

**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