

VILLAGE OF GRAFTON

COMMUNITY DEVELOPMENT AUTHORITY MEETING MINUTES

DECEMBER 8, 2010

The Community Development Authority (CDA) meeting was called to order by Vice Chair Roger Kirgues at 6:15 p.m.

CDA members present: Alan Kletti, Dan McKelvey, Jim Grant, Ron LaPean, Roger Kirgues

CDA members absent: John Gassert and Al Richards

Staff/Officials present: Village Administrator Darrell Hofland, Director of Planning and Development Michael Rambousek, Village Clerk Teri Dylak, and Village Attorney Michael Herbrand

MINUTES

Motion by Dan McKelvey, seconded by Al Kletti, to approve the November 3, 2010 Community Development Authority meeting minutes, as presented. Approved unanimously.

REZONING OF PROPERTIES LOCATED AT 1032-1038 12TH AVENUE AND 1043 13TH AVENUE FROM M-1 MANUFACTURING TO PUD (PLANNED UNIT DEVELOPMENT) - RESIDENTIAL

Director of Planning and Development Michael Rambousek stated that, at the direction of the CDA, he has researched the option of rezoning the properties at 1032-1038 12th Avenue and 1043 13th Avenue from the current M-1 Industrial district to a residential use. The recommended zoning classification would be PUD Planned Unit Development – Residential for future multi-family development. Mr. Rambousek indicated that the 12th Avenue properties are currently vacant and the 13th Avenue property will be vacant soon.

Mr. Rambousek indicated that this area is identified for future residential redevelopment in the Downtown Master Plan.

Mr. Rambousek gave a brief overview of the rezoning process. The CDA makes a request to the Village Board for submittal of a rezoning petition to the Plan Commission. The Plan Commission holds a public hearing and makes a recommendation to the Village Board for action on the rezoning request. The entire process will take approximately 60 to 90 days.

If the 12th Avenue properties are rezoned to PUD – Planned Unit Development - Residential, no new industrial users would be allowed. Because the properties are

currently vacant and there has not been a tenant(s) of record for more than 1 year to date, the property will not have legal non-conforming status.

The property at 1043 13th Avenue is currently occupied by an industrial user; however, the tenant will be vacating the premises in April, 2011. Legal non-conforming status would be retained for at least 1 year from the date that the current tenant vacates the premises. If the tenant space is occupied within the 1 year time period by an industrial tenant, the clock will stop and a full year will again be given for legal non-conforming status. This process will continue until the building remains vacant for 1 year. Once the building is vacant for a full year, the property will no longer be classified as legal non-conforming and must be utilized for residential purposes.

Ron Schuele, one of the owners of the property at 1043 13th Avenue, was present. He indicated that, if possible, he would like to sell the building. He does not want to have the building sit vacant after the current tenant leaves. He also indicated he would be willing to work with the Village for a possible municipal purchase of the property.

Village Administrator Hofland stated that a property located to the west of the Schuele property has ground contamination that has migrated to the 12th Avenue site. The DNR is monitoring the area and the originating property is the responsible party for the contamination remediation. Because of the site contamination, the former brewery site may require deed restrictions to address the issue.

Alan Kletti questioned the initiation of the rezoning by the Village. Administrator Hofland responded that while rezoning of a property is usually initiated by the property owner, the Village has the ability to initiate rezoning of a property.

Director Rambousek added that the municipality must have a basis for the rezoning request. In this instance, the Downtown Master Plan is the basis for the request by the Village.

The members briefly discussed the rezoning process and its impact on the property owners. Dan McKelvey questioned options the rezoning will give the property owners.

Director Rambousek responded that the existing buildings could be redeveloped for residential uses or razed, and a new PUD-residential development initiated.

Mr. Schuele questioned what would happen if he gets a new tenant with a 10 year lease. Mr. Rambousek stated that if the lease is initiated within the 1-year timeframe, the manufacturing use would be allowed for the duration of the lease term.

Trustee Grant questioned what type of tenants would be allowed in the M-1 district. Director Rambousek stated that the zoning code has very specific use allowances for the M-1 district.

Village Attorney Michael Herbrand stated that he has been in discussions with the owners of the 12th Avenue properties on the nuisance issue. They have indicated that they are interested in possibly selling the property. Mr. Herbrand also indicated that he made them aware of the discussion on the rezoning of their properties at this meeting and did not receive any response.

Vice Chair Kirgues stated that this is the first step in the process. The required public hearing will provide the owners and adjacent property owners with the ability to provide input to the Plan Commission and ultimately the Village Board on the proposal.

Mr. McKelvey asked Mr. Schuele his opinion on the proposed rezoning. Mr. Schuele responded that he is willing to work with the Village on what is best for this area.

Administrator Hofland commented that in 2000-2001, the Schuele and Holland families worked in partnership with Village staff to create a request for proposal for the possible redevelopment of their properties. Unfortunately, at that time, the Holland property sale price was too high.

Motion by Al Kletti, seconded by Trustee Grant, to recommend Village Board initiate a petition to rezone the properties located at 1032-1038 12th Avenue and 1043 13th Avenue from M-1 Industrial to PUD Planned Unit Development – Residential.

Mr. McKelvey questioned if the Hollands have any options if they are opposed to the rezoning of their properties. Administrator Hofland responded that they could file a protest petition which would require a super majority of the Village Board to approve the rezoning ordinance.

The motion to recommend the Village Board submit a rezoning petition to the Plan Commission to change the zoning on the properties located at 1032-1038 12th Avenue and 1043 13th Avenue from M-1 Industrial to PUD Planned Unit Development – Residential was approved unanimously.

CONVENE TO CLOSED SESSION

Motion by Jim Grant, seconded by Dan McKelvey, to convene to closed session, at 6:35 p.m., pursuant to Wisconsin Statutes 19.85(1)(e) for Real estate and competitive bargaining matters (amendment to development agreement for Highland Ridge project and development agreement for redevelopment site) Approved unanimously by roll call vote.

A closed session of approximately 1 hour and 10 minutes was held. During the closed session, the CDA reviewed an amendment to the Highland Ridge development agreement and discussed the possible redevelopment of an existing manufacturing facility.

RE-CONVENE TO OPEN SESSION AND THE REGULAR ORDER OF BUSINESS

Motion by Al Kletti, seconded by Trustee Grant, to reconvene to open session and the regular order of business, at 7:46 p.m. Approved unanimously.

HIGHLAND RIDGE - SUPPLEMENTAL AGREEMENT REGARDING LOT 1 OF CERTIFIED SURVEY MAP NO. 3726,

Motion by Al Kletti, seconded by Dan McKelvey, to approve the Highland Ridge supplemental agreement regarding Lot 1 of CSM No. 3726, subject to approval of the second amendment to TID No. 4 development agreement relating to Lot 2. Approved unanimously.

HIGHLAND RIDGE - SECOND AMENDMENT TO TAX INCREMENT DISTRICT NO. 4

Motion by Al Kletti, seconded by Dan McKelvey, to approve the Highland Ridge - Second amendment to Tax Increment District No. 4 development agreement regarding Lot 2, CSM 3726, subject to a satisfactory report from Village auditors Baker Tilly, regarding the financial status of a guarantor yet to be named, in keeping with the terms and conditions of the second amendment. Approved unanimously

OLD BUSINESS

Update on nuisance designation – Holland property

Village Administrator Hofland indicated that the clean-up of the Holland properties is continuing. Village Attorney Herbrand met with Building Inspector Tom Johnson and the Hollands on site to discuss the nuisance issue. Additional work is being done on site to include the moving of the crane truck and the relocation of the remaining signs to the back of the building.

As a sign of good faith and our willingness to work with the owners on this issue, the Village has indicated that we are willing to have the DPW crew remove the chain link fence at the front of the building and cut down the pole sign. Mr. Herbrand indicated that the Hollands have not responded to the offer, at this time.

Chris Holland has expressed concern regarding site security if the fence on the north side is removed. This concern will be addressed as the process continues.

After limited discussion, it was the consensus of the CDA for staff to continue working with the landowners on this matter.

Sale of the Village Center

Village Attorney Herbrand informed the CDA that the sale of the Village Center complex is moving forward. The upper level of the building is being purchased by J-Group, and the lower level is being purchased by North Dog.

Grafton Hotel Redevelopment Project financing status

Administrator Hofland indicated that he recently met with Paul Rushing and Jim Reed on the redevelopment project. They indicated that HUD is still requesting documents from them and it is not likely that a final approval determination will occur until mid-February, 2011. Mr. Rushing and Mr. Reed have indicated they will keep the CDA updated on the status of the project.

The CDA again expressed their support for this project.

NEW BUSINESS

None.

ADJOURN

Motion by Trustee Grant, seconded by Dan McKelvey, to adjourn at 8:02 p.m. Approved unanimously.