



**RESOLUTION NO. 2024-05**

**RESOLUTION ENTERING INTO A 90-DAY PLANNING OPTION WITH SPARK DEVELOPMENT LLC. FOR THE DEVELOPMENT OF A MIXED-USE PROJECT AT 1905 S. WEBSTER AVENUE**

**WHEREAS**, on February 20, 2024, the Village Board approved a Letter of Intent from Derek Liebhauser, Spark Development LLC., which commits to construct a mixed-use development at 1905 S. Webster Avenue with 120-140 residential units and 5,000-10,000 square feet of commercial space; and

**WHEREAS**, the Village of Allouez Comprehensive Plan (2015) planning documents called for mixed-use development and an increase in housing options for residents; and

**WHEREAS**, planning documents commissioned by the Plan Commission and the Village Board have specifically identified the site of 1905 S. Webster Avenue as a key property in the redevelopment efforts of the Village; and

**WHEREAS**, the Village of Allouez created the Tax Incremental District No. 1 (TID#1) in 2012 as a Rehabilitation or Conservation TID; and

**NOW THEREFORE BE IT RESOLVED** by the Village Board of the Village of Allouez, Wisconsin, as follows:

**SECTION 1.** The Village of Allouez hereby approves a 90-day planning option, as presented by staff, to work in good faith with Derek Liebhauser (Spark Development LLC) toward a development agreement and purchase contract for village owned property located at 1905 S. Webster Avenue, commonly denoted as Tax Parcel No. AL-50-10 & Tax Parcel No. AL-50-9-3.

**SECTION 2.** Acquisition of property within Tax Incremental District No. 1 is for the purpose of addressing slum clearance, blight elimination, and conservation, which exempts the Village of Allouez of known or unknown environmental clean-up liabilities according to the criteria listed in Wisconsin State Statutes Section 292.11(9)(e).

Adopted by the Village Board of the Village of Allouez, Wisconsin, this 5<sup>th</sup> day of March, 2024.

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James F. Rafter, Village President

ATTEST:

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Carrie Zittlow, Village Clerk

# Memo

To: Village Board

Fr: Trevor Fuller, Director of Planning and Community Development

Re: ACTION RE: RESOLUTION 2024-05, APPROVAL OF 90 DAY PLANNING OPTION WITH DEREK LIEBHAUSER, SPARK DEVELOPMENT LLC, FOR THE DEVELOPMENT OF A MIXED-USE PROJECT AT 1905 S. WEBSTER AVENUE (T. Fuller)

Date: 01 March 2024

On February 20, 2024, the Village Board approved a Letter of Intent from Derek Liebhauser, Spark Development LLC., which commits to construct a mixed-use development at 1905 S. Webster Avenue with 120-140 residential units and 5,000-10,000 square feet of commercial space. The plans are consistent with redevelopment goals for this area identified in the Village of Allouez Comprehensive Plan (2015) and other commissioned planning documents.

The attached 90-day planning option agrees to work in good faith with Derek Liebhauser (Spark Development LLC) toward a development agreement and purchase contract for the village owned property located at 1905 S. Webster Avenue, commonly denoted as Tax Parcel No. AL-50-10 & Tax Parcel No. AL-50-9-3.

Village Counsel recommends planning options be approved via a resolution by the Village Board.

**The Village Board is asked to pass the resolution and enter a 90-day planning option with Derek Liebhauser, Spark Development LLC.**



March 5, 2024

**RE: Exclusive Planning Option for 1905 S Webster Avenue Development Site**

Derek Liebhauser and Spark Development, LLC ("Liebhauser") would like to pursue a mixed-use development on the Village owned site located at Webster Avenue. Both Liebhauser and the Village of Allouez desire to enter into an agreement to collaborate and advance efforts to develop the site.

To further refine design, costs, feasibility, and community support of the project, this letter serves to grant Liebhauser a 3-month exclusive Planning Option. During this 3-month period of time the Village and Liebhauser will work towards a purchase contract and developer's agreement based on the Letter of Intent entered into by the parties on February 23, 2024 which is attached. The Planning Option may be extended for an additional 3-months upon mutual written agreement of both parties. The project is subject to final Village Board approval, including a Developer Agreement which is a requirement to provide any TIF assistance. During this time, the Village agrees that it will not pursue discussions with other Developers. Liebhauser understands and agrees, however, that nothing contained within this option is intended to preclude the Village from conferring with its legal counsel and/or financial representatives about alternative uses for the property at the expiration of this Planning Option.

The term of this Planning Option shall commence on the date accepted and agreed to below and will continue for 90 days.

**Accepted and agreed to this \_\_\_\_ day of \_\_\_\_, 2024.**

**Spark Development, LLC.**

**Village of Allouez**

By: \_\_\_\_\_  
Derek Liebhauser, Owner

By: \_\_\_\_\_  
James Rafter, Village President

**Attest:**

\_\_\_\_\_  
Carrie Zittlow, Clerk-Treasurer