A quorum of the Administration Committee, Board of Public Works, Park Board, and/or Common Council may attend this meeting; (Although it is not expected than any official action of any of those bodies will be taken).

CITY OF MENASHA REDEVELOPMENT AUTHORITY Menasha City Center March 2, 2021 Room 133

5:15 PM

Or immediately following the Plan Commission meeting

AGENDA

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. PUBLIC HEARING
- D. MINUTES TO APPROVE
 - 1. Minutes of the February 2, 2021, Redevelopment Authority Meeting
- E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN ON THIS AGENDA (five (5) minute time limit for each person)

F. DISCUSSION / ACTION ITEMS

- 1. Lawson Canal Update
 - a. Lawson Canal Area Redevelopment Discussion Phase I (Stantec and Neighborhood Planners)
 - b. Future Access to Gilbert Site (Parcel 3-00527-04)
- 2. Assignment of Land Purchase and Development Agreement Banta Property (Southwest end of 460 Ahnaip Street) YBR Properties, LLC to Banta 1, LLC
- 3. Vacant RDA Owned Lands Province Terrace and Manitowoc Road Corridors Discussion
- 4. Residential Lot Sale Update Lake Park Villas Gail Popp
- 5. Set Next Meeting (March 30, 2021)
- G. ADJOURNMENT

If you have questions, please call the Community Development Department at (920) 967-3650 between 8:00 AM – 4:00 PM, Monday through Friday.

CITY OF MENASHA Redevelopment Authority Menasha City Center 100 Main Street, Room 133 February 2, 2021 DRAFT MINUTES

A. CALL TO ORDER

Vice-Chairman Golden called the meeting to order at 5:20 PM.

B. ROLL CALL/EXCUSED ABSENCES

REDEVELOPMENT AUTHORITY MEMBERS PRESENT: Chairperson Kim Vanderhyden, Alderperson Nichols, Matt Vanderlinden, Bob Stevens, Kip Golden and Gail Popp.

REDEVELOPMENT AUTHORITY MEMBERS EXCUSED: Shane Correll

OTHERS PRESENT: CDD Schroeder, PP Stephenson, CA Captain, and Sandra Dabill-Taylor (545 Broad Street)

C. PUBLIC HEARING

No public hearing at this time.

D. MINUTES TO APPROVE

1. Minutes of the December 8, 2020 Redevelopment Authority Meeting A motion was made by Comm. Vanderlinden to approve the minutes of December 8, 2020 Redevelopment Authority Meeting. The motion was seconded by Comm. Stevens. The motion carried.

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN ON THIS AGENDA

(five (5) minute time limit for each person)

Sandra Dabill-Taylor, 545 Broad Street, commented on the in-person meetings, the potential assignment of the Banta Development per the Plan Commission submittals, C-2 zoning versus PUD for the Banta property, and high development of River Health.

Comm. Vanderhyden joined the meeting at 5:25 PM and assumed the duties as the Chairman.

F. DISCUSSION / ACTION ITEMS

1. Lake Park Villas Lot Sale Update – Gail Popp

Gail Popp provided an updated of recent interest in the RDA vacant owned lots in the Lake Park Villas Subdivision. While interest and sale of vacant land remains slow, home sale remains high. CDD Schroeder noted the RDA owns 32 residential lots and has a first right of refusal on 7 of these lots.

No action was taken.

2. Lawson Canal Update

CDD Schroeder and CA Captain provided the RDA with an update of the Lawson Canal as it relates to the acquisition, the naturalization process, and the development agreement with YBR Properties for the redevelopment of the Banta building. As of the week prior, the City had received an executed purchase agreement and a signed quit claim deed from the Neenah-Menasha Water Power Company. This deed was sent to the County for recording. This acquisition, met the obligations of the RDA for the development of the former Banta building as the space was needed for the proposed design and use. City Parks Department has also

started to work on puling the needed information together to bring forward the conversation of the Lawson Canal restoration to the Community.

No action was taken.

- 3. First Amendment to the Land Purchase and Development Agreement between the Redevelopment Authority and YBR Properties LLC 460 Ahnaip Street (Former Banta Building)
- *Comm.* Golden abstained from discussion on behalf of the RDA due to conflict with the project. CDD Schroeder provided the RDA an update of the current development and process moving forward with YBR Properties as it relates to Banta property redevelopment. With Banta 1, LLC on behalf of YBR Properties submitting for Plan Commission approval on 2/2/2021 which was beyond the approval date noted in the original agreement, YBR wanted to update this agreement from the approvals to closing dates to substantial completion. An active agreement that is not in default, will allow YBR properties to move forward in the project and secure final financial approvals.

Noted during public comment was the submittal of approvals to Plan Commission by Banta 1, LLC versus YBR Properties whom the development agreement is with. Staff explain that this is a standard practice in development to place each project into a separate limited liability company. CA Captain added that per the development agreement, the RDA will need to approve the assignment at its subsequent meeting.

General discussion ensued.

Comm. Vanderlinden motioned to approve the first amendment to the land purchase and development agreement between the RDA and YBR Properties LLC as presented for the redevelopment of the remaining portions of the former Banta building located at 460 Ahnaip Street. Motion was seconded by Comm. Stevens. The motion carried 6-0 with Comm. Golden abstaining.

4. Promissory Note Lot 81 Lake Park Villas – Vans Realty and Construction Appleton CDD Schroeder provided a verbal overview and background of the on-going relationship between the RDA and Vans Realty and Construction as highlighted in the staff memo. Today's request was a request by Vans to provide the described builders credit for the closing of Lot 81 on January 15, 2021. Per the agreement the home was to be sold by December 31, 2020 in order for Vans to be eligible for the builders credit per the development agreement. The

General discussion ensued including: terms of the development agreement and amendments, construction date, date of accepted offer, length to close, and future working relationships.

Comm. Golden motioned to extend the builders credit from the promissory note received for lot 81 of Lake Park Villas to Vans Realty and Construction. Motion was seconded by Comm. Popp. The motion carried.

5. Land Acquisition 2011 Manitowoc Road

CDD Schroeder provided a summary of the discussion from the previous meeting describing the benefit and urban renewal opportunity for the RDA to acquire 2011 Manitowoc Road. Within closed session on December 8, 2020, the RDA provided direction to staff to make an offer to the property owner of 2011 Manitowoc Road with the conditions that the acquisition is approved by the Common Council and the property is determined to be blighted following the requirements of the state statutes. With the owner verbally accepting the general terms, staff has been working with legal representative to draft an agreeable purchase agreement providing the necessary contingencies for the RDA and the flexibility and protections to the Seller.

General discussion ensured regarding terms, process, future development, demolition of the building, breach of agreements, earnest monies, disclosure reports, purchasing as is, and being governmental entity and exemption status.

RDA noted they would like to discuss future development of this site and the other Province Terrace sites at the next meeting.

Comm. Vanderhyden motioned to allow the Executive Director, Chairperson, and the City Attorney to continue to compile and execute a purchase agreement as presented with a cap of earnest monies not to exceed \$2,500.00 and the executed document to be placed on a subsequent RDA meeting. The motion was seconded by Comm. Popp. The motion carried.

6. Set Next Meeting

The next meeting was set for Marcy 2, 2021 at 5:15 PM.

G. ADJOURNMENT

A motion was made by Comm. Vanderhyden to adjourn the meeting in closed session at 6:45 PM. The motion was seconded by Comm. Popp. The motion carried.

Minutes respectfully submitted by CDD Schroeder.



MEMORANDUM

Date: March 2, 2021

To: Redevelopment Authority

From: Community Development Department/SS

RE: Lawson Canal Update and Future Access to Gilbert Site (Parcel 3-00527-04)

As the RDA continues to move forward with the redevelopment of the Banta site and surrounding development including the Gilbert site and the Lawson Canal, staff wanted to provide this updated.

As shared at the previous meeting, the RDA has officially acquired the "canal" property from the Neenah-Menasha Water Power Company. In addition to this property, a portion of the canal is also owned by the PJC Group, LLC. As part of the on-going development of the Canal Project, the City Attorney and Parks Director have been in communication with this owner in order to obtain the rights to purchase the area needed for the Lawson Canal project as shown in the attached. While the owner is amenable to working with the City on this option, concerns were noted in regards to creating an inaccessible piece of their property. Prior to approving the right to purchase, the owner would like confirmation from the RDA that future access can be provided to this portion of the "island/peninsula" that is cut off from the existing site through the future Oak Street right-of-way.



*Map is for reference only

Staff recommends the RDA motion upon acquisition by the City of Menasha of the Lawson Canal area from the PJC Group LLC as described in the right to purchase provided in the March 2, 2021 RDA packet, that future access will be granted to portions of parcel 3-00527-04 that is disconnected to its parent parcel from the future Oak Street right-of-way.

RIGHT TO PURCHASE REAL ESTATE

This right to purchase real estate is made between _____, LLP, Grantor, and City of Menasha, a Wisconsin municipal corporation, Grantee, for the following described real estate in Winnebago County, State of Wisconsin.

City is desirous of acquiring a part of Grantor's property for the public purpose of park and recreation, namely an urban water restoration project, however, City needs to secure financial commitment to construct the project; and

Grantor supports the City's project and is interested in assisting the City and will transfer and donate the property to Grantee for the project for \$0 dollars; and

Upon written notification to Grantor by Grantee of the City successfully securing grant funding for the project Grantor shall transfer property to City by warranty deed free and clear of all encumbrances. Closing shall occur within five (5) years from the date of execution of this agreement; and

The parties acknowledge this agreement mutually benefits both parties providing good and valuable consideration. This agreement shall be binding on the parties hereto and their respective heirs, successors and assigns.

7 –

PARCEL ID NO.

PROPERTY DESCRIPTION:

EXHIBITS A & B - attached

Dated this _____ day of March, 2020.

EJ Jelinski by:

RETURN TO: City Clerk 100 Main St., Suite 200 Menasha, WI 54952

This is not homestead property.

City of Menasha by:

, member

STATE OF WISCONSIN) (SS WINNEBAGO COUNTY)

Personally came before me this _____ day of March, 2020, the above-named _____ me known to be the person who executed the foregoing instrument and acknowledge the same.

, to

This instrument drafted by City Attorney Pamela A. Captain SBN: 1023192 Notary Public, Winnebago County, WI My commission _____

Exhibit A

Part of Lot 4 of Certified Survey Map (CSM) 6723 recorded in Volume 1 on Page 6723 as Document No. 1635579, located in Government Lot 1 of Section 22, Township 20 North, Range 17 East, City of Menasha, Winnebago County, Wisconsin, containing 35,761 square feet (0.821 acres), described as follows;

Commencing at a Southeasterly corner of said Lot 4 CSM 6723, the North right-of-way line of Ahnaip Street and the Southeast corner of Lot 19 of Block A of Subdivision of the Reservation Plat;

Thence N43°41′57″W, 121.42 feet along a line of said Lot 4 to a corner of said Lot 4 and the Southwest corner of said Lot 19 and the Point of Beginning;

Thence N50°52'57"W, 322.99 feet to the Northwesterly line of said Lot 4 of CSM 6723 and an existing chiseled cross;

Thence N53°33′53″E, 153.49 feet along said Northwesterly line;

Thence S43°41'57"E, 172.90 feet to a Easterly line of said Lot 4, the North line of the Lawson Canal and a mag nail found;

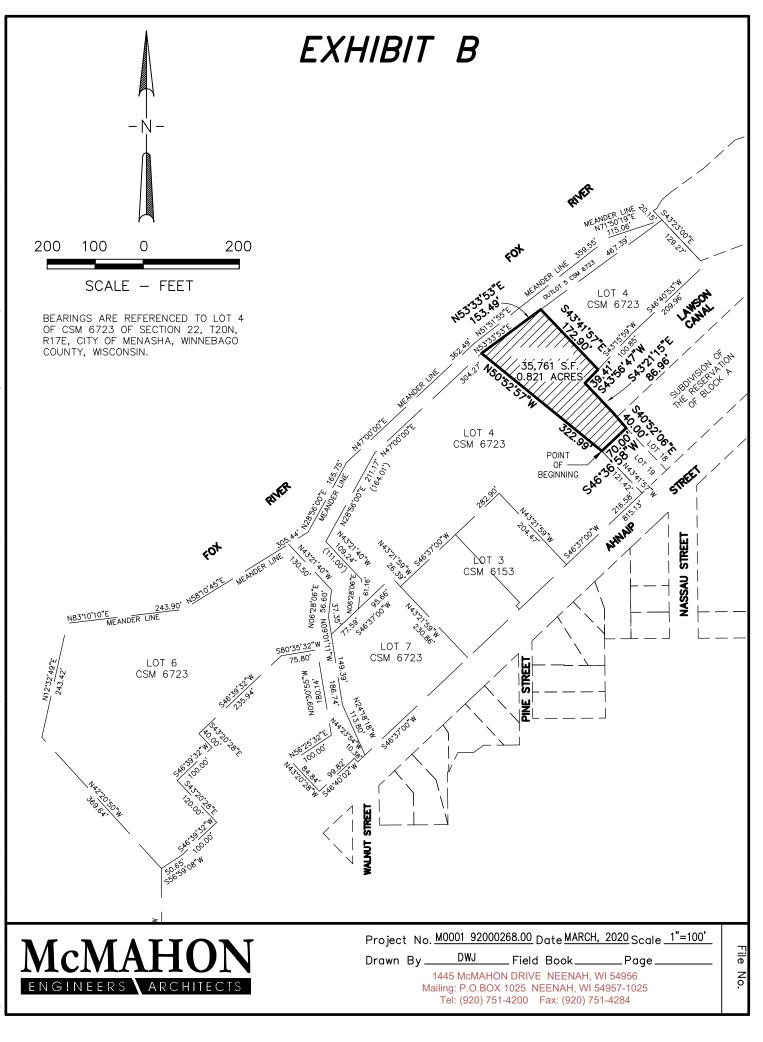
Thence S43°56'47"W, 39.41 feet along said Southeasterly line to a corner of said Lot 4;

Thence S43°21'15"E, 86.96 feet along a Southeast line of said Lot 4 to a mag nail found;

Thence S40°52'06"E, 40.00 feet to a Southeasterly corner of said Lot 4 to a mag nail found;

Thence S46°36′58″W, 70.00 feet along a Southeasterly line of said Lot 4 to the Point of Beginning.

See attached Map Exhibit B.





MEMORANDUM

Date: March 2, 2021

To: Redevelopment Authority

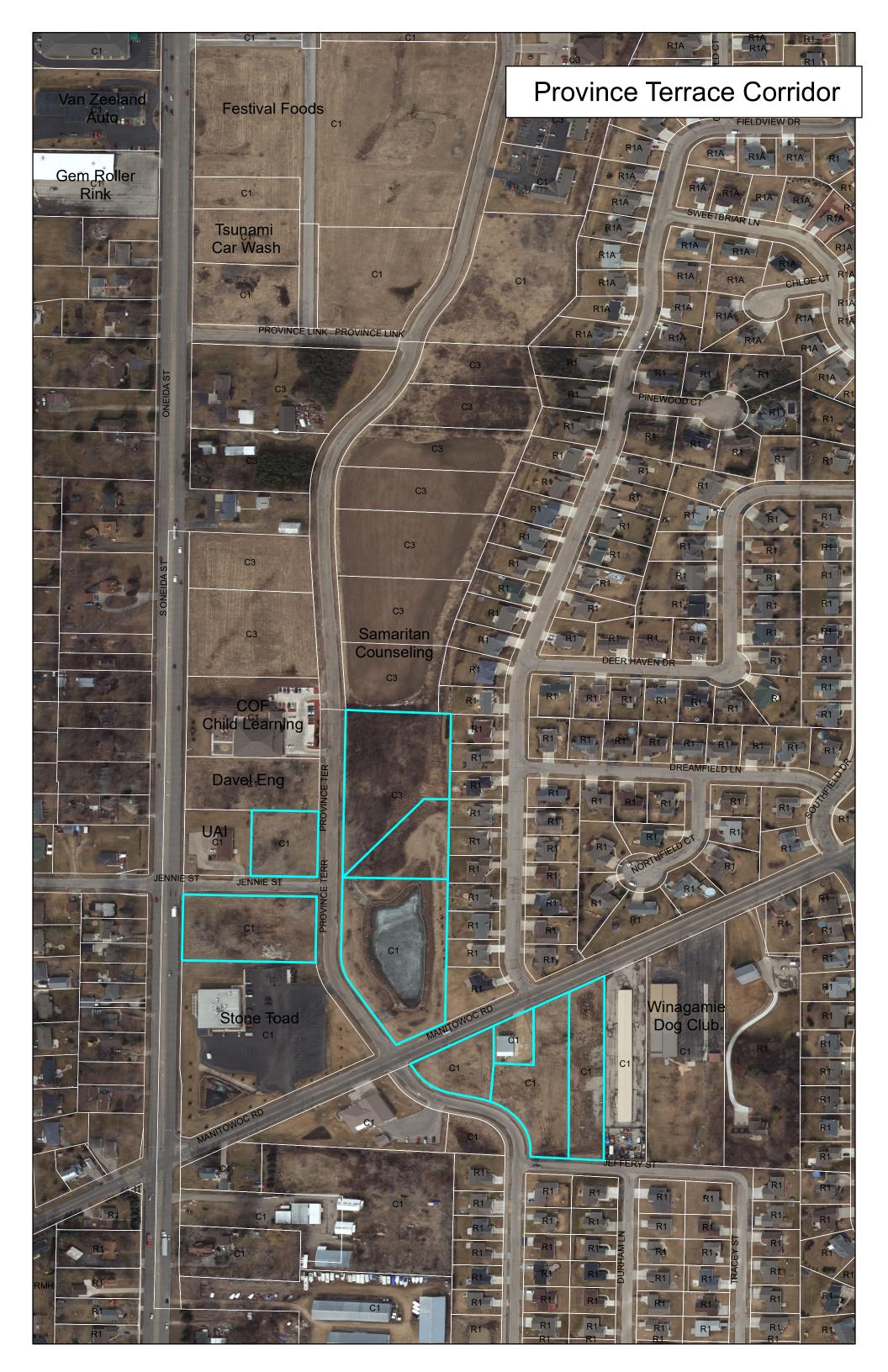
From: Community Development Department/SS

RE: Assignment of Land Purchase and Development Agreement – Banta Property (Southwest end of 460 Ahnaip Street) – YBR Properties, LLC to Banta 1, LLC

As we get closer to the closing of the property and the commencement of construction, YBR Properties is requesting to assign the site specific project from YBR Properties, LLC to Banta 1, LLC. This is a standard practice in any new development for a developer to create a site specific limited liability company (LLC) and assign the ownership of the development agreement and ownership to this new LLC. There are many benefits to assigning a specific LLC for a single asset from a multiple ownership LLC. These include limitations of personal liability, simplified management of the legal entity including taxing purposes, the ability to break out different owners/investors in separate projects, and many more.

Per the original development agreement, Section 3.06, the rights, duties and obligations of YBR hereunder may not be assigned by YBR without the prior written consent of the RDA, which will not be unreasonably withheld. With this staff does recommend the following:

Recommend the Redevelopment Authority approve the assignment of the Land Purchase and Development Agreement as Amended from YBR Properties, LLC to Banta 1, LLC.



SEC. 13-1-29 C-1 GENERAL COMMERCIAL DISTRICT.

(a) **INTENT.** The purpose of this district is to accommodate a wide range of retail and commercial service and product establishments. It is also intended to accommodate the development of mixed land uses which will allow the association of commercial and residential land uses in the same zoning district.

(b) **PERMITTED USES.**

- (1) All permitted uses in the R-2 Two Family Residence District.
- (2) Administrative, management, and support services.
- (3) Arts, entertainment, and recreation facilities and services, indoor only.
- (4) Constructions services and contractors offices.
- (5) Day care facilities.
- (6) Education services and schools serving thirty (30) students or less.
- (7) Financial and insurance services.
- (8) Food services and drinking establishments.
- (9) Health, medical and social services.
- (10) Hotels and motels.
- (11) Parks and playgrounds.
- (12) Personal services.
- (13) Professional, scientific, and technical services.
- (14) Public administration buildings.
- (15) Real estate services.
- (16) Religious, grant making, civic, professional, and similar organizations.
- (17) Rental and leasing services, excluding mini-warehousing.
- (18) Retail trade:
 - a. Automotive, truck, recreational vehicle, and heavy equipment parts and accessory stores, excluding facilities with repair or maintenance facilities.
 - b. Furniture and home furnishings stores.
 - c. Electronics and appliance stores.
 - d. Building material, garden equipment and supplies dealers, indoor only.
 - e. Food and beverage stores.
 - f. Health and personal care stores.
 - g. Clothing and clothing accessories stores.
 - h. Sporting goods, hobby, book, music, and similar stores.
 - i. General merchandise and retail stores.
- (19) Repair services, excluding automotive, truck, recreational vehicle, and heavy equipment repair and maintenance services.
- (20) Utility substations.
- (21) Other permitted uses.
 - a. Adult establishments which are more than five hundred (500) feet from schools, churches, community living arrangements, day care centers, nursery schools, family day care homes, parks, playgrounds, other community facilities, and other adult establishments.
 - b. Uses not explicitly enumerated in the section as permitted uses, but determined by the Community Development Director to be closely similar thereto provided that these uses are not specified elsewhere as requiring a

special use permit.

(c) **SPECIAL USES.**

- (1) Airport/heliport.
- (2) Amusement and recreation facilities, outdoor only.
- (3) Automotive, truck, recreational vehicles, and heavy equipment sales, rental, and leasing.
- (4) Automotive, truck, recreation vehicle, and heavy equipment repair and maintenance services.
- (5) Bed and breakfast facilities.
- (6) Building and garden equipment and supply dealers with outdoor displays.
- (7) Gasoline stations.
- (8) Landscape nurseries, orchards, and commercial greenhouses.
- (9) Manufactured or mobile home dealers.
- (10) Multi-family uses permitted in the R-4 Multi-Family District.
- (11) Museums, historical sites, and similar institutions, outdoor only.
- (12) Radio and television broadcasting facilities.
- (13) Railroad right-of-way and uses essential to railroad operation.
- (14) RV Parks and recreational camps.
- (15) Schools serving more than thirty (30) students.
- (16) Spectator sport facilities, outdoor only.
- (17) Other uses requiring a special use permit:
 - a. Any use which utilizes outdoor storage or outdoor display of merchandise or equipment. This requirement does not apply to outdoor display items which are removed each night.
 - b. Office buildings exceeding three (3) stories in height.
 - c. Major telecommunications facilities in accordance with 13-1-81.
- (18) Expansion of mini warehouse facilities in existence prior to January 1, 1991.

(d) SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW

(1) Review shall be required for projects and uses listed in 13-1-12(b)

(e) ACCESSORY BUILDINGS AND USES.

- (1) Accessory building and uses customary with and incidental to the principal use are permitted unless otherwise excluded by this chapter.
- (2) Warehousing customarily incidental to any of the preceding permitted uses or special uses.

(f) **GENERAL STANDARDS.**

- (1) Minimum Lot Width. Eight (80) feet for lots established after the effective date of this ordinance.
- (2) Minimum Lot Size. Nine thousand five hundred (9,500) square feet for lots established after the effective date of this ordinance.
- (3) Minimum Front Yard Setback. Ten (10) feet for all structures, parking, and paving, except for points of ingress and egress approved by the Plan Commission. For properties abutting a residential district, the front yard setback requirement of the adjacent residential district shall apply.
- (4) Minimum Side Yard. None, unless abutting a residential use or district, then transitional area requirements apply.
- (5) Minimum Rear Yard. Ten (10) feet, unless abutting a residential use or district, then

transitional area requirements apply.

- (6) Shoreland Setbacks.
 - a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

- (7) Maximum Height. Forty-five (45) feet or three (3) stories, except as provided herein.
- Maximum lot coverage of buildings shall not exceed thirty percent (30%). The Plan Commission, upon review, may reduce this requirement by up to fifty percent (50%).
- (9) If residential development is the principal use, then all requirements and standards of the applicable residential district apply.
- (10) Design Standards.
 - a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - b. The following shall apply to additions or expansions not required to obtain site plan approval;
 - i. The primary façade material for all additions or expansions shall be brick or natural stone. Where there is an addition or an expansion to an existing building, the façade materials on the portion of the building being altered or added must visually match or complement the appearance of the existing building. The Plan Commission may consider the use of alternative façade materials that are durable and of high quality for such additions or expansions.
 - ii. Secondary façade materials may be used for architectural details or enhancements to additions or expansions. Such materials shall be high quality, durable, and cover not more than twenty-five percent (25%) of the building façade. The Plan Commission shall approve all secondary materials.
- (11) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (12) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12. Requirements set forth in Sec. 13-1-17 for commercial transitional landscaping areas shall apply to this district. If multi-family residential development is the principal use, then transitional area requirements apply.
- (13) Lighting. Permitted uses requiring conditional site plan approval shall comply with

the requirements of Section 13-1-12.

- (14) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
- (15) Loading. No loading shall be allowed in between any building and any street rightof-way. The loading requirements stated in Section 13-1-50 shall apply to this district.
- (g) **NUISANCE CONTROL.** No operation, process, manufacturing, or building shall produce or create excessive noise, light, odor, smoke, vibration, heat, glare, dust, gas, electronic interference, toxic matter, industrial waste, or other external nuisance.
- (h) **SIGNS.** Refer to Article F.

SEC. 13-1-36 C-3 BUSINESS AND OFFICE DISTRICT.

(a) **INTENT**. The purpose of this district is to accommodate a limited range of general business and light industrial uses. These provisions are intended to promote aesthetically pleasing and harmonious overall development by establishing minimum standards for site development and building design.

(b) **PERMITTED USES:**

- (1) Community centers, museums, art galleries, theaters and similar uses.
- (1) Day care centers.
- (2) Medical, dental and other health services.
- (3) Professional, general business, contractors and public administration offices.
- (4) Recreational/fitness facilities.
- (5) Research, testing, and technology-based uses.
- (6) Service industries such as personal, education, business, and financial services.
- (7) Utility substations.

(c) **SPECIAL USES:**

- (1) Landscape nurseries.
- (2) Light manufacturing and assembly.
- (3) Outdoor recreational facilities.
- (4) Printing and publishing.
- (5) Radio or television stations.
- (6) Retail.
- (7) Multi-Family housing as permitted in the R-4 Multi-Family Residential District
- (d) **SITE, ARCHITECTURAL, LANDSCAPING AND LIGHTING REVIEW** (1) Review shall be required for projects and uses listed in 13-1-12(b)

(e) USES REQUIRING CONDITIONAL SITE PLAN APPROVAL

- (1) Any proposed new construction.
- (2) Any proposed addition or expansion to a non-conforming, lot, structure or use.
- (3) Any proposed addition or expansion which exceeds five percent (5%) of the building square footage or five hundred (500) square feet, whichever is less.
- (4) A change in occupancy; this requirement does not include a change in tenant or proprietorship of a substantially similar use to that which existed previously.

(f) **GENERAL STANDARDS**.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum front yard setback: twenty-five (25) feet for structures, ten (10) feet for parking and paved areas.
- (3) Minimum side yard: ten (10) feet for structures, parking and paved areas.
- (4) Minimum rear yard: twenty-five (25) feet for structures, ten (10) feet for parking or paved areas.
- (5) Shoreland Setbacks.

a) For parcels annexed to the City of Menasha after May 7, 1982 the following standards shall apply:

1) Shoreland setback area for a principal building - 50 feet as measured from the ordinary high water mark, except that a principal structure may be constructed or placed within the shoreland setback area if all of the following apply:

a) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.

b) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

- (6) Maximum lot coverage: thirty percent (30%) covered by buildings.
- (7) Maximum building height: forty-five (45) feet or three (3) stories.
- (8) If residential development is the principal use, then all requirements and standards of the applicable residential district apply.
- (9) Design Standards.
 - a. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
 - b. The following shall apply to additions or expansions not required to obtain site plan approval;
 - i. The primary façade material for all additions or expansions shall be brick or natural stone. Where there is an addition or an expansion to an existing building, the façade materials on the portion of the building being altered or added must visually match or complement the appearance of the existing building. The Plan Commission may consider the use of alternative façade materials that are durable and of high quality for such additions or expansions.
 - ii. Secondary façade materials may be used for architectural details or enhancements to additions or expansions. Such materials shall be high quality, durable, and cover not more than twenty-five percent (25%) of the building façade. The Plan Commission shall approve all secondary materials.
- (10) Screening. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (11) Landscaping. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12. Requirements set forth in Sec. 13-1-17 for commercial transitional landscaping areas shall apply to this district. If multi-family residential development is the principal use, then transitional area requirements apply.
- (12) Lighting. Permitted uses requiring conditional site plan approval shall comply with the requirements of Section 13-1-12.
- (13) Parking. The parking requirements listed in Section 13-1-51(b) shall apply to this district.
- (14) Loading. No loading shall be allowed in between any building and any street rightof-way. The loading standards stated in Section 13-1-50 shall apply to this district.
- (g) **NUISANCE CONTROL**. No operation, process, manufacturing, or building shall produce or create excessive noise, light, odor, smoke, vibration, heat, dust, gas, electronic interference, toxic matter, industrial waste, or other external nuisance.
- (h) **SIGNS**. Refer to Article F.

