

**VILLAGE OF GRAFTON**

**JOINT VILLAGE BOARD / COMMUNITY DEVELOPMENT AUTHORITY  
MEETING MINUTES**

**FEBRUARY 1, 2012**

The Joint Village Board / Community Development Authority (CDA) meeting was called to order at 6:15 p.m. by President Jim Brunnquell.

Village Board members present: Jim Grant, Dave Antoine, Richard Rieck, Sue Meinecke, David Liss, Lisa Uribe Harbeck, Jim Brunnquell

CDA members present: Alan Kletti, Roger Kirgues, Dan McKelvey, Al Richards, John Gassert, Jim Grant, Jim Brunnquell

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

**CONVENE TO CLOSED SESSION**

Motion by Trustee Grant, seconded by Alan Kletti, to convene to closed session, at 6:15 p.m., pursuant to Wisconsin Statutes 19.85(1)(e) for Real estate and competitive bargaining matters (purchase of property, Highland Ridge project amendment and developers agreement revisions).  
Approved unanimously by roll call vote.

A closed session of approximately 50 minutes was held. During the closed session the Village Board and CDA members reviewed options for a proposed amendment to the previously approved Highland Ridge development in the South Commercial District.

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

Motion by Trustee Liss, seconded by Trustee Harbeck, to reconvene to open session and the regular order of business, at 7:06 p.m. Approved unanimously by roll call vote.

**ASSIGNMENT, ASSUMPTION AND AGREEMENT TO CONVEY: APPROXIMATELY 5 ACRE HIGHLAND RIDGE PARCEL LOCATED AT 1961- 1969 ASH AVENUE WITH MSP REAL ESTATE, INC.**

Village Administrator Darrell Hofland distributed a revised version of the Assignment, Assumption and Agreement to Convey (Agreement) to the members. He stated that minor changes have been made to the agreement working through Village Attorney Michael Herbrand.

Administrator Hofland briefly reviewed the background of the Highland Ridge project. He stated that the Planned Unit Development (PUD) project was originally approved by

the CDA, Plan Commission and Village Board in late 2007. The project consisted of 136 condominiums consisting of both apartment style and townhouse style units on approximately 13 acres.

Administrator Hofland stated that on January 31, the Plan Commission reviewed an amendment to the previously approved project which covered 10 of the 13 original acres. The amendment included senior housing, assisted living and memory care components, in addition to 3 apartment buildings consisting of 31, 29, and 12 units respectively. The Plan Commission expressed considerable concern with the density of the project and the fact that the amendment did not take into consideration the 3 acres at the southwest edge of the original development. The Commission also expressed concern with the lack of connectivity between the two development areas and the lack of a "neighborhood" feel of the overall proposal.

President Brunquell stated that Administrator Hofland's summary was consistent with the discussion that occurred at the Plan Commission meeting. He identified that the Commission was concerned with the lack of a full comprehensive plan for the entire 13 acre site.

Trustee Rieck agreed and added that the senior housing, assisted and memory care components will not increase business traffic in the South Commercial District.

Administrator Hofland informed the members that MSP Real Estate, Inc. (MSP) has agreed to remove all of the senior housing components of the project and are willing to match the original four buildings, proposed in the original project layout.

The agreement to convey would provide the developer with additional WHEDA tax credits for the project. MSP would assign the terms of the Offer to Purchase the property, from E.J. Plesko, to the CDA and the CDA would in turn reassign or sell the parcel to MSP. Village Attorney Herbrand has been in discussions with E.J. Plesko and MSP on the agreement. Several revisions were made to protect the CDA's interest and to retain CDA control over approving the project via changes to the Development Incentive Agreement. The Agreement states that 72 apartments are to be constructed as part of the project. Administrator Hofland identified that the Director of Planning and Development has expressed a concern with the density of the project.

If the CDA does not support the amended project, the options are no action or to reject the Agreement, as presented.

CDA Chair John Gassert questioned if the Agreement included all or a portion of the project area. Administrator Hofland responded that the Agreement only covers the area of the four apartment buildings. The western portion of the project area is not included in the Agreement. Director Rambousek stated that if this proposal is approved, the developer/owner will need to submit a Certified Survey Map to divide the parcel.

Jacob Klein, Director of Development for MSP, was present. Mr. Klein commented that he has been discussing this project with the CDA and Village Staff since August, 2011. Mr. Klein stated that based on the discussion at the Plan Commission meeting, they have removed the senior component from the project scope. It was clear that the Plan Commission preferred the original project layout. Unfortunately, due to the current economic environment, it is very unlikely that condominium development would occur for at least 4 - 5 years or more.

Mr. Klein stated that MSP thinks this development will add value to the Village of Grafton. MSP is willing to design the four apartment buildings in the same manner as the original proposal. In addition, the landscaping and other components of the original approval would be followed. He thanked the Village Board and CDA members for meeting on this project. He indicated that this development would fill in the area and hopefully would spur development on the western parcel.

Chair Gassert stated that the proposal being presented is not the same as the original development. The density of the amended plan is greater and does not include all of the acreage in the original plan. He stated that MSP has "broken off" a small portion of the site for development leaving a large section of the original development area unconsidered.

Mr. Klein responded that the remainder of the site can still be developed according to the original approved site plan.

President Brunnuell commented that the original development was a comprehensive plan for the entire area. Separating the project as proposed will change the dynamics of the project. In addition, changing from owner occupied condominiums to rental apartments is significant. He stated that he thinks the new proposal will create a struggle for the development of the remaining acreage. Although the area is still zoned PUD, it will not be under single ownership and he is not sure the second parcel will ever develop as presented.

Mr. Klein expressed concern that he has been discussing this development with the Village since August, and never received negative feedback on the apartment component of the project. He stated that during discussions, he was given the nod to proceed with the proposal, including the apartments. He stated MSP is willing to build the same style building identified in the original proposal. He also commented that he is not sure why the development is being discriminated against because the apartment units are rental and not owner occupied. Mr. Klein also stated that to obtain financing for a condominium project in the current housing market will be difficult.

President Brunnuell reiterated that carving out a portion of the project will create a challenge for the rest of the acreage to develop. The Plan Commission was concerned with the amendment because the original project layout included a complete picture of the final development, not just a portion.

Chair Gassert asked for any additional questions on this item and requested a motion for action on the Agreement.

Motion by Jim Brunnquell, seconded by Al Richards to reject the Assignment, Assumption and Agreement to Convey, as presented.  
Approved unanimously.

**CLOSE JOINT VILLAGE BOARD / COMMUNITY DEVELOPMENT AUTHORITY MEETING AND COMMENCE REGULAR COMMUNITY DEVELOPMENT AUTHORITY MEETING**

Motion by Trustee Grant, seconded by Trustee Meinecke to close the Joint Village Board / Community Development Authority meeting and commence the regular close CDA meeting, at 7:26 p.m. Approved unanimously.

**MINUTES**

Motion by Trustee Grant, seconded by Al Kletti, to approve the January 4, 2012 Community Development Authority meeting minutes, as presented.  
Approved unanimously.

**PERSONS REQUESTING TO BE HEARD**

None.

**REQUEST FOR INCLUSION OF BUSINESS NAME ON WAYFINDING SIGNAGE BY JOHN WIRTH OF DIGITAL EDGE COPY CENTER, 1316 12<sup>TH</sup> AVENUE**

Director Rambousek identified that he received a request from John Wirth, owner of Digital Edge Copy Center, 1316 12<sup>th</sup> Avenue, and Kim and Mark Meisinger, owners of the Bloomin' Olive, to allow their business name to be placed on downtown wayfinding signage. The reason for the request is based on the location of the business on 12th Avenue south of the Paramount Plaza. This area is hidden behind the former Grafton Hotel building.

Director Rambousek stated that it has been the Village of Grafton's policy not to include specific business names on public signage. He reviewed two concerns with the request. He stated that to allow business names on public signage would set precedence for additional requests of this type. The second concern is as businesses change, the signage would need to be updated. Director Rambousek also stated that the sign code does not allow for off-site signage for business identification.

Director Rambousek is suggesting that a compromise may be to use a directional arrow on the wayfinding signage to identify the "business area". He stated that this area could be labeled the "Paramount Plaza Business Area". Businesses could advertise their location in this "area".

Alan Kletti questioned how many business area signs would be placed downtown. Director Rambousek responded at least one sign located at the corner of 12<sup>th</sup> Avenue

and Beech Street, with the possibility of an additional sign closer to 12<sup>th</sup> Avenue and Washington Street.

Trustee Grant questioned the difference between the business area designation sign and the request from the business owners. Director Rambousek identified that the business area sign would not include specific business names. If business names are identified, the Plan Commission may have to approve an allowance for off-site business signage on private property.

Mark Meisinger commented that their business and Digital Edge are in a unique location. There is only one access point to 12<sup>th</sup> Avenue and the area is not very visible from Wisconsin Avenue.

Trustee Grant agreed stating that this business area is located off of the normal traffic stream.

John Wirth thanked the CDA for reviewing this matter. While the businesses were aware of the challenges of this location, visibility has gotten worse with the new addition to the Grafton Hotel building.

Mr. Wirth stated that they are requesting some type of identification on Beech Street and Wisconsin Avenue that would identify the businesses on 12<sup>th</sup> Avenue located behind the Grafton Hotel building. Mr. Wirth stated that he is willing to create a banner, free of charge, for placement in the area that could identify the business district and what businesses are located in the area. One of the poles in the Paramount Plaza could be used.

Director Rambousek commented that the use of a banner is still a concern. He agreed that there is difficulty with the location of these businesses; however, the Village has to be consistent with how the code is applied.

Trustee Grant stated that this area is unique. Perhaps there could be a code change to allow off-site business signage in this area only. He liked the idea of a banner for identification over a sign.

After limited discussion, it was the consensus of the CDA that it would not be appropriate to identify specific businesses on the wayfinding signs; however, due to the uniqueness of the business locations it would be beneficial to find a way to assist in identifying the businesses in this area.

Al Richards stated that creating a Paramount Plaza Business Area would be beneficial to the entire downtown, as well as these businesses.

Alan Kletti suggested that the property owners work with Director Rambousek on a signage proposal for presentation at the next CDA meeting.

Village Administrator Hofland identified that the 14<sup>th</sup> Avenue mill buildings has unique visibility issues as well.

Trustee Grant commented that there are several unique areas in the downtown that should have better business location identification. In order to get people to these areas they need to know what businesses are there.

Roger Kirgues commented that we must be mindful of what can be placed on light poles without causing a structural problem.

Trustee Meinecke questioned if using the Paramount Plaza kiosk was an option for business identification. President Brunquell responded that the kiosk is a community amenity and not business oriented.

The CDA directed staff to work with the affected businesses on identification options for review at the next CDA meeting.

Administrator Hofland asked the business owners if they would be interested in pursuing a sign size variance should the Plan Commission be open to granting a variance. Mrs. Meisinger stated that while larger signage might help, she thinks that the businesses need visibility on Wisconsin Avenue.

## **OLD BUSINESS**

Update on clean-up of outdoor storage at 1038 12<sup>th</sup> Avenue / John Holland Jr.-owner  
The CDA briefly reviewed photos of the property at 1038 12<sup>th</sup> Avenue, owned by John Holland Jr. et al. Administrator Hofland stated that a portion of the chain link fence, several vehicles and some of the large signs have been removed from outside of the building. He identified that Village Staff and the Village Attorney Herbrand previously met with the property owner and he promised to complete additional site clean-up; however, not all of the work has been completed.

Trustee Grant commented that the site is still a mess and questioned what the Village's options are for getting the property owner to continue clean-up of the property.

Trustee Lisa Harbeck stated that the "For Sale" sign has been knocked down and is not visible. She also questioned what can be done to get the property cleaned-up.

Trustee Grant questioned if there has been any development interest in this site. Administrator Hofland responded that the property has been rezoned to PUD Planned Unit Development to accommodate future development. Unfortunately, the property behind the Holland property, on 13<sup>th</sup> Avenue, has not been rezoned at this time. It is unlikely that this area will develop unless both properties are available. The 13<sup>th</sup> Avenue property owner requested not to have his property rezoned because he had an existing tenant in his building at the time of the Holland property was rezoned to PUD. The 13<sup>th</sup> Avenue property is currently zoned manufacturing and is being marketed as such.

President Brunnquell commented that, unless there is a public health or safety concern on this property, the Village has limited legal enforcement options on what can be done. Deputy Health Inspector Tom Johnson must support a health and/or safety violation.

After discussion, it was the consensus of the CDA to direct staff to work with the property owner on continued site clean-up. In addition, the CDA would like staff to review development options for this site and the 13<sup>th</sup> Avenue site for future review.

**NEW BUSINESS**

None.

**ADJOURN**

Motion by Roger Kirgues, seconded by Alan Kletti, to adjourn at 8:00 p.m.  
Approved unanimously.