

BOARD OF APPEALS

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



Wednesday, January 22, 2025 at 4:00 PM

AGENDA

In-Person

1. Roll Call.
2. Approval of Minutes
 - a. [a.](#) Approval of minutes from December 18,2024
3. Public Hearing/Apearances
 - a. [a.](#) Hear Appeal-2108 Sullivan Ave Special Exception
4. Action Item
 - a. Appeal-2108 Sullivan Ave Special Exception
5. Adjourn.

NOTICES

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



BOARD OF APPEALS

A Meeting of The Board of Appeals was called to order by Chair Kavanaugh at 4:00 P.M. on Wednesday, December 18, 2024.

Members present: Brandt, Kavanaugh, Werschem, Nisler, Sundelius, and Fallona.

Absent & Excused: Vande berg

Also Present: Dir. of Planning and Com. Dev. Kittel, Planning/Eng. Tech. Holmes, and Property Owner.

1. Correspondence

2. Discussion Topics

a) Extension of time for appeal of Special Exception at 2716 Main Ave.

The Special Exception at 2716 Main Ave. was brought before the Plan Commission on October 17, 2024, and the Common Council on November 6, 2024, being denied both times. The owner of this property was given 30 days after the Common Council action was made to make an appeal to the Board of Appeals. The owner of this property is asking for an extension on top of the 30 days to file an appeal with the Board of Appeals, due to outside circumstances that made them unable to file their appeal within the 30 days given.

The Board of Appeals has the option to either grant the exception and set a public hearing date for appeal of special exception or deny the exception.

The property owner spoke about why they were unable to meet the 30-day deadline and asked the Board of Appeals for an extension.

Motion made by Brandt to deny the appeal of Special Exception at 2716 Main Ave., no second made.

Motion by Fallona, seconded by Nisler to approve the appeal of Special Exception at 2716 Main Ave.

Roll call vote.

Fallona and Nisler voted aye.

Motion failed.

b) Set public hearing date for appeal of special exception decision.

Motion by Fallona, seconded by Sundelius to set distance for notification to people within 500 feet as previously done.

Motion by Werschem, seconded by Fallona to set public hearing date for notice.

Roll call vote.

Motion carried.

3. General Matters.

New Board of Appeals member Sundelius introduced himself.

4. Adjourn.

Motion by Werschem, seconded by Sundelius to adjourn.

All members present voted aye.

Motion carried.

Meeting adjourned at 4:29 P.M.

Kayla Nessmann, Clerk



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.

12/2/2024

Dear Members of the Appeal Board,

I, Hassan Sharif, owner of Tonic Home Care LLC, respectfully submit this appeal requesting a special exception to operate an Adult Family Home (AFH) within 2,500 feet of another AFH in the neighborhood. We recognize and regret that we were not initially aware of this regulation, which we only learned of after the Department of Planning informed us. Prior to this, we were provided with a list of licensing requirements by the Wisconsin Department of Health Services (WI DHS) to operate an AFH, but the 2500-foot restriction was never mentioned.

We respectfully request the Appeal Board's understanding of this situation and present the following grounds for our appeal:

1. Unawareness of the 2500-Foot Regulation

When we began the process of licensing Tonic Home Care LLC, the WI DHS provided us with the necessary guidelines and requirements for opening an Adult Family Home in Wisconsin. However, the regulation concerning a 2500-foot distance from another AFH was not mentioned in the documents we received. Furthermore, it is important to note that many surrounding municipalities, including Appleton, WI, do not enforce this 2500-foot regulation. This inconsistency has created ambiguity in the enforcement of this statute. Some Adult Family Homes (AFHs) are even licensed exclusively by Managed Care Organizations (MCOs), and therefore do not appear in the WI DHS database. As a result, we were not aware that such a regulation existed, which led to an honest mistake.

2. EMS and 911 Concerns

We understand the city and neighbors' concerns regarding potential pressure on the EMS system and the possibility of 911 calls from the AFH. However, we want to assure the City that these concerns are unfounded. Our AFH operates as a small, private residential care home with a maximum of 2-3 residents. This is not a nursing home or Commercial Residential Building Service (CRBS) housing 9 or more clients. As such, we can carefully filter the clients we serve and ensure that only individuals who are a suitable fit for this setting are admitted.

For example, we will not admit clients with complex medical needs, those who may be prone to elopement, or those with a criminal background. Additionally, 24/7 trained staff will be present to provide supervision and support, ensuring the safety of the residents and minimizing any potential emergency situations. To further enhance the stability of our operations, we will also reserve one of the three beds for local respite care-givers to provide temporary relief for family caregivers, helping to prevent caregiver burnout.

3. Benefits to the City of Kaukauna

We firmly believe that granting this special exception will benefit the City of Kaukauna in several important ways:

- **A Home-Like Environment for Seniors:** Our AFH will offer a warm, family-oriented environment for 2-3 seniors who need assistance with daily living. The care we provide is personalized, and unlike larger facilities, we are able to meet the individual needs of our residents in a more intimate, tailored setting.
- **Alignment with WI DHS Guidelines:** The WI DHS advocates that seniors be housed in residential neighborhoods so that they can enjoy access to community services such as parks, libraries, and other public amenities. Our AFH aligns perfectly with this approach, encouraging social interaction and community integration for our residents.
- **Job Creation:** Our AFH will create local employment opportunities, including positions for up to six caregivers, administrative support, and auxiliary staff such as those responsible

for meal preparation and shopping at local businesses.

- **Relieving Healthcare System Pressure:** By providing an alternative to long-term hospital stays, our AFH will help reduce the burden on local healthcare facilities and taxpayers. We provide a more cost-effective way of caring for the elderly while keeping them out of costly hospitals.
- **Residential Stability for Seniors:** Many elderly individuals struggle to live independently and often experience social isolation. Our AFH offers a safe, stable environment where elderly individuals can receive the care they need while maintaining their dignity and independence.
- **Volunteerism and Community Integration:** AFHs like ours often attract local volunteers who interact with residents, enriching both the lives of seniors and the broader community. These connections help foster a spirit of compassion and care throughout the neighborhood and the city at large.

4. Personal Motivation

I started Tonic Home Care LLC after experiencing firsthand the challenges of caring for my father, who developed early-onset dementia in 2020. This experience highlighted the importance of personalized, compassionate care for elderly individuals and motivated me to open an AFH in our community. I fully understand the struggles families face when caring for aging loved ones, and I am committed to offering the same high level of care and support to other families in Kaukauna.

5. Significant Investment in the Facility

To ensure that Tonic Home Care LLC meets all necessary requirements, we have invested over \$30,000 in renovating and preparing the home for the needs of our clients. This investment includes modifying the physical structure to accommodate the care of elderly individuals, as well as furnishing the home to create a comfortable and safe living environment.

6. Apology for Oversight

We sincerely apologize for not being aware of the 2500-foot regulation until the Planning Department brought it to our attention. This was an honest mistake, and we assure the Board that we did not intentionally ignore any local laws. We are fully committed to complying with all local regulations and to being a responsible business in Kaukauna.

7. Commitment to Being a Positive Community Asset

Tonic Home Care LLC is dedicated to being a positive addition to the Kaukauna community. We are committed to providing high-quality care for our residents, employing local workers, and contributing to the social and economic well-being of the city. We are confident that our AFH will be a valuable resource for elderly individuals and their families in Kaukauna.

Conclusion

We respectfully request that the Zoning Board of Appeals approve our request for a special exception to operate within the 2,500-foot radius of another Adult Family Home. We believe that granting this exception will benefit the city in terms of providing quality care, job creation, healthcare savings, and community integration. We understand the concerns that have been raised and are committed to addressing them responsibly. We ask for your understanding and support as we seek to provide essential services to our aging community members.

Thank you for your time and consideration.

Sincerely,

Hassan Sharif


Tonic Home Care LLC

2108 Sullivan Ave Kaukauna, WI 54130

PH: 920-284-6716

Email: tonichomecare@gmail.com

Signature:





COUNCIL PROCEEDINGS - COUNCIL CHAMBERS – KAUKAUNA, WISCONSIN – NOVEMBER 6, 2024

Pursuant to adjournment on October 15, 2024 a meeting of the Common Council of the City of Kaukauna was called to order by Mayor Penterman at 7:00 P.M. on Wednesday, November 6, 2024.

Roll call present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell, and Thiele.

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Planning and Com. Dev. Dir. Kittel, Fin. Dir. Van Rossum, HR Dir. Hodge (via Zoom), Assoc. Planner Nelson, and interested citizens.

One minute of silent prayer and the Pledge of Allegiance to the American Flag observed by the assembly.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of the minutes of the Common Council meeting of October 15, 2024.

All Ald. voted aye.

Motion carried.

Motion by Moore, seconded by Antoine to adopt the Common Council meeting minutes of October 15, 2024.

All Ald. voted aye.

Motion carried.

PRESENTATION OF LETTERS, PETITIONS, REMONSTRANCES, MEMORIALS, AND ACCOUNTS

Bills Payable

Motion by Moore, seconded by Eggleston to pay bills out of the proper accounts.

All Ald. voted aye.

Motion carried.

PUBLIC APPEARANCES

None.

BUSINESS PRESENTED BY THE MAYOR

Mayor Penterman introduced and welcomed two new City employees – Associate Planner Adrienne Nelson and City Clerk Kayla Nessman.

Election results were shared. Mayor Penterman thanked the election workers, City Clerks and Deputy Clerk for running a fair and safe election.

Appointment of Olivia Planert to the Kaukauna, Alcohol, Tobacco and other Drug Awareness Board.

Motion by Schell, seconded by Moore to appoint Olivia Planert to the Kaukauna, Alcohol, Tobacco and other Drug Awareness Board.

All Ald. voted aye.
Motion carried.

Appointment of Peyton VanDeLoo to the Kaukauna, Alcohol, Tobacco and other Drug Awareness Board.

Motion by Moore, seconded by Kilgas to appoint Peyton VanDeLoo to the Kaukauna, Alcohol, Tobacco and other Drug Awareness Board.

All Ald. voted aye.
Motion carried.

Appointment of John Sundelius to the Zoning Board of Appeals to replace Paul Hennes.

Motion by Coenen, seconded by Thiele to appoint John Sundelius to the Zoning Board of Appeals to replace Paul Hennes.

All Ald. Voted aye.
Motion carried.

Appointment of Jenny Rumbuc to the 1000 Islands Environmental Center Committee (3- year term).

Motion by Eggleston, seconded by Antoine to appoint Jenny Rumbuc to the 1000 Islands Environmental Center Committee (3- year term).

All Ald. Voted aye.
Motion carried.

REPORTS OF STANDING AND SPECIAL COMMITTEES

Board of Public Works Meeting Minutes of November 6, 2024.

BOARD OF PUBLIC WORKS

A meeting of the Board of Public Works was called to order by Chair Thiele on Wednesday, November 6, 2024 at 6:00 P.M.

Members present: Antoine, Coenen, DeCoster, Eggleston, Kilgas, Moore, Schell and Thiele.

Also present: Mayor Penterman, Attorney Greenwood, DPW/Eng. Neumeier, Street Sup. Van Gompel, Police Chief Graff, Ashley Thiem-Menning (via ZOOM), Planner Kittel, and interested citizens.

1. Correspondence – none.

2. Discussion Topics.

a. Recommendation for award of Project 11-24: Doty Bayorgeon Hardball Stadium Light Replacement.

DPW/Eng. Neumeier stated the City received two bids for the installation of the new light. Bodart Electric Service and Enterprise Electric submitted bid on October 30. This replacement is needed for the future use of the hardball diamond. It supports creating a community of choice by providing a field for evening and night games at the park. Questions from the Board were answered.

Motion by Antoine, seconded by Kilgas to award Project #11-24 – Doty Bayorgeon Hardball Stadium Light Replacement to Enterprise Electric for the total base bid of \$64,805.00 contingent upon insurance approval.

All Ald. voted aye.

Motion carried.

b. Authorization to enter into an agreement for design services for the Kaukauna Public Library (KPL) Interior Office and Workroom Improvements.

To accommodate the installation of the sorting machine at KPL, several office/desk spaces will need to be relocated. In addition, the current office/desk/meeting space is less than what is needed when the library is fully staffed. The City sought proposals from seven architectural/engineering(A/E) firms for interior office and workroom improvements; we received two proposals for the work. A summary comparison of the design phase is Short Elliot Hendrickson at \$6,000 and Dimension IV at \$22,800. Both companies demonstrated strong capabilities for work in libraries and historic buildings. SEH has also provided the design of the current KPL space.

Motion by DeCoster, seconded by Kilgas to authorize Director of Public Works to enter into an agreement with Short Elliot Hendrickson for Architectural/Engineering design services related to the Library Interior Office and Workroom Improvements for \$6,000.

All Ald. Voted aye.

Motion carried.

c. Authorization to seek bids for a new automated garbage truck 228.

Within the 2025 Capital Improvement Plan the Street Department has a project for the replacement of truck 228, one of the three automated garbage trucks in the current fleet. Instead of trading or selling outright the current truck 228, we will be repurposing this unit to an automated leaf collection truck. Truck 228 is a 2014 Peterbilt with a 31yd Labrie packer. This unit has collected garbage daily on residential routes for 10 years. Truck 228 currently has 79,500 miles and over 9,600 hours. Lead time on getting this equipment is about 2 years. Questions from the Board were answered.

Motion by Eggleton seconded by Moore to Authorize the Street Superintendent to seek bids for purchase of new automated garbage truck.

All Ald. Voted aye.

Motion carried.

d. Authorization to seek bids for Project 12-24: CTH J Sewer Extension.

The Engineering Department is completing plans to extend the Sanitary Sewer Main on CTH J (Hyland Avenue) near CTH JJ (Edgewood Drive). The project will include constructing 390' of 8" sanitary sewer, an 18' deep manhole, and restoration of affected areas.

Motin by Coenen, seconded by Schell to authorize the Engineering Department to seek bids for Project #12-24, CTH J Sewer Extension.

All Ald. Voted aye.

Motion carried.

3. Adjourn.

Motion made by Moore, seconded by DeCoster to adjourn.

All Ald. voted aye.

Motion carried.

Meeting adjourned at 6:17 pm.

Sally Kenney
Clerk

Motion by Thiele, seconded by Eggleston to adopt the Board of Public Works Meeting Minutes of November 6, 2024 correction to 2b to add Kaukauna Public Library.
All Ald. voted aye.
Motion carried.

Health and Recreation Committee Meeting Minutes of November 6, 2024.

HEALTH AND RECREATION COMMITTEE

A meeting of the Health and Recreation Committee was called to order by Chair Schell on Wednesday, November 6, 2024 at 6:18 P.M.

Members present: DeCoster, Eggleston, Schell, and Thiele.

Also present: Mayor Penterman, Ald. Coenen, Ald. Moore, Alder Antoine, Ald. Kilgas, Attorney Greenwood, DPW/Eng. Neumeier, Police Chief Graff, Lib. Dir. Thiem-Menning (via Zoom), Planner Kittel, Street Sup. Van Gompel, and interested citizens.

1. Correspondence – None.

2. Discussion Topics.

a. Permission to St. Ignatius for Christmas Tree Sale on the Farmers Market Lot November 29 until sold.

Motion by DeCoster, seconded by Thiele to grant permission to St. Ignatius for Christmas Tree Sale on the Farmers Market Lot November 29 until sold.
All members voted aye.
Motion carried.

b. Request for the use of Grignon Mansion Grounds and Lower Grignon Park, temporary allowance of horses on December 7, 8 & 14, 15 2024.

Motion by Thiele, seconded by Eggleston to approve the request for the use of Grignon Mansion Grounds and Lower Grignon Park, temporary allowance of horses on December 7, 8 & 14, 15 2024.
All members voted aye.
Motion carried.

c. Special Event Application to Don Milbach, Electric City VFW Post 3319 on November 11, 2024 at the Ring of Honor/Community Room.

Motion by Eggleston, seconded by Thiele to approve the Special Event Application to Don Milbach, Electric City VFW Post 3319 on November 11, 2024 at the Ring of Honor/Community Room.
All members voted aye.
Motion carried.

d. Solicitor Licenses.

The following applicants have applied for a solicitor's license for the license year 2024 and have been recommended for approval based on their record check by the police department:

Hartzheim	Melissa	M.	1320 Kay Dr.	Kaukauna
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Krueger	Otto	E.	1574 Crystal Springs Ave.	Oshkosh
Krueger	Patricia	L.	1574 Crystal Springs Ave.	Oshkosh
Pomerening	Ryan	J.	723 S. Timmers Ln.	Appleton

Motion by Schell, seconded by DeCoster to approve the solicitor licenses.
All members voted aye.
Motion carried.

3. Adjourn.

Motion made by Thiele, seconded by DeCoster to adjourn.
All members voted aye.
Motion carried.

Meeting adjourned at 6:21 P.M.

Sally Kenney
Clerk

Motion by Schell, seconded by Coenen to adopt the Health and Recreation Committee Meeting Minutes of November 6, 2024.
All Ald. voted aye.
Motion carried.

1000 Islands Environmental Center Committee Minutes of September 19, 2024.

Motion by Eggleston, seconded by Antoine to receive and place on file the 1000 Islands Environmental Center Committee Minutes of September 19, 2024.
All Ald. voted aye.
Motion carried.

Library Board Meeting Minutes of August 27, 2024.

Motion by Kilgas, seconded by Schell to receive and place on file the Library Board Meeting Minutes of August 27, 2024.
All Ald. voted aye.
Motion carried.

Grignon Mansion Meeting Minutes of September 23, 2024.

Motion by Thiele, seconded by Moore to receive and place on file the Grignon Mansion Meeting Minutes of September 23, 2024.
All Ald. voted aye.

Plan Commission Meeting Minutes of October 10, 2024.

Motion by Moore, seconded by Kilgas to receive and place on file the Plan Commission Meeting Minutes of October 10, 2024.
All Ald. Voted aye.
Motion carried.

Operator (Bartender) Licenses.

The following applicants have applied for an operator's license for the license year 2024-2026 and have been recommended for approval based on their record check by the police department:

Bhattarai	Sarita		140 Lamp Lighter Dr Apt 5	Kaukauna
Dotson	Aaron	B.	1315 Vandenbroek Rd. Apt. 7	Little Chute

Holt	Danyeall	J.	1611 Schaefer Cir. #10	Appleton
Kinney	Jonathan	D.	812 Desnoyer St.	Kaukauna
Whitaker	Kenneth	J	412 E 20 th St	Kaukauna
Wyngaard	Dena	R.	911 Lawe St.	Kaukauna

Motion by Schell, seconded by Moore to approve the Operator (Bartender) licenses.

All Ald. Voted aye.

Motion carried.

REPORTS OF CITY OFFICERS

Wisconsin Avenue Seawall Easement Agreement.

DPW/Eng. Neumeier stated there is a resolution on the agenda later in this meeting authorizing the Mayor to enter into this agreement.

Special Exception Request-2108 Sullivan.

Director of Planning and Community Development Kittel stated this exception would be to operate an adult family home. A hearing was conducted where area residents could voice concerns. This special exception was denied by the Plan Commission due to several factors. They are not in operation but are working on getting licensing to operate a group home. Discussion held and questions answered.

Motion by Schell, seconded by DeCoster to allow the applicant to speak.

All Ald. Voted aye.

Motion carried.

Director of Tonic Home Care Hassan Sharif, 4301 Sycamore Drive Green Bay spoke and asked for permission to be allowed to run the adult family home at 2108 Sullivan Ave.

Motion by Coenen, seconded by DeCoster to follow the Plan Commission recommendation to deny the special exception request for 2108 Sullivan Ave.

Motion carried.

Special Exception Request-2716 Main Ave.

Director of Planning and Community Development Kittel stated that this special exception request would be to operate an adult family home.

Motion by Moore, seconded by Antoine to allow the owner/operator of 2716 Main Avenue to speak.

All Ald. Voted aye.

Motion carried.

Tchambaza Rugaju, 1610 Stelulah Ave., Appleton spoke about the operation of the home at 2716 Main Avenue.

Motion by Coenen, seconded by Moore to follow the Plan Commission recommendation to deny the special exception request to 2716 Main Ave.

Motion carried.

Alder Moore explained that the reason he voted nay on the special exception request for 2108 Sullivan Ave. and aye on the special exception request for 2716 Main Avenue is because we are following guidelines for meeting two of the three criteria in terms of saturation and distance.

Site Plan Review- The Reserve.

Planning and Community Development Director Kittel stated that all the site plans for the Reserve are in and submitted for the Council to review.

Motion by Moore, seconded by Antoine to approve the site plan for the Reserve per the conditions listed.

All Ald. Voted aye.

Motion carried.

Development Update.

Planning and Community Development Director Kittel gave an update on the developments happening in the City. Grand Stay Hotel in Commerce Crossing- Site plans have been approved and construction has begun with footings and foundation installed. Legacy Creekside Apartments- The western most building has occupancy and is completed. The other apartment buildings are framed up with and one foundation recently installed, framing to start soon. TANN Corp- Manufacturing Facility at New Prosperity Industrial Park- Exterior work is finishing with interior work ongoing. Klink Equipment- Framing is mostly completed with siding on most of the building. The Reserve- Site Plans are being finalized with construction anticipated to start this winter. Enterprise Electric- The new 9,000 square foot facility off Driessen Drive is almost at fully completed. The downtown has also seen some smaller updates, with the Central Block project started at 106 W 2nd street and the completion of a mural on Heritage Mall in addition to the 2nd street alley project.

PRESENTATION OF ORDINANCES AND RESOLUTIONS

Resolution 2024-5448 Resolution Authorizing the Mayor to enter into an easement agreement for the Wisconsin Avenue Seawall.

Motion by Moore, seconded by Coenen to suspend the rules and waive the reading of Resolution 2024-5448.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by DeCoster to adopt Resolution 2024-5448.

All Ald. Voted aye.

Motion carried.

Resolution 2024-5449 Resolution Approving an Extraterritorial Certified Survey Map for Parcel 200049900.

Motion by Moore, seconded by Antoine to suspend the rules and waive the reading of Resolution 2024-5449.

All Ald. Voted aye.

Motion carried.

Motion by Moore, seconded by Coenen to adopt Resolution 2024-5449.

All Ald. Voted aye.

Motion carried.

CLOSED SESSION

Adjourn to Closed Session Pursuant to State Statute 19.85(1)(e) for deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

Motion by Moore, seconded by Eggleston to adjourn to closed session.

All Ald. voted aye.
Motion carried.

Adjourned to closed session at 8:37 pm.

Return to Open Session for possible action.

Motion by Moore, seconded by Antoine to return to open session.
All Ald. voted aye.
Motion carried.

Returned to open session at 9:24 p.m.

Motion by Moore, seconded by Antoine to authorize the Mayor to enter into a Memorandum of Understanding with Next Development to advise on options at the property located at 222 Lawe Street.

All Ald. Voted aye.
Motion carried.

Adjourn to Closed Session Pursuant to 19.85(1)(g) to confer with legal counsel with respect to litigation in which it is or is likely to become involved.

Motion by Moore, seconded by DeCoster to adjourn to closed session.
All Ald. voted aye.
Motion carried.

Adjourned to closed session at 9:27 pm.

Return to Open Session for possible action.

Motion by Coenen, seconded by DeCoster to return to open session.
All Ald. voted aye.
Motion carried.

Returned to open session at 9:33 p.m.

Adjourn to Closed Session Pursuant to 19.85(1)(g) to confer with legal counsel with respect to litigation in which it is or is likely to become involved.

Motion by Moore, seconded by Schell to adjourn to closed session.
All Ald. voted aye.
Motion carried.

Adjourned to closed session at 9:33 pm.

Return to open session for possible action.

Motion by Kilgas, seconded by Schell to return to open session.
All Ald. voted aye.
Motion carried.

Returned to open session at 9:45 p.m.

ADJOURN

Motion by Coenen, seconded by Kilgas to adjourn.
All Ald. voted aye.
Motion carried.

Meeting adjourned at 9:45 p.m.

Sally Kenney, Clerk



PLAN COMMISSION

City of Kaukauna

Council Chambers

Municipal Services Building

144 W. Second Street, Kaukauna



Thursday, October 17, 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, John Moore, Ken Schoenike

Other(s) present: Planning and Community Development Director Dave Kittel, Associate Planner Adrienne Nelson

2. Approval of Minutes.

a. Approve Minutes from October 10, 2024 Meeting

3. Old Business.

a. Introduction to the Special Exception Request at 2716 Main ave

b. Public Hearing - Special Exception to allow for operation of a community living arrangement/group home 2716 Main Ave

4. Old Business.

a. Special Exception Request 2108 Sullivan

5. New Business.

a. Special Exception Request- 2716 Main Ave

b. Certified Survey Map Review- Extraterritorial review Parcel 200049900

c. Site Plan Review-The Reserve

d. Certified Survey Map Review-The Reserve

e. Park Bench Donation-Natrop

f. Park Bench Donation-Coffey

6. Other Business.

7. Adjourn.

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 October 3, 2024 Meeting

Director Kittel let the Commission know that a spelling mistake has been made to the minutes from the original posting, Hendricks was misspelled as well as Commissioner Thiele's name in the minutes.

Thiele made a motion to approve the minutes from October 3, 2024 as amended. Seconded by Avanzi. The motion passed unanimously.

3. Old Business.

a. Public Hearing - Special Exception to allow for operation of a community living arrangement/group home 2108 Sullivan Ave

Director Kittel provided a brief overview of the requested special exception for 2108 Sullivan Ave. The property is requesting a special exception to operate an adult family home, 2 bedrooms, specifically for elderly individuals and physically disabled individuals.

Mayor Penterman declared the public hearing open and asked if anyone in the Council Chambers wished to address the Plan Commission regarding the Special Exception Request at 2108 Sullivan.

Michael Hofkens of 2112 Sullivan expressed concern with people being brought in to this proposed facility and possible impacts to the value of the surrounding properties.

Craig Haase 2109 Sullivan expressed that he is not in favor of this proposal and worried about the impact to property value as well the property not being in good shape and needs maintenance. The area is a single-family neighborhood and should remain as such.

David Voights 2101 Sullivan is opposed, the neighborhood is single family, and this will impact property values.

Kari Hofkens 2112 Sullivan is opposed, they purchased their property to be by other single-family residents and not a business. This is not the right feel for the neighborhood.

Judith Hoerth 2204 Sullivan is opposed to the use

Reginald Munes 2100 Sullivan is opposed to the use and the property owner is not taking care of the property.

Steve Huss 1901 Sullivan is opposed to the proposal

After asking two more times if anyone else wished to address the council, no one appeared, Mayor Penterman declared the public hearing closed.

4. New Business.

a. Special Exception Request 2108 Sullivan

Director Kittel provided some additional information and shared that there were more people in the neighborhood that had called or emailed with similar concerns to those mentioned in the public hearing. Commissioner Avanzi expressed concern as to why should this be approved if the property is not being taken care of. Commissioner Thiele provided additional insight on the property with concerns being brought up through code enforcement with questions on how they get their clients. Commissioner Thiele also provide some information she received from a realtor on how this use could affect values, the realtor stated that this would need to be disclosed by a seller if they are aware of the use and it may have a negative effect on the value. Commissioner Feller stated that a single-family area should stay single family. Commissioner Avanzi added he would like to have the applicant available for additional questions as well as the owner. Commissioner Neumeier brought forth concerns this facility could have an increase of calls for EMS/police and that it is close to another facility within the 2500ft provision in state statues. A general discussion ensued on the possible effects this use could have on the area.

A resident asked to approach the stand. Thiele made a motion to allow the resident to speak. Seconded by Jensen. The motion passed unanimously. Kari Hofkens 2112 Sullivan asked some additional questions to better understand the process as well as if they will be notified of additional

meetings. Director Kittel provided an overview of the next steps and stated that notice will not be sent for future meetings unless there was a hearing.

Avanzi made a motion to have the applicant and property owner present for the October 17th meeting at 4pm to answer additional questions if they are not present then the recommendation shall be to deny the request. Seconded by Thiele. The motion passed unanimously.

b. Certified Survey Map Review- Parcel 030019000 Extraterritorial Review

Director Kittel introduced the CSM, the CSM would create two lots out of 3 existing parcels that would help facilitate a future development. The area is in the Town of Buchanan and within the Cities Extraterritorial Review.

Thiele made a motion to approve the Certified Survey Map Creating 2 lots for Killan Enterprise Inc. Seconded by Neumeier. The motion passed unanimously.

5. Other Business.

None

6. Adjourn.

Feller made a motion to adjourn the meeting. Seconded by Avanzi. The motion passed unanimously meeting adjourned at 4:49pm.



PLAN COMMISSION

City of Kaukauna

Council Chambers

Municipal Services Building

144 W. Second Street, Kaukauna



Thursday, October 10, 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 October 3, 2024 Meeting**

Director Kittel let the Commission know that a spelling mistake has been made to the minutes from the original posting, Hendricks was misspelled as well as Commissioner Thiele's name in the minutes.

Thiele made a motion to approve the minutes from October 3, 2024 as amended. Seconded by Avanzi. The motion passed unanimously.

3. Old Business.

a. Public Hearing - Special Exception to allow for operation of a community living arrangement/group home 2108 Sullivan Ave

Director Kittel provided a brief overview of the requested special exception for 2108 Sullivan Ave. The property is requesting a special exception to operate an adult family home, 2 bedrooms, specifically for elderly individuals and physically disabled individuals.

Mayor Penterman declared the public hearing open and asked if anyone in the Council Chambers wished to address the Plan Commission regarding the Special Exception Request at 2108 Sullivan.

Michael Hofkens of 2112 Sullivan expressed concern with people being brought in to this proposed facility and possible impacts to the value of the surrounding properties.

Craig Haase 2109 Sullivan expressed that he is not in favor of this proposal and worried about the impact to property value as well the property not being in good shape and needs maintenance. The area is a single-family neighborhood and should remain as such.

David Voights 2101 Sullivan is opposed, the neighborhood is single family, and this will impact property values.

Kari Hofkens 2112 Sullivan is opposed, they purchased their property to be by other single-family residents and not a business. This is not the right feel for the neighborhood.

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Reginald Munes 2100 Sullivan is opposed to the use and the property owner is not taking care of the property.

Steve Huss 1901 Sullivan is opposed to the proposal

After asking two more times if anyone else wished to address the council, no one appeared, Mayor Penterman declared the public hearing closed.

4. New Business.

a. Special Exception Request 2108 Sullivan

Director Kittel provided some additional information and shared that there were more people in the neighborhood that had called or emailed with similar concerns to those mentioned in the public hearing. Commissioner Avanzi expressed concern as to why should this be approved if the property is not being taken care of. Commissioner Thiele provided additional insight on the property with concerns being brought up through code enforcement with questions on how they get their clients. Commissioner Thiele also provide

some information she received from a realtor on how this use could affect values, the realtor stated that this would need to be disclosed by a seller if they are aware of the use and it may have a negative effect on the value. Commissioner Feller stated that a single-family area should stay single family. Commissioner Avanzi added he would like to have the applicant available for additional questions as well as the owner. Commissioner Neumeier brought forth concerns this facility could have an increase of calls for EMS/police and that it is close to another facility within the 2500ft provision in state statutes. A general discussion ensued on the possible effects this use could have on the area.

A resident asked to approach the stand. Thiele made a motion to allow the resident to speak. Seconded by Jensen. The motion passed unanimously. Kari Hofkens 2112 Sullivan asked some additional questions to better understand the process as well as if they will be notified of additional meetings. Director Kittel provided an overview of the next steps and stated that notice will not be sent for future meetings unless there was a hearing.

Avanzi made a motion to have the applicant and property owner present for the October 17th meeting at 4pm to answer additional questions if they are not present then the recommendation shall be to deny the request. Seconded by Thiele. The motion passed unanimously.

b. Certified Survey Map Review- Parcel 030019000 Extraterritorial Review

Director Kittel introduced the CSM, the CSM would create two lots out of 3 existing parcels that would help facilitate a future development. The area is in the Town of Buchanan and within the Cities Extraterritorial Review.

Thiele made a motion to approve the Certified Survey Map Creating 2 lots for Killan Enterprise Inc. Seconded by Neumeier. The motion passed unanimously.

5. Other Business.

None

6. Adjourn.

Feller made a motion to adjourn the meeting. Seconded by Avanzi. The motion passed unanimously meeting adjourned at 4:49pm.

PLAN COMMISSION

City of Kaukauna

Council Chambers

Municipal Services Building

144 W. Second Street, Kaukauna



Thursday, September 5, 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, Ken Schoenike

Member(s) absent: John Moore

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

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

2. Approval of Minutes.

a. Approve Minutes from August 22, 2024 Meeting

Neumeier made a motion to approve the minutes from the August 22, 2024 meeting. Jensen seconded the motion. The motion passed unanimously.

3. Old Business.

None

4. New Business.

a. Rezoning Request- Parcel 322095715

Director Kittel introduced the rezoning request. The owners are requesting to change the zoning from Residential Single Family to Business District.

Avanzi made a motion to approve the request to change the zoning from Residential Single Family (RSF) to Business District (BD) and recommend the same to the Common Council. Seconded by Schoenike. The motion passed unanimously.

b. Special Exception Request- 2716 Main Ave

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. 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. A discussion ensued on this property and existing ordinance infractions such as garbage, weeds, blocking the sidewalk and numerous calls to the police. Commissioner Avanzi requested staff gather additional information on any utility intensive equipment and the commission wanted additional information from Police and Fire to be available for the public hearing.

Neumeier made a motion to schedule a public hearing for the October 17, 2024 Plan Commission meeting at 4:00 PM in the City Council Chambers and send notice to the newspaper and property owners within 500 feet of the property. Seconded by Schoenike. The motion passed unanimously.

c. 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. 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. A discussion pursued on the property, the property is currently not occupied and has had some work done to the home recently. Similar concerns on how this may effect Police and the Fire Department was brought up.

Neumeier made a motion to schedule a public hearing for the October 10, 2024 Plan Commission meeting at 4:00 PM in the City Council Chambers and send notice to the newspaper and property owners within 500 feet of the property. Seconded by Jensen. The motion passed unanimously.

d. Special Exception Request- 500 Hendricks Ave

Director Kittel introduced the special exception request. The buyers of 500 Hendricks Ave would like to continue to use the space as an office the same as the previous owners of the property. There will be no public traffic only office workers with the site providing adequate parking for their needs.

Neumeier made a motion to schedule a public hearing for the October 3, 2024 Plan Commission meeting at 4:00 PM in the City Council Chambers and send notice to the newspaper and property owners within 500 feet of the property. Seconded by Feller. The motion passed unanimously.

e. Facade- 1011 Delanglade St

A new building is being proposed at 1011 Delanglade St. Before the site plan is finalized the owners want to ensure the façade is acceptable by the plan commission. The proposed Façade would match the existing building on site.

Avani made a motion to approve the façade as presented for 1011 Delanglade st. Seconded by Schoenike. The motion passed unanimously.

f. Park Donation Review-Bench

The American legion would like to donate a bench on either the Konkopot or Heritage Trail.

Neumeier made a motion to approve the bench donation and direct staff to work with the doners for a final location. Seconded by Theile. 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 4:51pm.



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.



MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Plan Commission
From: Dave Kittel Director of Planning and Community Development
Date: October 31, 2024
Re: Special Exception Request – 2108 Sullivan 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:

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 Hearing was held on October 10th 2024 with a number of residents speaking out opposed to the requested special exception. Some of the concerns presented where:

- maintenance of property with mowing/weeds and the structure in general*
- Parking concerns*
- Safety concerns*
- Not fitting of the area as a residential single-family neighborhood*
- Concerns on effect on property value*

A few emails have been received by staff that where not able to be included in the previous report due to timing but, the concerns where mentioned during the meeting. Those emails are attached at the end of the report and a general recap of the comments from residents during the hearing may be found in the minutes. Some additional phone calls have been received on this request with a few only requesting additional information on the proposal and most with the same general concerns presented above.

The proposed use of the property is not in operation and only calls received were for complaints on grass/weeds have been received with no police calls/EMS.

One of the biggest recurring concerns was in regard 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.

It is important to note that 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. As well as there is a nearby facility that is within the 2,500 distance that may only be allowed if the City grants an exception as per [62.23\(7\)\(i\)1](#).

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 To Plan Commission:

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.

Received Correspondence:

Monica Hanagan<mhanagan@hotmail.com>

To: David Kittel

Cc:Monica Hanagan <mhanagan@hotmail.com>

Tue 10/8/2024 11:31 AM

I am opposed to the exemption. They bought a single family home-now they want to change the neighborhood. I have lived in this neighbor for 47 years. I do not want my neighborhood to change. If they want to have a group home, they should move to an area that is zoned to accommodate that.

Would you allow me to change my home into a duplex? "NO" same difference





MEMO

PLANNING & COMMUNITY DEVELOPMENT

To: Plan Commission
From: Dave Kittel Director of Planning and Community Development
Date: October 12, 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 Hearing was held on October 10th 2024 with a number of residents speaking out opposed to the requested special exception. Some of the concerns presented where:

- maintenance of property with mowing/weeds and the structure in general
- Parking concerns
- Safety concerns
- Not fitting of the area as a residential single-family neighborhood
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A few emails have been received by staff that where not able to be included in the previous report due to timing but, the concerns where mentioned during the meeting. Those emails are attached at the end of the report and a general recap of the comments from residents during the hearing may be found in the minutes. Some additional phone calls have been received on this request with a few only requesting additional information on the proposal and most with the same general concerns presented above.

The proposed use of the property is not in operation and only calls received were for complaints on grass/weeds have been received with no police calls/EMS.

One of the biggest recurring concerns was in regard 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.

It is important to note that 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. As well as there is a nearby facility that is within the 2,500 distance that may only be allowed if the City grants an exception as per [62.23\(7\)\(i\)1](#).

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
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Would you allow me to change my home into a duplex? "NO" same difference

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

