

**Item 25-0045: Request to approve the creation and recordation of deed restrictions and covenants for Southpoint Commerce Park Plat No. 4 as described in the attached documents**

**Community Development Committee**

Wed, Feb 12, 2025 4:30PM

**Aldersperson Sheri Hartzheim (District 13) 29:31**

Item number 25-0045, request to approve the creation and recordation—that's a new word for me—of deed restrictions and covenants for South Point Commerce Park, plot number four, as described in the documents in the agenda. Could I get a motion please.

**Aldersperson Vaya Jones (District 10) 29:49**

Move to approve.

**Aldersperson Martyn Smith (District 4) 29:50**

Second.

**Aldersperson Sheri Hartzheim (District 13) 29:51**

Motion and a second. Community—no, economic development specialist Paul, are you back on tap for this one? All right.

**Lily Paul (Economic Development Specialist - Community Development) 29:59**

I'm going with this one again. So, as you may know, so South Point Commerce Park, there are four phases to it. One through three are already completed. Those have already started construction. F Street is an example of somebody that has developed out there, and now we're on to plat number four, and that is east of Coop Road—right? Eisenhower—east. It's East of Eisenhower, west of Coop, that's what it is. Thank you. Yep, so those—there's 12 new lots that are being developed currently. The site work began this summer, actually, and it should be wrapping up this spring.

**Lily Paul (Economic Development Specialist - Community Development) 30:37**

Before we start marketing those lots—we currently have lots still available and marketable in the first phases one through three, but with these new lots coming online, we just wanted to look through the covenants, make sure that the standards that we have for this park are up to, up to par, up to speed. So, we just went through. It's the base covenants that we had for phases one through three. And just wanted to outline a couple things that we changed. We put both the marked up and the clean version of the covenants in there. But like I said, a couple things that we wanted to outline. Just making some consistencies in the language. Let's see adding some alternative building materials, showing who is responsible for the enforcement of the park—majority it will be this committee. Some things will be, just be internally, and then also some things, like subdividing the lots will go all the way up to Common Council. We added language prohibiting land in the commerce park to be sold, leased, sub leased, or any matter transferred to a third party that is tax exempt. I know we ran into an issue in the past, so we're using this as a way to avoid that in the future. And that is it actually.

**Lily Paul (Economic Development Specialist - Community Development) 31:52**

So just looking to approve these new covenants so we can start marketing the property and really just be able to tell the, you know, the potential buyers, that these are the covenants that we have in place. So, the deed restrictions in place.

**Aldersperson Sheri Hartzheim (District 13) 32:03**

That last deed restriction where you talked about not selling it to a notprofit, non nonprofit, essentially taking it off our tax rolls, is that only then applying to this plot number four, and it can't—there's not a retroactive application to other plots? Or is that somewhere in the future, perhaps?

**Lily Paul (Economic Development Specialist - Community Development) 32:22**

Sure. So right now, based on deed restrictions, it is only for phase four. How it was handled in the past, I was not here for that, but I'm assuming how it was handled in the past, we would continue forward with the first three phases.

**Aldersperson Sheri Hartzheim (District 13) 32:36**

Yes. Director Homan.

**Director Kara Homan (Community And Economic Development) 32:40**

This isn't something we've conversed with the attorney's office. If there are existing city owned lots that we still have not sold, there might be an opportunity for other phases to amend the covenants, but that would—if that was something the committee would want us to investigate, we'd have to meet up with legal counsel.

**Aldersperson Sheri Hartzheim (District 13) 33:02**

Uh, presuming it's—

**Director Kara Homan (Community And Economic Development) 33:03**

Right now, this is just for phase four.

**Aldersperson Sheri Hartzheim (District 13) 33:04**

But, presuming it's—it would be closed. That—those were already purchased under the previous deed restrictions, so that, so there's no recourse for the city for properties that are already sold outside of this? Okay.

**Director Kara Homan (Community And Economic Development) 33:17**

If we've already sold it.

**Aldersperson Sheri Hartzheim (District 13) 33:18**

Okay, alright. Any other questions or concerns from the committee? Aldersperson Smith.

**Aldersperson Martyn Smith (District 4) 33:24**

Yeah, I saw some language in here about this is commerce park not an industrial park, and then you added in, you know, the land use possibilities as light manufacturing, as opposed to just manufacturing. Just wanted to know, kind of thoughts. Is that trying to push this more toward logistics and transportation rather than industrial uses, or what's your thinking?

**Lily Paul (Economic Development Specialist - Community Development) 33:46**

Sure, it's not necessarily to push it one way or the other, but we've had inquiries on things that are, like, heavy industrial. So, by just having industrial on there as a land use in the past was vague, and so this is a way to say like—because we do actually have light industrial in our code. It is defined. So, making sure that you can go to our code then say like, oh, okay, concrete mixing does not fall under light industrial.

**Aldersperson Sheri Hartzheim (District 13)** 34:14  
Director Homan.

**Director Kara Homan (Community And Economic Development)** 34:15

I would like to note the park is surrounded by residential. So, one of the things we consider is, is this a good neighbor to the apartments to the west, to neighboring villages to the east? And as Lily explained, allowing something like a concrete batch next to a neighborhood, we'd be getting a lot of complaints.

**Aldersperson Sheri Hartzheim (District 13)** 34:39

And it saves on infrastructure to have light industrial as well. I mean, not that we wouldn't build out infrastructure to be safe for heavy industrial, but it does save on infrastructure in that regard. Good question. Thank you. Anyone else have any other questions? Concerns? All right, there being none, all those in favor, please signify by saying aye. Aye. Opposed? And that passes five to zero.