

**PLANNING COMMISSION MINUTES  
CITY OF FORT ATKINSON  
MARCH 13, 2018  
989TH 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 Highfield, Greenhalgh, Lescohier and Scherer, City Manager Trebatoski and City Engineer Andy Selle. Also present: City Attorney and City Clerk/Treasurer.

Absent: Commissioner Frame.

APPROVE MINUTES OF FEBRUARY 13, 2018 PLANNING COMMISSION MEETING.

Cm. Greenhalgh motioned, seconded by Cm. Scherer to approve the minutes of the February 13, 2018 Planning Commission meeting. Motion carried.

REVIEW AND APPROVE MOBILE MERCHANT LICENSE FOR LOS AGAVES TO OPERATE A FOOD TRUCK IN CITY PARKING LOT #10 (S. MAIN AND S. THIRD STREETS)

Clerk/Treasurer reviewed the annual request for operation of the food truck. All requirements of the license have been met including proof of insurance and proper fire inspections. City Departments have reviewed the request and provided no comments or concerns.

Cm. Greenhalgh moved, seconded by Cm. Highfield to approve the Mobile Merchant License for Los Agaves to operate a food truck in City parking lot #10 at the intersection of S. Main Street and S. Third Street. Motion carried.

REVIEW AND APPROVE PRELIMINARY PLAT OF KOSHKONONG LAKE ESTATES CREATING 20 LOTS (EXTRA-TERRITORIAL)

Engineer Selle reviewed the submission by Patterson Builders for an area in the extra-territorial area that is currently zoned A-T Agricultural Transition. Patterson intends to create 20 residential lots in the area that is located on Koshkonong Mounds Road in the Town of Koshkonong, three miles from the City. City departments have reviewed the request without comments or concerns.

Cm. Highfield moved, seconded by Cm. Greenhalgh to approve the preliminary plat of Koshkonong Lake Estates creating 20 lots (extra-territorial). Motion carried.

REQUEST AN EXTENSION OF CONDITIONAL USE PERMIT FOR COMMUNITY BASED RESIDENTIAL FACILITY TO BE LOCATED AT 311 S. MAIN STREET (ORIGINAL CONDITIONAL USE GRANTED 09/22/2015 AND EXTENSION GRANTED 09/27/2016).

Engineer Selle reviewed this history of the Conditional Use Permit request by Mr. Logan and his Architect. They are seeking another extension for the project. Mr. Logan was provided a Conditional Use Permit for a CBRF to be located at 311 S. Main St. This permit was granted on September 22, 2015 and was one of three existing proposals heard and acted on following implementation of the

moratorium. Failure to begin the “use” as described in the Conditional Use Permit within one year requires either a forfeiture of the Conditional Use or an extension by the Planning Commission.

Mr. Logan returned to the Planning Commission in September 2016 for an extension to the Conditional Use, as construction had not begun on the project. At that time Mr. Logan supplied information confirming the approval from the State DHS to operate a CBRF at this location, updated plans for the potential improvements of the property and a construction schedule for completion. The extension was granted for one year with clear expectations for progress.

Mr. Logan has returned for a second extension following expiration of the Conditional Use extension granted in September 2016.

This situation presents a challenge for the Planning Commission. The one-year extension of the permit expired in September 2017. The request for a second extension is dated 2/9/18. Procedurally, this request should start over as an original Conditional Use request, however, the moratorium remains in place holding any new approval of additional adult care facilities. The City always supports the development of private business. Mr. Logan however, would do well not to place the Planning Commission in such an awkward situation in the future. Staff recommends a second extension of the permit until September 27, 2018, pending submittal of a clear schedule with milestones for progress.

Cm. Greenhalgh questioned how the agenda listed this item as an extension request since the first extension had expired September 2017, as far as she is concerned, this is a new request. She added this was one of the projects in the pipeline that was approved around the time the moratorium was enacted. She is hesitant to grant yet another extension as no progress has been noted on the property.

Craig Ellsworth, Architect addressed the request on behalf of Mr. Logan. He stated this is not just the project at 311 S. Main Street, but a substantial complex project in the main building tied to the Blackhawk Senior Living renovation. Ellsworth mentioned the funding sources and cited a grant application with the City.

Manager Trebatoski spoke on behalf of a grant application that is being applied for as a Community Development Grant between the City and Mr. Logan’s property. Mr. Ellsworth and Mr. Logan have been working on the application for the grant to rehab the property of 311 S. Main Street.

Cm. Greenhalgh asked how the grant is depending on 311 S. Main Street. Ellsworth confirmed the joint parking for employees of both properties/businesses. The funding from the grant would assist with building renovation. Greenhalgh asked if any progress would be done should another extension be granted. Ellsworth said they are actively working on the grant for funding to assist with the project. Without the grant, the project at 311 S. Main Street may not move forward.

Manager Trebatoski stated the Community Development Grant application process has become more competitive. The funding, should the grant be awarded, may not occur until late 2018.

Cm. Lescohier asked if this request of an extension is simply an oversight of timing. Ellsworth confirmed the oversight seemed to be an error.

Cm. Greenhalgh feels the Planning Commission has gone above and beyond several times for this project.

Attorney Westrick does not see any legal concerns, but stated this could be a discretionary decision dated back to September or the Commission could make a decision that the extension expired and this would have to be presented as a new request.

Cm. Highfield suggests provided a 'drop dead date' on the project. Ellsworth confided to the Commission saying he would make his best efforts to make sure this project moves forward and completed timely should an extension be granted.

Cm. Lescohier moved to approve the extension of the Conditional Use Permit for community based residential facility to be located at 311 S. Main Street until September 27, 2018. Motion seconded by Engineer Selle and carried, Cm. Greenhalgh opposed.

Manager Trebatoski stated this is an absolute date of September 27, 2018 and if this timeline will not be met, the property owner is to submit material at least two weeks prior to the date.

#### ADJOURNMENT

Cm. Greenhalgh moved, Cm. Scherer seconded the motion to adjourn the Planning Commission meeting at 4:52 pm. Motion carried.

Respectfully submitted,

Michelle Ebbert  
City Clerk/Treasurer