



# 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.