

**PLANNING COMMISSION MINUTES  
CITY OF FORT ATKINSON  
FEBRUARY 13, 2018  
988TH MEETING**

CALL TO ORDER.

The meeting was called to order by Chairman Trebatoski in the Council Chambers of the Municipal Building at 4:00 pm.

ROLL CALL.

Present: Commissioners Frame, Greenhalgh, Lescohier and Scherer, City Manager Trebatoski and City Engineer Andy Selle. Also present: City Attorney and Building Inspector.

Absent: Commissioner Highfield

APPROVE MINUTES OF DECEMBER 12, 2017 PLANNING COMMISSION MEETING.

Cm. Frame motioned, seconded by Cm. Greenhalgh to approve the minutes of the December 12, 2017 Planning Commission meeting. Motion carried.

REVIEW AND APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING ONE NEW LOT AND AN OUTLOT ON DORIS DRIVE

Engineer Selle reviewed the preliminary CSM submitted for CBF Investments. The parcel is to the east of the new hotel being constructed on Doris Drive. They are breaking off this lot for a sale. Engineer Selle indicated the City would request submittal of an as-built confirming the public right of way limits for Doris Drive and a clear indication of public/private water main in the area of the eastern boundary of the proposed parcel and addition of an easement for future maintenance of such on whatever property it will occupy. This item will be reviewed by City Council.

Cm. Greenhalgh moved to approve the Preliminary Certified Survey Map creating one new lot and an outlot on Doris Drive contingent on submittal of an as-built confirming the public right of way limits for Doris Drive and a clear indication of public/private water main in the area of the eastern boundary of the proposed parcel and addition of an easement for future maintenance of such on whatever property it will occupy. Motion seconded by Cm. Frame and carried.

REVIEW AND APPROVE REQUEST FOR CONDITIONAL USE TO OPERATE AN ADULT FAMILY HOME AT 1121 SOUTH MAIN STREET

Engineer Selle introduced the plan submitted from Someplace Nice, Inc. for a conditional use for an adult family home at 1121 South Main Street. It was indicated there is a moratorium in place for approving CBRFs and Adult Family Homes, however Mr. Zore submitted a request at a time when there was some question as to if the moratorium was in effect.

This property would be a four bedroom facility and there are plenty of parking stalls available. Engineer Selle indicated Mr. Zore has been an active member of the Fort Adult Care Consortium who is actively working to get a solution to the burden on City services by the number of adult care facilities.

Michael Zore was present to review the request. Mr. Zore indicated there is a need in the community for help for the elders. He indicated that his application for conditional use was made in 2016.

Greenhalgh asked if the moratorium is still in place, as she was wondering why this application is being heard if it is in place. Manager Trebatoski explained that the Council was going with three-month increments for the moratorium and there was one quarter where the report was not completed right on the date, and Mr. Zore feels there was a window at that time when it was not in effect. The City Manager indicated it was not the intent of the Council for the moratorium to lapse.

Frame said he felt this is a similar situation to the Blackhawk request. He said the “intent” was there at the time of application, and therefore feels it should not be approved. He did commend Mr. Zore on his efforts on the Consortium. He said once the moratorium is lifted, then the Commission can review the conditional use permits.

Mr. Zore said the Council has been asking for ways to allow exemptions to the moratorium. He believes that part of the reason they are here in this particular process is that it was a more simple way than having to come up with a standard that would apply to all homes in the future. With the combination of the timing on the motion and their interest in being able to provide at least a way to clear this one application through, they felt this was a less controversial option. The Council has in fact voted on being able to say they are looking for exemptions for the moratorium while maintaining it. He indicated his read of that is they are viewing the moratorium as being a little more porous than the absolute “yes” or “no”, and again they were looking at the five standards they came up with, including are there fire plans, emergency action plans, and have they been involved in FACC and bluntly those are things Mr. Zore said they have been part of. He agrees that maintaining the moratorium is important; he thinks the Council was looking for a way to look at this one application and is looking for a route to process that. He said he is speaking on what his perception of what he was hearing from the Council.

Cm. Lescohier said his interpretation of what the Council intended was if there avenues for applicants to look at and that they are seeking either through the FACC group or City staff to come back with what would reasonable exemptions be. He does not believe it was up to an individual applicant to seek where a loophole may or may not exist. Cm. Lescohier indicated he does appreciate Mr. Zore’s efforts on the consortium group and his participation at the Council meetings. He said there is the letter of the law and the spirit of the moratorium. He believes the intent of the Council is by extending the moratorium that we would keep the moratorium in place as it is now. They were encouraged by the progress that the FACC group was making and the data gathering the public safety officials are doing and coming back and saying how can we get this to a place where we can lift the moratorium. He said he thinks there are improvements being made slowly; he does not feel we are there yet.

Manager Trebatoski said as City staff is working with the consortium, they wanted to be fair and said if there was some lapse, they wanted it to go to the Planning Commission to decide on which way they wanted to go, as opposed to just saying no. Cm. Lescohier said it was a unanimous vote by the Council to continue the moratorium. Manager Trebatoski said the Police Chief had laid out a number of things they wanted to be achieved within the next year as well as looking at an ordinance for different conditions of a conditional use and then looking at it in unison to find ways where if we can’t reduce the number of calls, we can reduce the time each call takes. Any changes to conditional uses

would come to the Planning Commission through a change to the Zoning Code.

Greenhalgh said she believes nothing has changed since the moratorium was put in place and the conditions are still not right for granting this request.

Comm. Greenhalgh moved to not approve the request for a conditional permit to operate an adult family home at 1121 South Main Street. Motion seconded by Comm. Frame.

Cm. Lescohier asked Mr. Zore if he has experience in operating a similar business to which Mr. Zore indicated he had assisted with the startup of the two facilities, but this would be the first that he will be the primary responsible party for.

Terry Behlke, 1125 Greene Street, addressed the Commission. She has concerns about a second facility being so close to their home – they currently have one directly across the street from their home and have had numerous problems with that facility. She found that there are 65 facilities licensed in Jefferson County, and Fort Atkinson has 39 where Watertown only has 14. She also does not agree that residents of these facilities should be brought in from outside the City.

Cm. Lescohier said prior to the moratorium being in place, there was little the City could do to stop these facilities from locating in the City. However, once it was proven that they were becoming a burden on our public services, action could be taken.

Mr. Zore said they feel the people in the facilities are less likely to need public safety services as they have someone there taking care of them. They believe also that in the future with the population of the baby boomers going away, the larger facilities will become unneeded and the large buildings will sit empty. Therefore, the facilities that are located in the single family dwellings can then be converted back to a residential property.

The question was called and motion carried to not approve the request for a conditional use for an adult family home at 1121 North Main Street.

#### ADJOURNMENT

Cm. Greenhalgh moved, Cm. Scherer seconded the motion to adjourn the Planning Commission meeting at 4:35 pm. Motion carried.

Respectfully submitted,

Leila Carl  
Acting Secretary