

**PLANNING COMMISSION MINUTES  
CITY OF FORT ATKINSON  
SEPTEMBER 8, 2015  
954th MEETING**

CALL TO ORDER.

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

ROLL CALL.

Members present: Commissioners Frame, Zastrow, Hartwick, Greenhalgh, City Engineer Andy Selle and City Manager Trebatoski.

Absence: Comm. Highfield.

Others Present: City Attorney Chris Rogers, Clerk/Treasurer Michelle Ebbert and Inspector Brian Juarez.

APPROVE MINUTES OF AUGUST 25, 2015 PLANNING COMMISSION MEETING.

Comm. Greenhalgh moved to approve the August 25, 2015 minutes of the Planning Commission, seconded by Comm. Frame and approved.

REQUEST TO REZONE LOT 66 OF FIRST ADDITION TO HIGHLAND HEIGHTS (NORTHWEST CORNER OF EAST HIGHLAND AVENUE AND WHITEWATER AVENUE) FROM C-1 TO R-2, AND FOR PRELIMINARY CERTIFIED SURVEY MAP CREATING TWO SEPARATE PARCELS FOR PROPERTY.

Engineer Selle reviewed the request to rezone Lot 66 on Highland Avenue. The request was reviewed by Staff and is supported to be rezoned.

Comm. Greenhalgh inquired on sidewalk installation at the property. Manager Trebatoski stated that sidewalk will be installed at this property which will join with existing sidewalk.

Comm. Hartwick moved to approve the request to rezone Lot 66 of Highland Heights (northwest corner of E. Highland Avenue and Whitewater Avenue) from C-1 to R-2 and for a preliminary certified survey map creating two separate parcels and refer to City Council for approval. Seconded by Comm. Greenhalgh and carried.

REVIEW SITE PLAN AND CONDITIONAL USE FOR BLACKHAWK SENIOR RESIDENCE TO EXPAND THEIR FACILITY INTO THE FIRST FLOOR OF THEIR EXISTING BUILDING AND THE FIRST AND SECOND FLOORS OF THE ADJACENT BUILDING AT 214 S. MAIN STREET.

Engineer Selle updated on the request that was presented to the Planning Commission. Mr. Logan was present to provide three of the four requested items of the Commission from the August 25<sup>th</sup> meeting. Mr. Logan stated his architect will be arriving with additional site plan information. Mr. Logan also stated he has a purchase agreement for property located at 311 S. Main Street which would meet the requirement for the 18 off-street parking stalls. He has further intentions for a CBRF facility to be developed at 311 S. Main Street.

Comm. Greenhalgh acknowledged that Mr. Logan did not provide approval from the Historic Preservation Commission and recommended the Commission take no action until all materials are provided as required and requested by the Commission at the August 25<sup>th</sup> meeting.

Comm. Greenhalgh asked Attorney Rogers if the purchase agreement for 311 S. Main Street would meet the parking requirements for the subject project. Rogers replied that any action taken by the Commission with recommendation to the City Council could be contingent upon the purchase agreement being fulfilled.

The Commission agreed with ambiguity in the code, it makes it unclear the true intention and confirmed the code should be amended to reflect the true intent.

Engineer Selle acknowledged that he placed Mr. Logan's request on the agenda believing Mr. Logan had all materials ready for submittal. This request will be reviewed on the next agenda.

Attorney Rogers requested the offer to purchase 311 S. Main Street be submitted to him for review prior to the next Planning Commission meeting.

No action was taken.

#### REVIEW ORDINANCE AMENDMENT PERTAINING TO COMMUNITY BASED RESIDENTIAL FACILITIES AND ADULT FAMILY HOMES BEING LOCATED IN COMMERCIAL ZONED DISTRICTS.

Inspector Juarez addressed the wording of the amendment as it pertained to CBRF facilities and adult family homes as they are located in commercial zoned districts. He recommended removing the offending ambiguity and making a clear intent in commercial zoned districts. The original intent of the current Zoning Code was to disallow residential usage on the first floor of such zonings to preserve the business corridors typical to such zonings and to ensure proper separation and privacy for residential uses.

Juarez stated the ability for a CBRF or adult family home on the second floor would be a conditional use. The change would prohibit it from being on the first floor in the C-5 district.

Comm. Greenhalgh move to recommend the City Council approve the ordinance amendments as presented, restricting CBRF and adult family homes on the first floor of commercial zoned districts. Comm. Frame seconded the motion and carried.

#### TEMPORARY MORATORIUM ON COMMUNITY BASED RESIDENTIAL FACILITIES AND ADULT FAMILY HOMES WITHIN THE CITY LIMITS OF FORT ATKINSON.

Engineer Selle reviewed his memorandum regarding a temporary moratorium with recommendation of a six month freeze. A burden has been reported to exist amongst the fire, police and ambulance. To date, the City has 20 CBRF and 39 Adult Family Homes with 370 available beds within the City of Fort Atkinson. The request is to essentially take a break to allow for further investigation of the emergency services to this classification of properties.

Comm. Zastrow does not feel a six month moratorium is a good idea and feels it is bad business for the City to do this. He stated he appreciates that at certain times, there is stress on our resources but encouraged placing specific mechanisms in place to assist with these times may alleviate some of the pressure.

Comm. Greenhalgh stated she would support a postponement to allow time to evaluate the numbers and present it to Council.

Comm. Frame requested a breakdown of calls for service be analyzed by address. He suggested holding the violators accountable for increased calls and not punish those that do not utilize emergency services as much.

Chief Bump reviewed the chronic nuisance ordinance that does not specifically pertain to CBRF or Adult Family Homes. The chronic nuisance can be used supplement for specific violations, disorderly, fights, underage, things disorderly in nature. Some properties need police assistance regardless. Chief stated that he only has so many officers available at certain times. An average call could be a brief five minute response time while another could be several hours.

Marcey Frankiewicz addressed the Commission. She has submitted an application for a conditional use permit to operate an adult family home at 1123 Adrian Blvd. She would have up to four residents. Her background includes 35 years as an RN. She has no intention for multiple properties.

Dave & Robin Zender addressed the Commission. Their request for a conditional use permit to operate an adult family home is included on this agenda for discussion. They are seeking to have three to four residents. They already have a property in Palmyra. Their plans include appropriate parking and staffing.

Donald Hupke, 825 Florence Street questioned the residential zoning areas and that include CBRF or adult family homes being ran as a business. Doesn't that make the property a business versus residential property?

Comm. Greenhalgh made a motion with recommendation to the City Council to approve a two month temporary moratorium for CBRF and adult family homes in the City limits of Fort Atkinson excluding those that have submitted proper documentation to the Building Inspector as of September 8<sup>th</sup>, 2015. Motion seconded by Comm. Frame and carried.

**REVIEW AND APPROVE REQUEST FOR CONDITIONAL USE PERMIT FOR ADULT FAMILY HOME TO BE LOCATED AT 816 FLORENCE STREET.**

Engineer Selle reviewed the request for an adult family home to be located at 816 Florence Street based on submitted information from the property owners.

Mr. & Mrs. Zender were present to review their request which includes a four bedroom facility with two fire exits and parking in the driveway for five vehicles. The fourth bedroom will be constructed from enclosing the garage and creating a niche in the back portion of the garage where an eating or common area would exist.

Comm. Greenhalgh requested additional information be provided with precise dimensions and an interior layout design.

Mrs. Zender reviewed their staffing plan which included CNAs and personal care workers.

No action was taken.

**REVIEW AND APPROVE REQUEST FOR CONDITIONAL USE PERMIT FOR COMMUNITY BASED RESIDENTIAL FACILITY TO BE LOCATED AT 311 S. MAIN STREET.**

Engineer Selle reviewed the request for the conditional use permit for a CBRF at 311 S. Main Street. This property has been vacant for many years. Mr. Logan described the property as a 3,200 single story, flat roof that would include a simple conversion. He would have two staff at a minimum with meal preparation from the Blackhawk Housing location.

Comm. Greenhalgh recommended revising the plan and swapping the location of the common area and the dining room for best use of space, windows and privacy.

The parking at this location has a total of 29 stalls. Eighteen would be designated for the Blackhawk Housing and 11 for staff and residents of this property.

Engineer Selle stated this request will be presented to Staff for review and presented to Planning Commission for review and approval.

No action was taken.

ADJOURNMENT.

Comm. Frame moved to adjourn, seconded by Comm. Zastrow. The Planning Commission meeting was adjourned at 6:01 p.m.

Respectfully submitted,  
Michelle Ebbert Clerk/Treasurer