



MEMO

PLANNING AND COMMUNITY DEVELOPMENT

To: Board of Appeals
From: Dave Kittel, Director of Planning and Community Development
Date: 1/15/2025
Re: Appeal-Special Exception 2108 Sullivan Ave

An appeal for a decision to deny a Special Exception has been received. The Special Exception was for a community living arrangement/group home, subject to Wis. Stats. § 62.23(7)(i) at the property located at 2108 Sullivan Ave, Kaukauna, WI. 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. An initial meeting with the Plan Commission was held on September 5th 2024 to review and schedule a hearing. A public hearing was held by the Plan Commission on October 10th 2024 with additional conversation on this Special Exception and final recommendation to the Common Council on October 17th 2024. The Plan Commission's recommendation was to deny the special exception based on additional stress on EMS services and the location of 2 other facilities within 2,500 feet. The Common Council reviewed this request on November 6th, 2024, and denied the request based on the Plan Commission's recommendation.

Per Section 17.50, an applicant may appeal a decision in the enforcement of Chapter 17 if a notice of appeal specifying the grounds thereof are received within 30 days of the decision. The applicant met these requirements, and the notice is included as an attachment for the review of the Board.

Also attached are the memos and minutes of the meetings where this item was discussed to provide greater clarity and insight on this matter.

For additional information and background, [Wis. Stats. § 62.23\(7\)\(i\)](#) provides more specific information on certain controls a municipality has when it comes to community group homes, of which an adult family home is included. That statute states " No community living arrangement may be established after March 28, 1978 within 2,500 feet, or any lesser distance established by an ordinance of the city, of any other such facility" and "In any city of the 1st, 2nd, 3rd or 4th class, when the capacity of community living arrangements in an aldermanic district reaches 25 or one percent of the population, whichever is greater, of the district, the city may prohibit additional community living arrangements from being located within the district". In this

situation there is another group home located at 2700 Glenview Ave that is within 2,500 feet of 2108 Sullivan Ave. In addition, the Aldermanic district (District 4) this falls in has a population of 3,504 per 2020 Census data and per DHS license of community living arrangements there are 73 beds in this district which is 2.08% of the population of District 4. Below is a chart of the facilities in this district:

<u>Name of Facility</u>	<u>Address</u>	<u>#of beds</u>
The Landings	795 Tarragon Dr	26
The Landings	793 Tarragon Dr	32
Cilantro AFH	4301 Cilantro Ln	4
Agape 7 Fieldcrest	3003 Fieldcrest	8
Glenview AFH	2700 Glenview	3

During the review of this request a number of residents did express numerous concerns regarding safety, traffic and maintenance of the property. Many felt it was not fitting of the residential single-family neighborhood. Meeting minutes from the Plan Commission meeting of October 10th has more details on many concerns brought forward.

Concerns on the stress facilities of these types may have on emergency response also was a part of the items discussed. While this facility has not been in operation other such facilities have seen periods of high call volume for various reasons. With this being in a residential setting there are sometimes additional considerations and complications for EMS such as smaller doors, and tighter hallways to navigate if they need to take someone to the hospital. During the hearing process some residents reflected on the possibility of more police/fire presence with lights as a disruption to the neighborhood as well.

To sum up this item, the request for the special exception went through the standard review process. The Plan Commission reviewed the item and made a recommendation to deny based on the state statues of the proximity to another facility and the stress on EMS. The Common Council reviewed and agreed with the Plan Commission and followed the recommendation to deny the special exception request.

Recommendation:

If upon review of the information presented the Board of Appeals feels the Plan Commission or Common Council did not properly take something into consideration that may have an impact on their decision, then it would be recommended that the matter be sent back to the review of Plan Commission or Common Council for consideration. If nothing is determined to have been missed by the Plan Commission or Common Council in the review of this item the denial of the special exception at 2108 Sullivan Ave should be upheld.