



**VILLAGE OF KIMBERLY, WI
PLAN COMMISSION MEETING**

DATE: Tuesday, October 3, 2023
TIME: 6:00pm
LOCATION: Village Hall, Rick J. Hermus Council Chambers
515 W. Kimberly Ave.
Kimberly, WI 54136

Notice is hereby given that a Plan Commission meeting will be held on Tuesday, October 3, 2023, at the Village Hall. The agenda is listed below.

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silent Reflection, Pledge of Allegiance
- 4) Approval of Minutes from the 07/18/2023 Meeting
- 5) New Business for Consideration and Approval
Change in The Blue PUD Developments
- 6) Adjournment

Plan Commission

Oct 3, 2023, 6:00 – 6:30 PM (America/Chicago)

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**Village of Kimberly
Plan Commission
Minutes
JULY 18, 2023**

President Kuen called the meeting to order at 6:00 p.m. Commissioners present were Dean Schiesl, Jeremy Freund, Norb Karner, Danielle Block, Todd Schneider, and Dave Vander Velden. Also in attendance were Director of Public Works/Zoning Administrator Ulman, Deputy Clerk-Treasurer Brown and other members of the audience.

Approval of Minutes from the 03-21-2023 Meeting

Karner moved, Schiesl seconded motion to approve the minutes from the 03-21-2023 Plan Commission Meeting. The motion was carried by unanimous vote.

Convene into a Public Hearing on the Conditional Use Permit, 724 Railroad St, to allow blacksmithing, tin smithing, sheet metal working, plumbing, and heating shops.

Karner moved, Block seconded the motion to convene into a Public Hearing at 6:04pm. The motion was carried by unanimous vote.

Director Ulman gave an overview of the topic for this public meeting. He noted that Positive Ventures was looking to purchase Rusch's Bowl. They were looking for a conditional use permit for the building that would house multiple tenants.

Jeff Rueden of 619 Homestead Trail spoke to the Commission and noted his concern for outside noises, such as deliveries happening late at night and the unpleasant surroundings next to his backyard.

Bruce Hawley, representing Tanners Grill and Bar noted that he had seen the plans and he had no concern as a neighbor.

An audience member representing Heritage Estates and Evers Construction was opposed to the noise that may come with this development and was concerned for their tenants.

Commissioner Block discussed that a blanket Conditional Use Permit wasn't appropriate. She noted that a conditional use permit is very specific, and she would be hesitant to approve this as is. She also noted that zoning would not be changing.

Commissioner Schiesl also noted that he wasn't sure what they were really approving of at this meeting? Would they be approving each tenant and their business? He mentioned that a conditional use permit is very specific and really doesn't apply in this instance.

Commissioner Vander Velden asked about contingencies on a conditional use permit and would need more information researched to approve.

Eric Jacobson, with Positive Ventures, talked about other properties that they've re-purposed. He wanted to reassure the concerned residents that those businesses don't store their supplies outside. They also have normal business hours for deliveries.

Ken Weber, with Positive Ventures, also talked about the other businesses that they've developed. He noted their process is buying the buildings, selling, and marketing the spaces and achieving renters for those spaces. That process is time consuming and costly. He feels that with their hands being strapped, by not issuing them a conditional use permit at this time, they may not be able to achieve what they need to do. This would not be in favor for the Village or the seller.

Close Public Hearing and Reconvene.

Schneider moved, Karner seconded the motion to close the Public Hearing at 6:21pm. The motion was carried by unanimous vote.

Discussion was had by the commissioners. They mentioned what type of businesses they do not want. They want to check out the various businesses that Positive Ventures have re-purposed. They would also like Positive Ventures to put together a list of potential uses, excluding heavy manufacturing.

Commissioner Block wanted to know specific uses and tenants. She also wanted to know what they presented to the commissions when they were in the process of buying the other properties that were discussed.?

Commissioner Karner mentioned that no one is opposed, but a conditional use permit is too broad at this time.

Commissioner Vander Velden wanted to know what happened with their previous ventures. Were they re-zoned or were they issued conditional use permits?

Commissioner Kuen noted that the commission doesn't want to say yes to something that they don't have enough information on. The boards reluctance is the unknown.

Mr. Rusch mentioned that he has health issues and would like to know if he is going to be in the bowling business for another year.

Commissioner Karner moved, Commissioner Vander Velden seconded the motion to table the issuance of a conditional use permit in order to receive more information on tenants and uses for this building.

Kuen Nay
Schiesl Nay
Block Nay
Schneider Yay
Karner Yay
Vander Velden Yay
Freund Yay

The motion was carried by majority vote.

Commissioner Karner moved, Vander Velden seconded the motion to adjourn at 6:47. The motion was carried by unanimous vote.

Susan Brown
Deputy Clerk-Treasurer



**Village of Kimberly
Request for
Planning Commission Recommendation**

ITEM DESCRIPTION: Change in The Blue PUD Developments

REPORT PREPARED BY: Greg Ulman

REPORT DATE: October 3, 2023

BACKGROUND: On February 15, 2023 the Plan Commission granted conditional approval of the Planned Unit Development (PUD), known as The Blue at the Trails. On February 27, 2023 the Village Board approved the PUD. On September 14, 2023 staff talked with the developer and the developer wanted to make a change to the agreed upon PUD.

The approved PUD is as follows:

1. Construct multiple principal structures on the same parcel, whereas section 525-10 B. Principal Structures permits one principal structure per parcel.
2. Employ reduced street yard setbacks along the 3 streets within this subdivision (Terra Blue Ct., Satori Trl., and Tanha Trl.) varying from 14.92 feet to 20 feet as depicted on the enclosed site plan, whereas the R4-Residential High-Density District requires 25-foot setbacks.
3. Permit the 4-45 dwelling unit, multi-story buildings to exceed the 35-foot maximum building height.
4. Permit the 45-unit condominiums to provide 80 parking stalls vs. 90 parking stalls as provided by the parking ordinance. The Plan Commission discussed this point with the developer and recommends approval with the understanding these are owner occupied units where the owners understand available parking when purchasing, 12 of the units are Loft style units which are envisioned to be occupied by single owners, and there is room available to expand the exterior parking lot should it be identified more parking is desired.
5. Other zoning code provisions the Plan Commission and/or Village Board may consider an alternate zoning standard. (No additional alternate zoning standards were added by the Board)

It was approved as presented, which included 5 conditions:

1. Securing Kimberly Fire Department approval for emergency response provisions for the 4-story, 6-level, multi-family buildings, including but not limited to: fire hydrant locations, sprinkler system design, and other amenities identified to aid with emergency response efforts.
2. Securing Site Plan Review approvals for the single, two, three, and four-family building plans and elevations and/or approval of architectural design restrictions for each of these categories of buildings.
3. Securing approval of a Landscape Plan and pedestrian path plan.
4. Confirming locations for any on-street parking locations as part of the Planned Unit Development.

5. Approval for rezoning the parcels for the development (250089207, 250089208 and 250089210) from R3-Medium Density and B1-Business General to R5-Planned Residential District should be added as a condition to approval of this Planned Unit Development.

PROPOSED CHANGE:

- **Reducing the number of single-family units along Wilson St. by 2, for a total of 8 instead of 10.**
- No change to front or rear yard setbacks.
- Currently these units have 8.5 ft side yard setbacks. They propose increasing the side yard setbacks on 6 units to 9 ft and reducing the side yard setback on 2 units to 8 ft. The current and proposed side yard setbacks are in compliance with the zoning code side yard setback minimum of 6 feet for one side and 14 feet for both sides.

The original ten single family units along Wilson St. were designed to have a single wide garage layout, the newly proposed eight single family units will be designed with a 2-car wide garage.

The changes to the single-family units are on the attached maps along Wilson St. The side yard setbacks are 9ft. between units W1 to W6. The side yard setbacks are 8 ft. between units W6 to W8.

Staff have consulted with the Village financial advisor on the proposed change and there is no concern or indication that this change will impact the financial performance of the development.

Per Municipal Code §§ 525-42 (c): Any subsequent change of use of any lot or parcel of land or addition or modification of the plans shall first be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission, such change or modification constitutes a substantial alteration of the original plans, the procedure provided in §§ 525-40 and 525-41 above and in this subsection shall be required before the use is changed or the plans modified. If, in the opinion of the Plan Commission, such change or modification does not constitute a substantial alteration of the original plans and if such change or modification is recommended by the Plan Commission, the change or modification may be made with the approval of the Village Board.

RECOMMENDED ACTION: Based on information above, Staff does not consider the proposed change of the number of single-family homes in the development from 10 to 8 a substantial alteration of the original plans and advises the Plan Commission to recommend approval of this modification for approval to the Village Board.



Village of Kimberly
Request for
Planning Commission Recommendation

ITEM DESCRIPTION: Planned Unit Development, Parcels 250089207 and 250089208, The Blue at the Trails

REPORT PREPARED BY: Allyn Dannhoff

REPORT DATE: February 15, 2023

EXPLANATION: Wilson Place LLC seeks consideration and approval of the starting phase of a Planned Unit Development for these parcels. Wilson Place proposes a 254 dwelling unit, owner occupied condominium development on these two lots consisting of a variety of housing options:

1. 16 Single Family Dwellings.
2. 5 Two Family Dwellings.
3. 8 Three Family Dwellings.
4. 6 Four Family Dwellings.
5. 4-45 Dwelling Unit, Multi-Story Buildings.

Attached to this staff report include:

1. Site Review application.
2. Development narrative.
3. Overall Site Layout plan.
4. Development Concept plan.
5. Building Exterior Concepts and Elevation plans.
6. Floor Plans -- Levels 1 through 6 and roof plan.

A Planned Unit Development approval is requested to provide the ability to:

1. Construct multiple principal structures on the same parcel, whereas section 525-10 B. Principal Structures permits one principal structure per parcel.
2. Employ reduced street yard setbacks along the 3 streets within this subdivision (Terra Blue Ct., Satori Trl., and Tanha Trl.) varying from 14.92 feet to 20 feet as depicted on the enclosed site plan, whereas the R4-Residential High Density District requires 25 foot setbacks.
3. Permit the 4-45 dwelling unit, multi-story buildings to exceed the 35-foot maximum building height.
4. Other zoning code provisions the Plan Commission and/or Village Board may consider an alternate zoning standard.

R5 – Planned Residential District zoning review. Staff reviewed these plans for compliance with the R5 standards confirming compliance with permitted uses, height and area and density.

Setbacks. The setbacks section requires the perimeter of the development to meet the R4 setback requirement. This development proposes a reduced setback of 15 feet along Terra Blue Ct., the south perimeter of the development, where the R4 setback standard requires 25 feet.

Recognizing the yards along Terra Blue Ct. will be the sides of the buildings vs. the front facades of the buildings, and recognizing this reduced setback will have little or no impact on the commercial buildings along the south side of Terra Blue Ct., staff recommends approving the proposed reduced setbacks along Terra Blue Ct.

Parking. Section 525-64 G. requires 2 parking stalls per dwelling unit, requiring the 4-story, 6-level, 45 dwelling unit buildings to provide 90 parking stalls. As presented, 80 stalls have been provided (62 covered, 18 uncovered.) While there are a number of studio and 1 bedroom dwelling units, often these are occupied by couples, where each occupant has a vehicle. For this reason, it is recommended to adhere to the 2 stalls per dwelling unit standard.

Planned Unit Development.

There are aspects of this Planned Unit Development that will need to be submitted for review and approval in the future to complete the Planned Unit Development Master Plan. Identified aspects are incorporated into the recommended Conditional Approval in the following section of this report.

The PUD ordinance also requires a reasonable schedule to be provided. This development is subject to a Developer Agreement which has performance benchmarks to be met. Staff would recommend permitting the Developer Agreement benchmarks to serve as the schedule for this development.

RECOMMENDED ACTION: Staff recommends Conditional Approval of the Planned Unit Development Site Plan and the 4 story, 6 level, multi-family buildings conditioned on:

1. Securing Kimberly Fire Department approval for emergency response provisions for the 4-story, 6-level, multi-family buildings, including but not limited to: fire hydrant locations, sprinkler system design, and other amenities identified to aid with emergency response efforts.
2. The 4-story, 6-level, multi-family buildings being provided with 2 parking stalls per dwelling unit, as required by 525-64 G.
3. Securing Site Plan Review approvals for the single, two, three, and four-family building plans and elevations and/or approval of architectural design restrictions for each of these categories of buildings.
4. Securing approval of a Landscape Plan and pedestrian path plan.
5. Confirming locations for any on-street parking locations as part of the Planned Unit Development.



VILLAGE OF KIMBERLY

515 W. Kimberly Avenue

Kimberly, WI 54136

Planned Unit Development

On (insert date), the Kimberly Village Board granted Conditional Approval for a R5-Residential Planned Unit Development, known as The Blue at the Trails, to be developed on parcels 250089207 and 250089208 as further described in the attached Village Board staff report subject to the following conditions:

1. Securing Kimberly Fire Department approval for emergency response provisions for the 4-story, 6-level, multi-family buildings, including but not limited to: fire hydrant locations, sprinkler system design, and other amenities identified to aid with emergency response efforts.
2. The 4-story, 6-level, multi-family buildings being provided with 2 parking stalls per dwelling unit, as required by 525-64 G.
3. Securing Site Plan Review approvals for the single, two, three, and four-family building plans and elevations and/or approval of architectural design restrictions for each of these categories of buildings.
4. Securing approval of a Landscape Plan and pedestrian path plan.
5. Confirming locations for any on-street parking locations as part of the Planned Unit Development.
6. Incorporating all approved plans and conditions of approval into a final Planned Unit Development document.

NOTE:

A new or revised Planned Unit Development approval may be required should the nature of the Planned Unit Development be modified or change. Compliance with all conditions noted above must be maintained for this certificate to be valid.

Village Administrator

Date



VILLAGE OF KIMBERLY
Site Review Application

Submit to:

Planning & Zoning
515 W. Kimberly Ave.
Kimberly WI 54136
920-788-7500

Applicant Information

Petitioner: Wilson Place LLC Date: Feb 14 2023

Petitioner Address: 745 Ontario Rd, Suite 1 City: Green Bay State: WI Zip: 54311

Telephone #: (920) 380-2166 Fax: () --- email: samstatz@hoffman.net

Status of Petitioner (please check one): Owner Representative Tenant Prospective Buyer

Petitioner's Signature (required): _____

Owner Information

Owner(s): Wilson Place LLC Date: Feb 14 2023

Owner(s) Address: 745 Ontario Rd, Suite 1 City: Green Bay State: WI Zip: 54311

Telephone #: (920) 380-2166 Fax: () --- email: samstatz@hoffman.net

Ownership Status (please check one): Individual Trust Partnership Corporation - LLC

Property Owner Consent (required):

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions and duties, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Village for incomplete submissions or other administrative reasons.

Property Owner's Signature: _____ Date: _____

Site Information

Address/Location of Proposed Project: CSM 8407: 339 North Wilson Street Zoning: _____

Proposed Project or Use: PUD: Blue at the Trail, Residential Green-space Condo / Townhome development

Current or last Use of Property: village parking lot / Omya blue-bldgs / railroad / entrance to bridge graffiti exhibit

Land Uses Surrounding this Address: North: open water - Fox River / (Village River Trail, 2 proposed piers inclusive within site)

South: Shopko / Storage / (Festival grocery - no direct access + privacy landscape)

East: 244' +/- feet frontage North Washington St. (no access + privacy landscape)

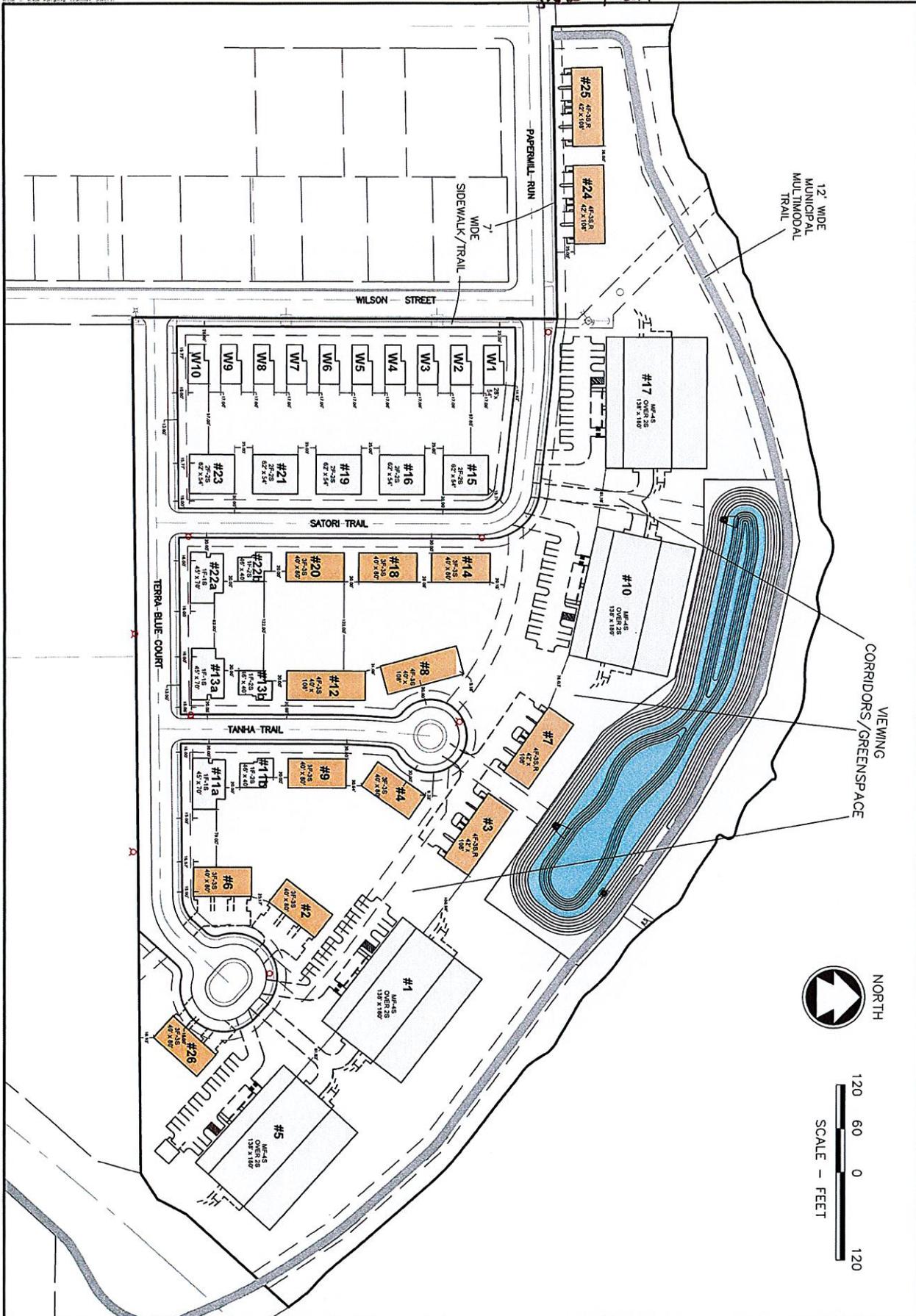
West: newer/older 1 & 2 family on Wilson St : new apartment bldg - Papermill Run / Fox River

- It is recommended that the applicant meet with Village Department staff prior to submittal to review the project and submitted materials.
- Application Fees must be submitted with the application.

Submittal Requirements – Must accompany the application to be complete.

- A narrative of the proposed building or addition including:
 - Proposed use of the property
 - Existing use of the property
 - Effects on adjoining properties to include: noise, hours of operation, glare, odor, fumes, vibration, etc.
 - Compatibility of the proposed use with adjacent and other properties in the area.
 - Traffic generation
 - Any other information pertinent to adequate understanding of the intended use and its relation to nearby properties
- Complete site plans including:
 - Two (2) legible scaled and dimensioned drawings/prints of site plan and building elevations (when applicable.)
 - Two (2) 8 ½" x 11 (minimum) to 11" x 17" (maximum) reduction of the site plan and building elevations (when applicable.)
 - All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, walls.
 - Location of all outdoor storage and refuse disposal areas and the design and materials used for construction
 - Location and dimension of all on-site parking (and off-site parking provisions if they are to be employed)
 - Location, height, design, illumination power and orientation of all exterior lighting on the property including a photometrics plan.
 - Location of all exterior mechanical equipment and utilities and elevations of proposed screening devices where applicable (i.e. visible from a public street or residential use or district). Mechanical equipment includes, but is not limited to; HVAC equipment, electrical transformers and boxes, exhaust flues, plumbing vents, gas regulators, generators.

Original plan



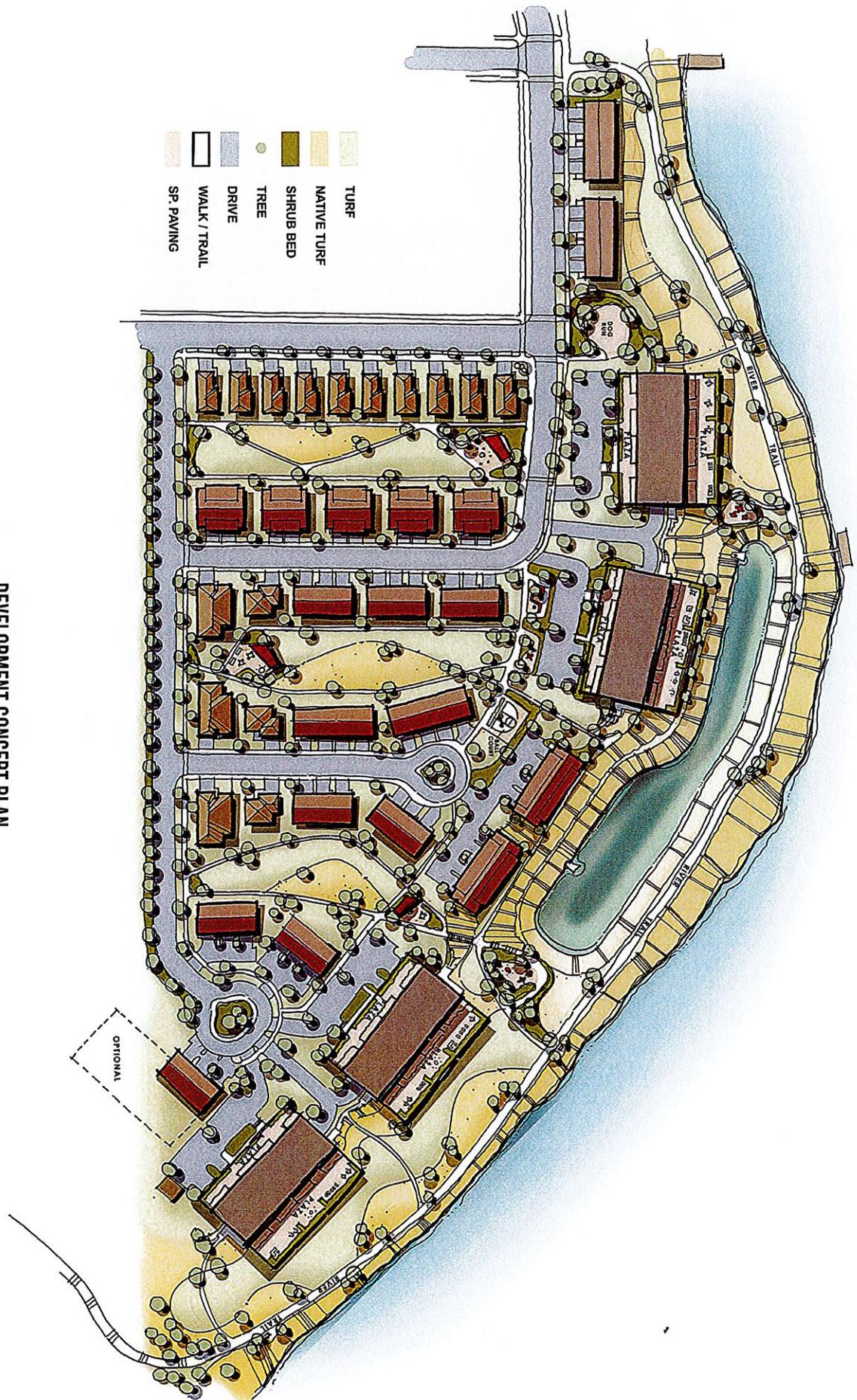
**THE BLUE DEVELOPMENT
 V. OF KIMBERLY, OUTAGAMIE COUNTY, WI
 OVERALL SITE LAYOUT**

DESIGNED	DRW
ZRL	CMK
PROJECT NO.	K0001 092100400
DATE	FEB. 2023
SHEET NO.	1

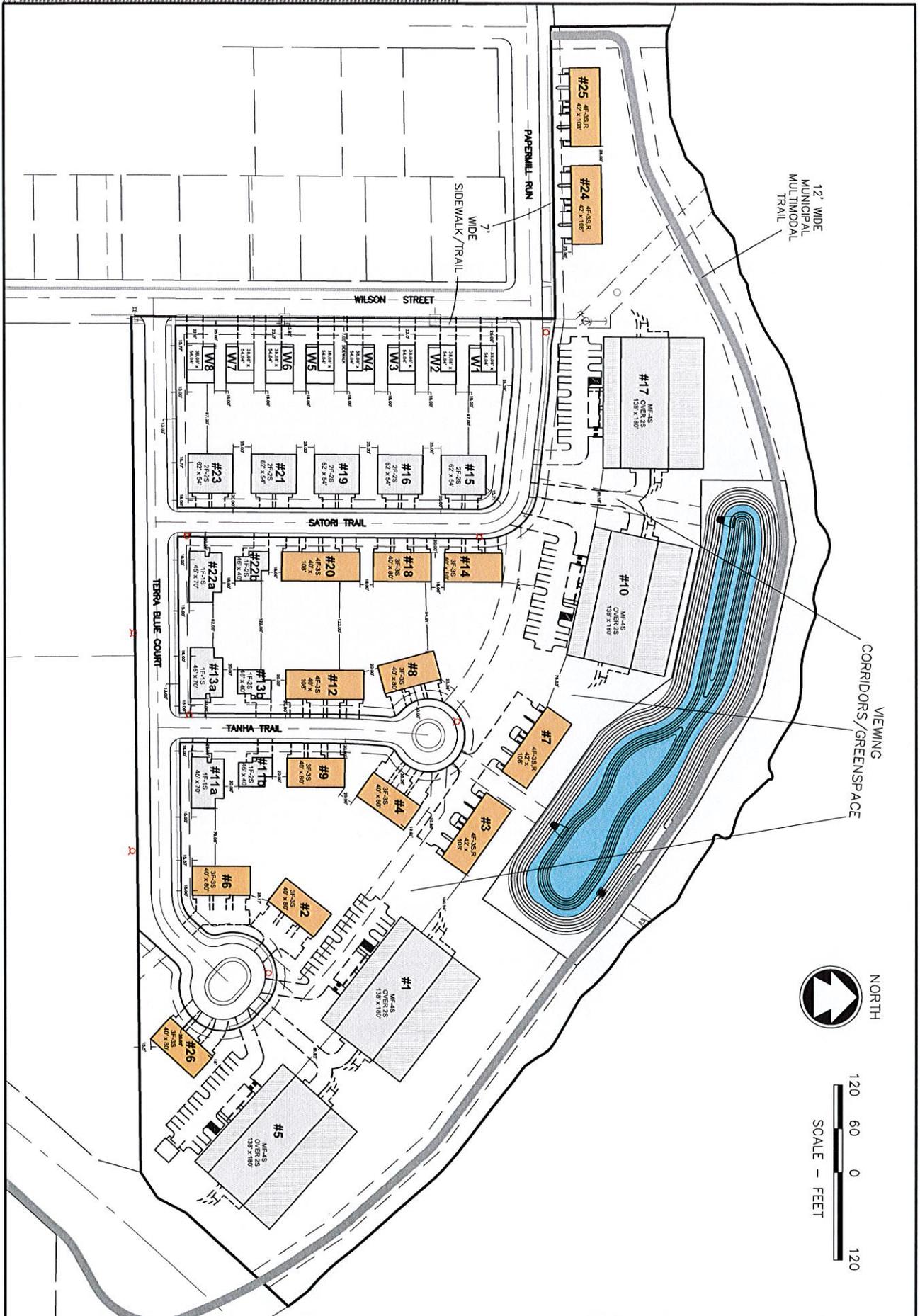
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DLULAI HILL HAVIL



DEVELOPMENT CONCEPT PLAN



**THE BLUE DEVELOPMENT
V. OF KIMBERLY, OUTAGAMIE COUNTY, WI
OVERALL SITE LAYOUT**

DESIGNED	ZRL	DRAWN	CKM
PROJECT NO.	K0001 092100400		
DATE	FEB. 2023		
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