



Tx:9174647

**GENERAL DEVELOPMENT PLAN FOR THE PLAT OF  
ARBORETUM VILLAGE, VILLAGE OF WAUNAKEE,  
DANE COUNTY, WISCONSIN, TO BE ZONED IN THE  
PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5643840  
10/01/2020 02:17 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 9

**Return to:  
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**080909481051  
080909480751  
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080909495010  
080909496019  
080909497821  
080909483514  
Parcel Identification Number (PIN)**

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**GENERAL DEVELOPMENT PLAN  
FOR THE PLAT OF ARBORETUM VILLAGE, VILLAGE OF WAUNAKEE, DANE  
COUNTY, WISCONSIN, TO BE ZONED IN THE PLANNED UNIT DEVELOPMENT  
(PUD) DISTRICT**

Arboretum Village, LLC, a Wisconsin limited liability company, owner of the land within the plat of Arboretum Village, Village of Waunakee, Dane County, Wisconsin, and being the developer of said plat, hereby submits the following General Development Plan for the development of the plat of Arboretum Village, Village of Waunakee, Dane County, Wisconsin, for approval pursuant to Sec. 133-892 of the Waunakee Zoning Code:

1. **Lands Subject to this General Development Plan.** The real property subject to this General Development Plan consists of the Plat of Arboretum Village, Village of Waunakee, Dane County, Wisconsin, which more specifically includes Lots 1-112 (excluding Lot 61), and Outlots 1-17, in the plat of Arboretum Village, which plat is incorporated by reference herein and made a part hereof, which plat consists of 53.75 acres more or less.

2. **General Description of Uses.** The lands involved in this General Development Plan are to be rezoned in the planned unit development district (PUD) under Secs. 133-892 et seq. of the Waunakee Zoning Code. The Plat of Arboretum Village will consist of:

(a) one hundred-four (104) detached single-family residential lots, except that Lots 45, 49 and 50 may be either detached single-family residential lots or duplex residential condominium lots (two (2) dwelling units per building per lot, at the election of Developer);

(b) seven (7) duplex residential condominium lots (two (2) dwelling units per building per lot);

(c) seventeen (17) outlots, of which one (1) will be dedicated for public parks (OL 13), seven (7) will be dedicated for stormwater management (OL's 2, 5, 7, 11, 14, 16 and 17), and the balance shall be retained by the developer and eventually transferred to the homeowner's association (or in the case of the Montondon gravesite to either the homeowner association or to another non-profit organization) consisting of one (1) for a plat entrance sign (OL 9), one for the Montondon gravesite or a plat entrance sign (OL 10), and seven (7) for community mailboxes and parcel pick up locations (OL's 1, 3, 4, 6, 8, 12 and 15).

3. **Zoning for Detached Single-Family Residential Lots.** Lots 1-60, 62-92 and 100-112 within the plat of Arboretum Village shall be used only for detached single-family residential purposes and such other uses as are permitted under the R-1 residential zoning classification in the Village of Waunakee on the date hereof, except that Lots 45 and 49-50 may be used for either detached single-family residential lots or for duplex residential condominium lots (two (2) dwelling units per building per lot), in which the individual units shall only be used for single family residential purposes and such other uses as are permitted under R-1 residential zoning in the Village of Waunakee on the date hereof, at the election of Developer. If condominium treatment is elected for any of Lots 45 or 49-50, such lot shall be subject to a condominium plat at the time of development to provide for division of the lot into two condominium units for conveyance of title to separate owners for each unit, and each such lot shall be subject to condominium documents to govern the maintenance and management of the units and common elements. The condominium documents may provide for a master association

of two or more of such condominium lots for management and/or maintenance. A separate Specific Implementation Plan (SIP) for Lots 1-60, 62-92 and 100-112 shall be submitted herewith and approved under the Waunakee Zoning Code. The SIP shall be consistent with this GDP and shall control with respect to all matters that are covered therein.

4. **Zoning for Duplex Residential Condominium Lots.** Lots 93-99 within the plat of Arboretum Village shall be used only for the development of two-unit residential condominium buildings on each such lot, in which the individual units shall only be used for single family residential purposes and such other uses as are permitted under R-1 residential zoning in the Village of Waunakee on the date hereof. Each lot within Lots 93-99 shall be subject to a condominium plat at the time of development of the two (2) units on such lot to provide for division of the lot into two condominium units for conveyance of title to the condominium units to separate owners for each unit. Each lot shall be subject to condominium documents to govern the maintenance and management of the units and common elements. The condominium documents may provide that two or more of such lots will be under common management or in a larger condominium plat or master association for maintenance or other purposes as set forth in such instruments. A separate Specific Implementation Plan (SIP) for all of the condominium Lots 93-99 shall be submitted herewith and approved under the Waunakee Village Code prior to construction of any units on such lots. The SIP shall be consistent with this GDP and shall control with respect to all matters covered therein.

5. **Permitted Uses – Outlots Generally.** The outlots may only be used for the uses set forth hereafter: Outlot 13 shall only be used for public park purposes. Outlots 2, 5, 7, 11, 14, 16 and 17 shall only be used for public stormwater management purposes. Outlots 1, 3, 4, 6, 8, 12 and 15 shall be used for community mail box and parcel pick up locations and will be owned by or transferred to the homeowner's association. Outlot 9 shall be used only for a plat entrance sign and will be owned by the developer and/or the homeowner's association for Arboretum Village. Outlot 10 will be used for the Montondon grave site and plat entrance sign and owned by the Association and/or another non-profit civic or charitable organization. All outlots designated for public stormwater and park purposes may only be used for park and stormwater management uses permitted under the Conservancy zoning classification in the Village of Waunakee zoning ordinance on the date hereof, and all of such lands shall be dedicated to the Village of Waunakee at the time of plat recording. No Specific Implementation Plan shall be required for any of the outlots, unless a change of use is proposed.

6. **General Limitation on Uses.** No uses shall be permitted on any of the numbered lots and outlots referred to herein in the plat of Arboretum Village which are not permitted uses under the provisions of this General Development Plan, or amendments to the General Development Plan which may be approved in the future under the Waunakee zoning code. The outlots on the plat will be used only for the purposes set forth above in this instrument and on the plat, and activities specifically incidental thereto. All of the detail contained in the final Plat of Arboretum Village with respect to the lots described therein will be deemed incorporated into this General Development Plan by reference.

7. **SIP Requirement and Transfer Restriction.** The uses of the lots in the Plat of Arboretum Village, but not outlots, shall be subject to approval of a Specific Implementation Plan by the Village of Waunakee in accordance with the Waunakee Zoning Code. No lot within

the plat of Arboretum Village (other than outlots) shall be transferred, sold or conveyed to any other party, other than to Developer, the Village of Waunakee or to a bona fide mortgagee, without the prior approval of a development agreement for such lot between the owners thereof and the Village of Waunakee.

8. **Residential SIP.** The Specific Implementation Plans for the single-family residential lots in Arboretum Village will provide, in the case of Lots 1-60, 62-92 and 100-112, that certain of the zoning requirements for R-1 residential areas in the Village of Waunakee be modified, including, but not limited to, lot width, setback, and lot area requirements. All such zoning requirements for all of the single-family residential lots in the plat of Arboretum Village shall be dealt with in the Specific Implementation Plan and such Plan shall control over the requirements of the Waunakee zoning code with respect to such matters.

9. **Residential Phasing Plan.** The residential phasing for Arboretum Village shall be incorporated into the development agreements for such plat.

10. **Architectural Covenants.**

(a) All development on all of the lots, but not outlots, within the plat of Arboretum Village will also be subject to the terms, provisions and conditions of covenants, restrictions, conditions and easements (the "Covenants") to be prepared and recorded by the Developer prior to the development of the lands in question, which Covenants will provide for architectural control by the Developer of any buildings to be built on the subject lands. All of the lots, other than Lots 61 and 93-99, will be subject to one set of Covenants, and the condominium lots, being Lots 61 and 93-99 (and Lots 45 and/or 49-50 if elected by Developer), shall be subject to covenants which are suitable to govern condominium lots. The Village agrees to take reasonable steps to consult with the Developer before issuing a building permit in an effort to ensure that the building or other improvements on any lots within the plat have been approved in writing by the Developer or such other party who has architectural review approval powers with respect thereto under recorded covenants which govern such lands.

(b) The terms and conditions of the Covenants, including Exhibit A to the Covenants, that pertain to zoning standards and regulations are hereby incorporated into this General Development Plan and may be enforced by the Village. These zoning standards and regulations include maximum building height, setbacks, minimum lot area, minimum lot width, and minimum floor area, and these zoning standards and regulations may not be amended without the consent of the Village, notwithstanding any language to the contrary in the Covenants.

(c) For avoidance of doubt, all terms and conditions of the Covenants, including Exhibit A to the Covenants, that pertain to architectural standards, the Arboretum Village Homeowners Association Inc., or the relationship between the Developer and the Arboretum Village Homeowners Association, Inc. shall not be incorporated into this General Development Plan and the Village shall have no enforcement authority over said provisions.

11. **Amendments.** The foregoing General Development Plan may not be amended without the consent of the Village Plan Commission or Village Board of the Village of Waunakee, applicable under the Village Zoning Code.

12. **Lot 61.** Notwithstanding the fact that Lot 61 of the Plat is not part of this General Development Plan at this time, the Village and Arboretum Village, LLC anticipate that this General Development Plan will be amended in the future to include Lot 61, and that Lot 61 will be used for multi-family purposes (condominium or rental).

### INFORMATIONAL STATEMENT

The applicant makes the following additional informational statement in connection with its request for rezoning to the PUD classification:

13. **Valuation.** The owners of all of the residential lots covered by this General Development Plan will be members of the Arboretum Village Homeowners Association, Inc., except for Lot 61. It is anticipated that the value of the private residential structures and improvements on all of the PUD lots will be comparable to the value of structures and improvements on the residential lots in Kilkenny Farms and Westbridge in the Village of Waunakee.

14. **Residential Construction Timing.** It is anticipated that approximately 25 of the single-family lots in the plat will be constructed in the 2020 construction seasons. Development of the other residential lots in the plat will depend upon market conditions. The overall residential build-out is estimated at this time as approximately 5 years, subject to market conditions.

15. **Departures from Conventional Zoning Standards.** The departures from conventional zoning standards that are contained in this General Development Plan and associated documents are set forth in a separate memorandum which has been submitted herewith by the Developer and is part of the application file for this project maintained by the Village planning department. For avoidance of doubt, the separate memorandum is for informational purposes only and is not part of this General Development Plan.

16. **Notice of Business Park Use.** LOTS NORTH OF QUINN DRIVE WITHIN ARBORETUM VILLAGE ARE CLOSE TO THE WAUNAKEE BUSINESS PARK, IN WHICH PERMITTED USES MAY PRODUCE NOISE, VIBRATIONS, ODORS, NIGHT OPERATIONS, OUTDOOR STORAGE AND OTHER ACTIVITIES THAT MAY BE OBJECTIONABLE TO NEIGHBORING RESIDENTS. A DECLARATION SHALL BE RECORDED WITH EACH PARCEL IN THE AREA NORTH OF QUINN DRIVE TO NOTIFY BUYERS/OWNERS OF THIS AND TO CLARIFY THAT THE VILLAGE AND/OR BUSINESS PARK HAVE NO OBLIGATION TO FURTHER REGULATE USES THAT ARE OTHERWISE CONSISTENT WITH VILLAGE ORDINANCES.

Dated this \_\_\_\_ day of September, 2020.

ARBORETUM VILLAGE LLC

By: Donald C. Tierney  
Donald C. Tierney, Member

By: Joanne K. Tierney  
Joanne K. Tierney, Member

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF DANE )

Personally came before me this 25 day of September, 2020, the above-named Donald C. Tierney and Joanne K. Tierney, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Laurie Helt  
Print name: Laurie Helt  
Notary Public, State of Wisconsin  
My Commission: 5-31-2021



**CERTIFICATION OF APPROVAL**

The aforesaid General Development Plan was approved by the Village Board of the Village of Waunakee on September 25, 2020.

Dated this 25 day of September, 2020.

Caitlin Stene  
Caitlin Stene, Village Clerk

## EXHIBIT A

### ARCHITECTURAL AND DESIGN STANDARDS FOR LOTS 1-60, 62-92 AND 100-112, ARBORETUM VILLAGE

The following architectural and design standards shall be deemed incorporated by reference into Section 3.1 and 3.4 of the attached Declaration as if set out in full therein, and shall apply to any improvements constructed within Lots 1-60, 62-92 and 100-112, inclusive, in the Plat of Arboretum Village:

#### 1. YARD REQUIREMENTS

The distance from the lot line to the improvements on the lot for setback purposes shall be measured in the same manner for purposes hereof as provided in Sec. 106-18 of the Waunakee Zoning Ordinance in effect on the date of adoption hereof.

##### Primary Buildings:

For purposes of the entirety of this Exhibit A, the Primary Building includes the dwelling unit(s) and the attached garage(s), and both the dwelling unit(s) and the attached garage(s) shall comply with all of the Primary Building requirements herein.

##### Front Yard

- There shall be a 15' minimum setback distance measured from front yard lot line.
- Open porches, with open or closed rail systems, may encroach the front yard setback by 5' maximum (10' setback from the front lot line).

##### Side Yard

- There shall be a 6' minimum setback distance measured from the side yard lot line (other than a lot line adjoining a street).
- There shall be a 15' minimum setback distance measured from the side yard lot line with an adjoining street.

##### Rear Yard

- There shall be a 20' minimum setback distance measured from the rear yard lot line.

##### Secondary Buildings:

- Accessory buildings are not permitted, except that in the case of an in-ground swimming pool, a visually complementary accessory

building or structure ancillary to such in-ground pool, and limited to such pool-related use, and which shall be subject to the setback requirements for Primary Buildings, may be approved in writing in advance by the Developer or Committee, whichever is then applicable, in their sole judgment and discretion. Detached garages are not permitted.

Notwithstanding the foregoing limitations regarding accessory buildings, Lots 1 and 3-14 may have a detached garden structure located within the "Landscaping Easement and Garden Structure Area" on such lots as shown on the plat, but the location, architecture, design, height, color, dimensions, materials, roof line, roofing and other attributes of any such garden structure shall be subject to the approval of the Developer, or the Committee, whichever is then applicable, and all such garden structures shall be constructed and maintained in a workmanlike manner in accordance with the approved plans at all times. No detached garden structure may be located on or over any utility easement shown on the plat at any time.

## **2. HEIGHT RESTRICTION**

The height of any building shall be measured in the same manner for purposes hereof as provided in the Waunakee Zoning Code in effect on the date hereof.

- The Primary Building shall not exceed 35' in total height.

## **3. DESIGN STANDARDS**

**General Standards:**

- All plans for building and site improvements, including, but not limited to, fences, shall be subject to review and approval by the Developer or the Design Review Committee, in accordance with the Declaration of Covenants, Restrictions, Conditions and Easements for the Plat. No lot owner shall apply for a building permit from the Village of Waunakee and no work may commence without such approval having been given in writing.
- Total Primary Building coverage of the lot shall not exceed 50% of the total lot area. At least 30% of the lot area shall remain as green space, not covered by driveway, walkways, patios or structures, including decks. The restrictions in the two preceding sentences shall not apply to duplex condominium lots.



- All primary entryways or porches shall be oriented toward the street.
- Window, door and other architectural design elements are required on facades facing all public or private streets.
- All driveways shall have a width, excluding flares, at the public street right-of-way of not less than 12' and not more than 24'. Only one (1) driveway entrance shall be permitted per lot (except for duplex condominium lots which may have two driveways), unless this requirement is waived by the Director of Public Works for the Village of Waunakee.

**Garages:**

- Detached garages are not permitted.
- No portion of a garage with vehicular entrances that face a street shall exceed 45% for 2-story homes, or 50% for single story homes, of the total front façade of the Primary Structure that faces and is exposed to the street. The restrictions in the preceding sentence shall not apply to side entry garages or duplex condominium lots.

Attached garages shall meet the Primary Building setbacks set forth above, except that all vehicular entrance doors shall have a 20' minimum setback distance from any adjoining lot line, including street lot lines as measured perpendicularly to such vehicular entrance doors.

**4. GENERAL**

- The establishment of the foregoing standards shall not prohibit the Developer or the Design Review Committee from establishing other or stricter requirements or rejecting any plans, as the foregoing are minimum requirements only.
- The Developer may modify the foregoing standards in writing on a case-by-case basis, in the sole judgement and discretion of the Developer, if such modification will allow the construction of a Primary Building and its related site plan on the parcel in question in which the proposed architecture and quality of the dwelling will present an attractive appearance compatible with other dwellings within the Property.