

PLAN COMMISSION

City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Thursday, October 10, 2024 at 4:00 PM

AGENDA

In-Person in Common Council Chambers, City of Kaukauna

1. Roll Call.
2. Approval of Minutes.
 - a. [Approve Minutes from October 3, 2024 Meeting](#)
3. Old Business.
 - a. Public Hearing - Special Exception to allow for operation of a community living arrangement/group home 2108 Sullivan Ave
4. New Business.
 - a. [Special Exception Request 2108 Sullivan](#)
 - b. [Certified Survey Map Review- Parcel 030019000 Extraterritorial Review](#)
5. Other Business.
6. Adjourn.

NOTICES

IF REQUESTED THREE (3) DAYS PRIOR TO THE MEETING, A SIGN LANGUAGE INTERPRETER WILL BE MADE AVAILABLE AT NO CHARGE.



PLAN COMMISSION
City of Kaukauna
Council Chambers
Municipal Services Building
144 W. Second Street, Kaukauna



Thursday, October 3, 2024 at 4:00 PM

MINUTES

In-Person.

1. Roll Call.

Members present: Giovanna Feller, Mayor Tony Penterman, John Neumeier, Pennie Thiele, Michael Avanzi, Brett Jensen

Member(s) absent: John Moore, Ken Schoenike

Other(s) present: Planning and Community Development Director Dave Kittel

Thiele made a motion to excuse the absent members. Seconded by Avanzi. The motion passed unanimously.

2. Approval of Minutes.

a. Approve Minutes from September 5, 2024 Meeting

Avanzi made a motion to approve the minutes from September 5, 2024 Meeting. Seconded by Jensen. The motion passed unanimously.

3. Public Hearing.

a. Public Hearing - Special Exception to allow for professional office use at 500 Hendricks Ave

Director Kittel provided an overview of the request. The space is to be used for office use like the previous use of the space. There is enough on-site parking to accommodate the use. Only a few residents reached out on this request with no concerns presented only clarification on the proposed use. No one from the public provided comment during the hearing.

4. New Business.

a. Special Exception Request-500 Hendricks

Neumeier made a motion to recommend to the Common Council, approval of the Special Exception submitted for office space at 500 Hendricks with the following conditions:

- No offsite parking is to be used for the day-to-day operations of the business -All ordinances are to be followed
- Yearly inspection done by Community Development Department or other designee to ensure compliance. If the ownership or proposed use changes, the applicant/property owner needs to go through the process again.

Second by Feller. The motion passed unanimously.

b. Certified Survey Map Review - 172/176 Raught St

Director Kittel introduced the CSM. This CSM is to combined two lots into one and would eliminate a lot that is too small to build on by current zoning regulations.

Avanzi made a motion to approve the Certified Survey Map Combining all of Lot 6 and the Southeasterly one-half of lot 8 Block "f" Black's Plat of part of private claim 33 in the City of Kaukauna and recommend the same to Common Council. Seconded by Jensen. The motion passed unanimously.

c. Park Donation Review-Tree

A tree donation has been received for a tree with plaque along the fox river at either Thilwerth or Riverside park.

Thiele made a motion to approve the park donation and directed staff to work with the donor on a final location along the fox river. Seconded by Neumeier. The motion passed unanimously.

d. Special Exception Request-152 Plank Rd

Director Kittel introduced the special exception request at 152 Plank road for an assisted living service. The units adjacent to this one are used for this purpose with existing special exceptions recently granted. The applicant is the same for the other units as well. Recently their have been an increase in the number of service calls for Police to the other units and this will need further review to ensure that adding an additional unit would not negatively impact the area. Staff recommends holding a public hearing to collect

additional information from surrounding residents before making a recommendation to Common Council on this item.

Neumeier made a motion to schedule a public hearing for November 7, 2024 at 4:00 PM in the City Council Chambers and send notice to the newspaper and parties of interest to collect feedback from residents, notices to be sent to property owners/residents within 100ft of property. Seconded by Feller. The motion passed unanimously.

- e. Preliminary Plat Review-Parcel 325023905, 030019600 and part of 030019000

Director Kittel introduced the preliminary plat. This would add 13 Residential, two family lots and one Commercial lot. This would be phase 1 of a larger development to loop the new road to Killan drive. The proposed layout includes a temporary turnaround at the end of the road as the final phase is being planned. The developer has first right of refusal on the property needed for the next phase and is expecting that to happen in a few years.

Commissioner Avanzi inquired about utilities and wants to ensure that before the final plat comes forth a plan is in place to loop the water to this area as well as ensuring the easement for water/sewer that is needed is only for those two utilities. Commissioner Neumeier would like to also see documentation on the connection to CE from the county and the road fully mapped out before the final plat is approved.

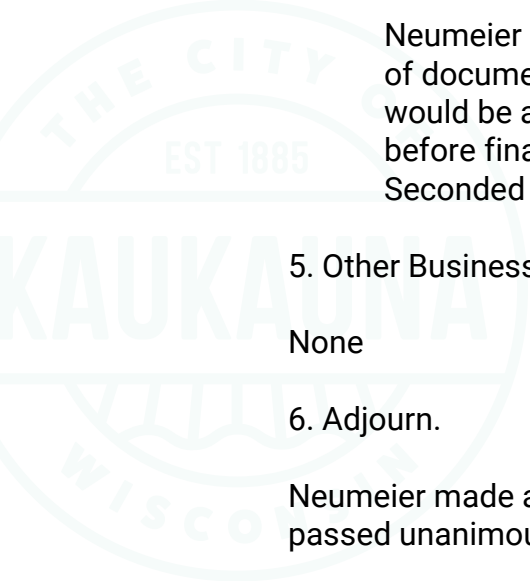
Neumeier made a motion to approve the preliminary plat with the conditions of documentation is presented from the county on the connection on CE would be approved and have the right of way for the future road mapped before final approval and recommend the same to common council. Seconded by Jensen. The motion passed unanimously.

5. Other Business.

None

6. Adjourn.

Neumeier made a motion to adjourn the meeting. Seconded by Jensen. The motion passed unanimously meeting adjourned at 4:46pm.





MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Plan Commission
 From: Dave Kittel Director of Planning and Community Development
 Date: October 7, 2024
 Re: Special Exception Request – 2108 Sullivan Ave

Tonic Home Care LLC operates an adult assisted living service and has submitted an application for a Special Exception for parcel 323141800 – address 2108 Sullivan Ave. The parcel is zoned Residential Two Family (RTF), and the current use of the property is single family dwelling. Staff has spoken with the applicant and the property owner to gather the following information:

- The property in question is a 3-bedroom single family dwelling with one client in each room. The assisted care is 24 hours.
- The operator has the appropriate license from the Department of Health Services (DHS)
- The clients are adults. The assisted living service provides transportation for the clients, they do not have their own vehicles. There is a driveway and attached garage for the property adequate for parking of staff. If there are visiting hours, it would be arranged and the driveway can be utilized accordingly.

The applicant has provided additional information in an attached letter.

The City of Kaukauna Code of Ordinances, [Section 17.18 \(3\)](#) “allows community living arrangements/group homes, subject to Wis. Stats. § 62.23(7)(i)” as a special exception.

According to [Section 17.47 \(4\)](#), Plan Commission shall use the following criteria:

Before any special exception shall be recommended for approval, the city plan commission shall make findings that the granting of a special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the applicant. No special exception shall be recommended for approval unless the plan commission shall find:

- a. That the establishment, maintenance, or operation of the special exception use or structure will not be detrimental or injurious to the use and enjoyment of adjacent properties or properties in the immediate vicinity.
- b. That the special exception is compatible with the adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.
- c. That adequate public facilities and services are available to the development.
- d. That adequate measures are taken to provide for drainage.
- e. That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion.
- f. That adequate parking and loading areas are provided.

Notice for a public hearing was placed in the newspaper and letters sent to property owners within 500ft of the property.

The proposed use of the property was not in operation at time of application and only calls received were for complaints on grass/weeds.

Recommendation:

Finding the special exception request to meet all the criteria set forth in Section 17.47 (4) of the City Municipal Code, Staff recommends approving the Special Exception Use of community living arrangements/group homes, subject to Wis. Stats. § 62.23(7)(i) at the property located at 2108 Sullivan Ave, Kaukauna, WI and recommend the same to the Common Council with the following conditions:

1. All local ordinances are to be followed such as ordinances pertaining to weeds, lawn height and garbage.
2. Fire Department to do yearly inspections to ensure compliance with all applicable fire code items
3. The property is to be used for assisted living as licensed by Department of Health Services (DHS), and must maintain the license from DHS
4. Property shall be maintained to not negatively impact the character of the neighborhood
5. Yearly inspection done by Community Development Department or other designee to ensure compliance. This Special Exception is only for this specific address, and the specific company. If the unit or ownership changes, the applicant/property owner needs to go through the process again.
6. If more than two complaints on the operation of the facility are received in a calendar year that are not in violation of the above restrictions the Plan Commission and Common Council can order a review of the Special Exception and take appropriate actions to address the concerns.

08/16/2024

Tonic Home Care LLC
2108 Sullivan Ave
Kaukauna WI 54130
tonichomecae@gmail.com
9202846716

Dear David Kittle and Members of the
City of Kaukauna Planning commission
P.O. Box890, Kaukauna, WI 54130

I am writing to formally request approval to convert a three-bedroom residential property located at 2108 Sullivan Ave Kaukauna, WI 54130 into an assisted living facility. The purpose of this conversion is to provide care and housing for three unrelated adults who require assistance with daily living activities.

This proposed facility will be designed to offer a safe, supportive environment that meets the needs of its residents. Each of the three adults will have a private bedroom, and shared spaces will include the living room, kitchen, and bathroom facilities. The home will be staffed by qualified caregivers who will be present 24/7 to provide personal care, medication management, meal preparation, and other necessary services.

The conversion of this property into an assisted living facility will not alter the interior nor exterior of the house or impact the character of the neighborhood. We are committed to maintaining the property to high standards and ensuring that it blends seamlessly into the community. Additionally, we will adhere to all relevant city, state, and federal regulations governing assisted living facilities.

We believe this facility will be a valuable resource to the community, offering a compassionate and supportive living arrangement for individuals in need. We respectfully request that the City of Kaukauna, grants the necessary special exemption permit approval to allow for this business.

Please let me know if any additional information or documentation is required to process this request. I am available to meet with the Planning and planning commission Department at your convenience to discuss this proposal further.

Thank you for your time and consideration.

Sincerely,
Hassan Sharif,
The Director of Tonic Home Care LLC

Outagamie County GIS Map

Item 4.a.



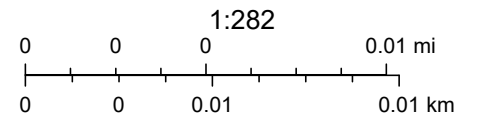
8/30/2024, 12:21:59 PM

Tax Parcel Information

Plat Boundary Lines

Lot Dimension

Streets



Tax Key

LOCAL

Highway Labels

Property Address

Plat Boundary

PLSS Sections

Plat Lot Number



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

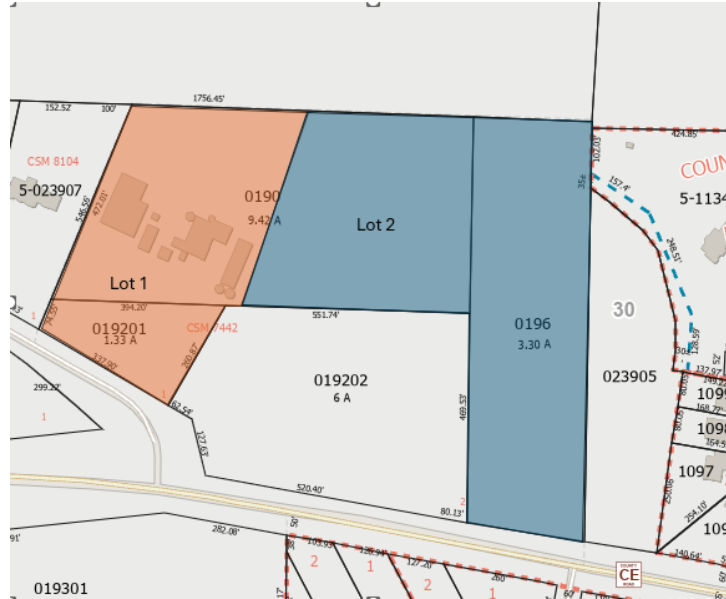
To: Plan Commission
 From: Dave Kittel Director of Planning and Community Development
 Date: October 7, 2024
 Re: CSM Review– Parcel 030019000, 030019201, 030019600 Extraterritorial Review

Scott R. Andersen, agent, has submitted a certified survey map for Killian Enterprise Inc, owner, to create two lots from parcels 030019000, 030019201, 030019600. These parcels are currently in the Town of Buchanan and the City has Extraterritorial review authority. This CSM will help facilitate future development in the area. A Draft of the CSM, the submitted application, and draft resolution are attached to this report. The current map and proposed map are below for details/clarifications on the proposed CSM:

Current:



Proposed:



Recommendation:

Approval of the Certified Survey Map Creating 2 lots for Killan Enterprise Inc.

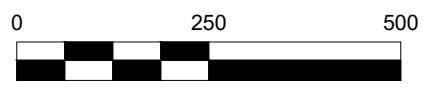


Certified Survey Map No. _____

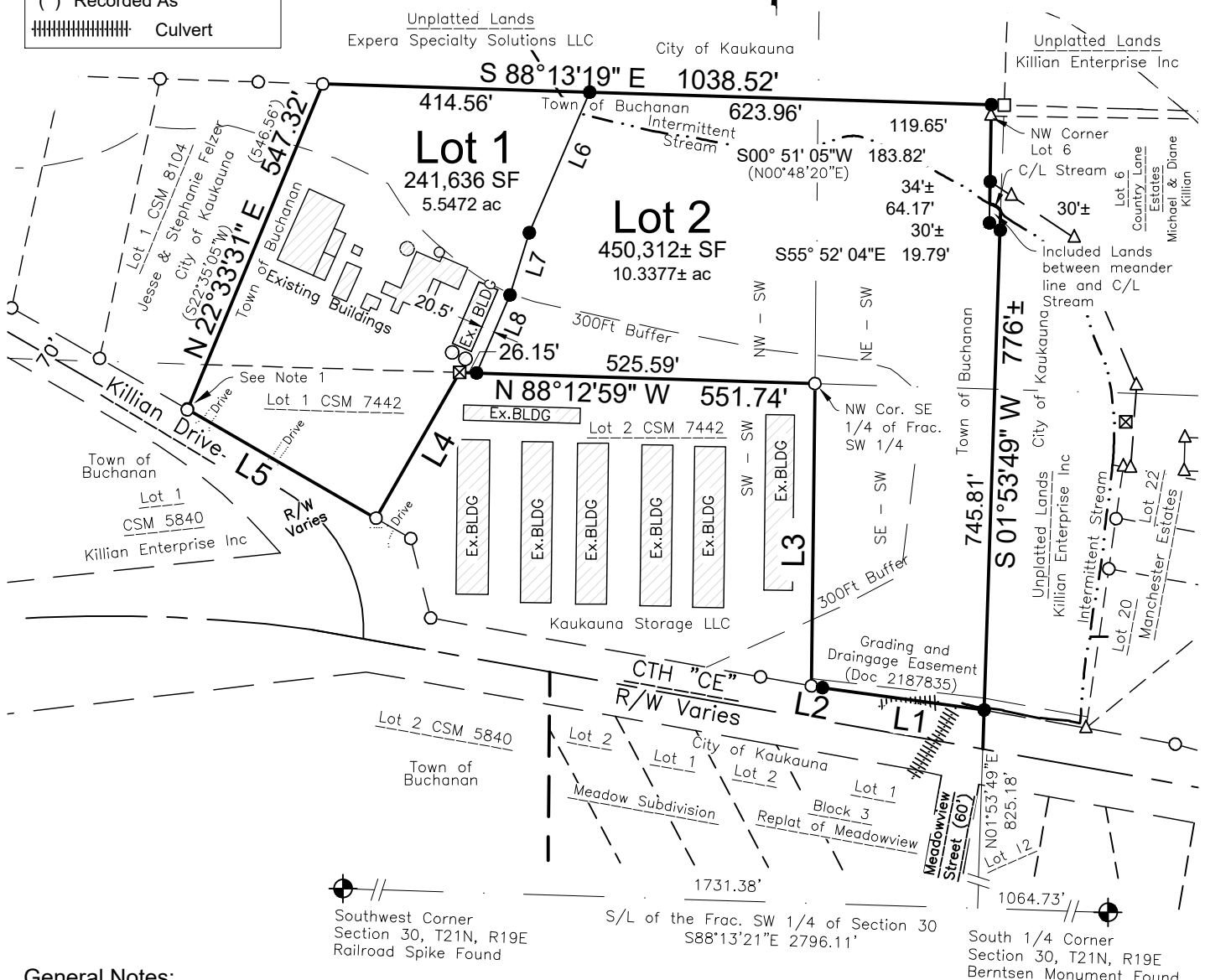
Part of Lot 1 of CSM 7442 and Part of the NW 1/4 of the Frac. SW 1/4 and Part of the NE 1/4 of the Frac. SW 1/4 and Part of the SW 1/4 of the Frac. SW 1/4, ALL of Section 30, Township 21 North, Range 19 East, Town of Buchanan, Outagamie County, Wisconsin.

LEGEND

- △ 1/4" Rebar Found
- 3/4" Rebar Found
- 1" Iron Pipe Found
- ⊠ Chiseled "X" Found
- Government Corner
- () Recorded As
- ||||| Culvert



Bearings are referenced to the South line of the Southwest 1/4, Section 30, T21N, R19E, assumed to bear S88°13'21"E, base on the Outagamie County Coordinate System.



General Notes:

1. Found 3/4" Iron Rod S23°33'29"W, 0.76' from actual corner
Found 3/4" Iron Rod N01°32'27"E, 0.66' from actual corner
2. Public Trust Information
s.236.20 (6) "Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution."



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Scott R. Andersen
Professional Land Surveyor
No. S-3169

Date

Survey for:
Kaukauna Storage LLC
N8833 County Road N
Menasha, WI 54952

File: 8308CSM.dwg
Date: 10/06/2024
Drafted By: scott
Sheet: 1 of 5

Certified Survey Map No. _____

Part of Lot 1 of CSM 7442 and Part of the NW 1/4 of the Frac. SW 1/4 and Part of the NE 1/4 of the Frac. SW 1/4 and Part of the SW 1/4 of the Frac. SW 1/4, ALL of Section 30, Township 21 North, Range 19 East, Town of Buchanan, Outagamie County, Wisconsin.

Surveyor's Certificate

I, Scott R. Andersen, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Buchanan and Outagamie County, and under the direction of Killian Enterprise Inc., the property owners of said land, I have surveyed, divided, mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is Part of Lot 1 of Certified Survey Map No. 7442, Doc. 2116139, and Part of the NW 1/4 of the Frac. SW 1/4 and Part of the NE 1/4 of the Frac. SW 1/4 and Part of the SW 1/4 of the Frac. SW 1/4, ALL of Section 30, Township 21 North, Range 19 East, Town of Buchanan, Outagamie County, Wisconsin, containing 691,948± Square Feet (15.8849± Acres) of land, described as follows:

Commencing at the South 1/4 corner of Section 30, Township 21 North, Range 19 East; thence, N88°13'21"W along the South line of the Fractional Southwest 1/4 of said Section 30, 1064.73 feet; thence, N01°53'49"E, 825.18 feet to the intersection of Municipal boundary between the Town of Buchanan and the City of Kaukauna with the North right of way line of County Highway "CE", said intersection point being the Point Of Beginning of the parcel being described; thence, N82°08'42"W along said North right of way line, 253.44 feet; thence, N79°53'52"W along said North right of way line, 17.40 feet to the east line of Lot 2 of Certified Survey Map No. 7442 (Doc. 2116139); thence, N00°39'22"E along said east line, 469.44 feet to the Northeast Corner of said Lot 2; thence, N88°12'59"W along the North line of said Lot 2, 551.74 feet to the Northwest corner of said Lot 2; thence, S29°52'48"W along the Westerly line of said Lot 2, 260.98 feet to the Northerly right of way line of Killian Drive; thence, N59°58'40"W along said Northerly right of way line, 338.00 feet to the east line of Lot 1 of Certified Survey Map No. 8104 (Doc. 2231717); thence, N22°33'31"E along said east line, 547.32 feet to the Northeast corner of said Lot 1; thence, S88°13'19"E, 1038.52 feet to a point where it intersects the north extension of the west line of Lot 6 of Country Lane Estates (Doc. 1847794); thence, S00°51'05"W along said extension line and the west line of said Lot 6, 119.65 feet to a meander corner which is N00°51'05"E, 34 feet more or less from the centerline of the intermittent stream; thence, S00°51'05"W along the west line of said Lot 6 and south extension line of said west line, 64.17 feet to a meander corner which is S00°51'05"W, 30 feet more or less from the centerline of the intermittent stream; thence, S55°52'04"E along a meander line, 19.79 feet to a meander corner which is on the municipal boundary line between the Town of Buchanan and the City of Kaukauna, said meander corner being S01°53'49"W, 30 feet more or less from the centerline of the intermittent stream; thence S01°53'49"W along said municipal boundary line, 745.81 feet to the Point Of Beginning of the parcel being described. Described Parcel includes the land between the described meander line and the Center line of the Intermittent Stream. Described parcel is subject to Riparian rights and subject to all easements and restrictions of record.

Given under my hand this _____ day of _____, 2024.

Scott R. Andersen,
Wisconsin Professional Land Surveyor No. S-3169

LINE TABLE				
Line	Bearing	Length	(Bearing)	(Length)
L1	N 82°08'42" W	253.44'		
L2	N 79°53'52" W	17.40'		
L3	N 00°39'22" E	469.44'		(469.53')
L4	S 29°52'48" W	260.98'		(260.87')
L5	N 59°58'40" W	338.00'	(N60°07'12"W)	(337.90')
L6	S 23°11'53" W	237.66'		
L7	S 17°14'02" W	101.05'		
L8	S 23°11'53" W	131.92'		

Certified Survey Map No. _____

Part of Lot 1 of CSM 7442 and Part of the NW 1/4 of the Frac. SW 1/4 and Part of the NE 1/4 of the Frac. SW 1/4 and Part of the SW 1/4 of the Frac. SW 1/4, ALL of Section 30, Township 21 North, Range 19 East, Town of Buchanan, Outagamie County, Wisconsin.

Corporate Owner's Certificate

Killian Enterprise Inc., a corporation duly organized and existing under and by virtue of the Laws of the State of Wisconsin, as the property owners, do hereby certify that we caused the land above described to be surveyed, divided, and mapped all as shown and represented on this map.

IN WITNESS WHEREOF, the said Killian Enterprise Inc., has caused these presents to be

signed by its authorized representatives, located at, _____, Wisconsin, and its corporate seal to be hereunto affixed

this _____ day of _____, 20_____.

In the Presence of: Killian Enterprise Inc.

By _____	By _____
print name _____	print name _____
Title _____	Title _____

State of Wisconsin)
)ss
_____ County)

Personally came before me this _____ day of _____, 20____,

the above named, officers of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

_____ My commission expires: _____
Notary Public, Wisconsin

Scott R. Andersen Date
Professional Land Surveyor
No. S-3169

Certified Survey Map No. _____

Part of Lot 1 of CSM 7442 and Part of the NW 1/4 of the Frac. SW 1/4 and Part of the NE 1/4 of the Frac. SW 1/4 and Part of the SW 1/4 of the Frac. SW 1/4, ALL of Section 30, Township 21 North, Range 19 East, Town of Buchanan, Outagamie County, Wisconsin.

Consent of Corporate Mortgagee

M&I Marshall & Ilsley Bank, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the herein described lands, does hereby consent to the survey, combining, and mapping as described and represented on this map, and does consent to the certificate of Killian Enterprise Inc., owners of said lands.

IN WITNESS WHEREOF, the said M&I Marshall & Ilsley Bank, has caused these presents to be signed by it's

Authorized Financial Officers, at _____, Wisconsin and it's Corporate seal to be affixed hereon

this _____ day of _____, 20_____

_____	_____
Authorized Financial Officer	Date
_____	_____
Print Name	Title
_____	_____
Authorized Financial Officer	Date
_____	_____
Print Name	Title

State of Wisconsin)
)SS
_____County)

Personally came before me on the _____ day of _____, 20_____, the above named Authorized Financial Officers of M&I Marshall & Ilsley Bank, to me known to be the persons who executed the foregoing certificate and acknowledge the same.

_____ My Commission Expires _____
Notary Public, Wisconsin

Scott R. Andersen Date
Professional Land Surveyor
No. S-3169

File: 8308CSM.dwg
Date: 10/06/2024
Drafted By: scott
Sheet: 4 of 5

Certified Survey Map No. _____

Part of Lot 1 of CSM 7442 and Part of the NW 1/4 of the Frac. SW 1/4 and Part of the NE 1/4 of the Frac. SW 1/4 and Part of the SW 1/4 of the Frac. SW 1/4, ALL of Section 30, Township 21 North, Range 19 East, Town of Buchanan, Outagamie County, Wisconsin.

Town Board Approval Certificate

Resolved, that this certified survey map in the Town of Buchanan, Outagamie County, Killian Enterprise Inc., the property owner, is hereby approved by the Town Board of the Town of Buchanan.

Chairman

Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Buchanan.

Clerk

Date

Treasurers' Certificate

We, being the duly elected, qualified and acting Treasurers' of the Town of Buchanan and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this certified survey map.

Town Treasurer

Date

County Treasurer

Date

Outagamie County Department of Development & Land Services Certificate

Resolved, that this certified survey map in the Town of Buchanan, Outagamie County, Killian Enterprise Inc., the property owner, is hereby approved by Outagamie County.

Department Representative

Date

This Certified Survey Map is contained wholly within the property described in the following recorded instruments:

the property owners of record: Killian Enterprise Inc.	Recording Information: Document No. 1691689	Parcel Number(s): 030019200
Killian Enterprise Inc.	Document No. 1691689 & Document No. 2116139 (Lot 1)	030019201

Scott R. Andersen Date
Professional Land Surveyor
No. S-3169