



**Meeting Date:** June 27, 2011  
**Agenda Item:** 6a (iii)

**VILLAGE BOARD STAFF REPORT**

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**REPORT TO:** President Burt McIntyre and Village Board Members

**REPORT FROM:** Dave Wiese, Executive Director of Community Development

**AGENDA ITEM:** **Review and take action on Fourth Amendment to Declaration of Covenants, Restrictions, and Easements for lots in the 29/41 Retail Centre Plat Zoned Business, B-1.**

**ACTION REQUESTED:** Approval of the Fourth Amendment.

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**POLICY ISSUE**

Should the Village approve the Fourth Amendment to allow the development of Menards?

**POLICY ALTERNATIVE(S)**

The Village Board could take the following action:

- Approve the request.
- Deny the request.
- Table the request until a later meeting date.

**RECOMMENDED ACTION BY THE PLAN COMMISSION**

The Plan Commission unanimously recommended approval of the Fourth Amendment.

**ACTION REQUESTED**

Bret Backus, Vice President of Woodman’s Real Estate and President of Raven Development, is requesting the Village approve the proposed amendments as presented.

**BACKGROUND**

As part of the original Woodman’s Development, the Village was signatory to the restrictive covenants for the 29/41 Retail Centre Plat. Two sets of covenants are recorded and in place. Covenants are recorded for the Business/Retail lots and a separate document addresses the Residential lots. The original Business/Retail Covenants were very restrictive on the amount of outside storage and outside activities. Since the original adoption in 2000, there have been two

amendments to the original covenants. The first amendment allowed for a variance procedure, and the second amendment allowed outside storage for Gander Mountain. The proposed third amendment is for Schroeder's Flowers. It makes it clear a use such as Schroeder's Flowers in the Woodman's parking lot is allowed. The fourth amendment as proposed cleans up some of the outlot numbering language and also specifically allows Menards to be constructed as proposed.

**\*ATTACHMENTS**

- I. **Third amendment**
- II. **Fourth amendment**
- III. **Original Covenants**
- IV. **First amendment**
- V. **Second amendment**
- VI. **29/41 Plat**

**\*These same attachments were included with the staff report for Agenda Item 5g (ii). Please refer to that report for attachment information.**