
CHANGING



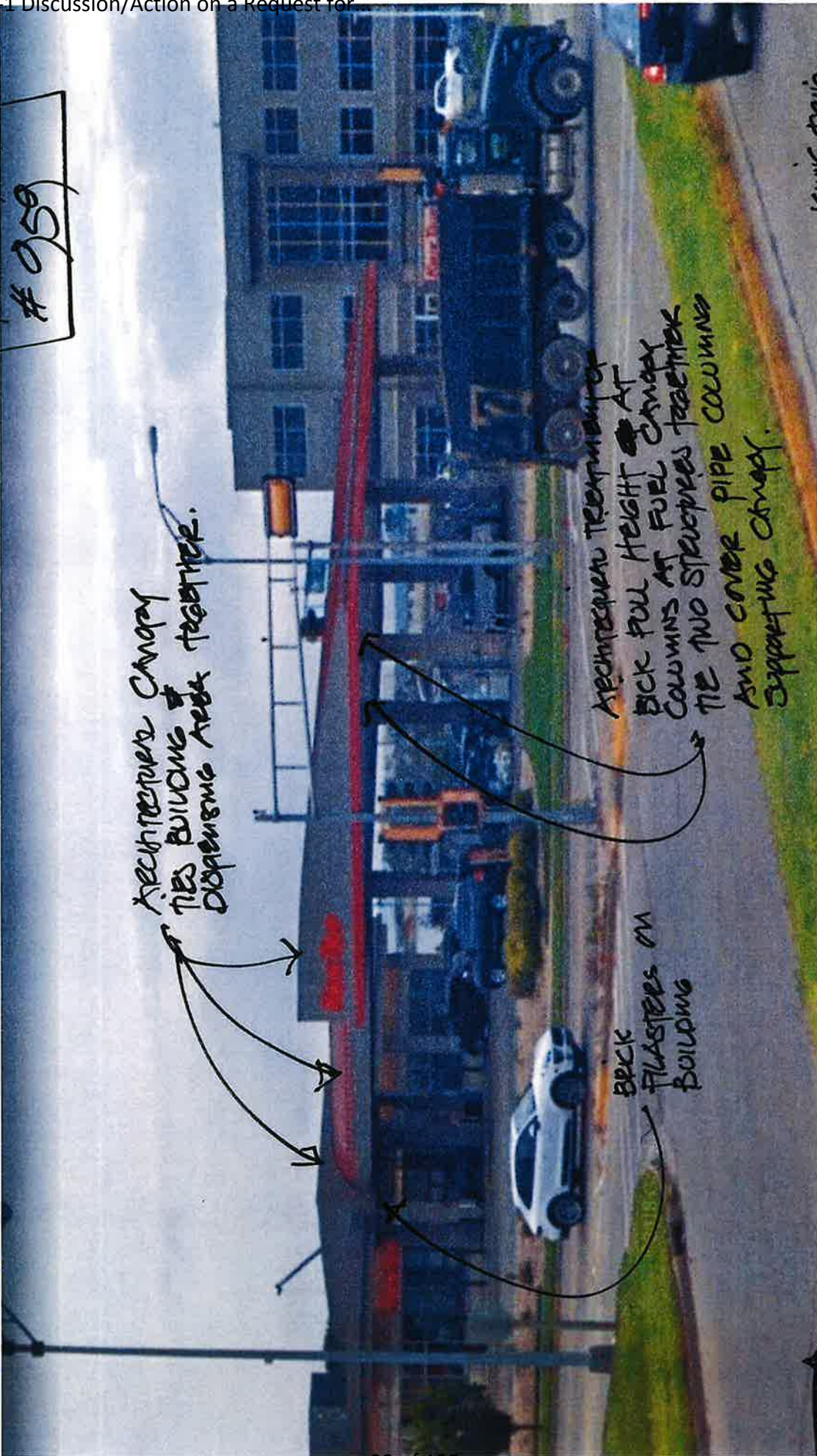
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1/2



**FITCHBURG**

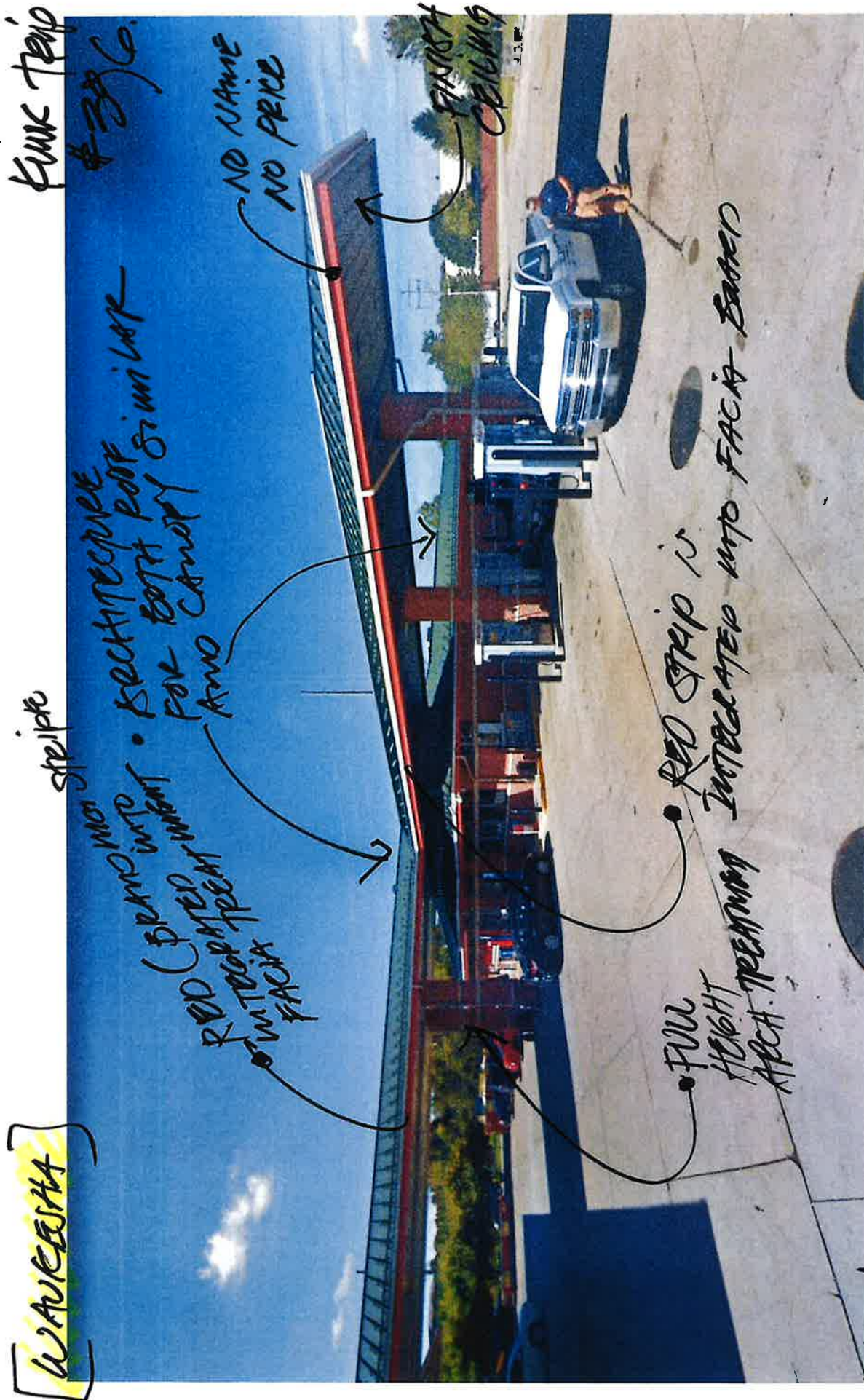
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#050**



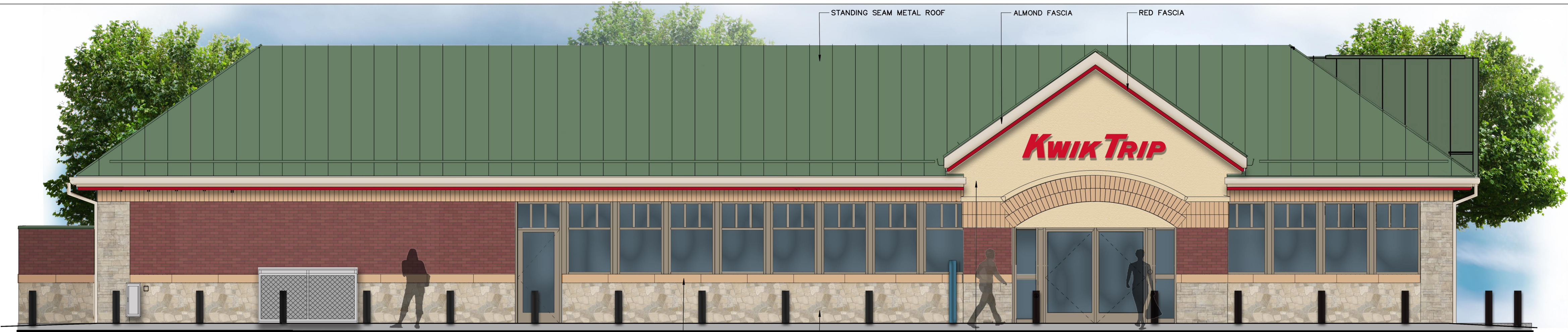
**KWIK TRIP  
WICKER ROAD  
DJP. 12.1.2019**

**2/2**









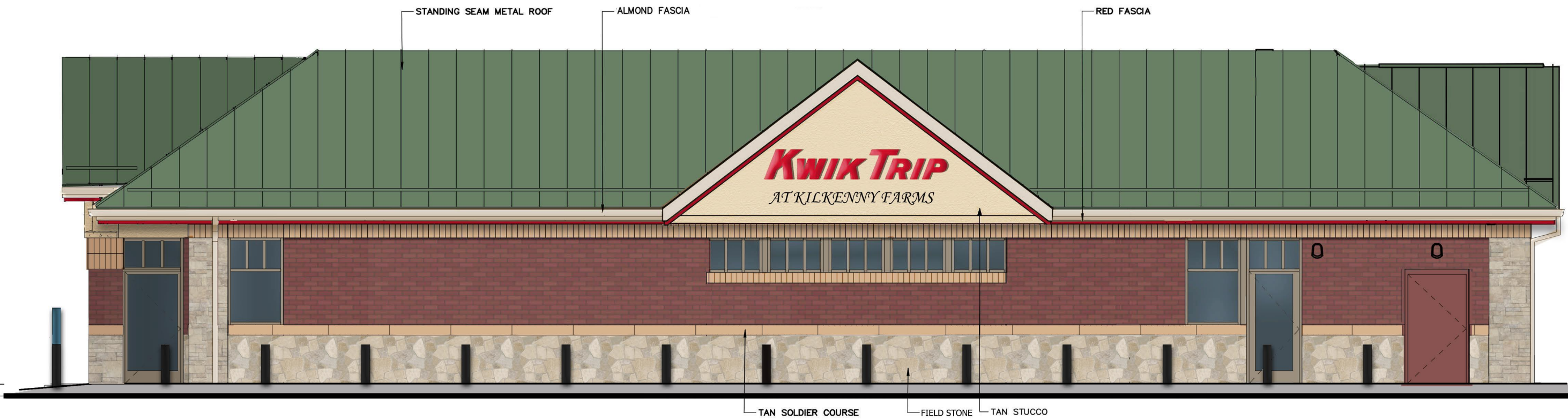
1 FRONT ELEVATION  
1/4" = 1'-0"



2 LEFT ELEVATION  
3/16" = 1'-0"



3 REAR ELEVATION  
3/16" = 1'-0"



4 RIGHT ELEVATION  
3/16" = 1'-0"

**VANTAGE**  
ARCHITECTS, INC.

750 N. Third Street  
Ph (608) 784-2729  
La Crosse, WI 54601  
Fax (608) 784-2826

**Kwik Trip**

**Kwik Star**

KWIK TRIP, Inc.  
P.O. BOX 2107  
1626 OAK STREET  
LA CROSSE, WI 54602-2107  
PH. (608) 781-8988  
FAX (608) 781-8960



# SECTION 17, TOWNSHIP 8N, RANGE 9E



VILLAGE OF WAUNAKEE,  
DANE COUNTY, WISCONSIN

## BENCHMARKS

BENCHMARK #1 - ELEV. = 902.91'

LOCATION:  
TOP NUT OF HYDRANT LOCATED ON THE SOUTH SIDE OF WATER WHEEL DRIVE  
ABOUT 350' EAST OF THE CORNER OF HWY Q AND WATER WHEEL DRIVE

CAUTION:

CERTAIN UNDERGROUND UTILITIES HAVE BEEN LOCATED ON THE PLANS. THESE LOCATIONS SHALL NOT BE TAKEN AS CONCLUSIVE. VERIFICATION TO THE SATISFACTION OF THE CONTRACTOR OF ALL UNDERGROUND UTILITIES, WHETHER SHOWN ON THE DRAWING OR NOT, SHALL BE ASSUMED AS A CONDITION OF THE CONTRACT. FOR EXACT LOCATION CONTACT DIGGERS HOTLINE 1-800-242-8511



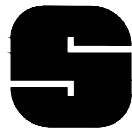
TO OBTAIN LOCATION OF  
PARTICIPANTS' UNDERGROUND  
FACILITIES BEFORE YOU  
DIG IN WISCONSIN

**CALL DIGGERS HOTLINE**  
**1-800-242-8511**  
**TOLL FREE**

WIS. STATUTE 182.0175 (1974)  
REQUIRES MIN. OF 3 WORK DAYS  
NOTICE BEFORE YOU EXCAVATE

The Kwik Star logo, featuring the word "Kwik" in a bold, italicized sans-serif font above the word "Star" in a similar font, with a five-pointed star replacing the letter "a".

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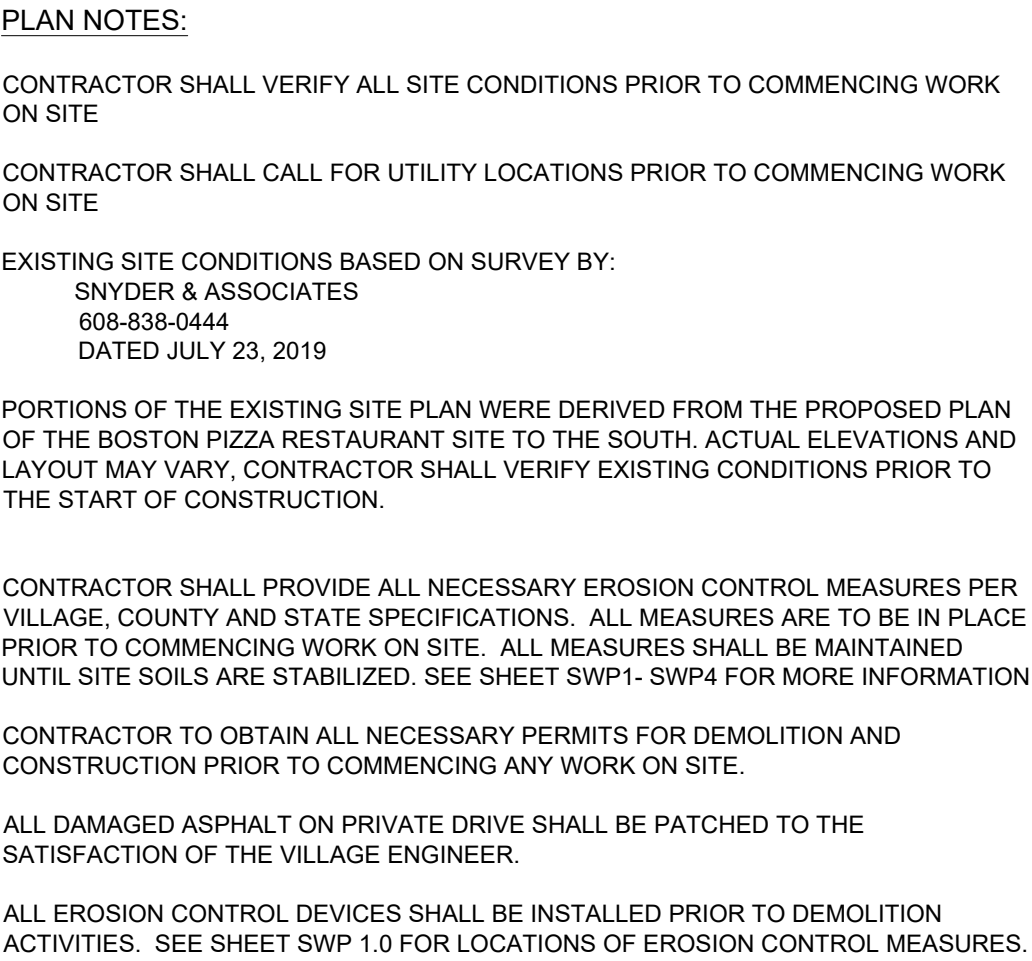


**SNYDER**  
**& ASSOCIATES**

5010 VOGES ROAD  
MADISON, WISCONSIN 53718  
608-838-0444

25 of 135

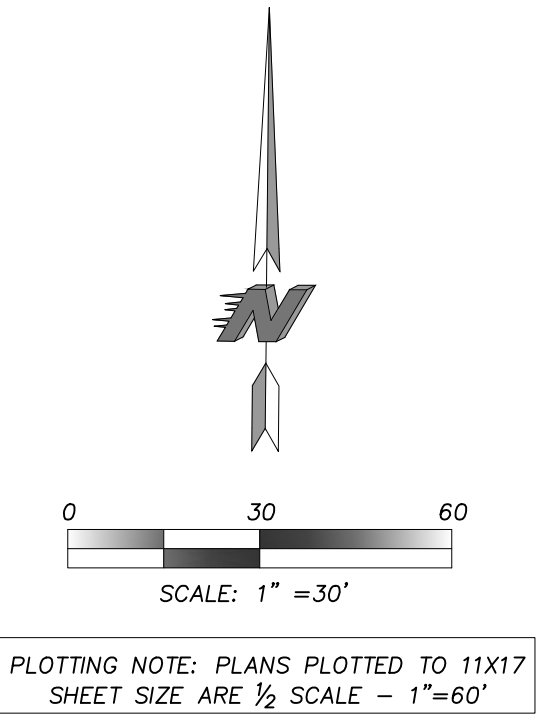




**SITE PLAN KEYNOTES:**

- 1 EXISTING SIDEWALK TO BE REMOVED FOR DRIVEWAY APPROACHES
- 2 EXISTING CURB HEADS TO BE CUT DOWN FOR DRIVEWAY APPROACHES
- 3 EXISTING TOPSOIL STOCKPILE
- 4 EXISTING ASPHALT MULTIUSE PATH
- 5 EXISTING CURB INLET TO BE CHANGED TO A DRIVEWAY CASTING - NEENAH R-3290-A
- 6 TOPSOIL STOCKPILE TO BE REMOVED AND GRADED TO ELEVATION 900, SEE SHEET SP 2.0 FOR PROPOSED ELEVATIONS IN THIS AREA

LOCATION:  
TOP NUT OF HYDRANT LOCATED ON THE SOUTH SIDE OF WATER WHEEL DRIVE  
ABOUT 350' EAST OF THE CORNER OF HWY Q AND WATER WHEEL DRIVE



26 of 135





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FAX (608) 781-8960



5010 VOGES ROAD  
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608-838-0444

## SITE TURNING MOVEMENTS

# CONVENIENCE STORE #1059

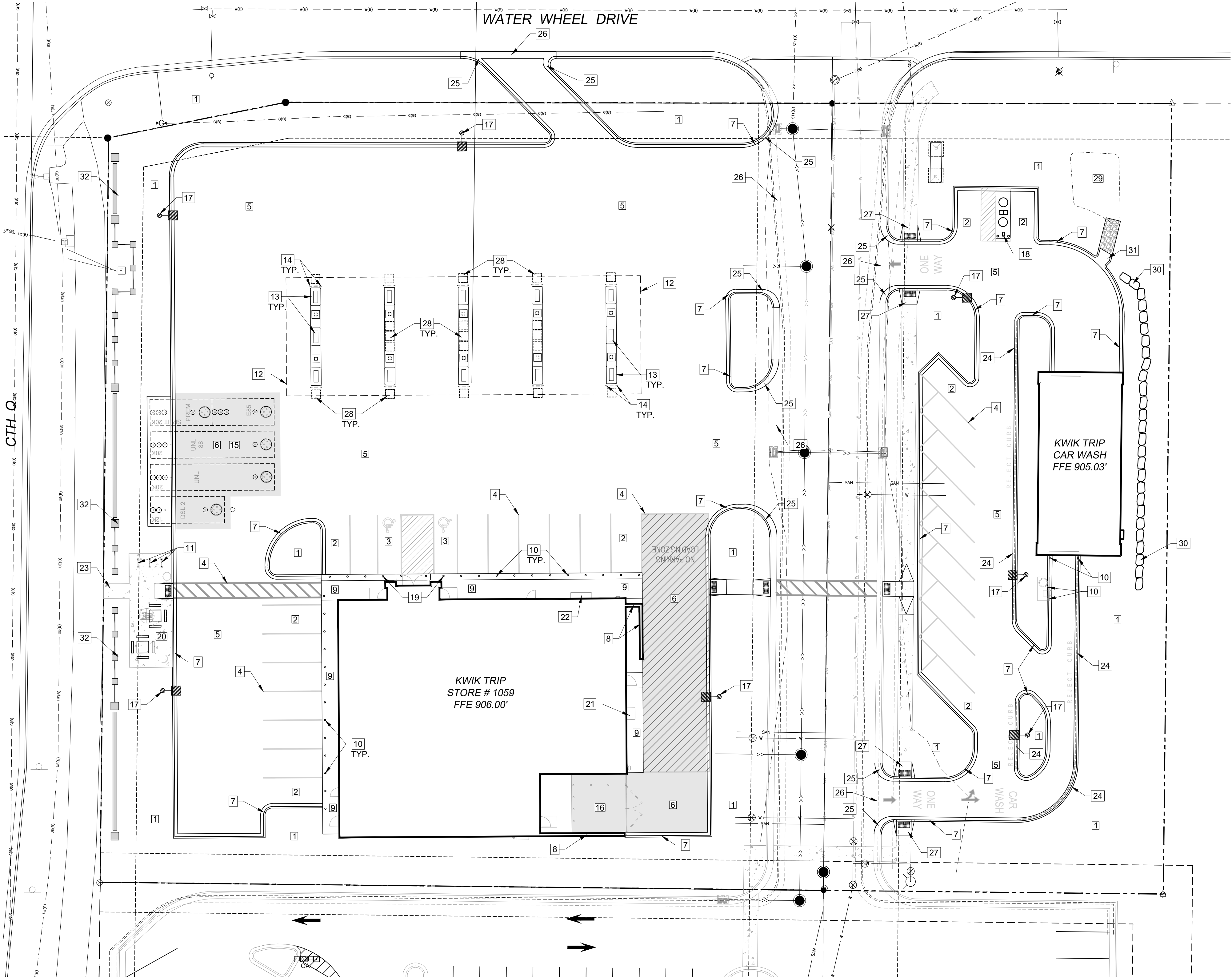
HWY Q & WATER WHEEL DR.  
WAUNAKEE, WISCONSIN

#	DATE	DESCRIPTION
DRAWN BY	S. ANDERSON / L. OLSON	
SCALE	NOTED	
PROJ. NO.	118.0778.30	
DATE	November 15, 2019	
SHEET	SP 10	









SITE PLAN KEYNOTES

1. LANDSCAPE AREA. SEE SHEET L1.  
ALL GREEN SPACE THAT DOES NOT RECEIVE EROSION MAT SHALL HAVE SOD APPLIED. -22,810 SQ.FT.
2. OFF-STREET PARKING STALLS  
STRIPING - 4" WIDE STALL LINES, USE HIGH VISIBILITY YELLOW PAINT.  
SPACES PROVIDED  
(7) 10'-0"x 20'-0" GENERAL PARKING  
(8) 9'-6"x 20'-0" GENERAL PARKING  
(2) 8'-0"x 20'-0" ACCESSIBLE PARKING WITH  
(1) 10'-0"x 20'-0" LOADING ZONE  
(1) 14'-0"x 87'-0" LOADING ZONE
3. A.D.A. ACCESSIBLE PARKING SPACE WITH LOADING ZONE. PROVIDE APPROPRIATE STRIPING AND PAVEMENT MARKINGS.
4. 4" WIDE, HIGH VISIBILITY, PAVEMENT STRIPING, LANE MARKINGS AND TEXT.  
COLOR: YELLOW  
PAINT SHALL BE SHERWIN WILLIAMS SETFAST PREMIUM ALKYD ZONE MARKING PAINT
5. 6" DEPTH (MIN.) CONCRETE SLAB-ON-GRADE WITH #3 REBAR 3' O.C.  
CONCRETE SEALER: TK-26UV -63,788 SQ.FT.
6. 8" DEPTH (MIN.) CONCRETE SLAB-ON-GRADE WITH #4 REBAR 3' O.C.  
CONCRETE SEALER: TK-26UV -4,307 SQ.FT.
7. CONCRETE CURB AND GUTTER PER DETAIL ON SHEET SP4.0.
8. BRICK SCREENING WALLS, SEE ARCHITECTURAL PLANS FOR DETAILS.
9. 6" INTEGRAL CONCRETE CURB/WALK. SEE DETAILS.  
CONCRETE SEALER: TK-26UV -1,625 SQ.FT.
10. 30" HT., 6" DIA. CONCRETE FILLED PIPE BOLLARD SEE DETAIL ON SHEET SP4.0.
11. BIKE RACK WITH 5' CLEARANCE. BIKE RACKS WILL BE INVERTED-U FLANGE MOUNT MODEL IN COLOR RED.
12. 40'-0"x 120'-0" DISPENSER ISLAND CANOPY. VERIFY SIZE, PLACEMENT, COLUMN AND FOOTING SIZE WITH CANOPY AND STRUCTURAL PLANS. CANOPY GRAPHICS PER OWNER.
13. 3'-6"x 6'-0" CONCRETE ISLANDS W/ 6" EXPOSURE WITH FUEL DISPENSERS. DISPENSER PER OWNER.
14. 36" HT BOLLARD, SEE DETAIL ON SHEET SP4.0.
15. UNDERGROUND FUEL STORAGE TANKS PER OWNER. PROVIDE PIPING AND VENTING PER OWNER'S SPECIFICATIONS.
16. EXTERNAL TRASH ENCLOSURE TO MATCH BUILDING. SEE ARCHITECTURAL DETAILS.
17. LIGHT POLE LOCATION, SEE SHEET E 1.0 FOR DETAILS.
18. 'FREE AIR' COMPRESSOR. PROVIDE SIGNAGE PER OWNER.
19. HC PVC BOLLARD SLEEVE PER OWNER. VAN ACCESS SIGNAGE AT 48" HT. STALL PARKING AT 60" HT, SEE DETAIL ON SHEET SP4.0.
20. PICNIC TABLE PER OWNER. PROVIDE 1 HC. ACCESS TABLE SPACE. PROVIDE TRASH CONTAINER PER OWNER.
21. 36"x48" ICE OUTDOOR STORAGE (ITEMS SOLD EXCLUSIVELY IN THE STORE).
22. 26"x84" LP OUTDOOR STORAGE (ITEMS SOLD EXCLUSIVELY IN THE STORE).
23. 4" CONCRETE SIDEWALK 5' WIDE -570 SQ.FT.
24. REJECT CURB & GUTTER, SEE DETAIL 7 ON SHEET SP4.0.
25. TRANSITION FROM 30" TO 18" CURB AND GUTTER IN STREET RIGHT-OF-WAY.
26. MAINTAIN GUTTER FLOWLINE IN STREET WITH NEW DRIVEWAY SECTION.
27. REPAIR AND REPLACE EXISTING SIDEWALK WITH TRUNCATED DOMES AT DRIVEWAY CROSSINGS.
28. OUTDOOR MERCHANDISE AREA, TYPICAL.
29. BIO-RETENTION POND LOCATION.
30. ± 110 L.F. BOULDER RETAINING WALL, HEIGHT VARIES.
31. CONCRETE FLUME.
32. ORNAMENTAL LANDSCAPE FENCE, SEE LANDSCAPING SHEETS FOR DETAILS.

**Kwik  
Trip**

**Kwik  
Star**

KWIK TRIP, Inc.  
P.O. BOX 2107  
1626 OAK STREET  
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PH. (608) 781-8988  
FAX (608) 781-8960

**S  
SNYDER  
& ASSOCIATES**  
5010 VOGES ROAD  
MADISON, WISCONSIN 53718  
608-838-0444

SITE PLAN - KEYNOTE

CONVENIENCE STORE #1059

HWY Q & WATER WHEEL DR.  
WAUNAKEE, WISCONSIN

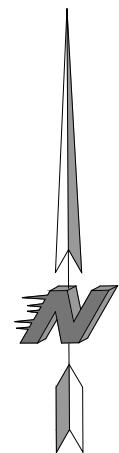
#	DATE	DESCRIPTION

DRAWN BY	S. ANDERSON / L. OLSON
SCALE	NOTED
PROJ. NO.	118.0778.30
DATE	November 15, 2019
SHEET	SP 1.2



TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN  
**CALL DIGGERS HOTLINE  
1-800-242-8511  
TOLL FREE**

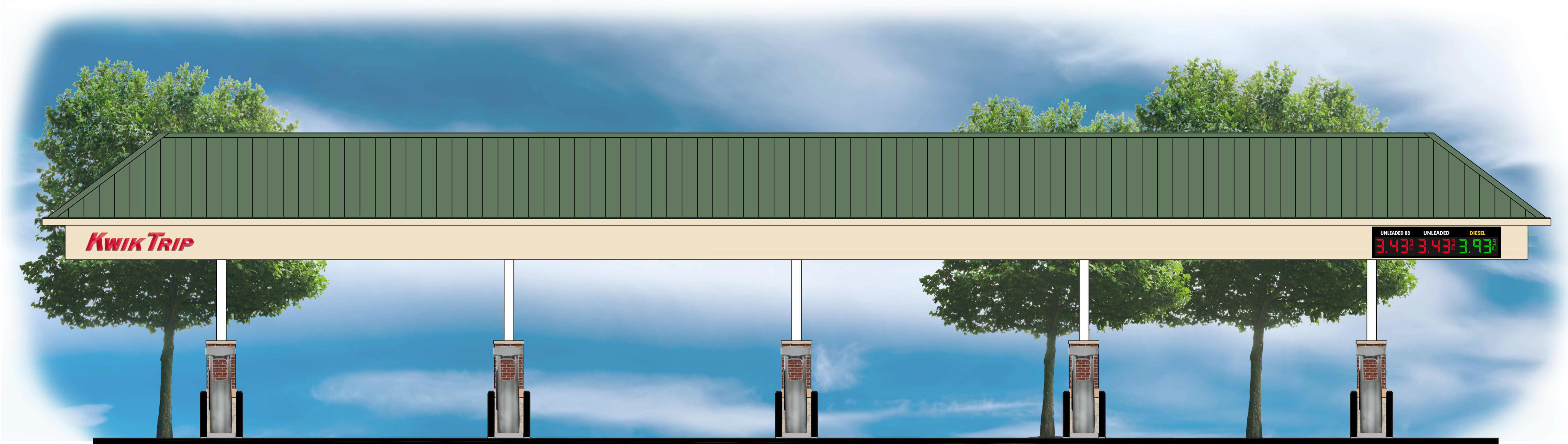
WIS. STATUTE 182.0175 (1974)  
REQUIRES MIN. OF 3 WORK DAYS  
NOTICE BEFORE YOU EXCAVATE



0 20 40  
SCALE: 1" = 20'

PLOTTING NOTE: PLANS PLOTTED TO 11X17  
SHEET SIZE ARE 1/2 SCALE - 1"=40'





1 FRONT ELEVATION



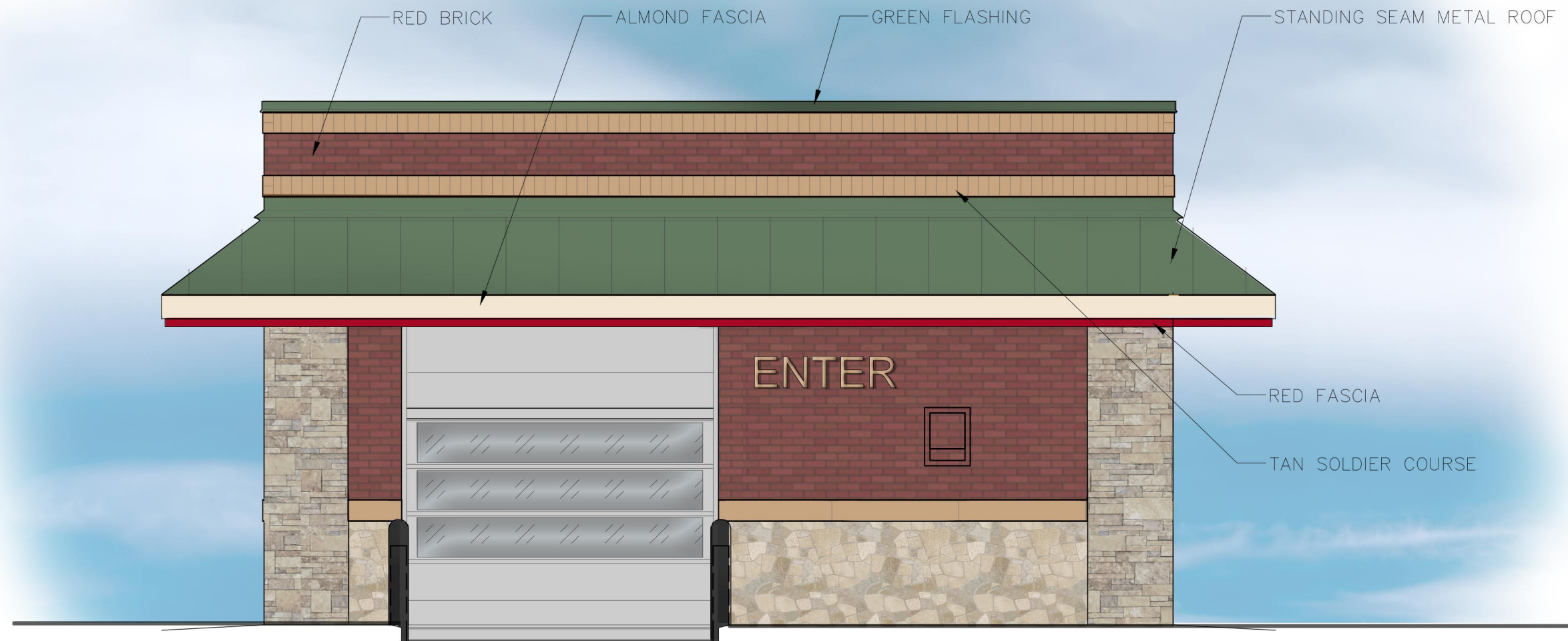
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FAX (608) 781-8960

10 MPD  
METAL HIP ROOF  
9' BRICK



2 SIDE ELEVATION

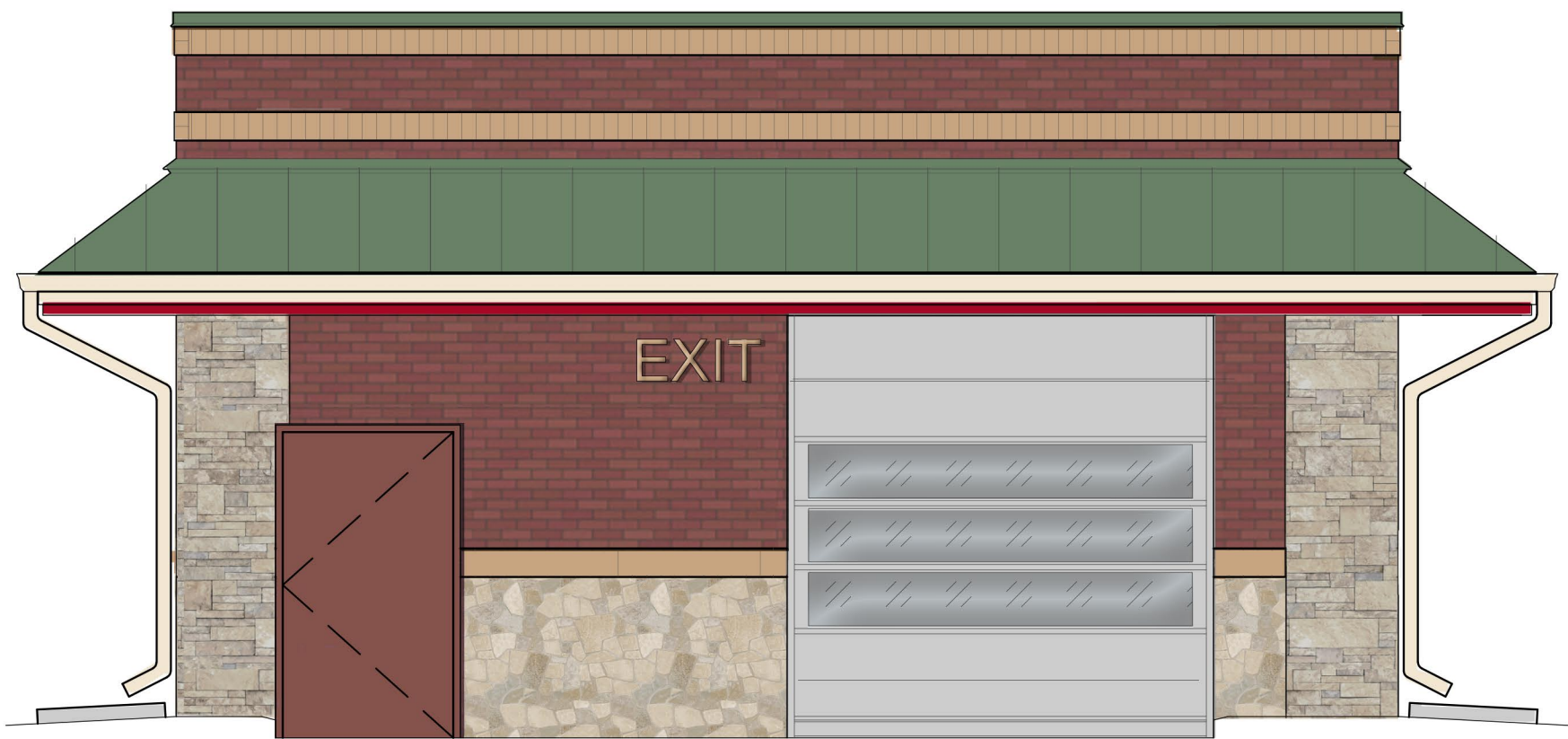




1 FRONT ELEVATION  
1/4" = 1'-0"



2 LEFT ELEVATION  
1/4" = 1'-0"



3 REAR ELEVATION  
1/4" = 1'-0"



4 RIGHT ELEVATION  
1/4" = 1'-0"

**VANTAGE**  
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750 N. Third Street ▼ La Crosse, WI 54601  
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**Kwik**  
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LA CROSSE, WI 54602-2107  
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FAX (608) 781-8960



**PLAN COMMISSION SUMMARY SHEET**

**MEETING DATE:** 12/09/2019

**ITEM:** PUBLIC HEARING

**TITLE:** Public Hearing and Discussion/Action on Preliminary Plat and Rezone to PUD, VH Heritage Hills, LLC, Corner of STH 113 and N. Division Street (aka Breunig Property)

**ISSUE SUMMARY:** Attached is the proposed Preliminary Plat and Rezone request for the Breunig Property. See attached comments. A few major points to consider when reviewing the comments:

1. Consistent with Comp Plan
2. GDP zoning seems appropriate
3. Parks – Needs review by Parks Committee if proposal is appropriate
4. Division Street extended – Currently included, details can be deferred, but does work
5. Sewer and Water – They appear to work, but we may have future capacity issues
6. STH 19 access – Waiting on TIA results and necessary improvements for intersections with STH 19
7. 5ft side yard setbacks, Waunakee Utilities is requesting 6ft minimum – Requested the developer and utilities try and resolve
8. Town comments and request for JPC referral

**STAFF RECOMMENDATION:** Motion to approve with conditions:

1. Resolution of the side yard setbacks to the satisfaction of the Waunakee Utilities Manager
2. Further discussions and added language to Pre-annexation agreement regarding:
  - a. Sewer and water capacity issues
  - b. Schumacher road improvements and intersections with STH 19
  - c. Extension of Division Street
  - d. Any TIA improvements identified
3. Approval and positive recommendation by Parks Committee
4. All other staff comments resolved to the satisfaction of the Village Engineer

**RECOMMENDED MOTION:** Approve as recommended by Village Staff

**ATTACHMENT(S):** Preliminary Plat/GDP/SIP, Staff Comments

**FOR MORE INFORMATION CONTACT:** [kevin@waunakee.com](mailto:kevin@waunakee.com) or (608) 849-6276



**Strand Associates, Inc.®**

910 West Wingra Drive  
 Madison, WI 53715  
 (P) 608-251-4843  
 (F) 608-251-8655

December 2, 2019

Mr. Kevin Even, P.E.  
 Village of Waunakee  
 500 West Main Street  
 P.O. Box 100  
 Waunakee, WI 53597

Re: Heritage Hills Preliminary Plat and Preliminary Plan Review  
 Village of Waunakee (Village), Wisconsin

Dear Kevin,

Strand Associates, Inc.® (Strand) received drawings dated November 15, 2019 and other materials related to the proposed Heritage Hill subdivision at the corner of Main Street and Division Street. The materials are intended to prove feasibility of the plan, and to provide initial designs and criteria for construction. Strand has reviewed the materials and have the following comments on the various documents provided.

#### **Preliminary Plat**

1. The proposed zoning is PUD and should be shown as PUD on the plat, not PD.
2. The applicant should clarify the relationship between the west line of Outlots 1, 4, 14 and 15 with the existing east right-of-way (ROW) line of Division Street. Confirm the lines are intended to be one and the same. There appears to be a small strip between some of the lines. The applicant should add blowup details or additional notes to clarify.
3. The applicant should add "recorded as" bearings and distances where applicable on the plat and in the legal description.
4. It may be useful to clarify that portions of the northerly lot line are apparently based on a previous claim or notice of adverse possession.
5. Related to the above comment, provide reasoning for why Lot 10 of Waunakee Heights is unique in that the proposed lot line does not extend through portions of the lot but instead follows the original lot line.
6. Confirm if there an existing easement along the south plat line, northerly ROW line of STH 19, for the overhead electric poles and cable. If not, there may need to be one as several poles appear to be very close to the ROW.

#### **Overall Roadway Plans and Details**

The roadway layouts meet the ordinance requirements for ROW widths, radii of curvature, and maximum slopes. The narrowest standard street with shown is 32 feet from face to face of curb, which is the

RKS:U\S\MAD\1600-1699\602\701\WRD\2019 Site Plan Comments\11\_Heritage Hills -Veridian Breunig\Heritage Hills PP and plans comments.120219.docx

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Mr. Kevin Even, P.E.  
Village of Waunakee  
Page 2  
December 2, 2019

minimum width allowed by the Village. Verleen Avenue and “J” Street have wider ROWs and have wider street widths.

From a circulation standpoint, street access is provided to the north in two locations, to Schumacher Road in two locations, to Division Street in four locations, that line up with existing streets, and one access to Main Street, which they are currently working with the Wisconsin Department of Transportation (WisDOT) on specifics of the design and suitability. These connections seem appropriate and adequate.

The plans show a connection of two Division Street “dead-ends” through the Water Tower Park, which has been previously been contemplated and anticipated as part of development of this parcel. The slope is challenging but appears possible, with impacts the park and sledding hill.

The ordinances mention that pedestrian access through blocks longer than 900 feet should be provided. There may be a few locations where this would be appropriate, such as on “A” Street (to northwest park).

### **Overall Utility Plans**

Schematic layouts of the proposed sanitary sewer, water main and storm sewer systems were provided for review. These will be discussed in section Sanitary Sewer Service.

#### **Sanitary Sewer Service**

Gravity sewer service relies on the topography character of the land, and this plat can logically be provided from two locations. The west portion of the development, roughly 386 dwelling units, would most logically be served by existing sanitary sewers in the Hillcrest Drive area. The sewers in this neighborhood were upgraded in 2014 and have the capacity to take on the additional flows from dwelling units in this basin. There is an interceptor sewer along Pleasant Drive that accepts this flow, and also appears to have adequate capacity.

The east portion of the development, roughly 290 single family dwelling units plus the Farm Mixed Use Center area would most logically be served by an existing 10-inch sewer in the Nord Drive ROW south of Main Street. This sewer currently serves Nord Gear, Scientific Protein Laboratories, an apartment building, a car wash, and auto repair shop before it connects to a larger interceptor. There is limited capacity in this sewer, but it appears there may be enough capacity to allow for approximately 260 residential units planned in the east portion of Heritage Hills. While the location of this sewer is poised to serve much of the undeveloped land beyond (north of and east of) Heritage Hills, this existing sewer does not appear to have adequate capacity to serve the entire eastern portion of the development, nor lands beyond. Upgrades to the sewer from Village Park at Division Street to Nord Drive would be necessary to provide additional capacity. In the concept plan discussions of the Heritage Hills plat with the applicant, the applicant has been made aware of potential cost sharing of downstream sewer improvements that would benefit its plat. These discussions are still ongoing.

Also, in the eastern portion of the development, there are some sewers that skirt the southeast detention pond on Outlot 27. These sewers will need vehicular access so that Waunakee Utilities can maintain them.

Strand Associates, Inc.<sup>69</sup>

Mr. Kevin Even, P.E.  
Village of Waunakee  
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December 2, 2019

Finally, the sewers, whatever size is deemed appropriate, will need to be extended to the edge of the plat at “J” Street and across Schumacher Road at “F” Street.

#### Water Main Service

Water mains to serve the development are available along Division Street and at Capitol Drive. The Division Street water mains are at standard Village pressure, that is, no additional boosting to the system pressures is added in these water mains. The Capitol Drive water main connection is within a boosted portion of the system, provided by a booster station on Lexington Drive. The applicant intends to serve its entire plat with the boosted water from the Lexington Drive system, since much of the land is at elevations higher than can be adequately served by standard Village water main pressures. Based on hydraulic modeling of the development, fire flow availability within the boosted zone meets the minimum Wisconsin Department of Natural Resources (WDNR) requirement of 500 gallons per minute (GPM) and 20 pounds per square inch (psi), but there is not much more available than the minimum. Available fire flows of this magnitude may be acceptable for single-family housing, but there are proposed multifamily and mixed use properties within the development that may require a higher available fire flow. It is recommended that the fire department provide input on needed fire flows for the various types of properties within the development to confirm adequacy of the plan.

Like the sewer scenario, there is only so much supply capacity in the boosted pressure zone that can be served by the Lexington Drive booster station. Based on preliminary demand projections, it appears the entire Heritage Hills plat can be served, but not much else. There are other “higher elevation” land areas to the north of this plat, extending as far as Easy Street and beyond that will also need to be part of this boosted water zone. A discussion on these areas being served by the Lexington Drive booster station can be found in the Village’s 2013 *Water System Study* and 2018 *Water System Study Update*. The applicant has been made aware of potential cost sharing of necessary improvements to the Lexington Drive booster station that would benefit its plat, or possibly a separate booster station. These discussions are still ongoing.

#### Storm Sewers and Ponds

Preliminary grading, pipe layouts, and pond layouts were provided for review, as well as a report that identifies criteria and sizing for the pond and drainage systems. These reports and drawings demonstrate that the areas they have allotted for stormwater management should be adequate in size to meet the regulatory requirements. There are a few exceptions which the applicant will need to explore, and Strand has other stormwater related questions that will need to be addressed as design proceeds. These are:

1. The proposed contours along the entire length of the south backslope of the south east detention pond are shown to be at a 2:1 side slope. Maximum side slopes of 4:1 should be indicated. This could shrink the available space provided for storage and treatment of storm water. The applicant should confirm it will still have adequate space once the slopes are modified to meet the 4:1 criterion.
2. The drawings indicate that drainage from Capital Drive north of “A” Street and from an approximate 250-foot portion of “A” Street west of Capital Drive will be directed off-site to the 1st Addition to Waunakee Heights subdivision. Confirm the existing receiving stormwater conveyance and detention facilities have been sized to accommodate this drainage. Note this



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Mr. Kevin Even, P.E.  
Village of Waunakee  
Page 4  
December 2, 2019

portion of the development does not appear to naturally drain to these receiving conveyance and detention facilities.

3. The northwest drainage area, which includes the extension of North Division Street and portions of residential lots along “A” Street ultimately drain to an existing dry detention basin located on Village lands. However, no additional stormwater management [both peak control or total suspended solid (TSS) control] for this area is shown. Also of note is that the grading plan for the extension of North Division Street proposes to fill in a portion of the existing dry detention basin. This runoff treatment will need consideration.
4. The applicant should indicate if soil borings have been conducted to support the design of the proposed stormwater pond and infiltration facilities. A soils report should be provided as part of the preliminary plat approval.
5. The drawings indicate the presence of an existing wetland at the southeast corner of the development. The supporting wetland delineation report and its approval by WDNR and the United States Army Corps of Engineers (USACE) should be provided. The name and date of the report should be provided on the preliminary plat itself.
6. There are several locations where stormwater is collected within the proposed plat adjacent to existing development. It is important that the overflow route at these locations, that is, the route the water takes if the developer’s storm sewer pipe collection system is inundated, is to ponds created within the development. The applicant should provide evidence that sag curves in the roadways at intersections with existing streets are adequate to allow for the overflow conveyance to planned ponds to occur within swales constructed for this purpose. These locations are:
  - a. At Verleen Avenue and at “F” Street, west of Schumacher Road.
  - b. At “J” Street, north of Main Street.
  - c. At Patrick Avenue, Prospect Road, and Hillcrest Drive east of Division Street.
7. Generally, the distance from a street high point to the first set of water collection inlets, and the separation distance between sets of inlets that collect storm water within the street should not exceed 400 feet. There are several locations where this occurs on the preliminary plans and should be corrected. These areas are:
  - a. Along East Verleen Avenue between “J” Street and the low point of “A” Street near the Northeast Wet Pond.
  - b. Along “C” Street between “J” Street and “A” Street.
  - c. Along “K” and “D” Street between “C” Street to “A” Street.
  - d. Along “J” Street and Hillcrest Drive between East Main Street and the high point of Hillcrest Drive located just east of “H” Street.
  - e. Along “A” Street between “C” Street and the high point of “A” Street located just west of Capital Drive.

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Mr. Kevin Even, P.E.  
Village of Waunakee  
Page 5  
December 2, 2019

- f. Along "A" Street between East Verleen Avenue and the high point of "A" Street located just west of Capital Drive.
- 8. It appears that a drainage swale is needed within Outlot 24 in order to capture drainage from the rear yards of Lots 411 through 424.
- 9. Storm inlets and storm sewer should be indicated to capture street runoff along East Verleen Avenue immediately west of the connection to Schumacher Road
- 10. The applicant should address the potential need for storm sewers to serve the proposed private alleys. The current plan does not indicate any storm sewer service to the alleys.
- 11. The proposed outlet control structures and related outfall storm sewers should be depicted on the drawing. Strand's understanding is the details of design will be provided as part of final designs.
- 12. No proposed storm sewer along the Division Street extension is indicated. It is presumed that drainage from the extension needs to be collected and conveyed to drain into the existing detention pond located within the Capital Estates outlot.

If you have any questions, please call me at 608-251-4843.

Sincerely,

STRAND ASSOCIATES, INC.®



R. Kent Straus, P.E.

- c: Todd Schmidt, Administrator, Village of Waunakee  
Bryan Kleinmeier, Stafford Rosenbaum  
Tim Herlitzka, Village of Waunakee Utilities  
Jason Valerius, MSA



---

**To:** Village of Waunakee Plan Commission  
**From:** Jason Valerius, AICP  
**Subject:** Heritage Hills Neighborhood – Preliminary Plat, GDP, Partial SIP  
**Date:** December 2, 2019

---

### Request

Applicant (VH heritage Hills, LLC) is requesting approval for a mixed use neighborhood on 153.68 acres of farmland north of Hwy 19 between Schumacher Road and Division Street. The submittal package includes a preliminary plat, general development plan, and specific implementation plan for all parts of the development except the commercial and multifamily lots near Hwy 19.

### Comprehensive Plan Consistency

This site is identified for “Community Residential” use in the Village’s Comprehensive Plan. I see nothing that is inconsistent with the policies for that land use category. The plan encourages a mix of housing types and levels of affordability, it encourages design for compatibility with adjacent residential development, it encourages privately-owned open space amenities such as tot lots and gardens, and it allows for limited neighborhood commercial uses. The proposed neighborhood has these features.

### Zoning Analysis and Recommendations

#### **PUD Zoning**

The proposal meets the code requirements to use PUD zoning, including a minimum 30% open space. There are about 17.4 acres of public park space (11.3%), 4.0 acres of privately-owned park and open space (2.6%), and 18.8 acres of stormwater outlots (12.2%). Those areas add up to about 26% of the overall site. When green spaces within each development site are counted, the neighborhood easily meets the 30% requirement.

The code requires an explanation of “departures” from conventional zoning districts. The proposal itemizes those differences, including allowances for smaller lots and smaller setbacks than standard districts allow. I have no concerns with any of the proposed departures, though I recommend that the GDP document use the term “departure” instead of “variance” to avoid confusion with the typical use of that term in land use codes. I note that other departments have expressed concern about the proposed 5’ side yard setbacks, and that it is appropriate for those departments to seek feedback from other communities with experience accepting such setbacks (e.g. Sun Prairie).

**Heritage Hills Review**December 2, 2019

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**Farm Mixed Use Center**

The proposal for a mixed use site with retail at the current farmstead location is a good element to include in the development. There has been some discussion about retaining and reusing one or more of the current agricultural buildings there, though the GDP makes no such commitment. I recommend more explicit language in the GDP that the agricultural heritage of this site will be maintained by adaptively reusing existing structures and/or designing one or more new structures that clearly evoke that heritage.

**Parks**

The proposal includes several park spaces that will be privately-owned and maintained but open to the public. I think that it an acceptable approach, especially where unique and high-quality improvements are proposed in those spaces. The Parks and Recreation Committee should confirm comfort with the proposed uses and improvements of the proposed public parks.

**Pedestrian Routes**

The proposal includes a network of sidewalks and trails the offers good access throughout the neighborhood. I am concerned that there is not yet any design for the three intersections with Hwy 19, nor any assurances of pedestrian crossings of the highway at Schumacher Road or Marshall Drive. I would like to see those commitments in the GDP, even if design is not yet finalized for those intersections. I would also prefer to see a pedestrian facility along the entire Hwy 19 frontage.

Sincerely,  
MSA Professional Services, Inc.



Jason Valerius, AICP  
Planner



To: Kevin Even  
Tracy Meinholz  
From: Randy Dorn  
Dave Dresen  
Tim Herlitzka  
RE: Heritage Hills – Preliminary Plat  
Date: December 2, 2019

---

This memo provides comments for the Heritage Hill – Preliminary Plat submittal.

- We currently do not support what the applicant has proposed regarding setbacks and easements. We will continue to work with the applicant on this matter.





## Heritage Hills

Waunakee, Wisconsin

GENERAL DEVELOPMENT PLAN/  
SPECIFIC IMPLEMENTATION PLAN

NOVEMBER 15, 2019



Heritage Hills Neighborhood	Veridian Homes
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Heritage Hills Neighborhood

Veridian Homes

## INTENT OF DOCUMENT

The intent of this document is to provide the Village of Waunakee with a General Development Plan/Specific Implementation Plan that summarizes the components of the proposed Heritage Hills Neighborhood.

## PROJECT NAME

Heritage Hills Neighborhood

## PROJECT OWNERS

Breunig Revocable Trust, Kurt J & Peggy A Hill-Breunig  
6210 Schumacher Road  
Waunakee, WI 53597

Breunig Individual Revocable Trust, Mary G  
6210 Schumacher Road  
Waunakee, WI 53597

Joan Schorr  
6307 Purcell Road  
Oregon, WI 53575-1730

Bonietta Lynn Raemisch, Timothy Franklin Raemisch, TH TIC I LLC.  
209 Military Road  
Dane, WI 53529

Breunig Individual Revocable Trust, Mary G, Joan Schorr, Bonietta Lynn Raemisch, Timothy Franklin Raemisch, Kaltenberg Revocable Trust, Viola G, VH TIC I LLC.  
6210 Schumacher Road  
Waunakee, WI 53597

## CONTACTS

### Applicant:

VH Heritage Hills, LLC.  
6801 South Town drive  
Waunakee, WI 53597

Chris Ehlers

Vice President of Land Development  
cehlers@veridianhome.com

Phone: 608.226.3038

Fax: 608.235.4701

Design Team:

Engineering:	Planning:
D'Onofrio Kottke	Vandewalle and Associates
7530 Westward Way	120 East Lakeside Street
Madison, WI 53717	Madison, Wisconsin 53715
Phone: 608.833.7530	Phone: 608.255.3988
Fax: 608.833.1089	Fax: 608.255.0814
Dan Day	Brian Munson
dday@donofrio.cc	bmunson@vandewalle.com

EXISTING CONDITIONS

Existing Zoning:

Undeveloped Land	A-1
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Existing Parcels:

5802 State Highway 19	080905480006
	080904385004
5802 State Highway 19	080904390007
	080905495803
	080905495607
	080905495401
5802 State Highway 19	080905495205

Legal Description:	See Exhibit A: Legal Description
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Zoning Descriptions:	See Exhibit B: Zoning Descriptions
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Adopted Plans from Village of Waunakee Comprehensive Plan

Future Land Use Plan

Project Area:	Community residential
Adjoining Parcels:	Community residential; park and open space; rural preservation
See Exhibit C: Future Land Use Plan	



Lot Area: 153.68 acres

SITE INFORMATION

Heritage Hills is located at the eastern gateway of the Village of Waunakee along Highway 19 between Schumacher Road and Division Street. The land currently is comprised of agricultural fields with a farmhouse and several farm buildings occupying a portion of the frontage along Highway 19. The site generally slopes from a high point in the northern part of the site down toward the southern end of the site and to the eastern frontage along Schumacher Road. Half of the site is already annexed to the Village and the remainder will be annexed as part of the planning process.

Abutting Uses:

- North: Residential Neighborhood  
Agricultural/Quarry  
Rural Residential
- East: Agricultural  
Schumacher County Park
- South: Industrial/Employment
- West: Residential

See Exhibit D: Location Map

See Exhibit E: Existing Conditions





ZONING REQUEST

Planned Unit Development

- General Development Plan (PUD-GDP)
- Specific Implementation Plan (PUD-SIP)

ZONING REQUEST JUSTIFICATION

The PUD Planned Unit Development District is established to encourage and promote diversification and variation through the implementation of comprehensive, and cohesive unified projects. The design of The Heritage Hills Neighborhood, facilitated by the PUD zoning, seeks to create housing variety within the framework a master planned community. This variety allows the project to create a wide spectrum of housing types and price points including workforce housing, first time home-buyer options, move up, luxury, and senior/retirees. This variety of housing will be enhanced through the creation of detailed zoning standards, available through the application of the PUD zoning district.

CRITERIA FOR APPROVAL

General Requirements:

- a) *Minimum total area requirements.* Areas designated as PUDs shall contain a minimum total development area as follows:

Principal Uses	Minimum Area of PUD (in acres)
Residential PUD	5
Commercial PUD	2
Industrial PUD	5
Mixed use	5

- Met.
- b) Lot area, lot width, heights and yard requirements. In the PUD district, there shall be no specific lot area, lot width, height, floor area ratio, yard and usable open space requirements, but such requirements as are made a part of an approved recorded general development plan shall be, along with the recorded plat, construed to be and shall be enforced as a part of this chapter.
  - Detailed lot specifications are addressed in this document
- c) *Permitted uses.* Any use permitted in any of the other districts of this chapter may be permitted in the PUD district, subject to the criteria as established in section 133-895 and provided such uses are identified in the approved and recorded general development plan.

- d) *Conditional uses.* Any use allowed as a conditional use in any of the other districts of this chapter may be allowed in the PUD district, subject to the criteria as established in section 133-895 and provided such uses and any conditions or requirements attached to such uses are identified in the approved and recorded general development plan.
  - Proposed permitted uses and conditional uses are addressed in each district.
- e) *Minimum green area.* The minimum green area shall be 30 percent.
  - The concept plan includes ~45 acres (30% of total project area) of public open space.

Basis for approval:

- (1) *Character and integrity of land use.* In a PUD district, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
  - a. Are compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth and open space;
    - The concept plan preserves the existing natural features on site while also adding a large central park and four other pocket parks. The existing forested area in the northwestern corner of the site and the existing wetland in the southwestern corner of the site will be protected and enhanced as assets to the neighborhood.
  - b. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and functional practicality compatible with the general development plans for the area as established by the community;
    - The concept plan weaves together existing ecological features, stormwater management facilities, pocket parks, and neighborhood parks to create a cohesive and attractive neighborhood plan. The plan offers a wide range of housing options including variation in format, ownership/rental, and price points while enhancing the character and feel of the community and key gateway.
  - c. Would not adversely affect the anticipated provision for school or other municipal services;
    - The Waunakee School District's long-range plans reflect the adopted Comprehensive Plan which designates this site for residential development.
  - d. Would not create traffic or parking demands incompatible with the existing or proposed facilities to serve it.
    - The proposed concept plan provides the necessary parking and traffic infrastructure to serve the neighborhood
- (2) *Economic feasibility and impact.* The proponents of a PUD district application shall provide evidence satisfactory to the plan commission and village board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the village or the values of surrounding properties.
  - The proposed development will offer a diverse range of housing options in both price point and format. The new development will transition smoothly into the adjoining existing neighborhood while providing a range of housing options and prices.

- (3) *Engineering design standards.* The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering consideration shall be based on standards necessary to implement the specific function in the specific situation; provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the village engineer.
- Engineering plans addressing these standards have been submitted as a separate set of documents.
- (4) *Preservation and maintenance of open space.* In a PUD district, adequate provisions shall be made for the permanent preservation and maintenance of open space either by private reservation or dedication to the public.
- a. For private reservation, the open area to be reserved shall be protected against building development by conveying to the village as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial, recreational, or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the general development plan or, subsequently, with the express approval of the village board following approval of building, site, and operational plans by the plan commission;
    - The large central park offers passive and active recreational options for the proposed neighborhood along with a network of pocket parks located throughout the neighborhood. The combined park system offers diverse open spaces located within easy access of the entire neighborhood. The neighborhood open space is further accented with a trail network that weaves through the development and connects into the surrounding community.
  - b. The care and maintenance of such open space reservations shall be ensured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the village and shall be included in the title to each property;
    - The neighborhood will be governed by a Homeowners Association to address any maintenance needs
  - c. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the village and made a part of the conditions of the plan approval.
    - The neighborhood will be governed by a Homeowners Association to address any maintenance needs
- (5) *Implementation schedule.* The proponents of a PUD district shall submit a reasonable schedule for the implementation of the development to the satisfaction of the village board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point. The plan commission and village board, in making their respective

recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one year of approval being deemed reasonable.

- The project will be developed in multiple phases over the span of 10 to 15 years, based on market demand.
- (6) *Residential PUD considerations.* The plan commission and village board, in making their respective recommendation and determination as to a proposed residential PUD, shall further consider whether:
  - a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community;
    - The development offers a diverse range of housing options and price points while delivering a unique pedestrian focused environment. The homes will be built to work with the topography of the site and use its high points to create interesting viewsheds and open spaces. The careful integration of architectural designs focused on porches and residents, coupled with pedestrian focused streets and trails will offer residents a unique neighborhood setting located at a key gateway into the Village of Waunakee.
  - b. The total net residential density within the PUD will be compatible with the village master plan or components thereof, and shall be compatible with the density of the neighborhood wherein located;
    - The project creates a wide range of housing densities, formats, and options to address housing diversity and affordability within the context of the greater community. This diversity includes housing choices for affordable/entry level buyers, move-up, luxury, and downsizer markets in both rental and home ownership formats; as reflected in the Waunakee Housing Study (July, 2019).
  - c. Structure types will be generally compatible with other structural types permitted in the neighborhood;
    - The architectural design and character of the project will be guided by an internal Architectural Review Committee tasked with assuring high quality architectural, landscape, and site designs for every component of the neighborhood.
  - d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned;
    - Met
  - e. Provision has been made for adequate, continuing fire and police protection;
    - Met
  - f. The population density of the development will have an adverse effect upon the community's capacity to provide needed school or municipal service facilities;
    - The design team has met with the School District and confirmed that the development of this property was anticipated in their long-range plans.

- g. Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.
  - The open space network is integrated into the design of the PUD and reflected in the separate plat submittals.
- (7) *Mixed use PUD considerations.* The plan commission and village board, in making their respective recommendation and determination as to a proposed mixed-use PUD, shall further consider whether:
  - a. The proposed mixture of uses results in a unified composite which is compatible with the surrounding neighborhood;
    - The west side of the development transitions easily into the adjacent neighborhood.
  - b. The various types of uses conform to the general requirements as set forth in this chapter, applicable to projects of such use and character.
    - The Farm Mixed Use zoning allows for flexibility and creativity in the creation of this unique gateway component of the neighborhood while maintaining the high standards of the adjoining development.
    - This section will be subject to review and approval as part of a separate submittal.

### ***VARIANCES FROM STANDARD ZONING***

Sec. 129-64. - Conditions for granting.

The village board shall not grant variances or exceptions to this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship, or self-imposed hardship, if the strict letter of this chapter were carried out;
- (4) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

PUD zoning is necessary for this development to create a coordinated framework to seamlessly integrate a wide variety of lot sizes and setbacks, which will increase the diversity of housing and make the neighborhood more vibrant and attractive. Waunakee's Comprehensive Plan and Housing Report encourages developers to include mixed housing types and levels of affordability within residential developments to broaden the options for housing to meet the needs of everyone who lives and works in Waunakee. The flexibility

granted in a PUD allows The Heritage Hills Neighborhood to create a range of lots sizes while maintaining common design elements, architectural continuity, and neighborhood framework which allows for more flexible and creative home and lot designs. This diversity in housing and range of price points will help fill the void of “missing middle” housing options and will be attractive to the full spectrum of housing needs in the community, with options serving entry level/first time home buyer, work force, move up, luxury, and senior/retiree markets; while maintaining a strong tax base, and community character.

**Proposed Variances:**

- Allowance for greater residential densities and diversity of lot/housing types spanning single family affordable, move up, and luxury formats, twin homes, senior/empty nester housing, mixed use, and multifamily options.
- Modifications to lot and bulk standards
- Allowance for carriage lane accessed single family and twin homes lot configurations.

See Exhibit F: Zoning District & Variance Summary



## DEVELOPMENT CONCEPT

The Heritage Hills site concept plan provides opportunities for diverse residential housing options, pedestrian amenities, expansive open space and trail systems and sustainable community practices. The Heritage Hills site creates a seamless connection to the adjoining Pleasant View Heights and Waunakee Heights neighborhoods, while also respecting the natural corridor in the southeast corner of the site and extending the community character of The Village of Waunakee.

## WHY PLANNED UNIT DEVELOPMENT?

Using sound planning and design principles, the Heritage Hills site concept will expand the range of housing options in Waunakee by creating the full spectrum of housing set within a cohesive and vibrant new neighborhood. This unique housing mix is further accented through the integration of a parks and open space system that brings unique parks, open spaces, trails, and neighborhood amenities into close proximity to the residents of the neighborhood.

The Planned Unit Development (PUD) zoning district is the most appropriate zoning approach for the Heritage Hills site, as it allows for the comprehensive planning and design of the multifaceted project. The PUD process will also benefit the Village of Waunakee in that it will maximize the opportunities for review and input into the planning process, implement community goals, offer housing diversity in price and format, and create a unique neighborhood and community gateway.



**PROPOSED LAND USE SUMMARY**

See Exhibit G: Zoning Map  
See Exhibit H: Master Plan  
See Exhibit I: District Plan

Projected Construction: 2020-2032

Proposed Use:

- 96 Carriage Lane Accessed Single Family Homes
- 222 Street Accessed Single Family Homes
- 42 Tuck Under Twins - alley
- 46 Flat Site Twins - alley
- 48 Haven Twins - alley
- 24 Haven Twins - front
- 200 Multi-Family Units
- 4.9 Acres Farm Mixed Use Center
- 40.1 Acres of Parks and Open Space



***SINGLE FAMILY HOMES***

Single family homes within the project will include both carriage lane accessed, and street accessed configuration that can accommodate a wide range of house types, architectural treatments, landscaping, floor plans and price points. This will create an integrated and diverse neighborhood that also blends easily into the surrounding Waunakee neighborhoods. Price points within the single-family format will range from entry level/first time home buyer to move up/missing middle to luxury housing options.

***TWIN HOMES***

Twin homes within the neighborhood include floor plans and configurations with both flat site and tuck under parking, alley and street accessed garages, owner occupied market rate options, and unique senior oriented components. The senior targeted



“Haven Series” twin homes further diversify the housing options in the project and offer home ownership with a range of support services such as snow removal, lawn care, and other condominium like services; without the complications of condominium ownership models.

### ***MULTI-FAMILY***

The incorporation of a multi-family site along Highway 19 expands the housing options within the neighborhood while maintaining the character and overall neighborhood aesthetic. This parcel creates a key transition from the highway and employment along the southern edge of the site while further diversifying the opportunities for housing choices in the community.

### ***FARM MIXED-USE CENTER***

The farm mixed-use center is being evaluated for the potential reuse of the existing farm buildings located in the southern central portion of the site. Future development may include a mix of uses and formats. The location of this Center right off Highway 19 allows it to be more visible and serve as a transitional buffer between the employment across the street and the single family to the North.

### ***PARKS AND OPEN SPACE***

This project preserves and enhances the existing wetland in the southeast corner and the forested area in the northwest corner, while also adding parks, stormwater and trails to the overall open space. Four pocket parks within the neighborhood offer opportunities for a range of recreational facilities, shelters, and gathering areas to serve the neighborhood. The large central park expands on the open space system to offer passive and active recreational options set in the center of the project designed to take advantage of the expansive views of the horizon.



## DISTRICT DESCRIPTIONS/ ZONING TEXT

### *HERITAGE HILLS: DISTRICT I*

General Development Plan/

Specific Implementation Plan:

Single Family Homes

Carriage Lane Alley accessed garage



### Description

Carriage lane homes enhance the variety of housing and neighborhood character through the use of single-family home sites served by alleys. These homes are designed with integrated architecture and reduced setbacks which create an unbroken front façade of houses without garages that emphasize a human-based scale and texture in which the pedestrian and front porches become the focus.

Proposed Dwelling Units

96 units



### Character Guidelines

- Balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade.
- Porches, stoops, and bays are allowed to encroach into the front yard setback to allow for increased porch width and to encourage the inclusion of porches or entry bays onto each house.
- Varied building setbacks are encouraged to create a more organic streetscape in which there are varied building placements along the length of the street.
- As the buildings are moved closer to the street and each other, special attention should be taken to design details, house details, and landscaping to ensure that the public street façade is of proper pedestrian scale.



**District I Zoning Text (PUD: GDP/SIP)**

Minimum Lot Area	3,700 square feet
Minimum Lot Width at Front Yard Setback	37 feet (47 feet corner lots)
Minimum Lot Depth	100 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet
Sum of Side Yards	10 feet minimum
Minimum Corner Lot Side Yard Setback	15 feet from the street side right of way
Minimum Rear Yard Setback	2 feet
Maximum Rear Yard Setback for Exterior (Street) Corner Lots	5 feet
Garage Rear Yard Exclusion Zone (interior lots)	Face of garage may not be placed between 8 and 18 feet from alley ROW to avoid creation of partial parking spaces between the garage and the alley
Minimum Paved Surface Setback	2 feet
Maximum Building Height	35 feet
Required Off-street Parking and Loading	Two off-street parking stalls per lot
Maximum Impervious Surface Ratio	80%
Maximum Floor Area Ratio	.85
Permitted Encroachments	<p>Front porches, balconies, stoops, open porches and covered walkways may encroach a maximum of 6' into the front yard setback.</p> <p>Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined by: the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner.</p> <p>Bay windows and fireplace chases may encroach a maximum of 2' into the side yard</p> <p>Garden walls or fences shall be no more than 4' in height and will require approval by the Architectural Control Committee. Walls and fences located within the vision triangle shall not exceed 30" in height.</p>



Appropriate Architectural Styles  
(not limited to):

- Victorian
- Salt Box
- Prairie
- Cottage
- Four Square
- Traditional
- Southern Traditional
- Shingle
- Craftsman
- Mid-Century Modern

***HERITAGE HILLS: DISTRICT II***

General Development Plan/  
 Specific Implementation Plan  
 Single Family Homes  
 Front-access garage

**Description**

This district's homes offer additional diversity and housing choices in a single-family format. Conventional single-family homes within the neighborhood will span from entry level/first time homebuyer, to luxury, and downsizer opportunities.

Proposed Dwelling Units 222 units

**Character Guidelines**

- Balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade.
- Porches, stoops, and bays are allowed to encroach into the front yard setback to allow for increased porch width and to encourage the inclusion of porches or entry bays onto each house.
- Varied building setbacks are encouraged to create a more organic streetscape in which these are slight variations between buildings along the length of the street.
- As the buildings are moved closer to the street and each other, special attention should be taken to design details, house details, and landscaping to ensure that the public street façade is of proper pedestrian scale.
- The front entry of each house should be oriented towards the public street frontage.
- Garages will be set back a minimum of two feet from the front façade of the house to ensure that the garage does not dominate the façade of the house



District II Zoning Text (PUD: GDP/SIP)

Minimum Lot Area	5,100 square feet
Minimum Lot Width at Front Yard Setback	51 feet (66 feet corner lots)
Minimum Lot Depth	100 feet
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet
Sum of Side Yards	10 feet minimum
Minimum Corner Lot Side Yard Setback	15 feet from the street side right of way
Reversed Corner Side Yard Setback	15 feet minimum
Minimum Rear Yard Setback	20 feet
Garage Setback	Street Facing Garages 22 feet Side Entry Garages 20 Feet Street facing garages must be setback a minimum of 2' from front façade of the house Side entry garages may be allowed in front of façade but must have a minimum of 15% of the façade featuring architectural details consistent with the features of the living portion of the home (windows, door design, trim detail, materials). There shall not be more than (2) single car width and (1) double car width garage doors per street facing elevation. On street facing facades with a three-stall garage, one single width door must be setback on a new façade a minimum of 2' from the double width garage door's façade.
Minimum Paved Surface Setback	2 feet
Bulk Mass	The width of the garage wing shall not exceed 50% of the total structure width
Maximum Building Height	35 feet
Required Off-street Parking and Loading	Three off-street parking stalls per lot
Maximum Impervious Surface Ratio	60%
Maximum Floor Area Ratio	.60

Permitted Encroachments

Front porches, balconies, stoops, open porches and covered walkways may encroach a maximum of 6’ into the front yard setback.

Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined by: the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner.

Bay windows and fireplace chases may encroach a maximum of 2’ into the side yard

Garden walls or fences shall be no more than 4’ in height and will require approval by the Architectural Control Committee. Walls and fences located within the vision triangle shall not exceed 30” in height.

Decks may encroach up to 10’ into rear yard setback

Appropriate Architectural Styles  
(not limited to):

- Victorian
- Salt Box
- Prairie
- Cottage
- Four Square
- Traditional
- Southern Traditional
- Shingle
- Craftsman
- Mid-Century Modern

***HERITAGE HILLS: DISTRICT III***

General Development Plan/

Specific Implementation Plan

Twin homes/zero lot line single family

Carriage lane accessed tuck under garage

**Description**

District III creates twin homes with tuck under garages. These units feature attached housing at the single-family residential scale while utilizing the grade transitions to create view corridors and additional variety of housing choices.

Proposed Dwelling Units 42 units

**Character Guidelines**

- Balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade.
- Porches, stoops, and bays are allowed and encouraged to encroach into the front yard setback to allow for increased porch width and to encourage the inclusion of porches or entry bays onto each house.
- Varied building setbacks are encouraged to create a more organic streetscape in which these are slight variations between buildings along the length of the street.
- As the buildings are moved closer to the street and to each other, special attention should be taken to design details, house details, and landscaping to ensure that the public street façade is of proper pedestrian scale.
- The front entry of each house should be oriented towards the public street frontage.





District III Zoning Text (PUD: GDP/SIP)

Minimum Lot Area	4,600 feet for combined twin home 2,300 feet for zero lot line home
Minimum Lot Width at Front Yard Setback	55 feet for combined twin home building 27.5' feet for individual zero lot line home
Minimum Lot Depth	85 feet
Maximum Number of Units Per Lot	2 units if paired building 1 unit for zero lot line home
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet (exterior building lot line) 0 feet for zero lot line home sites (party wall)
Sum of Side Yard Setback	10 feet minimum (combined building)
Minimum Corner Lot Side Yard Setback	15 feet from the street side right of way
Minimum Rear Yard Setback	2 feet
Minimum Paved Surface Setback	2 feet
Maximum Building Height	35 feet
Required Off-Street Parking and Loading	Two off-street parking stalls per unit minimum
Maximum Impervious Surface Ratio	85%

Permitted Encroachments

Front porches, balconies, stoops, open porches and covered walkways may encroach a maximum of 6’ into the front yard setback.

At grade patios may encroach up to the paved side yard setback allowance.

Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined by: the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner.

Bay windows and fireplace chases may encroach a maximum of 2’ into the side yard

Garden walls or fences shall be no more than 4’ in height and will require approval by the Architectural Control Committee. Walls and fences located within the vision triangle shall not exceed 30” in height.

Additional Requirements A minimum one-hour fire rated wall assembly division, separating all areas from the lowest level flush against the underside of the roof, is required between each dwelling unit.

Appropriate Architectural Styles  
(not limited to):

Victorian

Salt Box

Prairie

Cottage

Four Square

Traditional

Southern Traditional

Shingle

Craftsman

Mid-Century Modern

***HERITAGE HILLS: DISTRICT IV***

General Development Plan/

Specific Implementation Plan

Twin homes/zero lot line single family

Carriage lane accessed garage

Flat site

**Description**

District IV flat site twin homes offer attached housing at the single-family residential scale with rear loaded garages at grade.

Proposed Dwelling Units 46 units

**Character Guidelines**

- Balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade.
- Porches, stoops, and bays are allowed and encouraged to encroach into the front yard setback to allow for increased porch width and to encourage the inclusion of porches or entry bays onto each house.
- Varied building setbacks are encouraged to create a more organic streetscape in which these are slight variations between buildings along the length of the street.
- As the buildings are moved closer to the street and to each other, special attention should be taken to design details, house details, and landscaping to ensure that the public street façade is of proper pedestrian scale.
- The front entry of each house should be oriented towards the public street frontage.



**District IV Zoning Text (PUD: GDP/SIP)**

Minimum Lot Area	5,100 feet for combined twin home 2,550 feet for zero lot line home
Minimum Lot Width at Front Yard Setback	51 feet for combined twin home building 25.5 feet for zero lot line home
Minimum Lot Depth	100 feet
Maximum Number of Units Per Lot	2 units if paired building 1 unit for zero lot line home
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet (exterior building lot line) 0 feet for zero lot line home sites (party wall)
Sum of Side Yard Setback	10 feet minimum (combined building)
Minimum Corner Lot Side Yard Setback	15 feet from the street side right of way
Minimum Rear Yard Setback	2 feet
Minimum Paved Surface Setback	2 feet
Maximum Building Height	35 feet
Required Off-Street Parking and Loading	Two off-street parking stalls per unit minimum
Maximum Impervious Surface Ratio	80%

Permitted Encroachments

Front porches, balconies, stoops, open porches and covered walkways may encroach a maximum of 6’ into the front yard setback.

At grade patios may encroach up to the paved side yard setback allowance.

Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined by: the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner.

Bay windows and fireplace chases may encroach a maximum of 2’ into the side yard

Garden walls or fences shall be no more than 4’ in height and will require approval by the Architectural Control Committee. Walls and fences located within the vision triangle shall not exceed 30” in height.

Additional Requirements A minimum one-hour fire rated wall assembly division, separating all areas from the lowest level flush against the underside of the roof, is required between each dwelling unit.

Appropriate Architectural Styles  
(not limited to):

- Victorian
- Salt Box
- Prairie
- Cottage
- Four Square
- Traditional
- Southern Traditional
- Shingle
- Craftsman
- Mid-Century Modern



***HERITAGE HILLS: DISTRICT V***

General Development Plan/

Specific Implementation Plan

Haven Twin homes/zero lot line single family

Carriage lane accessed garage

Flat site

**Description**

Designed to appeal to a predominately senior market, the District V Haven twin homes offer flat site attached housing at the single-family residential scale with rear loaded at grade garages. These units consist of fee simple paired single-family units with opportunities for separate “condominium like” services.

Proposed Dwelling Units

48 units

**Character Guidelines**

- Balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade.
- Porches, stoops, and bays are allowed and encouraged to encroach into the front yard setback to allow for increased porch width and to encourage the inclusion of porches or entry bays onto each house.
- Varied building setbacks are encouraged to create a more organic streetscape in which these are slight variations between buildings along the length of the street.
- As the buildings are moved closer to the street and to each other, special attention should be taken to design details, house details, and landscaping to ensure that the public street façade is of proper pedestrian scale.
- The front entry of each house should be oriented towards the public street frontage.



Heritage Hills Neighborhood

Veridian Homes

**District V Zoning Text (PUD: GDP/SIP)**

Minimum Lot Area	5,900 feet for combined twin home 2,950 feet for zero lot line home
Minimum Lot Width at Front Yard Setback	59 feet for combined twin home 29.5 feet for zero lot line home
Minimum Lot Depth	100 feet
Maximum Number of Units Per Lot	2 units if paired building 1 unit for zero lot line home
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet (exterior building lot line) 0 feet for zero lot line home sites (party wall)
Sum of Side Yard Setback	10 feet minimum (combined building)
Minimum Corner Lot Side Yard Setback	15 feet from the street side right of way
Minimum Rear Yard Setback	2 feet
Minimum Paved Surface Setback	2 feet
Maximum Building Height	35 feet
Required Off-Street Parking and Loading	Two off-street parking stalls per unit minimum
Maximum Impervious Surface Ratio	80%

Permitted Encroachments

Front porches, balconies, stoops, open porches and covered walkways may encroach a maximum of 6’ into the front yard setback.

At grade patios may encroach up to the paved side yard setback allowance.

Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined by: the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner.

Bay windows and fireplace chases may encroach a maximum of 2’ into the side yard.

Garden walls or fences shall be no more than 4’ in height and will require approval by the Architectural Control Committee. Walls and fences located within the vision triangle shall not exceed 30” in height.

Additional Requirements A minimum one-hour fire rated wall assembly division, separating all areas from the lowest level flush against the underside of the roof, is required between each dwelling unit.

Appropriate Architectural Styles  
(not limited to):

- Victorian
- Salt Box
- Prairie
- Cottage
- Four Square
- Traditional
- Southern Traditional
- Shingle
- Craftsman
- Mid-Century Modern

***HERITAGE HILLS: DISTRICT VI***

General Development Plan/

Specific Implementation Plan

Haven twin homes/zero lot line single family

Street facing garage

**Description**

Designed to appeal to a predominately senior market, District VI Haven twin homes offer homes as ranch style attached housing with street accessed garages. These units consist of fee simple paired single-family units with opportunities for separate “condominium like” services.

Proposed Dwelling Units 24 units

**Character Guidelines**

- Balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade.
- Porches, stoops, and bays are allowed and encouraged to encroach into the front yard setback to allow for increased porch width and to encourage the inclusion of porches or entry bays onto each house.
- Varied building setbacks are encouraged to create a more organic streetscape in which these are slight variations between buildings along the length of the street.
- As the buildings are moved closer to the street and to each other, special attention should be taken to design details, house details, and landscaping to ensure that the public street façade is of proper pedestrian scale.
- The front entry of each house should be oriented towards the public street frontage.



**District VI Zoning Text (PUD: GDP/SIP)**

Minimum Lot Area	9,100 square feet for combined twin home 4,550 square feet for zero lot line home
Minimum Lot Width at Front Yard Setback	91 feet for combined twin home 45.5 feet for zero lot line home
Minimum Lot Depth	100 feet
Maximum Number of Units Per Lot	2 units if paired building 1 unit for zero lot line home
Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback	5 feet 0 feet for zero lot line home sites (party wall)
Sum of Side Yard Setback	10 feet minimum
Minimum Corner Lot Side Yard Setback	15 feet from the street side right of way
Minimum Rear Yard Setback	20 feet
Garage Setback	Street facing garage 22 feet Side entry garage 20 feet Street facing garages must be setback a minimum of 2' from front façade of the house Side entry garages may be allowed in front of façade but must have a minimum of 15% of the façade featuring architectural details consistent with the features of the living portion of the home (windows, door design, trim detail, materials).
Minimum Paved Surface Setback	2 feet exterior lot line Shared driveway between paired twin homes allowed
Maximum Driveway Width	18' at street ROW
Bulk Mass	The width of the garage wing shall not exceed more than 50% of the total structure width
Maximum Building Height	35 feet
Required Off-Street Parking and Loading	Two off-street parking stalls per unit minimum
Maximum Impervious Surface Ratio	70%
Maximum Floor Area Ratio	.75



Permitted Encroachments

Front porches, balconies, stoops, open porches and covered walkways may encroach a maximum of 6’ into the front yard setback.

Corner lot porches, and bay windows may not encroach the vision triangle. The triangle is defined by: the intersection of the curbs at the corner, and a point 30 feet back along each curb from the corner.

Bay windows and fireplace chases may encroach a maximum of 2’ into the side yard

Garden walls or fences shall be no more than 4’ in height and will require approval by the Architectural Control Committee. Walls and fences located within the vision triangle shall not exceed 30” in height.

Additional Requirements A minimum one-hour fire rated wall assembly division, separating all areas from the lowest level flush against the underside of the roof, is required between each dwelling unit.

Decks may encroach up to 10’ into rear yard setback

Appropriate Architectural Styles  
(not limited to):

- Victorian
- Salt Box
- Prairie
- Cottage
- Four Square
- Traditional
- Southern Traditional
- Shingle
- Craftsman
- Mid-Century Modern

***HERITAGE HILLS: DISTRICT VII*****General Development Plan****Apartments**

See Exhibit J: Multi-Family Concept Plan

**Description**

Apartment Homes within the Heritage Hills development offer additional residential housing option within the neighborhood. Attractive architectural details and landscaping will create a cohesive design and character that fits seamlessly with the rest of the neighborhood and along the Highway 19 frontage.

This district will require future approval of detailed architecture and site plans as part of a separate PUD:SIP submittal.

Proposed Dwelling Units 200 units

**Character Guidelines**

- Buildings should be oriented to the street with internalized surface parking lots landscaped to break up paved areas.
- Buildings will be 2-3 stories with underground parking.
- Pedestrian connections, plazas and landscaping will be utilized to create relationships between the multi-family buildings, streets, frontages, and to the new east-west paved trail along the north side of the site.
- Architectural elements such as balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade and relationship to the neighborhood.
- Buildings should take advantage of views to open space/stormwater.

**District VII Zoning Text (PUD:GDP)**

District Standards Per the R-5 Zoning District

Allowance for two or more buildings per lot, as determined in future SIP Submittals



**HERITAGE HILLS: DISTRICT VIII**

General Development Plan  
Farm Mixed Use Center

**Description**

The Farm Mixed-Use Center may include retail and housing options serving as a vibrant active destination in support of the neighborhood and the community. It is well located in the Southern portion of the site along Highway 19 and could serve as a unique gateway into the Village while offering additional housing options for the neighborhood and employment center. The current farm buildings on site are being evaluated for potential reuse as part of the Farm Mixed-use Center.

The final configuration and use designations for this site will be subject to further review and discussion as part of a separate submittal due to the timing and steps needed to evaluate the existing structures.

Proposed Units	TBD
Proposed District	4.9 Acres



**Character Guidelines**

- Buildings should be oriented to the street with internalized surface parking lots landscaped to break up paved areas.
- Buildings will be 1-3 stories with underground parking.
- Pedestrian connections, plazas and landscaping will be utilized to create relationships between the buildings, streets, frontages, and to the new east-west paved trail along the north side of the site.
- Architectural elements such as balconies, entry bays and front entry porches are recommended to enhance the human scale of the public street façade and relationship to the neighborhood.
- Buildings should take advantage of views to open space/stormwater.



**District VIII Zoning Text (PUD: GDP)**

Minimum Lot Width at Front Yard Setback	Varies (will be set by PIP)
Minimum Side Yard Setback	Varies (will be set by PIP)
Minimum Rear Yard Setback	Varies (will be set by PIP)
Maximum Building Height	Varies (will be set by PIP)
Required Off-street Parking and Loading	Per Village of Waunakee standards  Parking for may be accommodated by surface, underground, or a combination.
Maximum Impervious Surface Ratio	Varies (will be set by PIP)
Maximum Floor Area Ratio	Varies (will be set by PIP)

**Potential Uses:**

- Multi-family housing
- Senior Independent/Assisted Housing
- Institutional/Worship
- Restaurants
- Urban Farming
- Retail uses
- Mixed use buildings with first floor retail or office uses and upper story residential or office uses
- Office uses
- Permitted uses consistent with the C-1D Downtown Commercial District
- Conditional uses consistent with the C-1D Downtown Commercial District
- Accessory buildings and uses customary with and incidental to the principal use



## ARCHITECTURAL STANDARDS

Development of the property will require review and approval by the Architectural Review Committee for Heritage Hills prior to submittal to the Village of Waunakee.

The following additional guidelines will also apply:

### Massing

- Awnings, bays, canopies, porches, stoops, towers and windows are encouraged to enhance the building scale.
- Primary façade rooflines are encouraged to be broken with bays, gables, and smaller roof forms to reduce the overall size of roof elements. Pitched or flat roof forms may be allowed, as appropriate to the overall style of the building.
- Building architecture should utilize a tripartite composition with base, middle, and top elements clearly defined with material and façade design changes.
- Façade breaks and wall recessions shall be used to further break up massing of buildings.

### Styles

- Each individual building shall select one style of architecture and apply appropriate details, massing, rooflines, façade breaks, colors, and materials on all of the buildings within the apartment site. Using a variety of architectural styles throughout the neighborhood will create more visual interest and appeal. The buildings should contain variations in materials and colors between buildings to enhance the overall character of the site.
- Appropriate styles:
 

○ Victorian	○ Traditional
○ Salt Box	○ Southern Traditional
○ Prairie	○ Shingle
○ Cottage	○ Mid-Century Modern
○ Four Square	○ Craftsman

### Materials

- Building design shall feature high quality, durable materials in a range of types and colors.
- Appropriate materials:
  - Brick
  - Stone and cast stone
  - Cement board, composite siding, or vinyl siding
  - Wood, composite, vinyl, or cement board shingle siding/ board and batten siding
  - Metal panels
  - Synthetic trim materials

### Parking

- Exposed lower level parking walls shall relate in scale to the entire building and shall use architectural grade finishes.
- Surface parking lots shall utilize a tree planting island of at least 8' in width to provide breaks in parking stalls after 12 stalls in a row.



**OPEN SPACE**

The open space system features 40.1 acres of integrated parks, stormwater management and open space; roughly 26% of the project. Dedicated parks form approximately 13% of the total acreage within the project. The components of the open space include an extensive system of public dedicated active park space, private open space, natural features, trails, stormwater, and wetlands.

Private open space within the neighborhood will be owned and maintained by the Homeowners association but is required to be open and available for public use.

Parks	19.7 Acres
Wetlands	1.6 Acres
Stormwater	16.2 Acres
Passive Open Space	2.6 Acres
Required Park Dedication	15.3 Acres
Dedicated Park	19.7 Acres

See Exhibit K: Parks and Open Space Plan  
See Exhibit L: Park Programming Concepts

***PAVED TRAILS***

The trails system comprises of both sidewalks and paved trails to accommodate bicycle and pedestrian traffic. All trails will be owned and maintained by the Village.

See Exhibit M: Bicycle & Pedestrian Plan

***ENVIRONMENTAL CORRIDOR AND STORMWATER***

The environmental corridor includes a wetland in the southeastern portion of the site. It is buffered to protect quality and the integrity of the ecosystem. There will also be three stormwater detention ponds designed not only to treat runoff but also to be a part of the open space system and viewed as an amenity with public access via the trail network. All



environmental corridor and stormwater will be owned and maintained by the Village.

## STREETS

The Heritage Hills features a complete street network, extending south to Main Street, west to Division Street, and east to Schumacher Road. Residential collector and local street widths have been used to meet both vehicle and pedestrian needs. Street trees and grass terraces will enhance the pedestrian experience.

The Homeowners Association will be responsible for the maintenance of any planting islands within right-of-way.



See Exhibit N: Street Right-of-Way Width Map

See Exhibit O: Street Cross Sections

## MAILBOXES

Per United States Postal Service requirements, cluster mailboxes will be used and placed throughout the neighborhoods in private easements or private outlots. The final locations and signing will be determined on phase by phase basis.

The Home Owners Association will be responsible for the maintenance of the CBUs.

See Exhibit P: Conceptual CBU Locations



## PHASING

The neighborhood is projected to be built out in multiple phases over the span of the next 10-12 years. Final phase lines and sequencing will be determined based on market demand

See Exhibit Q: Conceptual Phasing Plan

## **HOMEOWNER ASSOCIATION**

Heritage Hills will be governed by a Homeowners Association. Maintenance responsibilities will be further detailed in the amended covenants and restrictions recorded against each property.

## **ARCHITECTURAL REVIEW COMMITTEE**

The Architectural Review Committee and The Heritage Hills Covenants and Restrictions Code will be set up to ensure the continued development of high-quality design, architecture and site execution is carried throughout the neighborhood.

Architectural and Landscape plans for any site within Heritage Hills shall be submitted to the Architectural Review Committee for review and approval prior to the issuance of any Building Permit, or prior to any site improvements.

The Committee will review all submitted plans to ensure the continuation of the distinct architectural character, and landscape quality established within the development. Plans will be reviewed based on the design guidelines as established in the Covenants and Restrictions guide and standards outlined for each zoning district. The Committee will review any future remodeling plans that will change the outward appearance of any structure found within Heritage Hills. The Committee will not review any re-landscaping plans that take place more than one year after the original landscape plan is installed.

The Committee has the right to enforce all design guidelines and standards found within the Covenants and Restrictions, Design Guidelines, or zoning text. The Committee also retains the right to grant exceptions to the design guidelines and standards based on the merit of exceptional design that may not fall within or meet the technical requirements of the guidelines and standards, but generally accomplished the basic principles and intent of the aforementioned documents. Exceptions may also be made on a case-by-case evaluation of individual site context issues that would inhibit the practical implementation of these guidelines and standards.

The Architectural Review Committee shall initially be appointed by the Developer, and references in this Zoning Text to the Architectural Review Committee shall mean the Developer for such period of time as the Developer remains the only member of the Architectural Review Committee as provided in the Association Bylaws. As long as the Developer is the only member of the Architectural Review Committee, the Developer, acting alone, may exercise all of the rights and ceases to be the sole member of the Architectural Review Committee, the Architectural Review Committee shall thereafter consist of such persons as are elected pursuant to the Bylaws.

**EXHIBITS**

- Exhibit A:** Legal Description
- Exhibit B:** Zoning Legal Descriptions
- Exhibit C:** Future Land Use Plan
- Exhibit D:** Location Map
- Exhibit E:** Existing Conditions
- Exhibit F:** Zoning District & Variance Summary
- Exhibit G:** Zoning Map
- Exhibit H:** Master Plan
- Exhibit I:** District Plan
- Exhibit J:** Multi-Family Concept Plan
- Exhibit K:** Parks & Open Space Plan
- Exhibit L:** Park Programming Concepts
- Exhibit M:** Bicycle & Pedestrian Plan
- Exhibit N:** Street Right of Way Width Map
- Exhibit O:** Street Cross Sections
- Exhibit P:** Conceptual CBU Locations
- Exhibit Q:** Conceptual Phasing Plan



**Exhibit A: Legal Descriptions**

Part of Outlot 1 and part of Lots 11, 12 and 19, Waunakee Heights, part of Lots 43, 44, 45 and 46, First Addition to Waunakee Heights, part of Capital Drive and North Division Street and lands located in East 1/2 of the SE1/4 and the SE1/4 of the NE1/4 of Section 5 and in the West 1/2 of the SW1/4 of Section 4, T8N, R9E, Village of Waunakee and Town of Westport, Dane County, Wisconsin to-wit:

Beginning at the East 1/4 corner of said Section 5; thence S89°46'25"E, 1335.57 feet along the North line of the SW1/4 of said Section 5, to the Northeast corner of said East 1/2 of the SW1/4; thence S00°31'05"W, 2311.56 feet along the East line of said East 1/2 of the SW1/4, to a point on the Northerly right-of-way line of State Highway 19; thence S45°53'58"W, 308.50 feet along said Northerly right-of-way line to a point of curve; thence Westerly along said Northerly right-of-way line along a curve to the left which has a radius of 22,998.32 feet and a chord which bears S89°25'45"W, 1345.11 feet; thence N85°45'38"W, 88.53 feet along said Northerly right-of-way line; thence S87°45'11"W, 441.84 feet along said Northerly right-of-way line to a point of curve; thence Westerly along said Northerly right-of-way line along a curve to the right which has a radius of 11,369.16 feet and a chord which bears S88°44'29"W, 392.18 feet; thence S89°43'47"W, 32.23 feet along said Northerly right-of-way line; thence N42°43'22"W, 169.95 feet along said Northerly right-of-way line to a point on the East right-of-way line of North Division Street; thence N00°35'12"E, 1660.59 feet along said East right-of-way line; thence N89°13'46"W, 33.00 feet along the North right-of-way line of East Verleen Avenue to a point on the West line of said East 1/2 of the SE1/4; thence N00°35'12"E, 796.24 feet along said West line and the Northerly extension thereof, to a point on the centerline of North Division Street; thence S89°23'47"E, 33.00 feet to a point on the West line of said Lot 19; thence S89°30'24"E, 120.00 feet to a point on the West line of said Outlot 1; thence S89°19'10"E, 299.76 feet to a point on the Southwest line of said Lot 12; thence S89°19'11"E, 5.70 feet to a point on the West line of said Lot 11; thence S88°59'43"E, 140.45 feet to a point on the West line of said Lot 10; thence S04°17'21"W, 3.38 feet along said West line to the Southwest corner of said Lot 10; thence S89°28'05"E, 119.31 feet along the South line of and to the Southeast corner of said Lot 10; thence N00°31'53"E, 3.29 feet along the East line of said Lot 10; thence S89°41'39"E, 100.00 feet to a point on the East line of said Lot 46; thence S88°46'09"E, 100.01 feet to a point on the East line of said Lot 45; thence S89°14'23"E, 66.00 feet to a point on the West line of said Lot 44; thence S89°05'40"E, 166.05 feet to a point on the West line of said Lot 43; thence S89°06'35"E, 179.23 feet to the point of beginning. Containing 6,694,466 square feet (153.684 acres).



## Exhibit B: Zoning Legal Descriptions

### Area to be zoned PUD: GDP

A parcel of land located in the SE1/4 of the SE1/4 of Section 5 and in the SW1/4 of the SW1/4 of Section 4, T8N, R9E, Village of Waunakee and Town of Westport, Dane County, Wisconsin to-wit:

Commencing at the Southeast corner of said Section 5; thence N00°36'59"E, 115.41 feet to a point of curve, also being the point of beginning; thence Westerly along a curve to the left which has a radius of 22,998.32 feet and a chord which bears S88°02'00"W, 224.75 feet; thence N85°45'39"W, 88.53 feet; thence S87°45'11"W, 441.84 feet to a point of curve; thence Westerly along a curve to the right which has a radius of 11,369.16 feet and a chord which bears S87°55'34"W, 68.70 feet; thence N00°00'00"E, 100.00 feet; thence N26°32'37"W, 395.08 feet; thence N00°00'00"E, 94.28 feet; thence S89°24'48"E, 548.87 feet to a point of curve; thence Southeasterly along a curve to the right which has a radius of 44.00 feet and a chord which bears S70°50'06"E, 28.04 feet; thence S52°15'24"E, 296.80 feet to a point of curve; thence Northeasterly along a curve to the right which has a radius of 300.00 feet and a chord which bears N33°22'48"E, 45.65 feet; thence N37°44'36"E, 220.83 feet; thence S89°46'25"E, 355.03 feet; thence S00°00'00"E, 351.65 feet; thence S71°39'49"W, 199.68 feet; thence S00°00'00"E, 123.50 feet to a point of curve; thence Westerly along a curve to the left which has a radius of 22,998.32 feet and a chord which bears S88°28'59"W, 136.24 feet to the point of beginning. Containing 13.648 acres.

### Area to be zoned PUD: GDP/SIP

Part of Outlot 1 and part of Lots 11, 12 and 19, Waunakee Heights, part of Lots 43, 44, 45 and 46, First Addition to Waunakee Heights, part of Capital Drive and North Division Street and lands located in East 1/2 of the SE1/4 and the SE1/4 of the NE1/4 of Section 5 and in the West 1/2 of the SW1/4 of Section 4, T8N, R9E, Village of Waunakee and Town of Westport, Dane County, Wisconsin to-wit:

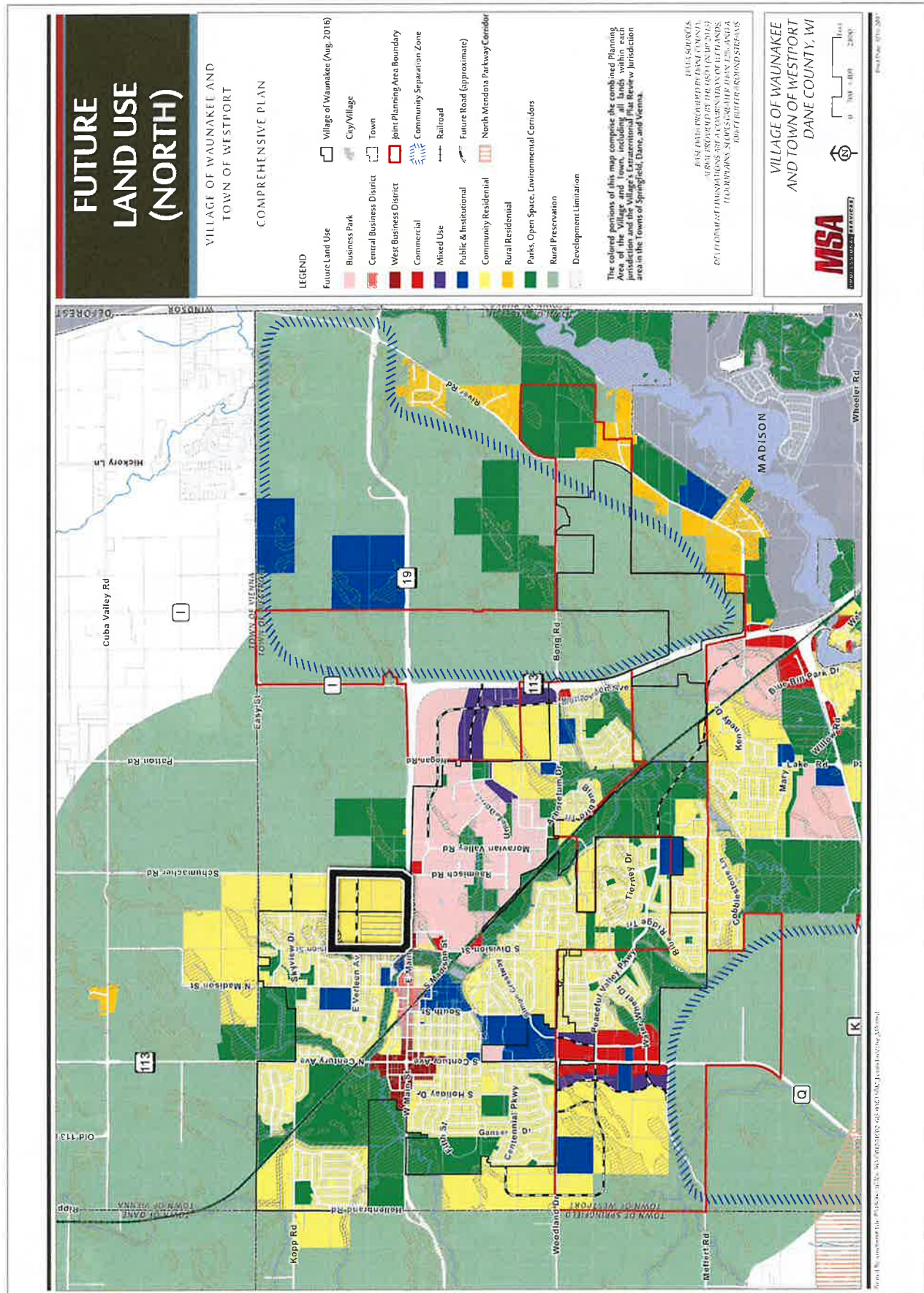
Beginning at the East 1/4 corner of said Section 5; thence S89°46'25"E, 1335.57 feet; thence S00°31'05"W, 2311.56 feet; thence S45°53'58"W, 308.50 feet along to a point of curve; thence Westerly along said Northerly right-of-way line along a curve to the left which has a radius of 22,998.32 feet and a chord which bears S89°52'44"W, 984.23 feet; thence N00°00'00"W, 123.50 feet; thence N71°39'49"E, 199.68 feet; thence N00°00'00"W, 351.65 feet; thence N89°46'25"W, 355.03 feet; thence S37°44'36"W, 220.83 feet to a point of curve; thence Southwesterly along a curve to the left which has a radius of 300.00 feet and a chord which bears S33°22'48"W, 45.65 feet; thence N52°15'24"W, 296.80 feet to a point of curve; thence Northwesterly along a curve to the left which has a radius of 44.00 feet and a chord which bears N70°50'06"W, 28.04 feet; thence N89°24'48"W, 548.87 feet; thence S00°00'00"W, 94.28 feet; thence S26°32'37"E, 395.08 feet; thence S00°00'00"W, 100.00 feet to a point of curve; thence Westerly along a curve to the right which has a radius of 11,369.16 feet and a chord which bears S88°54'52"W, 323.49 feet; thence S89°43'47"W, 32.23 feet; thence N42°43'22"W, 169.95 feet; thence N00°35'12"E, 1660.59 feet; thence N89°13'46"W, 33.00 feet; thence N00°35'12"E, 796.24 feet; thence S89°23'47"E, 33.00 feet; thence S89°30'24"E, 120.00 feet; thence S89°19'10"E, 299.76 feet; thence S89°19'11"E, 5.70 feet; thence S88°59'43"E, 140.45 feet; thence S04°17'21"W, 3.38 feet; thence S89°28'05"E, 119.31 feet; thence N00°31'53"E, 3.29 feet; thence S89°41'39"E, 100.00 feet; thence S88°46'09"E, 100.01 feet; thence S89°14'23"E, 66.00 feet; thence S89°05'40"E, 166.05 feet; thence S89°06'35"E, 179.23 feet to the point of beginning. Containing 140.036 acres.



# HERITAGE HILLS

Waunakee, Wisconsin

## EXHIBIT C: FUTURE LAND USE PLAN





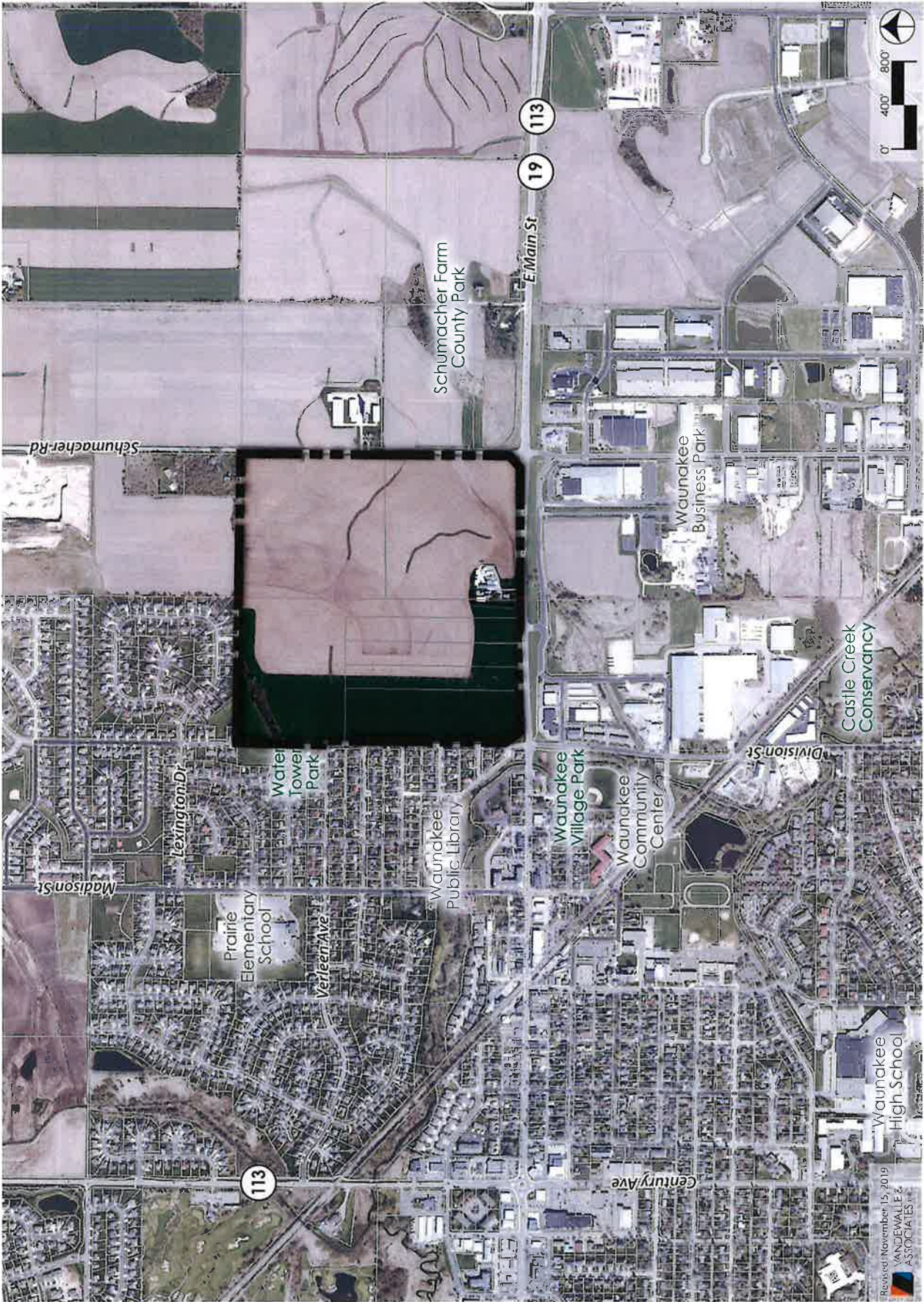


VERIDIAN  
HOMES

HERITAGE HILLS

Wauwatuck, WISCONSIN

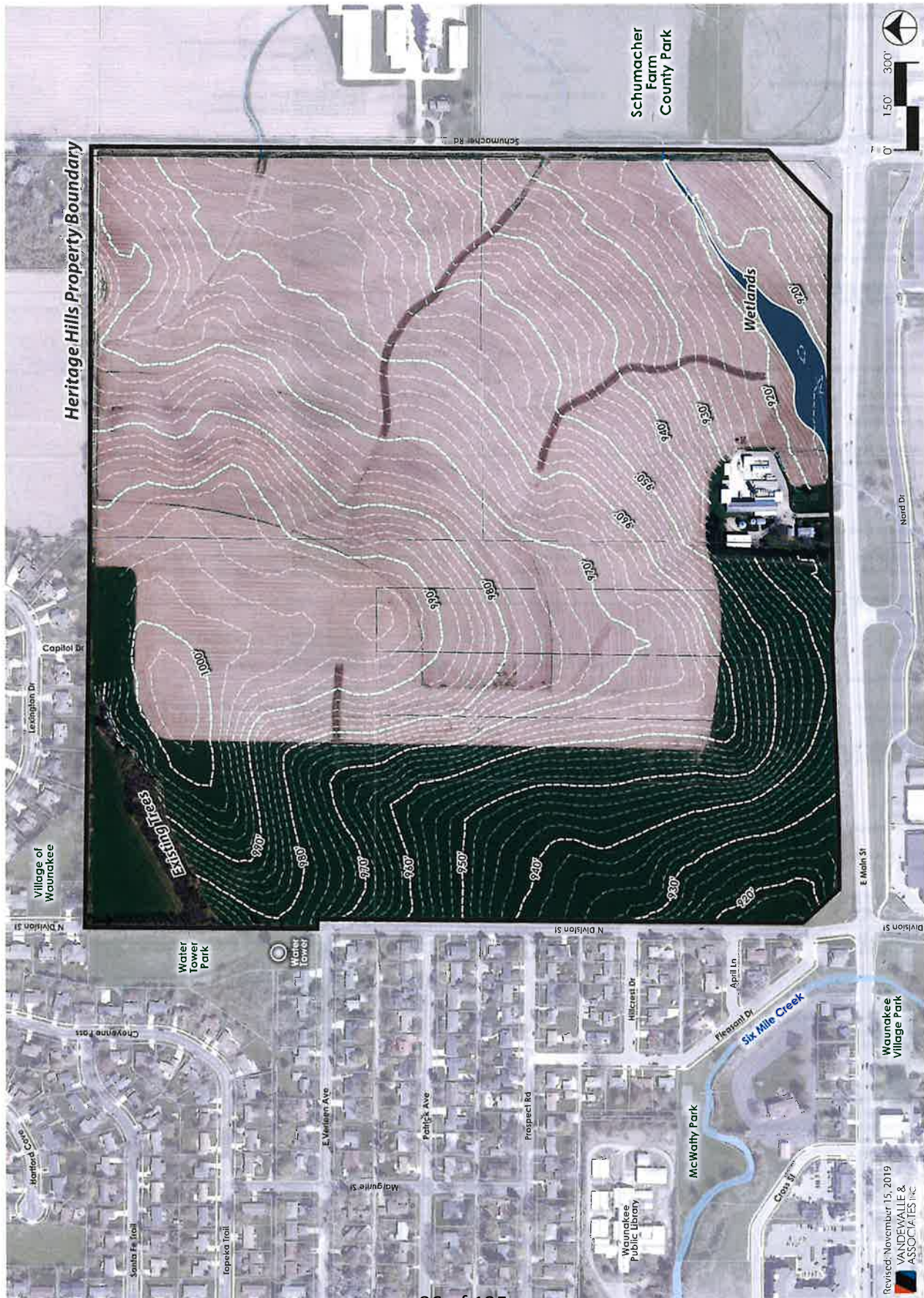
EXHIBIT D:  
LOCATION  
MAP





HERITAGE HILLS  
Wauwatuck, Wisconsin

EXHIBIT E:  
EXISTING  
CONDITIONS



## Exhibit F: Zoning District &amp; Variance Summary

	Proposed Standard	Comparable District	Variance Requested	Notes:
<b>District I: Carriage Lane Single Family</b>				
Maximum Building Height	35'	R-3	No	
Setbacks				
Front	20'	20'	Yes	Porch encroachment only
Rear Yard	2'	20'	Yes	Alley configuration
Side Yard	5'/side; 10' total	6'/side; 12' total	Yes	1' per side
Side and Rear yard, accessory building	NA	3'	No	
Minimum Lot Area	3,700-7,465 square feet	6,000 square feet	Yes	Alley configuration
Minimum Width	37'	80'	Yes	Alley configuration
<b>District II: Street Accessed Single Family</b>				
Maximum Building Height	35'	R-2	No	
Setbacks				
Front	20'	20'	Yes	Porch encroachment only
Rear Yard	20'	20'	Yes	Deck encroachment only
Side Yard	5'/side; 10' total	6'/side; 12' total	Yes	1' per side
Side and Rear yard, accessory building	NA	3'	No	
Minimum Lot Area	5,100-20,662 square feet	8,500 square feet	Yes	Some lots may exceed minimum
Minimum Width	51'	70'	Yes	Some lots may exceed minimum
Reverse Corner Side Yard Setback	15'	20'	Yes	
<b>District III: Carriage Lane Attached Single Family (Tuck Under)</b>				
Maximum Building Height	35'	R-3	No	
Setbacks				
Front	20'	20'	Yes	Porch encroachment only
Rear Yard	2'	20'	Yes	Alley configuration
Side Yard	5'/side; 10' total (building)	6'/side; 12' total	Yes	Alley configuration
Side and Rear yard, accessory building	NA	3'	No	
Minimum Lot Area	2,300 square feet combined)	6,000 square feet	Yes	Alley configuration, creation of for sale lots
Minimum Width	27.5'/55' (combined)	80'	Yes	Alley configuration, creation of for sale lots
Minimum Lot Depth	85'	100'	Yes	
<b>District IV: Carriage Lane Attached Single Family (Flat Site)</b>				
Maximum Building Height	35'	R-3	No	
Setbacks				
Front	20'	20'	Yes	Porch encroachment only
Rear Yard	2'	20'	Yes	Alley configuration
Side Yard	5'/side; 10' total (building)	6'/side; 12' total	Yes	Alley configuration
Side and Rear yard, accessory building	NA	3'	No	
Minimum Lot Area	2,550 square feet combined)	6,000 square feet	Yes	Alley configuration, creation of for sale lots
Minimum Width	25.5'/51' (combined)	80'	Yes	Alley configuration, creation of for sale lots
<b>District V: Haven Carriage Lane Attached Single Family</b>				
Maximum Building Height	35'	R-3	No	
Setbacks				
Front	20'	20'	Yes	Porch encroachment only
Rear Yard	2'	20'	Yes	Alley configuration
Side Yard	5'/side; 10' total (building)	6'/side; 12' total	Yes	Alley configuration
Side and Rear yard, accessory building	NA	3'	No	
Minimum Lot Area	2,950 square feet combined)	6,000 square feet	Yes	Alley configuration, creation of for sale lots
Minimum Width	29.5'/59' (combined)	80'	Yes	Alley configuration, creation of for sale lots
<b>District VI: Haven Street Accessed Attached Single Family</b>				
Maximum Building Height	35'	R-3	No	
Setbacks				
Front	20'	20'	Yes	Porch encroachment only
Rear Yard	20'	20'	Yes	Deck encroachment only
Side Yard	5'/side; 10' total (building)	6'/side; 12' total	Yes	1' per side
Side and Rear yard, accessory building	NA	3'	No	
Minimum Lot Area	4,550 square feet (9,100 combined)	6,000 square feet	Yes	Creation of for sale lots (combine lot meets standard)
Minimum Width	45.5'/91' (combined)	80'	Yes	Creation of for sale lots (combine lot meets standard)
<b>District VII: Multi-Family</b>				
Variance Request:	More than one building per parcel		Yes	
<b>District VIII: Farm Center Mixed Use</b>				
Maximum Building Height	TBD	C1-D	Yes	To be set in SIP
Setbacks				
Front	TBD	0'	Yes	To be set in SIP
Rear Yard	TBD	20'	Yes	To be set in SIP
Side Yard	TBD	0'	Yes	To be set in SIP
Side and Rear yard, accessory building	TBD	-	Yes	To be set in SIP
Minimum Lot Area	TBD	-	Yes	To be set in SIP
Minimum Width	TBD	50'	Yes	To be set in SIP

Additional variances requested to set standards greater than the base district:

Garage proportion/architecture standards

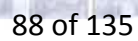
Side load garage standards

Architectural styles &amp; Architectural Review Committee review

Deck &amp; patio standards

Fencing standards







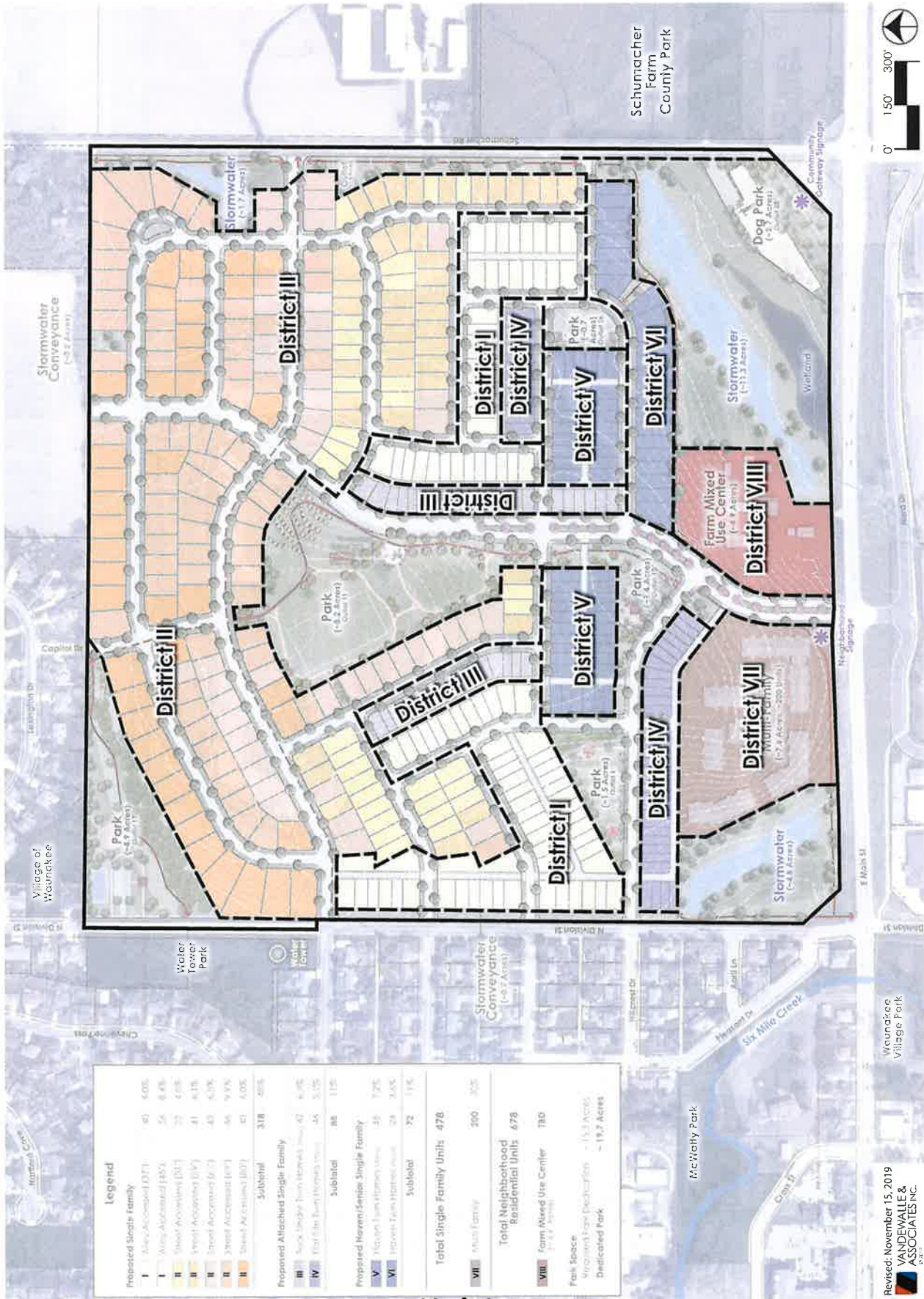






HERITAGE HILLS  
Wauwatke, Wisconsin

EXHIBIT I:  
DISTRICT PLAN







**VERIDIAN**  
HOMES

**HERITAGE HILLS**  
Wauwatuck, Wisconsin

**EXHIBIT J:  
MULTI-FAMILY  
CONCEPT PLAN**







# HERITAGE HILLS

Wauwatke, WISCONSIN

## EXHIBIT K: PARKS & OPEN SPACE PLAN



Required Park Dedication: 15.3 Acres  
Dedicated Park: 19.7 Acres

Revised: November 15, 2019  
VANDEWALLE & ASSOCIATES INC.





# HERITAGE HILLS Waunakee, WISCONSIN

## EXHIBIT L: PROGRAMMING CONCEPTS

### Haven Garden Park (Outlot 10)

Heritage Hills, Waunakee, Wisconsin



#### Park Goals/Program

- Formal terraced English style gardens
- Pavilion as focal point (sight lines from south & east)
- Maintain & enhance views through grading
- Part of Neighborhood main entry experience
- Paved paths for accessibility & bike trail connection



#### Park Goals/Program

- Create pocket park for range of users
- Maintain & enhance views through design elements
- Active open space accented with quiet seating areas
- Farm theme with playground and large open lawn
- Paved paths for accessibility





# HERITAGE HILLS Waunakee, WISCONSIN

## EXHIBIT L: PARK PROGRAMMING CONCEPTS

### Water Tower Park Expansion (Outlot 17)

Heritage Hills, Waunakee, Wisconsin



#### Park Goals/Program

- Expand on existing Water Tower Park
- Preserve existing mature trees & steep slopes
- Outdoors activities year round (warming house, sledding hill, ice skating)
- Nature theme with natural play area & trails
- Provide parking



### Community Park (Outlot 11)

Heritage Hills, Waunakee, Wisconsin



#### Park Goals/Program

- Maximize views from high point
- Gathering space, large barn style shelter
- Active park with sports field & playground
- Celebrate grade changes with terraced plantings
- Neighborhood focal point
- Trail connections & multiple access points







# HERITAGE HILLS Wauaukee, WISCONSIN

## EXHIBIT L: PARK PROGRAMMING CONCEPTS

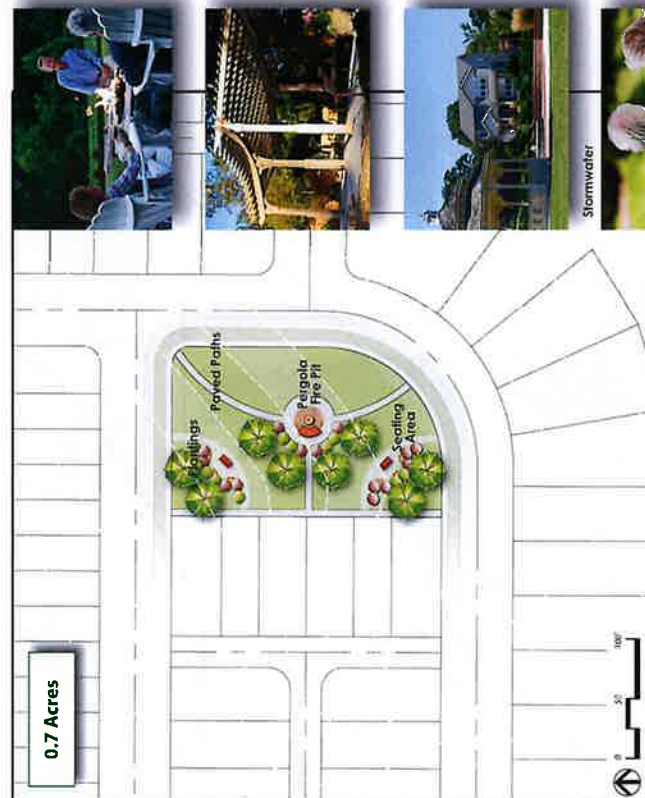
### Community Gateway (Outlot 28)

Heritage Hills, Wauaukee, Wisconsin



#### Park Goals/Program

- Develop a signature eastern gateway to Village
- Extend Schumacher Park character further west along Highway 19 frontage
- Provide a large dog park to serve community and supplement existing dog park
- Preserve and maintain delineated wellands
- Provide parking



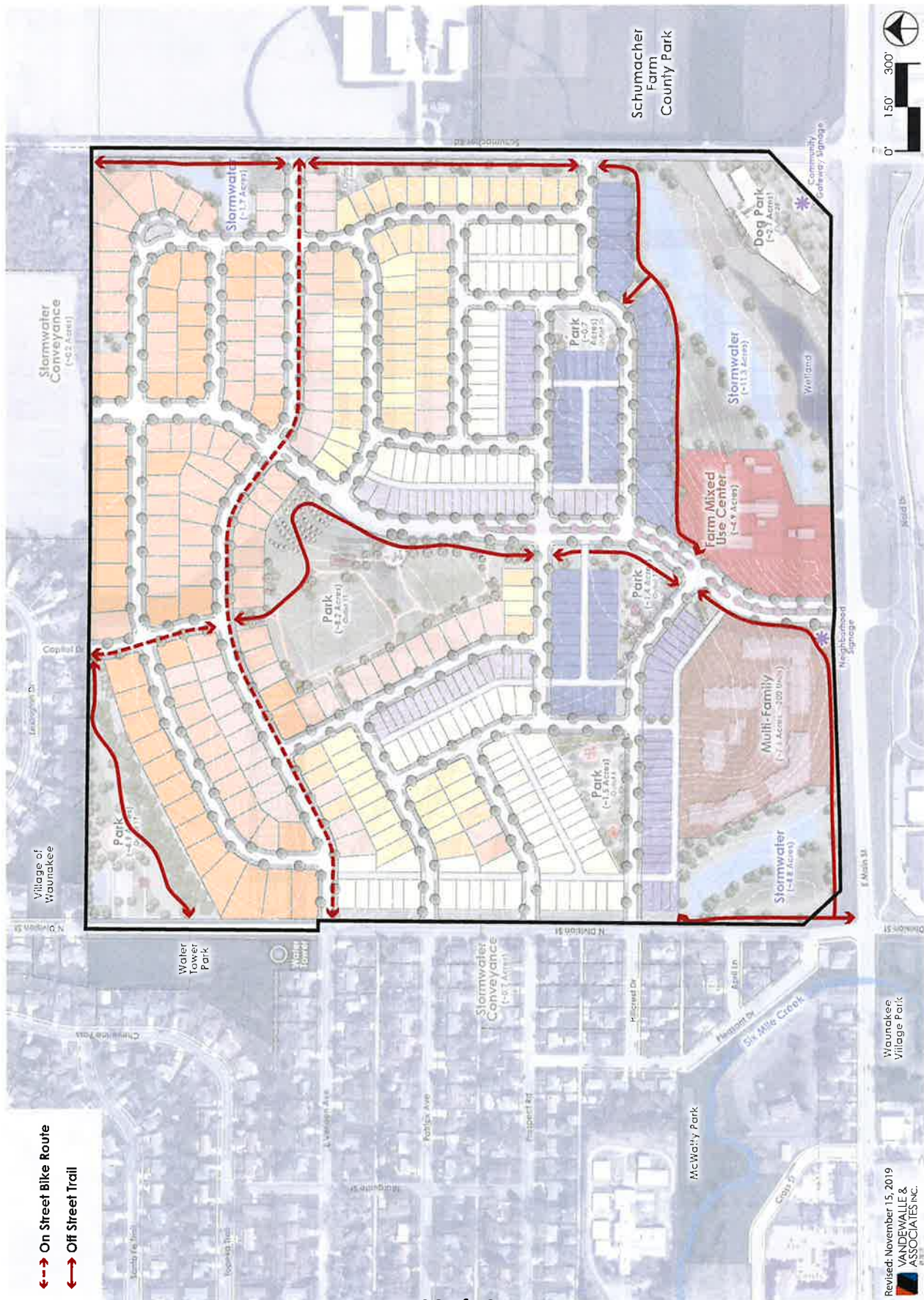
#### Park Goals/Program

- Create pocket park for east side neighborhood users
- Covered seating area with fire pit focal point
- Maintain & enhance views through design elements
- Paved paths for accessibility

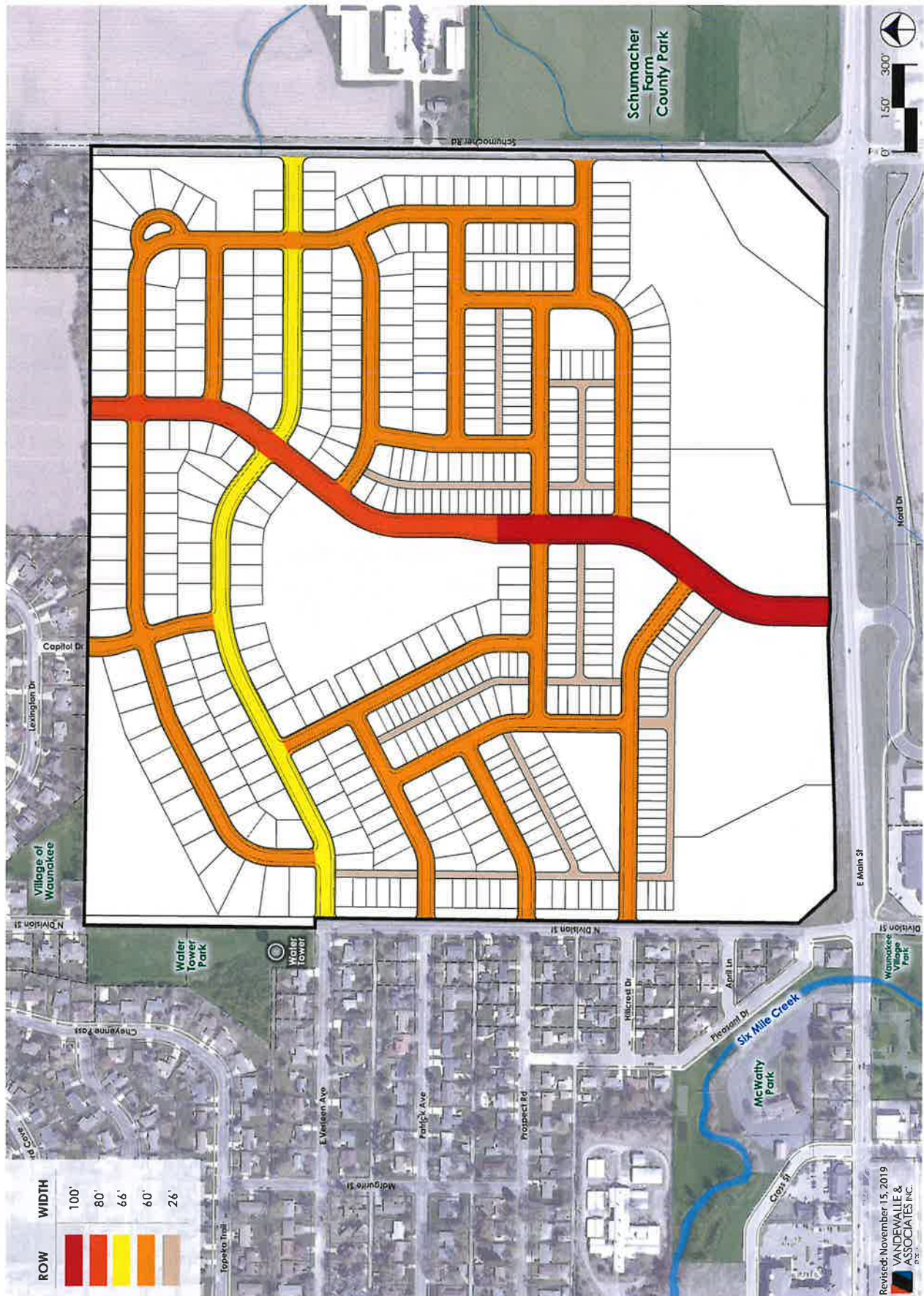


HERITAGE HILLS  
Waukegan, Wisconsin

**EXHIBIT M:  
BICYCLE &  
PEDESTRIAN  
PLAN**











HERITAGE HILLS  
Wauwatke, WISCONSIN

EXHIBIT O:  
STREET  
CROSS SECTIONS





VERIDIAN  
HOMES

HERITAGE HILLS  
Waukegan, WISCONSIN

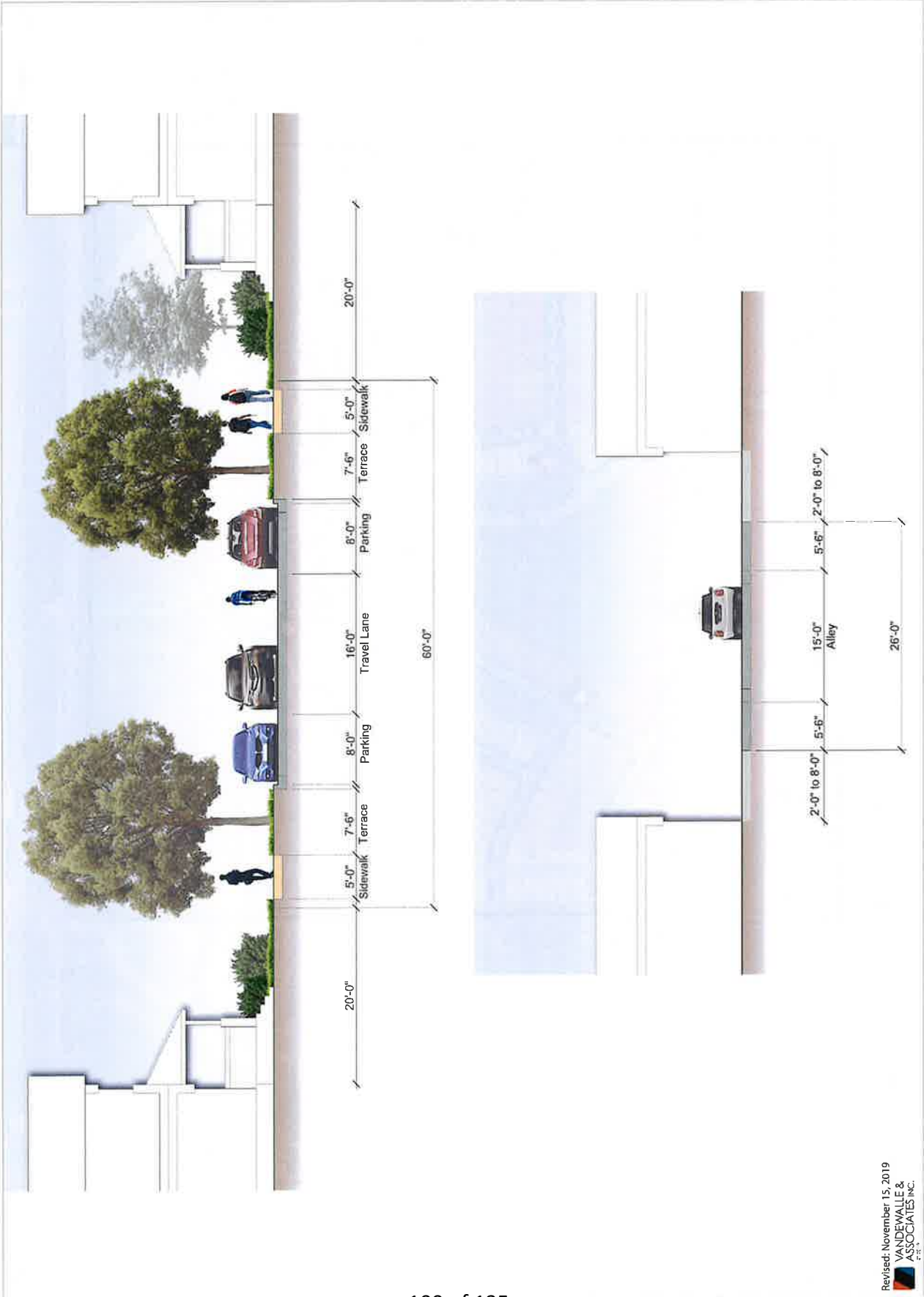
EXHIBIT O:  
STREET  
CROSS SECTIONS



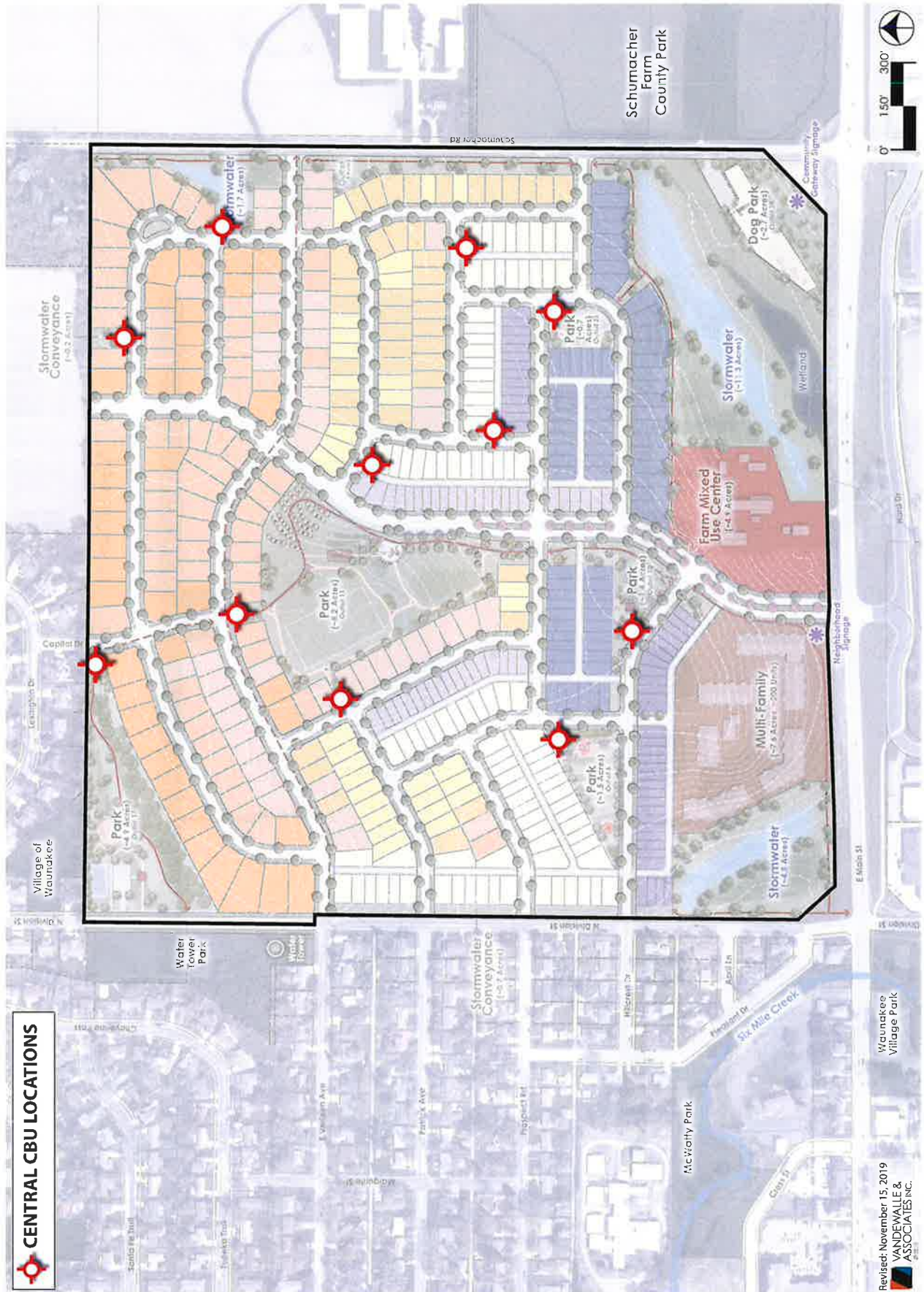


HERITAGE HILLS  
Wauwatke, WISCONSIN

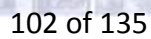
EXHIBIT O:  
STREET  
CROSS SECTIONS















Document No.

# HERITAGE HILLS

## DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

VILLAGE OF WAUNAKEE, DANE COUNTY,  
WI.

### PREAMBLE

Return to:  
**Angie Christensen**  
**Veridian Homes**  
**6801 South Towne Drive**  
**Madison, WI 53713**

See Exhibit "B"  
(Parcel Identification Numbers)

This Declaration of Protective Covenants, Conditions and Restrictions (the "**Declaration**") made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by VH Heritage Hills, LLC, a Wisconsin Limited Liability Company (collectively, hereinafter referred to as the "**Declarant**") and/or its successors and assigns.

**WHEREAS**, Declarant is the owner of real property legally described as the plat of Heritage Hills (the "**Plat**") located in the Village of Waunakee, Dane County, Wisconsin, more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by reference, and desires to build thereon a planned development with housing units and shared common property (the "**Development**"); and

**WHEREAS**, Declarant desires to provide for the maintenance and enhancement of property values and amenities in said Development, and for the preservation of the properties and improvements thereon, as well as, for the preservation of said Development's distinctive style, and to prevent the erection, or maintenance of poorly designed or constructed improvements; and

**WHEREAS**, to the above end, Declarant desires to subject said real property, to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and

**WHEREAS**, Declarant has thought it desirable for the efficient maintenance and preservation of the values of said Development to create an Association to which should be delegated and assigned the powers of owning, maintaining and administering the Common Property and facilities, as set forth below, and administering and enforcing the covenants and restrictions, and collecting and disbursing the Assessments and charges as hereinafter or in the future created or established, and promoting the health, welfare and recreation of the Development's residents. Declarant will incorporate the Heritage Hills Waunakee Homeowners Association, Inc. a non-profit, non-stock corporation, under the laws of the State of Wisconsin (the "**Association**") for such purposes;

**NOW, THEREFORE**, the Declarant declares that the Lots 1-480, Outlots 1-28 and public and/or private alleyways legally described and depicted in Exhibit "A", attached hereto and incorporated herein by reference, will and shall be sold, transferred and conveyed subject to the easements, covenants, restrictions, assessments, charges and liens hereinafter set forth.

## **PART A** **ASSOCIATION MATTERS**

### **A-1) Definitions.**

**A)** "Association" shall mean and refer to as Heritage Hills Waunakee Homeowners Association, Inc., and its successors and assigns.

**B)** "Common Property" includes all those areas located in the Development which are not contained within a Lot and which are intended for common use or are necessary or convenient to the existence, maintenance or safety of the Development. Common Property may also include any additions thereto designated by the Declarant or the Association in any subsequent amendment to this Declaration, and all improvements located on said property, which are intended to be devoted to the common use and enjoyment of members, Owners and Occupants. Common Property shall further include all public or private alleys (if any), accessways, traffic calming measures, plantings, landscaping islands or boulevards, which the Village of Waunakee is not obligated to maintain. Declarant may, by subsequent amendment or easement, designate parts of certain private lands within the Development as Common Property, rendering the Association responsible for maintenance thereof, without subjecting the same to the ownership provisions contained in Section A-3, below.

**C)** "Declarant" shall mean and refer to VH Heritage Hills, LLC, a Wisconsin Limited Liability Company and/or its successors and assigns.

**D)** "Lot" shall mean and refer to the lands described as Heritage Hills as described and depicted in Exhibit "A", now owned by Declarant, but which Declarant in the future intends to convey to purchasers who shall thereupon become members of the Association. The term "Property" or "Properties" shall be synonymous with the term Lot.

**E)** "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any of the Properties described in Exhibit "A". A purchaser of any of said Properties by land contract shall be referred to as "Owner" instead of the land contract vendor.

**F)** "Occupant" shall mean and refer to the occupant of any of the Properties who shall either be an Owner or a lessee who holds a written lease having an initial term of twelve months or more.

G) “Subdivision” shall refer to the lands described in Exhibit “A”. The term “Subdivision” is synonymous with the term “Development”.

**A-2) Membership and Voting Rights.**

A) **Members.** Declarant will incorporate the Association. Each Owner of a Lot shall automatically become a member of the Association. By acceptance of the Deed or other instrument of conveyance, the Owner(s) of each Lot consent to such Owner’s membership in the Association whether or not specified on the deed to the Owner. Membership in the Association is appurtenant to each Lot. Each Owner of a Lot shall automatically be entitled to the benefits and subject to the burdens relating to such membership in the Association. The Association shall have authority to manage the Common Property. Persons or entities, including a land contract vendor, who hold an interest merely as security for the performance of an obligation, shall not be members of the Association. Tenants of Properties who are not Owners shall not be members of the Association. To the extent that Declarant owns any Lot, Declarant shall be a member of the Association until such ownership terminates.

**B) Voting Rights.**

1) Each member shall be entitled to one vote for each Lot owned except as set forth in A-2(B) (2) below.

2) When there is more than one Owner of a Lot, said Owners shall only be entitled to one collective vote for each Lot. There shall be no fractional votes or voting. When there is more than one Owner of any Lot, the vote attributable to such ownership must be cast unanimously by all the Owners of that Lot, or it shall not be considered for any purpose.

C) **Proxies.** Any Member may vote by proxy. All proxies shall be in writing and signed by the Owner or in cases where there is more than one Owner, by all Owners of the Lot.

D) **Articles of Incorporation and By-Laws.** The purposes and powers of the Association and the rights and obligations with respect to the members thereof, shall be governed by the Articles of Incorporation and By-Laws of the Association; provided, however, that such Articles of Incorporation and By-Laws shall be subject to, and shall not contravene, the terms, conditions, benefits and burdens set forth in this Declaration.

E) **First Year’s Operating Expenses.** Commencing on the date established for the payment of assessments under Section A-4(B)(1), Declarant shall pay to the Association an amount equal to the estimated operating expenses of the Association for a period of one (1) year, less assessments on Lots owned by Declarant actually paid to the Association for the one (1) year period of time. Said payment may be made in a lump sum or in twelve (12) monthly installments, at Declarant’s option. Prior to said date, Declarant shall be solely responsible for payment of all maintenance expenses.



**A-3) Description.**

A) **Responsibility for Assessments.** At the present time, the Declaration is applicable to all Lots located in the Development. Declarant shall turn over to the Association, at the time control is turned over to the Members, any surplus received by the Association of income over expenses. The following table describes the number of assessment units (an “**Assessment Unit**”), which are assigned to various Lots in the Development based upon their intended use at the present time. The number of Assessment Units for a particular Lot will be divided by the total number of Assessment Units in the Development to arrive at a particular Lot’s percentage share (“**Percentage Interest**”) of assessments for common area maintenance and other expenses, which the Association is permitted to assess to members under the Declaration. The Declarant shall only be responsible for payment of assessments which are assessed against Lots in any previously developed phase of the subdivision or any phase then currently under development at the time assessments are made. Future phases are not subject to assessment. For the purposes of the following table, a single family residence shall be deemed a Dwelling Unit. With respect to multi-family residential apartments and twin single family homes, each apartment, duplex unit or townhouse unit, shall be considered a Dwelling Unit.

<u>Use</u>	<u>Number of Assessment Units</u>
1) Single Family:	One (1) per Dwelling Unit.
2) Twin Homes (2 unit residential)	One (1) per Dwelling Unit (each side defined as a dwelling unit)
3) Multi-Family Residential Apartments	Thirty/100ths (.75) per Dwelling Unit.
4) Mixed Use: Commercial/Office/Retail Development	Twenty/100ths (.20) per 1,000 square feet of useable space

B) **Percentage Interest for Condemnation or Insurance Proceeds.** For the purposes of establishing an Owner's percentage of insurance proceeds or condemnation awards in the event any portion of the Common Property is completely destroyed or taken by eminent domain and is not reconstructed, each Owner shall have a percentage interest in the insurance or condemnation proceeds equal to the Percentage Interest of such Owner in the Common Property.

C) **Conveyance, Lease or Encumbrance of Percentage Interest.** Any deed, mortgage, lease or other instrument purporting to convey, encumber or lease for a period of time in excess of one (1) year (a “**Lease**”) any Lot shall be deemed to include the Owner's Percentage Interest in the Common Property and in the insurance proceeds or condemnation awards even though such interest is not expressly described or referred to therein. The conveyance, encumbrance or Lease of an Owner's Percentage Interest in the Common Property independent of the appurtenant Lot and the conveyance, encumbrance or Lease of an appurtenant Lot independent of the Owner's Percentage Interest in the Common Property shall be prohibited.

**D) Ownership.**

1) The Common Property shall be initially owned by the Declarant until conveyed as provided below.

2) At the time of purchase, legal title to a percentage interest in the Common Property shall be deemed conveyed with each lot to an Owner, whether or not specified on the deed to the Owner. Legal title to the percentage interest in the Common Property shall be deemed conveyed with any

subsequence conveyance of a Lot whether or not specifically stated. Taxes, assessments or other charges on the Common Property may be divided according to each Owner's Percentage Interest by the taxing authority or may be an assessment by the Association against each of the Lots in an amount equal to the Percentage Interest attributable to such Lot.

3) The Common Property shall be conveyed to the Association by the Declarant. The Association shall be responsible for the payment of any and all present and future general taxes, assessments or other charges against any portion of the Common Property owned by the Association. General property taxes, assessments and other charges shall be prorated between the Declarant and the Association based on the date of conveyance by the Declarant to the Association.

E) **Damage or Destruction of Common Property by Owner.** In the event any Common Property is damaged or destroyed by an Owner or any of his guests, lessees, tenants, licensees, agents or member(s) of his family, including pets, said Owner does hereby irrevocably authorize the Association to repair said damage. The Association shall repair and restore any damaged area to its former condition. The amount necessary for said repair shall become a special assessment upon the Property of said Owner.

#### A-4) **Maintenance of Common Property**

##### A) **Maintenance Requirements.**

1) **Responsible Party.** Declarant shall initially provide for the care, operation, management, maintenance and repair of the Common Property, until the Common Property is conveyed as provided herein. After such time, the Association shall provide for the care, operation, management, maintenance and repair of the Common Property and shall keep the Common Property maintained in good and safe condition.

2) **General Responsibilities.** Maintenance shall include, but not be limited to, responsibility for landscaping and lawn care, trash removal in the alleyways, snow removal including shoveling with particular attention being paid to cross walk ramps and islands, improvements to common areas, upkeep of storm water management facilities which may include detention basins and drainage swales, common property lighting and/or other common property utility charges and any special street design features or traffic calming features.

3) **Specific Responsibilities.** Certain streets within the Property may include special traffic islands and traffic calming measures within the public right-of-way. The Association shall be responsible, at the Association's sole cost and expense, for the maintenance and upkeep of such physical traffic measures. Such maintenance and upkeep shall be performed at the discretion of the Association except to the extent required by the Village of Waunakee, and shall include landscaping, snow and ice removal. If the special street design features or landscaping are not maintained, the Village of Waunakee will give notice to the Association that it is not being maintained. If the Association does not respond to the notice within sixty (60) days, the Village may modify the physical traffic measures to minimize maintenance needs; including replacing landscaped surfaces with asphalt. The Association and persons involved with the maintenance and upkeep of the special traffic measures shall indemnify and hold harmless the Village of Waunakee and its boards and commissions, and their officers, agents and employees from and against all claims, demands, loss or liability of any kind, type or description, related to the maintenance and upkeep of the special traffic measures.

4) In order to carry out its maintenance obligations, the Association may enter into a long-term contract (i.e., no less than ten (10) years) with a reputable property management company ("**Management Company**"), pursuant to which contract the Management Company shall assume the maintenance obligations of the Association as provided herein.

5) Any and all expenses incurred by the Management Company, on behalf of and pursuant to its contract with the Association, in connection with the management and maintenance of the Common Property and administration of the Association shall be deemed to be common expenses ("**Common Expenses**"), including, without limitation, expenses incurred for: landscaping and lawn care; snow shoveling and plowing; trash removal in alleyways; improvements to the Common Property; common grounds security lighting; municipal utility services for Common Property enforcement of this Declaration (including attorneys' fees); and maintenance and management salaries and wages.

**B) Assessments.**

1) The Association, or the Management Company, on its behalf, shall levy annual general assessments ("**General Assessments**") against each Lot beginning January 1, 2019 or the purpose of maintaining a fund from which Common Expenses may be paid. The General Assessments against each Lot shall be assessed according to their Percentage Interests in the Common Property. General Assessments shall be due in advance on the first day of each year, or in such other manner as the Association may set forth in the Bylaws (see Exhibit H). Any General Assessment not paid when due shall bear annual interest at a rate of ten percent (10%) until paid and, together with interest, collection costs, and reasonable attorneys' fees, shall constitute a lien on the Lot on which it is assessed.

2) The Association, or the Management Company, on behalf of and pursuant to its contract with the Association, may, whenever necessary or appropriate, levy special assessments ("**Special Assessments**") against the Lots for deficiencies in the case of destruction or condemnation, for defraying the cost of improvements to the Common Property or for any other purpose for which the Association and/or the Management Company may determine a Special Assessment is necessary or appropriate for the improvement or benefit of the Subdivision. Special Assessments shall be paid at such time and in such manner as the Association or the Management Company may determine. Any Special Assessment or installment not paid when due shall bear annual interest at a rate of ten percent (10%) until paid and, together with the interest, collection costs and reasonable attorneys' fees, shall constitute a lien on the Lot on which it is assessed.

3) The Association, or the Management Company, on behalf of and pursuant to its contract with the Association, shall have the right to collect all General and Special Assessments and such sums shall constitute a lien on such Lot. The Owner of a Lot, or any portion thereof, shall be personally obligated to pay such charges which were assessed or accrued upon the land owned during the period of Ownership. The Association or the Management Company, on behalf of and pursuant to its contract with the Association, may commence an action against any Owner personally obligated to pay the charges or to foreclose the lien for such charge against any Lots. Any such foreclosure action may be brought at the Association election, either in the same manner as an action to foreclose a real estate mortgage, or as a proceeding to enforce a statutory maintenance lien as provided in Section 779.70, Wis. Stats., to the extent said Section is applicable. Any lien in favor of the Association/Management Company securing unpaid charges arising by virtue of this Declaration shall be subject and subordinate to the lien of any mortgage whether the mortgage is executed or recorded prior to or after the creation of such lien.



C) **Subordination of the Lien to Mortgages.** The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Property shall not release the assessment lien. However, the sale or transfer of any Property pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessment(s) as to payments which become due prior to such sale or transfer. No sale or transfer pursuant to foreclosure or proceedings in lieu thereof shall relieve such Property from liability from any assessments thereafter becoming due or from the lien thereof.

D) **Joint and Several Liabilities of Grantor and Grantee.** Upon a voluntary conveyance, the grantee of a Property shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor as provided in this Declaration up to the time of conveyance, without prejudice to the grantee's right to recover from the grantor the amount paid by the grantee therefore. However, any such grantee shall be entitled to a statement from the Association setting forth the amount of such unpaid assessment and any such grantee shall not be liable for, nor shall the Property conveyed be subject to a lien for, any unpaid assessments against the grantor pursuant to this Declaration in excess of the amount therein set forth.

## **PART B** **CONDITIONS, COVENANTS AND RESTRICTIONS**

B-1) **Applicability.** The following provisions in this Part B shall apply to all Lots and Outlots, as described in Exhibit "A" and such other Lots or Outlots as may, in the future, be subjected to this Declaration, as the same may be amended from time to time, by Declarant in the sole exercise of Declarant's discretion.

B-2) **Land Use And Building Type.** Only the following designated uses for Lots shall be permitted.

A) Lots 34-62, 89-127, 146-328, 347-380, 395-427 shall be used for single family residential purposes. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single family dwelling unit not to exceed two and one-half stories in height. Each dwelling unit shall have an attached or detached garage of a size to be approved by the Committee, as that term is defined below. The size of a dwelling unit to be constructed on specific Lots shall not be less than the minimum size to be established hereinafter.

B) Lot 1 shall be used for Multi-family residential purposes.

C) Lots 2-33, 63-88, 128-145, 329-346, 381-394, 428-479 shall be used for twin single family homes subject to the guidelines and responsibilities between the Owners and the Twin Home Sub-Association as Outlined in Exhibit "\_\_\_". These twin single family homes will be assessed annually for the overall neighborhood fees as well as monthly fees associated with the Sub-Association maintenance and administrative responsibilities related to the twin single family homes noted in Exhibit "\_\_\_".

D) Lot 480 shall be used as farm mixed use center.

E) Outlots 2, 5, 8, 12, 13, 16, 21, 22, 23 and 25 shall be for private alley purposes and shall be maintained by the Association.

F) Outlot 1 shall be dedicated to the public and used for storm water management and trail purposes.

**G)** Outlots 18 and 19 shall be dedicated to the public and used for storm water management purposes.

**H)** Outlots 4, 14 and 15 shall be dedicated to the public for sanitary sewer, water main, storm sewer, sidewalk and stormwater management purposes.

**I)** Outlot 27 shall be dedicated to the public for stormwater management, sanitary sewer, water main and trail purposes.

**J)** Outlots 6, 11, 17 and 28 shall be dedicated to the public for park purposes.

**K)** Outlots 3, 7, 9, 10, 20, 24 and 26 shall be used as private open space and shall be maintained by the Association.

**L)** No vehicular access to North Division Street from Lots 188-191.

**M)** *Lease Requirements.* An Owner may rent its dwelling by written Lease (a "Lease"), provided that

- a) The term of any such Lease shall not be less than six (6) months;
- b) The Owner has obtained the prior written approval of the Association to the proposed tenant and the terms of the proposed Lease, and the written approval for any proposed extension of the Lease; and
- c) The Lease contains a statement obligating all tenants to abide by this Declaration, the Articles, the Bylaws, and the Rules and Regulations, providing that the Lease is subject and subordinate to those instruments; and
- d) The Lease provides that any default arising out of the tenant's failure to abide by the Declaration, the Articles, the Bylaws, and the Rules and Regulations shall be enforceable by the Association as a third-party beneficiary to the Lease and that the Association shall have, in addition to all rights and remedies provided under the Declaration, the Articles, the Bylaws and the Rules and Regulations, the right to evict the tenant and/or terminate the Lease should any such violation continue for a period of ten (10) days following delivery of written notice to the Owner and the tenant specifying the violation.

2) *Standard for Approval of Lease and Tenant.* The Association may withhold approval on any reasonable basis, including, but not limited to: the failure of the Lease terms to comply with all provisions of this Declaration, the Articles, the Bylaws, and the Rules and Regulations; the past failure of the Owner, the tenant or tenant's guests to abide by all provisions of this Declaration, the Articles, the Bylaws, and the Rules and Regulations; and the past use by Owner, the tenant or its invitees or guests of any part of the Lot in a manner offensive or objectionable to the Association or other occupants of the Property by reason of noise, odors, vibrations, or nuisance.

3) *Violations / Remedies.*

a) During the term of any Lease of all or any part of a Lot, each Owner of such Lot shall remain liable for the compliance of the Lot, such Owner and all tenants of the Lot with all provisions of this Declaration, the Bylaws, and the Rules and Regulations of the Association, and shall be responsible for securing such compliance from the tenants of the Lot. The Association may require that a copy of each Lease of all or any part of a Lot be filed with the Association.

b) In the event that an Owner leases out its dwelling or any portion of its Lot in violation of this provision, the Association may impose a daily fine up to the greater of (i) an amount equal to the daily rental amount being charged by Owner to its tenant and (ii) \$100 (this daily fine shall be adjusted up every five years by 5%).

In addition to any fines imposed under this Section, the Owner shall reimburse the Association for all costs incurred by the Association, including attorneys' fees, incurred to enforce this Section, any action the Association takes under this Section B-2)P) against Owner or Owner's tenant, and to collect any outstanding amounts owed by Owner to the Association."

Uses, other than the uses set forth in this section B-2, shall not be permitted on the Lots or Outlots, as applicable, without the prior written approval of the Declarant and Committee (defined in Section B-3 below), as appropriate. After Declarant control of the Association has terminated, approval from the Association and the Committee shall be required.

Except as otherwise provided herein, no buildings, signs or other structures incidental to the use of any Outlot, which have been approved in advance by the Committee, may be constructed on any Outlot.

All rights-of-way noted on the Plat shall be dedicated as permanent public streets and rights-of-way and shall be improved in accordance with agreements entered into between the Declarant and the municipality in which the Development is located.

**B-3) Architectural Control.** No building shall be erected, placed or altered on any Lot until the construction plans and specifications and a plan showing the location of the structure have been approved by a majority of the Architectural Control Committee (the "**Committee**") as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. There shall be a variation in building elevations on adjacent Lots. Approval shall be as provided below.

**B-4) Dwellings and Landscaping.** The landscaping to be installed on all Lots must meet or exceed the minimum number of points for foundation planting and cumulative total landscaping points, including foundation planting points as set forth hereafter as described in Exhibit "C", attached hereto and incorporated herein by reference and further described in the Design Guidelines. The number of points attributable to various elements of the landscaping to be installed shall be determined by reference to Exhibit "D", attached hereto and incorporated herein by reference and further referenced in the Design Guidelines. The structure and the minimum landscaping requirements shall be completed within nine (9) months after issuance of a building permit. Landscape installed by the Declarant may or may not meet the minimum number of required points. All driveways shall be of concrete and shall be installed within nine (9) months after substantial completion of the structure. No outbuilding or accessory building of any nature shall be erected on any Lot with the exception of detached garages approved by the Committee in advance of construction. No above-ground swimming pools shall be permitted. All Lot areas not used as a building site, or under cultivation as a family garden, shall be planted with grass seed or shall be sodded, and shall be maintained on a regular seasonal basis, including mowing of a frequency of not less than once



every fourteen (14) days during the lawn growing season. Maintenance of all improvements on a Lot shall be performed by the Owner. Maintenance shall include, but not be limited to, watering, pruning and routine fertilizing and mulching of all plantings and plant beds, replacement of dead, dying and/or diseased trees and shrubs, prompt removal of weeds, trash and debris from plant beds and areas adjacent to shrubs and trees so as to keep said landscaping in a healthy, attractive and neat condition.

If the Owner of any Lot, after reasonable notice, fails or refuses to install landscaping as described herein, or maintain it as required above, the Committee, through its duly authorized agents or employees, shall have the right to enter upon said Lot at reasonable hours to perform said landscaping and/or maintenance. The costs of the materials and labor to perform such landscaping and/or maintenance shall be assessed against said Lot in accordance with the terms of Section A-4 (B)(2) above, which assessment may be foreclosed or collected in accordance with the terms hereof or collected as provided herein.

**B-5) Vehicle and/or Equipment Storage.** No inoperable, dilapidated or junk vehicles of any nature may be kept upon any Lot except in a fully enclosed garage. The exterior storage of boats, trailers, travel trailers, campers, motorcycles, recreational vehicles, automobiles or trucks, portable moving and storage containers, mini storage or on-site storage containers (collectively, without limitation by reason of enumeration "**Equipment**"), of any nature is prohibited whether or not screened from public view. No Equipment shall be parked or stored on lawns. The temporary storage of vehicles in a drive area for the purpose of loading or unloading for a period not to exceed twelve (12) hours is permitted. No commercial vehicles, including trucks, semi-trailers, trailers, may be stored or parked overnight on or in front of said Lots except in an enclosed garage

**B-6) Construction On Adjoining Lots.** Nothing contained herein shall be construed to prohibit the construction of a residential dwelling or private garage partially on one Lot and partially on an adjoining Lot without regard to side yards between adjoining Lots, provided that all such Lots are owned by the same person or persons.

**B-7) Easements.**

**A)** No structure, planting, or other materials shall be placed or permitted to remain within any easement of record (an "**Easement**") if any, which may damage or interfere with the installation and maintenance of utilities, or which may change, obstruct or retard the flow of water or the direction of such flow through the Easement or through such other drainage channels or swales that may have been created by the Plat or otherwise. The Easements located on each Lot and all improvements therein shall be maintained continuously by the owner of the Lot, except for those improvements for which a public authority or utility company is responsible.

**B)** The Intra-block drainage Easement shall be graded with the construction of each principal structure in accordance with the approved Stormwater Drainage Plan on file with the Village Engineer and the Zoning Administration, as amended in accordance with the Madison General Ordinances.

**C)** Public utility easements five feet (5') wide except the easement is 15 feet (15') wide on the east line of lot 74 (unless otherwise noted on the Plat). Utility easements as herein set forth on the Plat are for the use of public and private utilities having the right-of-way to serve the area.

**D)** All lots within this plat are subject to a non-exclusive easement for drainage purposes which shall be a minimum of five feet (5') in width measured from the property line to the

interior of each lot except that the easement shall be ten feet (10') in width on the perimeter of the Plat. Easements shall not be required on the property lines shared with greenways or public streets.

E) There will be a 30' wide public sanitary sewer, water main and sidewalk easement on Outlots 6, 10 and 26.

F) There will be a 20' wide public sanitary easement on lot 480.

G) There will be a 15' wide public trail easement on Outlots 18, 24 and 480.

H) Lots 2-33, 63-88, 128-145, 329-346, 381-394 and 428-479 shall be subject to a Declaration of Party Wall Agreement. The Lots described are proposed twin homes which are two homes that share a party wall and roof with each other.

I) Certain Lots will feature grouped mailboxes (CBU – cluster box units) on each Lot and will have a recorded Multi-User Mailbox Easement for these Lots. The selected Lots for the CBU's will be determined by each constructed phase and will be noted in the Neighborhood Disclosure Addendum A for Buyer's notification at the time the Sales Contract is signed.

J) **Temporary Construction Easement.** Each Lot which has been made subject to this Declaration (for the purposes of this paragraph each Lot described herein shall be referred to as the "Primary Lot") is hereby made subject to a temporary, non-exclusive easement over, under, upon, across and through so much of the side yards of the Primary Lot as may be necessary for the safe and code compliant construction of a basement, including but not limited to footings, foundation and basement walls, on the adjoining Lot (the "Adjoining Lot"). The purpose of this Temporary Construction Easement is to permit Declarant to adequately slope and provide lateral support to the walls of the basement excavation in question so as to protect against cave-ins and loss of lateral support, and it shall be broadly construed to effectuate such purpose. This Temporary Construction Easement shall remain in effect for so long as it is needed to permit construction of the basement on the Adjoining Lot in a safe and code compliant manner. After completion, Declarant shall backfill the excavated area, compact such backfill in accordance with good construction practices, and restore the area affected by this easement to the condition existing immediately preceding the excavation, including replacement of sod, trees, shrubs and other landscaping, at no expense to the Owner of the Adjoining Lot (collectively "Restoration"). This Temporary Construction Easement shall, without further notice, terminate upon completion of said Restoration.

#### **B-8) Slope and Swale Areas.**

A) The graded slopes and swales as established by Declarant shall remain as permanent. Within these slopes and swales, no structure, planting or other material shall be placed or permitted to remain, or other activities undertaken which may damage or interfere with established slope and swale ratios, create erosion or sliding problems or which may change the direction of flow of drainage channels or obstruct or retard the flow of water through drainage channels. The slopes and swales of each Lot and all improvements in them shall be maintained continuously by the Owner of a Lot, at the Owner's sole expense, except for those improvements for which a public authority or utility company is responsible.

B) In order to control run off, all down spouts and down spout extenders are to drain into a permeable area such as grass or a planting bed.

C) Declarant and the Village of Waunakee have agreed to a certain Storm Water Management Plan. In the event of conflict between any plans and such Storm Water Management Plan, the Storm Water Management Plan shall control. Declarant and the Association shall each have the right to enter upon any Lot at any time for the purpose of inspection, maintenance or correction of any drainage condition and the Lot Owner shall be responsible for the cost thereof.

D) Any disputes relating to drainage swales, drainage or other surface water issues, shall be resolved by the Board of Directors of the Association, which may seek the advice of the Village Engineer of the Village of Waunakee. The Association shall establish procedures by which such decisions can be heard by the Board of Directors and decided by said Board.

**B-9) Nuisances.** No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood or which may have a detrimental effect on the value of other Lots and/or improvements.

**B-10) Temporary Structures.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently.

**B-11) Signs.** No sign of any kind shall be displayed to the public view on any Lot except, one professional sign of not more than one square foot, one sign of not more than six square feet advertising the property for sale or rent or signs without regard to size used by the Declarant, a builder or licensed real estate broker to advertise the property during the construction and sales period or to identify the subdivision and/or its Declarant.

**B-12) Animals.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. No animal enclosure, house, pen or fences or similar device shall be placed on any Lot without the prior written approval of the Committee which may require special landscaping and screening.

**B-13) Garbage and Refuse Disposal.** No Lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. No incinerators shall be permitted. Other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No trash, building materials, debris, leaves, lawn clippings, rocks or earth shall be placed in any Outlot. Garbage and Refuse containers are required to be stored in the garage and not outside visible to the public.

**B-14) Sight Distance at Intersections.** No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 30" and 72" above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight-line limitations shall apply on any Lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.



**B-15) Retaining Walls.** Certain homesites will have a retaining wall in the rear yard. The area beyond the rear retaining wall will be of natural grass and will not be maintained by the Association. Mowing beyond the rear retaining wall is not required of the homeowner as not all homeowners will be able to access this area. Fences are not required beyond the rear retaining wall and if fence is installed the homeowner will not be required by the Architectural Control Committee to construct a fence to the rear property line.

**B-16) Trees Adjacent to Park.** Certain homesites rear property line may encroach into the tree area adjacent to the park. The trees and shrubs within the boundaries of individual homesites are the Buyer's responsibility to maintain after closing. Any trees or shrubs beyond the rear retaining wall shall remain as is and any questions regarding which trees are diseased or damaged that might require removal is solely the Buyer's responsibility to determine prior to closing.

**B-17) Mailboxes and posts.** Based on new, recently adopted requirements of the United States Postal Service, the Heritage Hills platted lots will receive mail by using CBU's (cluster box units) instead of curb side mailboxes on newly constructed homesites. These new requirements will phase out curb side mailboxes nationwide solely at the Postal Service's discretion.

**B-18) Notices to Owners.** The following information is being put of record in order to give record notice to all Owners, mortgagees and other persons and entities having an interest in the Property:

A) Plantings, flower beds, and entry signs (including utility installations connected therewith) constructed and installed by Declarant, if any, shall be deemed a part of the Common Area. The Association is obligated to maintain any entry feature; maintenance shall include electrical charges (if any), sign repair and maintenance of the landscaping including mowing of all lawns and grass areas. The cost of maintenance of said Common Property shall be an assessment against all of the Property in the subdivision in accordance with the Declaration, for so long as such maintenance is necessary or required adversely affects the natural flow of surface or underground waters with in the area permitted.

**B-19) Improvements Within Easements.** Any improvements (for example, fences, dog kennels, landscaping) located within any part of a Lot which is subject to a utility easement is subject to removal at the Owner's expense for utility maintenance and other reasons as determined by the party benefitted by the easement. Reinstallation of any improvement would be at the Owner's cost and would also be subject to the discretion of the party benefitted by the easement and is subject to terms and conditions as set forth on the final plat.

## PART C ARCHITECTURAL CONTROL COMMITTEE

**C-1) Membership.** Declarant shall establish an Architectural Control Committee (the "Committee") consisting of three (3) members. So long as Declarant has title to any Lot subject to this Declaration, the Committee shall be appointed by Declarant. After Declarant no longer has title to any Lot within the Development or at such earlier time as determined by the Declarant, the initial members of the Committee shall resign and the Association shall elect three (3) Owners to serve on the Committee. At any time, Declarant may elect to surrender the selection of the members of the Committee to the Association.

A majority of the Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor.

The Committee appointed hereunder shall serve for the time period specified in paragraph C-10, below. Any Committee member may resign prior to said date. Such resignation shall be effective upon receipt. If a resignation shall occur, prior to turning over control of the Committee, then the remaining members of the Committee may appoint a replacement.

**C-2) Architectural Control.** No structure, whether residence, accessory building, tennis or sport court, swimming pool, decks, patios, antenna (whether located on a structure or on a Lot), flag pole, wall, fence, landscaping, recreational equipment or other improvements, including exterior colors and materials to be applied to said improvements, shall be constructed, maintained or performed upon any Lot and no alteration or repainting of the exterior of a structure shall be made unless complete Architectural Review Application ("**Application**"). Plans, specification and plot plans therefore shall have been submitted to and approved in writing by a majority of the Committee. Approval shall also be required for location of improvements with respect to topography and finish grade elevation. Said Application, plans, specifications and plot plans shall show the exterior design, height, building materials and color scheme thereof, the location of the structure plotted horizontally and vertically, the location and size of driveways, the plans for required landscaping, and the grading plan. A copy of such Application, plan specifications and plot plans as finally approved shall be deposited with the Committee. The Application can be found on the Veridian Homes website [www.veridianhomes.com](http://www.veridianhomes.com). Select Homeowner Resources (located on the top toolbar), select Architectural Control Committee and select the appropriate application for your request.

No initial structures or other initial improvements, including exterior colors and materials to be applied to said improvements, shall be constructed or performed upon any Multifamily or Commercial Lot unless complete plans, specifications and plot plans therefore shall have been submitted to and approved in writing by a majority of the Architectural Review Committee. Approval shall also be required for location of improvements with respect to topography and finish grade elevation. Said plans, specifications and plot plans shall show the exterior design, height, building materials and color scheme thereof, the location of structure plotted horizontally and vertically, the location and size of driveways, the plans for required landscaping, and the grading plan. A copy of such plan specifications and plot plans as finally approved shall be deposited with the Architectural Review Committee. After initial Architectural Review Committee approval of improvements located on any Multifamily or Commercial Lot, no subsequent Architectural Review Committee approval shall be necessary for any change or alteration to the exterior of any approved structure on the same Multifamily or Commercial Lot provided such changes or alterations to not materially deviate from the plans approved by the Architectural Review Committee.

**C-3) Plan Review.** The Committee shall review said Application, plans and specifications as to quality of workmanship and materials, harmony of external design with existing or proposed structures and as to location with respect to topography and finish grade elevation. The Committee shall use the guidelines set forth in this Declaration as an aid in exercising its architectural control responsibilities hereunder, but nothing contained herein or therein shall limit the Committee's discretion to grant variances from or make changes to, the guidelines, as they shall determine in the sole exercise of their discretion.

**C-4) Procedure.**

**A)** Neither the members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant for the initial approval of a residential structure. Thereafter, said Committee may charge a “request for action” or “approval” fee not to exceed Fifty and no/100 Dollars (\$50.00) for each such request or approval. The Committee’s approval or disapproval, as required in these Covenants, shall be in writing. In the event the Committee fails to provide, in writing, approval or disapproval within thirty (30) days after application, plans and specifications or any other matters requiring approval have been submitted to it, the request shall be deemed denied.

**B)** A submission will not be complete, and the thirty (30)-day approval time, as applicable, set forth above shall not commence until all documents required herein have been submitted. All such submissions shall be made to the Committee at the address set forth in this Declaration or to such other address that the Committee may designate.

**C)** The Committee shall have the sole right to reject any Application and plans which, in the judgment and sole opinion of a majority of its members are not in conformity with this Declaration; or are not desirable for aesthetic reasons; or are not in harmony with buildings located on the surrounding Lots; or are not in conformity with the general purposes of this Declaration.

**D)** The Committee shall exercise its sole approval authority and discretion in good faith and each Owner, by acceptance of a deed to, or any other interest in, a Lot, agrees to hold the Committee harmless from any perceived discrepancies in the Committee’s good-faith performance of its duties. Refusal of approval of plans by the Committee may be based on any grounds, including purely aesthetic grounds, which in the sole discretion of the Committee shall be deemed sufficient.

**E)** The Committee may set its own operating procedures consistent with this Declaration and any limitations hereafter imposed by the Association. The costs of operating the Committee shall be assessed by the Association as Common Property expenses, except as permitted below. The Committee may engage consultants (e.g., architects, engineers or attorneys) either on a general or on a case-by-case basis, and the costs thereof may be charged to an applicant. The members of the Committee shall not draw any compensation for serving thereon but may be reimbursed for expenses incurred in performing their duties. All funds relating to the Committee shall be handled by the Association.

**C-5) Separate Village Approval.** Matters which require approval of the Committee may also require approval of the Village of Waunakee. Obtaining approval from the Committee and the Village of Waunakee is solely the responsibility of the Owner desiring approval. Approval of Plans by the Committee shall not be deemed approval by the Village of Waunakee and approval by the Village of Waunakee shall not be deemed approval by the Committee.

**C-6) Records.** Until such time as a replacement Committee is designated, all plans, applications and requests shall be submitted to said Committee at the following address:

Heritage Hills Waunakee Homeowners Association, Inc.  
Architectural Control Committee  
6801 South Towne Drive  
Madison, Wisconsin 53713

**C-7) Committee Liability.** Neither the Committee nor any member thereof shall be liable for damages to any person submitting request for approval or to any Owner of any Lot by reason of any



action, failure to act, approval, disapproval or failure to approve or disapprove with regard to such requests. The Committee is not responsible for ensuring that the application and plans submitted by an Owner are in compliance with applicable laws, rules, regulations, ordinances or customary and typical building practices. The Committee does not review plans for structural design.

**C-8) Indemnification.** Each member or former member of the Committee, together with the personal representatives and heirs of each such person, shall be indemnified by the Association against all loss, costs, damages and expenses, including reasonable attorney's fees, asserted against, incurred by or imposed in connection with or resulting from any claim, action, suit or proceeding, including criminal proceedings, to which such person is made or threatened to be made a party by reason of service as a member thereof, except as to matters resulting in a final determination of gross negligence or willful misconduct on the part of such member. In the event of settlement of such proceeding, indemnification shall be provided only in connection with such matters covered by the settlement as to which the Association is advised by counsel that the person to be indemnified has not been guilty of gross negligence or willful misconduct in the performance of such person as a member in the matter involved. This right of indemnification shall be in addition to all other rights and defenses. All liabilities, losses, damages, costs and expenses incurred or suffered by the Association in connection with this indemnification shall be a Common Property expense. Nothing in this Section C-8 shall be deemed an indemnification of such person with respect to such person's status as an Owner, occupant or otherwise.

**C-9) Variance.** The Committee shall have the power and absolute discretion to authorize a variance from any of the requirements of this Declaration if it finds that the strict application thereof would, in its sole discretion and opinion, result in difficulties or undue hardship to the Lot owner or in the event the architecture of the proposed Lot improvement is such as to present, in its opinion, a particularly pleasing appearance compatible with other houses in the development.

**C-10) Successor to Committee.** Declarant may turn over control of the Committee to the Members of the Association at any time, and shall turn over control when Declarant no longer has any ownership interest in the Property. At such time as Declarant turns over Committee control, the Association's Board of Directors shall designate not less than three (3) or more than five (5) Members of the Association to serve and act as the Committee for all purposes hereunder.

## **PART D**

### **DESIGN GUIDELINES**

#### **D-1) Single Family and Twin Home Dwelling Units.**

**A) Architectural Character.** Architecture within the Development will be developed with a variety of American vernacular architectural styles in mind. These architectural styles, while not a comprehensive list, will offer a unique mixture of styles for the development, and will be applied with proportions and character in mind. The overall character of the development will be created so that the architectural styles are compatible and the overall cohesion of styles will help foster a unique setting without stifling the architectural creativity on the individual building level, creating a varied but integrated community. The following styles are permitted:

Cottage	Craftsman	Four Square	Farmhouse	Modern
Prairie	Classical	Traditional	Victorian	Southern Traditional

The requirements as itemized in the following section will be used as applicable to the context of the specific architectural style. Declarant reserves the right to grant variances in its sole discretion. Where Village zoning is more restrictive, such requirements will govern.

**B) Front Porch.** Usable front porches are encouraged as both visual and functional design elements.

1) A usable open front porch is defined as having a minimum depth of 6'-0", and a minimum width of 8'-0".

2) Porch post style should be consistent with the overall architectural style of the home. Minimum standard porch design details include the following; porch posts or alternate per plan, porch balustrades, when provided, of nominal 2" x 2" square wood at a maximum of six inches (6") on center; and newel posts that are compatible with the design of the column posts. Porch columns and railings shall be painted to match the trim color of the house.

**C) Garage.**

1) There shall be a minimum of a two (2) car, 20' x 20' garage per dwelling unit.

2) The maximum garage width exposed on the front elevation shall be no greater than fifty percent (50%) of the overall building width.

3) On homes with a front-entry garage the garage face must be set back a minimum of 2'-0" from the front elevation unless applicable zoning ordinances require a greater setback.

4) Tandem, split or side entry garages are encouraged for three (3) or four (4) car garages. For three (3) car front entry garages, the third stall must have a minimum setback of the greater of 2' from the two-car garage line or as required by compatible roof design. Garage width must comply with zoning and the design guideline standards of 50% of overall building width.

5) The garage door shall be a raised panel design painted to match the siding on the home. The use of windows in the door, appropriate to the architectural style, is encouraged. The maximum single garage door size is 8' x 18".

**D) Ornamental Design Elements.**

1) Ornamental design elements, such as dormers, shutters, window wrap window grids, gable vents, pilasters, pediments, etc., shall be used in a manner consistent with the overall architectural style of the home and with emphasis on elevations exposed to public space.

2) Window wrap or shutters and window grids are required on front and other primary elevations facing a public space. Gable vents, 5" horizontal vinyl trim, and/or eyebrow roofs are required on front elevation gables greater than 10'-0" in width and are encouraged on other gables as deemed appropriate by the Architectural Control Committee.

3) The shutters shall be wood or polystyrene with colors as approved by the Architectural Control Committee or of other material or color as deemed acceptable by the Architectural Control Committee. Panel or louver design shutters shall be used as appropriate to home materials & style.

4) The window wrap and corner trim shall be a minimum 3½” vinyl or composite as approved by the Architectural Control Committee and used with box outs or when part of the standard plan.

5) Gable vents shall be the NuWood triangle or peaked series or equivalent for the front elevation, and side elevations facing a public street, or other design approval by the Architectural Control Committee. Other gable ornamentation as appropriate to architectural style may be allowed or required by the Architectural Control Committee.

**E) Roof/Facias/Soffits/Eaves.**

**1) Roof Standards:**

- a) Roof design must be consistent with the overall architectural style of the home. Roof forms and pitches as established on individual styles may not be altered without approval by the Architectural Control Committee.
- b) Roof material shall be Owens Corning Oakridge 30 architectural shingle or equal and in colors as approved by the Architectural Control Committee.
- c) Use of an eyebrow roof is required at brick walls extending beyond a window sill line but not into a gable and, as appropriate, at double gable returns and porch column caps.
- d) Hip roof design, porches or other elements deemed appropriate by the Architectural Control Committee may be used in lieu of specific gable requirements.

**2) Fascia, Soffit and Eave Standards:**

- a) Facia shall be 6” minimum aluminum with colors as approved by the Architectural Control Committee, wood or composite material may be used when appropriate to the architectural style.
- b) Aluminum soffit and eave color shall match facia.
- c) A minimum 12” overhang is required at typical eaves and gable ends. However, 6” is allowable with projections less than 6’-0” in width, such as the fireplace chase, dormers and small bay windows. Larger overhangs may be required as appropriate to the architectural style.

**F) Exterior Wall Surfaces.**

1) Siding material shall be premium vinyl or composite material as approved by the Architectural Control Committee. Shingle or vertical board and batten siding is encouraged for accent areas appropriate to the style of the home. Colors shall be approved by the Architectural Control Committee.

2) Windows may be vinyl; vinyl clad, aluminum clad or wood with colors as



approved by the Architectural Control Committee.

3) Variation of wall planes on primary elevations is encouraged as appropriate to overall building style and massing.

4) Any elevations facing public streets or spaces shall have a minimum of three (3) windows with wrap trim or shutters and window grills as appropriate one (1) gable vents at all gable ends.

5) The use of brick or stone is encouraged as appropriate to architectural style. When brick is used, it shall be on full wall surfaces from foundation to eaves or on a two-story elevation at least to the second floor windowsill line. When brick is used, soldier course window heads and rowlock sills are required. Additional details (i.e. projecting belt course and projecting corner accents) are encouraged as appropriate. Stone may be used as full wall surfaces or as a base course to first floor sill line. Brick or stone facing must return a minimum of 2'-4" when terminated at an outside corner.

6) Brick or stone material and color selections shall be as approved by the Committee and harmonious with overall neighborhood palette, as well as with the specific home design.

G) **Colors.** The Declarant or the Association, whichever is then applicable shall approve the trim, siding and roofing colors to assure the most aesthetic combination for a particular house as well as for the Heritage Hills Plat. Any subsequent changes in such colors shall be approved by the Declarant or Committee, whichever is then applicable.

H) **Chimneys, fascia and soffits.** All chimneys and exterior flues enclosures shall match building exterior material.

#### **D-2) Other Improvements.**

A) **Fences** All fencing must receive prior written approval of the Committee and shall comply with any requirements set out below. The Committee may also require the installation and maintenance of landscape materials for screening and aesthetic purposes. All fence material shall be constructed of vinyl. Zoning approval and/or building permit from the Village of Waunakee may be required to construct fencing. Committee approval does not supercede the need for any municipal approvals or permits.

1) Fencing must consist of vinyl. The fence style permitted is the PlyGem Stratford Vinyl, depicted in Exhibit "E".

a) All fencing shall be erected finish side out (i.e. pickets on the outside of the rail facing the street or neighboring lot).

b) Posts shall be spaced a minimum of 72" and a maximum of 96" on center. Rails shall be discontinuous and abut into the posts.

c) Gates are permitted and shall be consistent with the fencing style. All gates shall open into the lot. Gates may be required for access to utility easements.

d) Fencing color by Ply Gem Fence/Railing of Almond is the only color

allowed for vinyl material.

- 2) Appropriate uses of fencing:
  - a) Fencing shall be limited to rear and side yards only.
  - b) Fencing shall meet up with the corners of the home or garage and may not project past the front face of home or garage.
  - c) Only one fence is permitted along adjoining properties. Corners of adjoining properties fencing shall intersect at common corners.
  - d) Fencing at side yards of corner lots shall be placed a minimum of 6 inches from the property line (approximately 1 foot from sidewalk) for all zoning classifications.
- 3) Inappropriate use of fencing:
  - a) Fencing in front yards shall not be permitted.
  - b) Fencing shall not occur in freestanding segments or be placed arbitrarily.
  - c) Fencing shall not meet porch or deck corners.
  - d) Fencing shall not interfere with utility equipment. Your utility companies shall be consulted for current requirements and the most restrictive shall apply.

**B) Decks.** All decks must receive prior written approval of the Committee and shall comply with any requirements set out below. The Committee may also require the installation and maintenance of landscape materials for screening and aesthetic purposes. A zoning approval or building permit from the Village of Waunakee may be required to construct a deck. Committee approval does not supercede the need for any municipal approvals or permits.

- 1) Appropriate deck design shall incorporate the following criteria:
  - a) Deck(s) shall be proportionate in size to the footprint of the dwelling
  - b) Deck(s) shall be proportionate in length and width
  - c) Deck(s) shall not project past the rear or side yard setbacks
  - d) Deck(s) at side yards of corner lots may not project past the corner of the home or garage for that side facing the street.
  - e) Deck(s) must be stained or painted
- 2) Inappropriate deck design:
  - a) Deck(s) in front yards shall not be permitted.
  - b) Deck(s) shall not occur in freestanding segments or be placed

arbitrarily on the lot.

- c) Deck(s) shall not interfere with utility equipment. Your utility companies shall be consulted for current requirements and the most restrictive shall apply.

**D) Outbuildings.** No outbuilding, shed or accessory building of any nature shall be erected on any Lot, with the exception of a detached garage that is the only garage on the lot and is approved by the Committee prior to construction. Secondary units (granny flats) above detached garages may be allowed with prior written approval from the ACC.

**E) Antennae/Wind Powered Electric Generators.** No wind powered electric generators, exterior television, radio receiving or transmission antennae, satellite signal receiving station or dish shall be placed or maintained upon any portion of a Lot without prior written approval of the Committee.

1) Appropriate antennae or satellite dish placement:

- a) Only one antennae or satellite dish shall be allowed per lot.
- b) The location of the satellite dish can be any of the following and shall not be visible from the curb directly in front of the home:
  - i. On a pole in the backyard and located close to the home.
  - ii. Attached to the deck.
  - iii. On the rear roof line of the home.
    - 1. A satellite dish shall not project past the uppermost roof ridgeline. This method is not recommended by the Committee as you may have water infiltration issues if the dish is not properly installed and roof repairs may not be covered under the applicable roof warranty.

2) Inappropriate antennae or satellite dish placement:

- a) Antennae or satellite dish in front or side yards shall not be permitted.
- b) Antennae or satellite dish shall not interfere with utility equipment.

**F) Firewood Storage.** No firewood or woodpile shall be kept on any lot unless it is neatly stacked, placed in the rear yard and screened from street view by plantings or a fence first approved in writing by the Committee.

**G) Solar Collectors.** No active solar collector or apparatus may be installed on any Lot unless such installation is first approved in writing by the Committee, which shall consider the aesthetic and sun reflection effects on neighboring structures. Solar collectors or apparatus installed flat against or parallel to the plane of the roof shall be preferred.



H) **Lighting.** Exterior lighting installed on any Lot shall either by indirect or of such controlled focus and intensity that such lighting will not disturb the residents of adjacent Lots.

I) **Landscaping Requirements.** Pursuant to Section B-4 of the Declaration of Conditions, Covenants and Restrictions, Developer hereby imposes upon all Lots described in Exhibit "A", attached hereto and incorporated herein by reference, the requirement that the Owners thereof install landscaping on such Lots which meets or exceeds the minimum number of points for landscaping set forth in Exhibit "C". The number of points attributable to various elements of the landscaping to be installed shall be determined by reference to Exhibit "D", attached hereto and incorporated herein by reference. All terms, covenants and conditions of Section B-4 of the Declaration of Conditions, Covenants and Restrictions, as amended herein, shall be applicable to the landscaping to be installed pursuant to the terms of this paragraph. Landscape installed by the Declarant may or may not meet the minimum number required.

## **PART E**

### **GENERAL PROVISIONS**

E-1) **Term.** This Declaration shall run with the Property and Common Property, and shall be binding on Declarant and all Members and/or its successors and assigns, and all persons claiming under them for a period of twenty-five (25) years from the date recorded, after which time said Declaration shall be extended automatically for successive periods of five (5) years each unless an instrument signed by a majority of the Members agreeing to change said Covenants in whole or in part or to terminate the same.

E-2) **Enforcement.** The Declarant (or either one of them if more than one), Architectural Control Committee or any Owner shall have the right to enforce by any proceedings at law or in equity all restrictions, conditions and covenants created or imposed herein, against any person or persons violating or attempting to violate any covenant, by any action to either restrain violation or to recover damages, or both including reasonable attorney fees. Failure to enforce any covenant, condition or restriction herein shall in no event be deemed a waiver of the right to do so thereafter. In the event of a violation of this Declaration the Committee shall have the right to assess and collect from the violating party a fine for such violation equal to the greater of (i) the actual damages suffered on account of the violation, or (ii) the sum of \$100.00 per day for each day the violation remains outstanding plus (iii) all costs of collection and enforcement, including actual attorney fees.

E-3) **Severability.** Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

E-4) **Model Homes.** So long as Declarant shall own any Lot in the Development, Declarant shall be permitted to maintain model homes in the Development, including therein a sales office for the purpose of sales and marketing of its homes.

E-5) **Parade of Homes and/or Condominiums.** So long as Developer shall own any Lots in the Development, or condominium units in any condominium located within the Development (collectively a "Lot/Unit"). Developer reserves the right to submit some or all of said Lots/Units as a site for the Parade of Home and/or the Parade of Condominiums of the Madison Area Builders Association (the "Parade"). In the event that some or all of said Lots/Units are selected as a site for a Parade, this Declaration of Protective Covenants, Conditions and Restrictions shall, as to the Lots/Units enrolled in the Parade, for a limited period of time ending 48 hours after the conclusion of the Parade, be deemed temporarily altered

and modified, to the extent necessary, to permit the Madison Area Builders Association to hold its Parade in this Development pursuant to the then current Parade Rules and Checklist of the Madison Area Builders Association. All purchasers of Lots/Units, and/or its successors and assigns, shall take title subject to this specific reservation by the Developer and shall waive all rights to object to violations of this Declaration of Protective Covenants, Conditions and Restrictions by the Developer, the Madison Area Builders Association, or any of the builders or participants in the Parade for the period of the Parade as set forth above, including the closing of any public or private streets in the Parade area. All Lot/Unit owners appoint the Developer their attorney-in-fact to execute all necessary petitions; applications and consents to facilitate said street closings for the Parade.

**E-6) Governing Law.** This Declaration shall be construed and enforced in accordance with the terms of the laws of the State of Wisconsin. The terms of this Declaration are not intended to replace or affect any applicable laws, ordinances, rules or regulations of the Village of Waunakee.

**E-7) Notices.**

A) Notices to Declarant shall be given to Declarant at the following address: 6801 South Towne Drive, Madison, WI 53713.

B) Notices to an Owner of any Lot within the Development shall be given in care of the street address of the Lot.

C) Any party may change its address by written notice given to the other parties. Party, its successors and/or assigns, may change said addresses by notice properly given hereunder.

**E-8) Amendment and Release.** At any time until Declarant conveys all of the Lots which comprise the entire Property, or turns control of the Association over to its Members, whichever occurs first, Declarant may modify, amend, alter and grant variances to this Declaration without the consent of any Member, Owner or Occupant, their Mortgagees or any other party, including the Association and its Board of Directors. These restrictions or any part thereof may be cancelled, released or amended in writing as to the entire Plat or any part thereof by the Declarant at any time until Declarant conveys all of the Lots or until the Declarant turns over control to the Committee, whichever comes first. After the Declarant has sold all of the Lots or otherwise released or assigned his right to enforce the Declaration, then this Declaration or any part thereof may be released, cancelled, amended or waived hereof.

**E-9) No Waiver.** Whenever a waiver, consent or approval is required or permitted herein, it must be express and in writing; no waiver, consent or approval shall be implied. Failure to enforce any provision of this Declaration shall not operate as a waiver of any such provision or any other provision of this Declaration.

**E-10) Number and Gender.** Whenever used herein, unless the context shall otherwise provide, the singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

**E-11) Including.** Whenever used herein, the term "including" preceding a list of one or more items shall indicate that the list contains examples of a general principle and is not intended as an exhaustive listing.

**E-12) Captions.** The captions and article and section headings in this Declaration are intended for convenience and reference only and in no way define or limit the scope or intent of the various provisions hereof.

**E-13) Remedies.** All remedies herein are cumulative.

**[Signatures on next page]**



**IN WITNESS WHEREOF**, the said VH Heritage Hills, LLC, a Wisconsin Limited Liability Company has caused these presents to be signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**VH Heritage Hills, LLC**

**By: VH Holdings, LLC, Its Sole Member**

By: \_\_\_\_\_  
Chris Ehlers, Authorized Signatory

**ACKNOWLEDGMENT**

**STATE OF WISCONSIN**     )  
  ) ss  
**COUNTY OF DANE**         )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, Chris Ehlers the Authorized Signatory of VH Heritage Hills, LLC a Wisconsin Limited Liability Company, to me know to be such persons and officers who executed the foregoing instrument and acknowledged that they executed the same as such officers, by its authority for the purposes therein contained.

\_\_\_\_\_  
Notary Public  
Dane County, Wisconsin  
My Commission Expires: \_\_\_\_\_, 20\_\_

**DOCUMENT DRAFTED BY:**  
Atty. Gregory J. Paradise

### CONSENT TO DECLARATION OF COVENANTS AND RESTRICTIONS

The undersigned, \_\_\_\_\_, hereby consents to the forgoing Declaration of Protective Covenants, Conditions and Restrictions for the Plat of Heritage Hills. This consent does not limit, restrict or affect in any way Mortgagee's rights, interest and remedies regarding Mortgagee's interest in the Property.

Dated at Madison, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

### ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  ) ss.  
COUNTY OF DANE     )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named \_\_\_\_\_, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
County of Dane, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

**NOTE:** Please be advised that the undersigned hereby directs viewers to ignore the illegible printed text material on the map attached to this Exhibit "A". Only the spatial relationships of the illustrations on the map are being presented for your information.

\_\_\_\_\_  
Print Name: Chris Ehlers, Authorized Signatory

**Exhibit "A"**



Exhibit "B"

Lots 1-480 and Outlots 1-28, Heritage Hills, Village of Waunakee, Dane County, Wisconsin.

PIN's:

EXHIBIT “C”

**Total Minimum Points for Landscaping**

<b>Lot(s)</b>	<b>Minimum Points for Foundation Plantings</b>	<b>Total Minimum Points for Landscaping</b>
	300	425
	350	500

**EXHIBIT "D"**  
**Landscaping Elements**

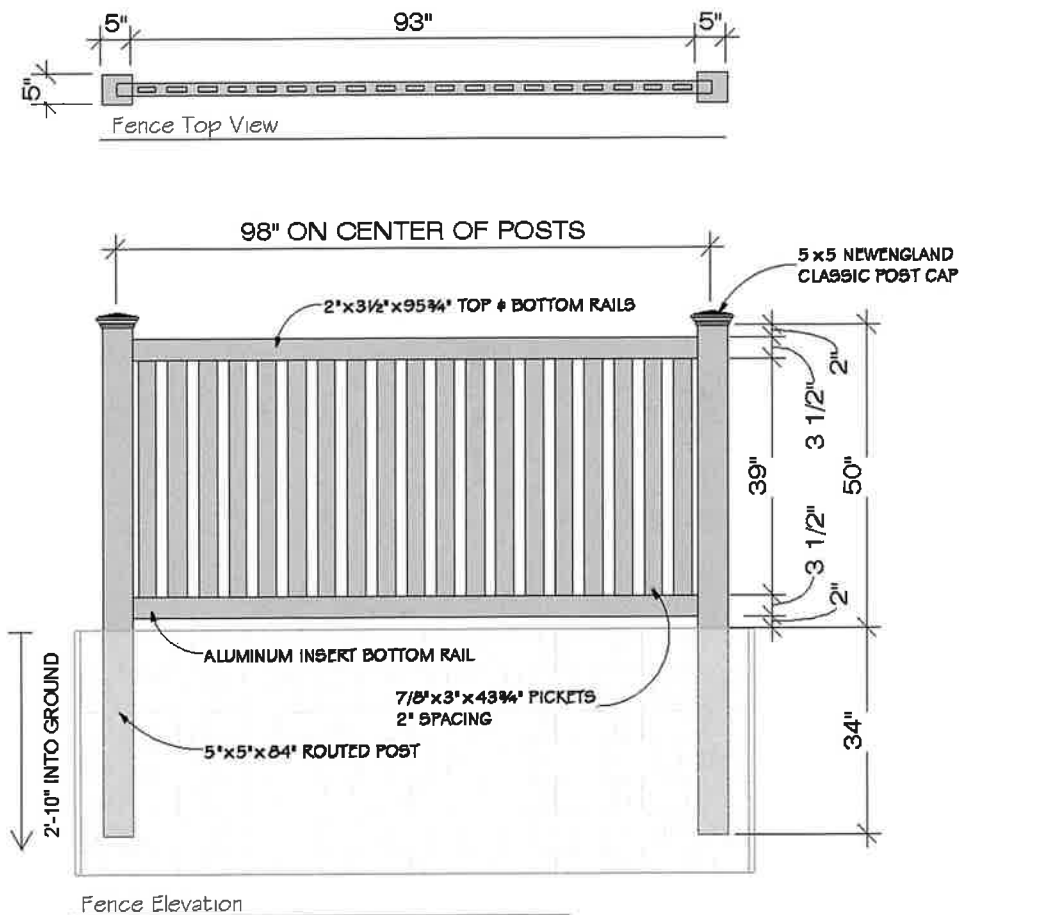
<b>Elements</b>	<b>Point Schedule</b>
A) <i>Small Shade Trees (balled and burlaped)</i> ..... (1.5"-2" caliper at 6" from the roots)	50
B) <i>Medium Shade Trees (balled and burlaped)</i> ..... (2"-3" caliper at 6" from the roots)	100
C) <i>Large Shade Trees (balled and burlaped)</i> ..... (3"-4" caliper at 6" from the roots)	150
D) <i>Extra-Large Shade Trees (balled and burlaped)</i> ..... (4" + caliper at 6" from the roots)	200
E) <i>Ornamental Trees (balled and burlaped)</i> ..... (1.5"-2" caliper at 6" from the roots)	50
F) <i>Small Evergreen Trees</i> ..... (3' to 4.5' when planted)	25
G) <i>Medium Evergree Trees</i> ..... (5' to 6.5' when planted)	50
H) <i>Large Evergreen Trees</i> ..... (7' + when planted)	100
I) <i>Evergreen Shrubs</i> ..... (18" minimum diameter)	20
J) <i>Small Deciduous Shrubs</i> ..... (18" to 35" in diameter)	10
K) <i>Medium Deciduous Shrubs</i> ..... (35" to 60" in diameter)	15
L) <i>Large Deciduous Shrubs (balled and burlaped)</i> ..... (60" or greater in diameter)	25
M) <i>Decorative Retaining Walls</i> ..... (Points are per face foot. Boulders, timbers, and stones only – no concrete walls included.)	10
N) <i>Paver Stone Walks, Paths or Patios</i> ..... (Points per square foot – no driveways included.)	1
O) <i>Planting Beds</i> ..... (Points per square foot – must be decorative stone or mulch.)	1

The final point totals must consist of a balanced variety of the listed elements acceptable to the Architectural Control Committee. Existing vegetation, trees and shrubs may be included in the point totals if they are properly protected and maintained during the construction process and located as such on the landscape plans submitted to the Architectural Control Committee for approval.



EXHIBIT "E"

STRATFORD



- NOTE:**
- MANDATORY REQUIREMENTS (NO VARIANCE WILL BE ALLOWED)
- FENCE MUST BE VINYL
  - VINYL COLOR: ALMOND (PREVIOUSLY SANDSTONE)
  - FENCE STYLE IS A PLYGEM PRODUCT (STRATFORD)
- CUSTOM BUILT ON THE JOBSITE
  - INSTALLED WITH METAL BRACKETS THAT ATTACH TO POST AND SCREW INTO STRINGERS



6801 South Towne Drive  
Madison, WI 53713  
Phone 608.226.3100  
Fax 608.226.0600

