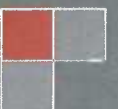


2016

# STERLING PONDS CORPORATE PARK

DEVELOPMENT COVENANTS AND DESIGN  
GUIDELINES

City of River Falls, Wisconsin





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**DEVELOPER'S AGREEMENT  
STERLING PONDS CORPORATE PARK**

Document Number

**1025262  
BETH PABST  
REGISTER OF DEEDS  
ST. CROIX CO., WI  
RECEIVED FOR RECORD  
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PLEASE TAKE NOTICE that a Development Covenants and Design Guidelines exists for the Sterling Ponds Corporate Park in the City of River Falls, County of St. Croix, State of Wisconsin.

Restrictive covenants cover the Sterling Ponds Corporate Park, described as follows:

A parcel of land located in part of the SE1/4 of the NE1/4, the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4 of Section 23, and also in part of the SW1/4 of the NW1/4, the NW1/4 of the SW1/4 and the SW1/4 of the SW1/4 of Section 24, all in T28N, R19W, City of River Falls, St. Croix County, Wisconsin; described as follows:Commencing at the E1/4 corner of said Section 23; thence along the east and west quarter line of said Section 23 N88°56'58"W a distance of 1301.17 feet to the southwest corner of said SE1/4 of the NE1/4 and the point of beginning; thence along the west line of said SE1/4 of the NE1/4 N00°22'15"E a distance of 881.98 feet to the centerline of Chapman Drive; thence along said centerline S84°14'11"E a distance of 705.13 feet to the point of curvature of a 10,000.00 foot radius curve, concave northerly, with a central angle of 05°23'43", a chord that bears S86°56'02.5"E and measures 941.31 feet; thence easterly along said centerline and the arc of said curve a distance of 941.65 feet to the point of tangency; thence continuing along said centerline S89°37'54"E a distance of 261.07 feet; thence S00°22'06"W a distance of 50.00feet; thence S83°38'28"W a distance of 54.43 feet; thence S65°23'24"W a distance of 64.57 feet; thence S51°47'14"W a distance of 60.96 feet; thence S34°44'33"W a distance of 96.04 feet; thence S18°00'17"W a distance of 47.07 feet; thence S72°34'05"W a distance of 301.41 feet; thence S41°04'31"W a distance of 54.52 feet; thence S47°58'20"E a distance of 86.92 feet; thence S42°30'21"E a distance of 87.66 feet to the northwest corner of Outlot 1 of the plat of Sterling Ponds; thence, the following courses are along the boundary line of said Outlot 1, S37°00'34"E a distance of 85.91 feet; thence S31°29'13"E a distance of 88.48 feet; thence S25°56'39"E a distance of 86.56 feet; thence S20°30'04"E a distance of 85.32 feet; thence S14°57'16"E a distance of 89.84 feet; thence S09°19'27"E a distance of 87.95 feet; thence S83°27'39"W a distance of 125.00 feet to the beginning of a 780.00 foot radius curve, concave westerly, with a central angle of 11°08'45", a chord that bears S00°57'58.5"E and measures 151.49 feet; thence southerly along the arc of said curve a distance of 151.73 feet to the beginning of a 15.00 foot radius curve, concave southwesterly, with a central angle of 83°56'28", a chord that bears S37°21'50"E and measures 20.06 feet; thence along the arc of said curve a distance of 21.98 feet to the beginning of a 1533.00 foot radius curve, concave southerly, with a central angle of 05°15'25", a chord that bears S76°42'21.5"E and measures 140.60 feet; thence easterly along the arc of said curve a distance of 140.65 feet; thence S15°55'21"W a distance of 66.00 feet to the beginning of a 1467.00 foot radius curve, concave southerly, with a central angle of 04°21'56", a chord that bears S71°53'41"E and measures 111.75 feet; thence southeasterly along the arc of said curve a distance of 111.78 feet to the point of tangency; thence S69°42'43"E a distance of 12.21 feet to the point of curvature of a 15.00 foot radius curve, concave southwesterly, with a central angle of 90°00'00", a chord that bears S24°42'43"E and measure 21.21 feet; thence southerly along the arc of said curve a distance of 23.56 feet; thence S69°42'43"E a distance of 143.35 feet to the beginning of a 15.00 foot radius curve, concave southeasterly, with a central angle of 90°00'00", a chord that bears N65°17'17"E and measures 21.21 feet; thence northerly along the arc of said curve a distance of 23.56 feet to the point of tangency; thence S69°42'43"E a distance of 143.35 feet; thence, leaving the boundary of said Outlot 1, S20°17'17"W a distance of 105.99 feet; thence S38°26'55"W a distance of 1226.09 feet to the northerly line of State Trunk Highway "35"; thence along said northerly line of the highway N53°08'18"W a distance of 1021.87 feet; thence continuing along last said line N37°21'20"E a distance of 80.00 feet; thence continuing along last said line N52°38'40"W a distance of 405.37 feet to the east line of an existing small tract; thence along said east line N00°19'40"E a distance of 376.61 feet to the northeast corner thereof; thence along the northerly line of said small tract N89°40'20"W a distance of 160.00 feet to the west line of said NE1/4 of the SE1/4; thence along last said west line N00°19'40"E a distance of 378.61 feet to the point of beginning. Containing 76.66 acres more or less.

**Return address:**

Lu Ann Hecht, City Clerk  
222 Lewis Street  
River Falls, WI 54022

**Parcel Identification Number (PIN)**

- 276-1150-04-000
- 276-1150-06-000
- 276-1150-07-000
- 276-1150-08-000
- 276-1150-09-000
- 276-1150-13-000

Dated this 23 day of February, 2016

FOR THE CITY OF RIVER FALLS

Lu Ann Hecht  
Lu Ann Hecht, City Clerk

Personally came before me this 23 day of February, 2016, the above named Lu Ann Hecht to me known to be the person who executed the foregoing instrument and acknowledged the same.

Bridget Hieb  
(Print name)



Notary Public, Pierce County  
My Commission expires 1-8-17

Bridget Hieb

This instrument was drafted by:  
Angie Bond  
City of River Falls  
222 Lewis Street  
River Falls, WI 54022





STERLING PONDS  
CORPORATE PARK

DEVELOPMENT COVENANTS  
AND  
DESIGN GUIDELINES

*River Falls, Wisconsin*

**STERLING PONDS CORPORATE PARK  
DEVELOPMENT COVENANTS AND  
DESIGN GUIDELINES**

**I. OBJECTIVES**

Sterling Ponds Corporate Park is being developed to provide options for manufacturing companies and professional offices seeking high visibility, high value, convenient, and affordable locations to meet strategic objectives and to provide a pleasant and productive working environments, within the Twin Cities metropolitan area while preserving the rural and natural character of the local environment.

Sterling Ponds Corporate Park is a venture of the City of River Falls aimed at creating new employment opportunities, additional property valuation, diversification of the local economic base, and expansion of the City's reputation as an excellent business location.

**II. GENERAL DECLARATION**

Covenants and design guidelines set forth for the Sterling Ponds Corporate Park are in furtherance of a specific plan to encourage consistent and compatible development of the subject property and are established for the purpose of enhancing and protecting the value, desirability, and attractiveness of the subject property. Covenants and design guidelines shall run with all of the subject property for all purposes and shall be binding upon and inure to the benefit of the City and all property owners, occupants, and their successors in interest.

All lots in the Park shall be subject to all easements, buffers, common areas, green areas, streets, trails and areas dedicated to the public and other restrictions shown on Certified Survey Maps or plats for the Park, and all conveyances of lots shall be subject to same.

**III. GOVERNANCE**

Sterling Ponds Corporate Park is a venture of the City of River Falls and is managed by the River Falls Economic Development Corporation (RFEDC), which is primarily responsible for Park planning and development, marketing, development agreements terms and conditions, and tenant relations. All development agreements shall be reviewed by the RFEDC Board of Directors and approved by the Common Council.

**IV. REGULATION OF USES**

**A. Permitted Primary Uses**

It is the intention of RFEDC to encourage a mix of Manufacturing, Distribution, including Distribution with a showroom to the Trades (except as prohibited below), research and development, experimental and testing laboratories, engineering, and professional office uses as permitted by zoning. All proposed uses shall be evaluated

## *Development Covenants and Design Guidelines*

based upon criteria established by the RFEDC or the Common Council upon advice of the Plan Commission. Said criteria shall take into consideration the impacts the proposed use shall have upon the community and the Park. Such criteria may include both qualitative and quantitative factors and/or Performance Standards which will allow the RFEDC to carry out the terms of its Management Agreement with the City of River Falls and further to evaluate the potential impact of a use or facility on utilities, roads, the Park's mix of existing uses, the local economy and the natural environment. Review and approval of the location of uses will be at the discretion of the Architectural Review Committee. All approved uses shall respect the unique nature of the entire setting. All uses shall demonstrate a positive relationship between the cost of the community's investment in developing the Park and the benefits provided by the use prior to a Development Agreement being submitted to the Common Council.

Businesses that are considered to be amenities specifically contributing to the mix of Sterling Ponds Corporate Park and Neighborhood features and/or services, including but not limited to health clubs, child care facilities, lending institutions/automated teller machines, worker training and other educational centers, government offices, restaurants, neighborhood commercial, health care providers (i.e. family medicine and dental offices), corporate offices and communication centers (but specifically excluding retail operations and theaters) may be considered for inclusion in the Park and shall be evaluated as to the supportive function provided to the primary land uses. Such uses shall be evaluated in an inclusionary manner on the basis of their importance and necessity to the primary land uses.

### B. Prohibited Primary Uses

The uses, which are permitted under the I-1 District, which shall be prohibited within the Sterling Ponds Corporate Park shall include but not limited to: truck terminals; motor vehicle repairing or maintenance facilities, storage yards; heavy equipment repair and storage; feed stores; freight terminals and yards; mobile home sales; petroleum refining; mineral extraction; rendering; disposal, or incinerator operations; smelting of primary ores for metal extraction; parking lots or service operations not permitted above. Uses which pose an unreasonable risk of hazard, including fire, explosion, or the emission of odor or toxic gases shall be prohibited. The RFEDC or the Common Council upon advice of the Planning Commission may establish criteria and/or standards in addition to those contained herein in order to fully evaluate any use in order to determine if it shall be prohibited.

### C. Condition of Property

All properties shall be kept in a safe, clean, and wholesome condition. Owners and tenants must comply at all times and at their own expense with all applicable governmental, health, fire, and safety ordinances, regulations, requirements, and

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directives. Regular and frequent removal of and proper disposal of any industrial waste, by-products or rubbish accumulating on each lot is required.

D. Maintenance and Repairs

All lots and improvements shall be constructed, kept, and maintained by the owner or occupant in first class condition, repair, and appearance. All repairs, alterations, replacements, or additions to improvements shall be at least equal to the original work in class and quality.

E. Public Utilities

No improvements, additions, or other changes to public utilities are permitted without the consent of the appropriate Utility authorities prior to construction or implementation.

F. Utility Lines and Antennas

Underground or concealed placement only, except that temporary placement of above ground utilities is permitted during reasonable construction periods. Antennas necessary for the conduct of business may be erected only with the approval of the Architectural Review Committee. Antennas that present a cluttered roof view, that detract from the Park atmosphere, or that interfere with the operations of other owners in the Park are not permitted. The Architectural Review Committee shall be the final authority with respect to location and shall consider the Sterling Ponds Master Site Plan in its decision.

V. **DEVELOPMENT STANDARDS**

A. Setbacks

Minimum Setbacks are as follows:

Front Yard	20 feet
Side Yard	20 feet
Rear Yard	40 feet

Sufficient setbacks shall be required to allow for access by emergency vehicles around all buildings and structures. Criteria shall include the need for buffering via berms and landscape materials, adjacent lots, buildings and structures, utilities, vegetated areas. Exceptions to setback requirements include landscaping, sidewalks, steps, paving, planters, fences, and utilities. Any land uses not covered within this section shall be administered by the requirements of the zoning code of the City of River Falls.

B. Site Coverage (building density)

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The building-to-site ratio shall not exceed 65% of site coverage, and total site coverage including all buildings and paved areas shall not exceed 75% of gross lot area. A minimum of 25% of the site shall be devoted to green area

C. Minimum Lot Size

Minimum lot size shall be 2 acres. The River Falls Economic Development Corporation and the Architectural Review Committee reserves the right to approve smaller parcels provided sound design and environmental or site conditions are provided in each site plan.

D. Minimum Building Size

Minimum building size shall be as follows: Industrial 20,000 gross sq. ft. \*  
Business/office 15,000 gross sq. ft.\*

\* Please note: the Sterling Ponds Corporate Park may allow the development of multiple-tenant facilities through the use of zero-lot lines contingent upon the overall structure meeting the minimum building size requirements of these covenants upon approval by the Architectural Review Committee and the City.

E. Building Heights

Building height is 35' maximum or as permitted by zoning. Higher buildings may be permitted if approved by the Architectural Review Committee and the City, considering setback criteria; avoidance of excessive density; impact on other properties; impervious surface and stormwater management impact; and fire protection needs. In such cases, the City of River Falls will have final reviewing authority through variance procedures. Structures higher than 20 feet shall contain architectural features designed to punctuate the facade of the building and bring the structure into a unified relationship with its surroundings. Elevation drawings shall be prepared to evaluate the scale and impact of such structures.

F. Construction Materials

One dominant material should be selected and expressed with its own natural integrity. Materials which convey permanence, substance, timelessness, and restraint are required. Low maintenance should be a major consideration. Materials shall blend with those existing in the adjacent area of the Park. Pre-engineered metal buildings featuring painted exteriors and corrugated metal-sided buildings shall not be approved. Considerations may be given to metal-sided buildings with fascia improvements upon review and approval by Architectural Review Committee. Due to the location and proximity of the Corporate Park to a residential neighborhood, building design and use of material shall compliment the atmosphere and be visually appealing to residential areas.



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### G. Signage

All signs must be approved by the Architectural Review Committee and the City. No rooftop or pylon signs, fluorescent colors, flashing lights, or moving signs are permitted. Exterior lighting fixtures are not permitted unless the light source (e.g. the fixture) is not visible from roadways. A maximum area of 120-sq. ft. is permitted with a maximum height of 8 feet. Signs advertising products or services other than those produced or provided on the premises or by affiliates are prohibited.

### H. Lighting

All lighting potentially visible from an adjacent street except for bollard lighting less than 42" high shall be indirect or shall incorporate a full cut-off shield-type fixture. The parking lot illumination level shall achieve a uniformity ratio of 3 to 1 (average to minimum) with a maintained average of 1 foot-candles and a minimum of 0.3 foot-candles. Service area lighting shall be contained within the service yard's boundaries and enclosure walls. The light source shall not be visible from the street. Building illumination and architectural lighting shall be indirect in character and allowed only at the main entry to the building.

Lots adjacent to residential development utilizing building illumination and architectural lighting shall pay particular attention to overall illumination the building is producing. Lots adjacent to residential development utilizing this type of lighting are required to provide screening of this light to the residential development.

### I. Parking

All driveways and parking areas shall be surfaced with asphalt or concrete paving, and curbed with cast-in-place barrier concrete curbs. Temporary and exceptions may be granted by the Architectural Review Committee when appropriate for plans that incorporate phased construction and or alternative curbs are appropriate for design implementation. Parking areas shall have painted stalls, divider lines and directional arrows as needed for the protection and designation of vehicular traffic patterns. No on-street parking is permitted. Separate areas shall be designated for automobile parking and loading/commercial/storage uses.

Island plantings of overstory trees, that in 15 years, will achieve 30 % shading of parking lot areas, are required for parking areas accommodating more than 20 vehicles. Species of trees and spacing will be reviewed by the Architectural Review Committee and approved by the City.

All parking areas shall be designed to assure that the visual and environment effects of large paved areas and standing automobiles is minimized. Boulevard islands shall be utilized whenever possible.

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### J. Loading and Storage

No materials, supplies or equipment shall be stored in any area on a lot except inside a closed building or behind a visual barrier screening such areas from the view of adjoining properties and public streets within the side or rear yard areas. Garbage and refuse containers shall be concealed from the view of adjoining properties and public streets by means of screening walls that complement the exterior of the adjoining building. Loading areas are permitted on building sides facing public streets or highways, provided they are recessed or architecturally treated to integrate this function with both the building and the site.

### K. Landscaping

All areas on any lot not used for buildings, storage, parking, walkways, access roads, or loading areas shall be suitably graded and drained, seeded or sodded grass, watered, maintained and landscaped with greens and shrubs so as to provide a park-like setting and to screen parking and road areas.

Landscaping plans are required for all developments and are subject to the approval of the Architectural Review Committee and City as part of the site plan approval process. All lots shall be landscaped within 90 days of substantial completion of construction and issuance of Certificate of Occupancy in accordance with approved plans, weather permitting.

The landscape design should be complementary to common areas, the neighborhood areas, and previously developed areas. Landscape design is encouraged to include park-like characteristics. Plantings should provide for seasonal interest and should include a selection of coniferous and deciduous plants specifically adjacent to neighborhood areas. Natural landscapes and indigenous vegetation shall be permitted and are encouraged in those areas not associated with the formal entries and common areas of buffers between properties that may be negatively impacted by said landscape. Annual flowers are recommended to accent or supplement to basic permanent landscape plan.

Landscaping must be maintained in a sightly and well-kept condition. If landscaping is not properly maintained by the owner, the RFEDC may undertake such maintenance as may be necessary and shall charge the cost of such maintenance to the owner, and such charge shall be collectible as an assessment, and City shall have a lien therefore.

Lots adjacent to residential development shall be screened from road right-of-way and adjacent residential sites by earth berms and/or evergreen plantings to assure that the visual and negative environment effects of large paved areas, standing automobiles and overall buildings is minimized and that the effect of the natural landscape and the architecture dominates.

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L. Amenities

Maintenance of trails, bicycle/pedestrian paths, sidewalks, and other site-related amenities along major thoroughfares of the Sterling Ponds Corporate Park on lots is the responsibility of the owner or occupant.

M. Subdivision

No lot may be subdivided, and no portion of a lot may be sold or otherwise conveyed, without the written consent of the RFEDC, Planning Commission, and Common Council.

**VI. PERFORMANCE STANDARDS**

A. Noise

All noise shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat, frequency, impulse character, periodic character, or shrillness. Sound levels at the property boundary of any individual parcel shall not exceed the following decibel levels:

Frequency, Cycles Per Second	Maximum Sound Level - Decibels	
	7 a.m. - 10 p.m.	10 p.m. - 7 a.m.
0 - 75	72	67
75 - 150	67	62
150 - 300	59	54
300 - 600	52	47
600 - 1200	46	41
1200 - 2400	40	35
2400 - 4800	34	29
over 4800	32	27

B. Vibration

There shall be no operation or activity which would cause ground transmitted vibrations in excess of the limits set forth below the boundary of this district under any conditions, nor beyond the property line if it would adversely affect any other use within the district.

Frequency, Cycles per second	Maximum Permitted Displacement Along Sub-Division Boundaries (in inches)
	0 to 10
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

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C. Smoke

Industries which operate on coal and produce smoke will not be permitted in the Park, and no operation may produce obnoxious or continuous smoke, as measured at the point of emission, by any means.

D. Fumes and Gases

Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic or corrosive. In no event shall the emission of fumes or gases from a facility exceed at the point of emission any standards set forth in any law, regulation or ordinance of any federal, state, or local entity or agency having jurisdiction.

E. Dust

Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air.

F. Odors

Obnoxious odors shall not be permitted. Measurements shall be at the property line.

G. Fire or Explosive Hazard

All operations shall be carried on with reasonable precautions against fire and explosion hazards. Buildings shall be constructed in accordance with all applicable codes regarding such hazards.

H. Toxic Matter

No use shall, for any period of time, discharge across the boundaries of the parcel wherein it is located, toxic matter in such concentrations as to violate any existing regulations or be detrimental to, or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or individuals.

I. Liquid Waste

No waste shall be discharged into a storm sewer or drainage area except clear and unpolluted water. All waste discharged into the City's sanitary sewer shall meet the requirements established by the State of Wisconsin and the City of River Falls.

J. Electrical Emissions

There shall be no electrical emission beyond the property line which would adversely affect any other use.