



MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Plan Commission
From: Dave Kittel Director of Planning and Community Development
Date: October 31, 2024
Re: Special Exception Request – 2716 Main Ave

A Special Exception Request has been received and has been reviewed by the Plan Commission. This included a public hearing that was held by the Plan Commission. During the Hearings many concerns were brought forth on the special exception regarding safety and maintenance of the property. The business is not currently operating at the property and has addressed many of the maintenance concerns brought forth and is confident that their presence in the neighborhood will not disrupt the area or cause safety concerns. The Plan commission ultimately decided to deny the special exception request due to additional stress on EMS and two other facilities within 2,500 feet of this location. Below is the memo and information provided to the Plan Commission for the Council to review:

Blessed Hands Family Care operates an adult assisted living service and has submitted an application for a Special Exception for parcel 324072600 – address 2716 Main Ave. The parcel is zoned Residential Single Family (RSF), 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 typically 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 with the parents/guardian and the driveway can be utilized accordingly.*
- *The group home would offer services for a range of care such as people with special needs, elderly, traumatic brain injury, mental health, ect..*

The City of Kaukauna Code of Ordinances, [Section 17.16 \(3\)](#) "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.*

The public hearing was properly noticed in the paper as a class 2 notice with letters of notice going to property owners within 500 feet of the property. Numerous phone calls have been received on this special exception request with concerns about the request. Some of the concerns that staff have received are:

- maintenance of property specifically with mowing/weeds*
- Parking concerns/vehicles blocking sidewalk*
- Garbage/large items on terrace*
- Safety concerns with number of time police have been at the property and proximity to a park*
- Not fitting of the area as a residential single-family neighborhood*
- Concerns on effect on property value*

One of the biggest recurring concerns was in regards to safety of the residents in the neighborhood and not knowing who could be at this facility. Some of the items that have been brought up by residents could be addressed with appropriate conditions. Items that are relating to whom could be at the facility may prove difficult to apply a condition that is actionable and not discriminatory.

From the previous meeting additional information was requested involving any impact on utilities. From conversations with the applicant there would not be any special equipment that would be at the property to cause a draw on utilities much different from a standard home.

It is also important to note that this facility is properly licensed under the Department of Health services and has been in operation for about a year before applying for the special exception. The City of Kaukauna is above the 1% capacity requirement stated in [62.23\(7\)\(i\)2](#) and the City may prohibit Community Living Arrangements and require a special exception to operate at the discretion of the City.

A list of the police calls, and type are listed below that have been received on this property over the year:

Incident	Nature	Incident address	Agency	Reported
K24009425	Ordinance	2716 MAIN AV	KC	11:48:12 09/16/24
K24009289	Disturbance	2716 MAIN AV	KC	19:33:02 09/12/24
K24009145	Ordinance	2716 MAIN AV	KC	08:10:30 09/10/24
K24009119	Parking	2716 MAIN AV	KC	09:56:20 09/09/24
K24009116	Ordinance	2716 MAIN AV	KC	09:13:26 09/09/24
K24008813	Harassment	2716 MAIN AV; PH CALL	KC	19:04:12 08/31/24
K24008127	Ordinance	2716 MAIN AV	KC	09:34:11 08/14/24
K24007662	Welfare Check	2716 MAIN AV	KC	21:33:45 07/31/24
K24007617	Welfare Check	2716 MAIN AV	KC	20:51:38 07/30/24
K24007594	Ordinance	2716 MAIN AV	KC	10:13:43 07/30/24
K24007528	Ordinance	2716 MAIN AV	KC	08:08:38 07/29/24
K24007260	Parking	2716 MAIN AV	KC	22:24:06 07/22/24
K24006469	Welfare Check	2716 MAIN AV	KC	19:24:23 06/30/24
K24005550	911 Misdial	2716 MAIN AV	KC	15:06:50 06/10/24
K24005464	Animal Call	2716 MAIN AV	KC	15:20:35 06/07/24
K24004702	911 Misdial	2716 MAIN AV	KC	08:13:18 05/19/24
K24002129	Disturbance	2716 MAIN AV	KC	17:26:59 03/04/24
K24002125	Rescue	2716 MAIN AV	KC	15:07:02 03/04/24
K24001423	Welfare Check	2716 MAIN AV	KC	19:20:40 02/11/24
K24001393	Welfare Check	2716 MAIN AV	KC	17:06:15 02/10/24
K24001138	Welfare Check	2716 MAIN AV	KC	20:12:48 02/03/24
K24000112	Disturbance	2716 MAIN AV	KC	21:20:34 01/04/24

Over all 22 calls varying in nature. It is important to not that the Code enforcement officer has been out to the property several times in addition to the calls directly to the police department.

From many of the concerns raised to staff before this public hearing Staff would encourage the plan commission to look specifically at Sec 17.47(4) a and b that discuss compatibility and impact to those in the immediate area when deciding on this request.

Recommendation:

It is up to the Plan Commission to determine if the special exception request to meet all the criteria set forth in [Section 17.47 \(4\)](#) of the City Municipal Code and make a recommendation to the Common Council based on the information gathered. If the Plan Commission determines this request meets all the criteria set forth then staff would recommend the following conditions be applied at a minimum:

- 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.*

Recommendation to Common Council:

To Review the information presented and either follow the Plan Commission Recommendation or if the Common Council feels this should be granted ensuring the conditions applied address the concerns presented during the hearing to ensure minimal impact to the area.