



MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Common Council
From: Dave Kittel Director of Planning and Community Development
Date: April 24, 2024
Re: Special Exception Request – 194 Plank Road

Zurieth Ahmed of Harmony Homes operates an adult assisted living service. She has submitted an application for a Special Exception for parcel 322073200 – address 194 Plank Road. The parcel is zoned Residential Multifamily (RMF), and the current use of the property is quad-plex style residential units. Staff has spoken with the applicant and the property owner to gather the following information:

- The unit in question is a 2 bedroom unit with one client in each room. The assisted care is 24 hours.
- The clients are disabled adults. The assisted living service provides transportation for the clients, they do not have their own vehicles. There is a one car driveway for the unit adequate for transferring the client. If there are visiting hours, it would be arranged and the driveway can be utilized accordingly.

The City of Kaukauna Code of Ordinances, [Section 17.19 \(3\)](#) “allows community living arrangements/group homes, subject to Wis. Stats. § 62.23(7)(i)” as a special exception.

The Plan Commission reviewed the special exception request for compliance under [Section 17.47 \(4\)](#), the criteria listed in this section is below:

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.

A Public hearing was held at the Plan Commission on April 18, 2024. The property owner was in attendance and the applicant was available via phone. No comments were received during the hearing but, some comments did come in to staff after notices were mailed out. A summarization of comments received by phone are as follows: neighboring properties were initially concerned about the specific clientele that would be occupying the space. Staff then explained that the persons that would be living here are disabled adults and need 24-hour care. There was no concern then.

Some considerations based off the email correspondence are:

1. Bring the property up to the Code of Section 17.52 Landscaping Requirements. This would include a dumpster enclosure and a fence around the property.
2. Yearly inspection done by Community Development Department or other designee to ensure compliance This Special Exception is only for the specific unit, and the specific company. If the unit or ownership changes, the applicant/property owner needs to go through the process again.

The Fence around the property may not be feasible in some locations due to topography, drainage and utility easements.

The Plan Commission approved a motion to approve the special exception with the conditions of:

1. Bring the property up to the Code of Section 17.52 for a dumpster enclosure and fence around the property where feasible.
2. Yearly inspection done by Community Development Department or other designee to ensure compliance This Special Exception is only for the specific unit, and the specific company. If the unit or ownership changes, the applicant/property owner needs to go through the process again.

Recommendation:

Finding the special exception request to meet all the criteria set forth in [Section 17.47 \(4\)](#) of the City Municipal Code by the Plan Commission, Staff recommends to approve the Special Exception Use of Assisted Living within the Residential Multifamily District, at the property located at 194 Plank Rd, Kaukauna, WI with the following conditions:

1. Bring the property up to Code of Section 17.52 for a dumpster enclosure and fence around the property where feasible.

2. Yearly inspection done by Community Development Department or other designee to ensure compliance This Special Exception is only for the specific unit, and the specific company. If the unit or ownership changes, the applicant/property owner needs to go through the process again.

