

**PLANNING COMMISSION
CITY OF FORT ATKINSON
MINUTES
JULY 28, 2009
869th MEETING**

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

Members present: Wilmet, Gray, Camplin, Highfield, Rybicke and Woods

Members absent: None

Others present: Rudy Bushcott, Brian Juarez, Tyler Hansen, Duane Anderson, Connie Meyer, Rod Lee and Tim Carnes

Item #1: Review and Approve Conditional Use Permit for Adult Family Home at 117/119 Healy Lane.

Jeff Woods said the property is zoned R-2, Two Family Residential, and requires a conditional use permit. The criteria used to review the permit are:

1. Licensed as required under Wisconsin Administrative Code HFS-83;
2. Shall not create an unreasonable financial or administrative burden on the City services, including police, fire, EMS, water, sanitary, streets and parks and recreation;
3. Provide off-street parking at one per resident over 16 years of age, and one per staff at the largest shift; and
4. Meet the requirements of the City's Building and Zoning Codes.

At this location, there will be four (4) residents and two (2) staff, so six parking stalls are required. The parcel can provide six stalls.

When asked by Dennis Rybicke, Jeff Woods said he did not feel this facility would put a burden on City services.

Tim Carnes, N1761 Agnes Road, asked questions on the type of residents, supervision, and about the facility. Tyler Hansen, of Abilities, Inc., addressed the concerns and answered the questions.

Motion by Bill Camplin, seconded by Roz Highfield, to approve the conditional use permit for the Adult Family Home at 117/119 Healy Lane. The motion passed by a 6-0 voice vote.

Item #2: Review and Approve Conditional Use Permit and Site Plan for Adult Family Home at N2767 Highway 89 (now known as 160 West Blackhawk Drive – recently annexed).

Jeff Woods said the parcel was recently annexed and is zoned R-3, Multi-Family Residential. A conditional use permit is required. The criteria used to review the permit are:

1. Licensed as required under Wisconsin Administrative Code HFS-83;
2. Shall not create an unreasonable financial or administrative burden on the City services, including police, fire, EMS, water, sanitary, streets and parks and recreation;
3. Provide off-street parking at one per resident over 16 years of age, and one per staff at the largest shift; and
4. Meet the requirements of the City's Building and Zoning Codes.

The plan provides for 21 parking stalls. There are 12 residents and three (3) staff, so the parking criteria is met. The water main on West Blackhawk Drive has a pressure of 39 psi. It meets Code requirements, but will need to be factored-in on the plumbing design. The site plan meets the Code requirements for lot size, lot coverage and setbacks except for backyard. The west lot line is the backyard and needs to be 20-feet. Storm drainage will use overland flow and the detention pond on the adjacent property, which Abilities, Inc. owns. The lighting units have the required cut-offs and the plan calls for two trees and seven shrubs to be planted.

Bill Camplin asked about what started out as trying to distribute these residents throughout the population, now seems to be grouping them together. Tyler Hansen, of Abilities, Inc., said the plan is to distribute them, but in this location, the adjacent property came up for sale.

Motion by Cm. Gray, seconded by Dennis Rybicki, to approve the conditional use permit and site plan for an Adult Family Home at 160 West Blackhawk Drive. The motion passed by a 6-0 voice vote.

Item #3: Review and Approve Conditional Use Permit and Site Plan for Adult Family Home at 325 Edward Street

Jeff Woods said the parcel zoned R-3, Multi-Family Residential, and a conditional use permit is required. The criteria used to review the permit are:

1. Licensed as required under Wisconsin Administrative Code HFS-83;
2. Shall not create an unreasonable financial or administrative burden on the City services, including police, fire, EMS, water, sanitary, streets and parks and recreation;
3. Provide off-street parking at one per resident over 16 years of age, and one per staff at the largest shift; and

4. Meet the requirements of the City's Building and Zoning Codes.

The site plan provides for 17 parking stalls. There are 14 residents and four (4) staff, so 18 stalls are required. Brian Juarez said the Planning Commission does have the ability to reduce the number of stalls if there is justification. Duane Anderson, project designer, said there is an island that could be removed if the additional stall was needed. After a discussion, the Commission felt that 17 stalls were adequate.

The site plan meets the Code requirements for lot size, lot coverage and setbacks. The laterals for water and sewer are not shown. Duane Anderson said the water lateral would come off of North Main Street. The storm drainage would use overland flow to Edward Street, with a reverse crown in the driveway to prevent storm water from draining onto the sidewalk. The lighting fixtures will have the cut-off features, and the landscape plan calls for two new trees and seven new shrubs.

Motion by Cm. Gray, seconded by Bill Camplin, to approve the conditional use permit and site plan for an Adult Family Home at 325 Edward Street, with a reduction in the required parking stalls from 18 to 17. The motion passed by a 6-0 voice vote.

Item #4: Review and Approve Request to Rezone Dwight Foster Public Library, 102 East Milwaukee Avenue, from C-2 (Central Business) to C-5 (Downtown Business).

John Wilmet requested this item be taken next.

Jeff Woods said the adjacent properties are zoned C-5 to the north and west, R-3 to the south, and C-2 and R-3 to the east. The reason for the request is to allow for a change in setbacks, lot coverage and off-street parking to better accommodate the proposed Library expansion project. The C-5 zoning has zero-foot setbacks, 90% lot coverage, and no off-street parking requirements.

Cm. Gray asked what the C-2 parking requirements were. Jeff Woods said C-2 requires one stall per 250 square feet of floor space. With a proposed 12,000 square foot addition, it could not be done with the current parcel.

Jeff Woods said if the request is approved, it would go to the Council meeting on August 4th to set a public hearing for September 1, 2009.

Motion by Cm. Gray, seconded by Roz Highfield, to recommend to the Council to change the zoning at the Dwight Foster Public Library, 102 East Milwaukee Avenue, from C-2 to C-5. The motion passed by a 6-0 voice vote.

Item #5: Review and Approve Change to Zoning Code for Zero Lot Line.

Brian Juarez reviewed this request for a Zoning Code change. The use of the term "condominium" requires that additional work and documentation be done. This impacts the

people that own the property, through insurance, by-laws and association. This zero lot line zoning is very common in other cities and has been working there. The condominium zoning would remain; this would be added as another option. This option would work for a side-by-side duplex or a row-house/townhouse set-up.

Roz Highfield said that the zoning change is a good idea, but was concerned from an architectural aspect. Will there be limits or controls on what can or can't be done on each unit. Brian Juarez said in other cities there are agreements that address this that are signed by each other and then recorded with the deed. The City would not enforce them, but it would be there for the owner to use.

Rod Lee, a builder from Cambridge, said that he has condominiums in Fort Atkinson and zero lot line development in other cities, and the zero lot line development works better.

Brian Juarez said this will also change how the water laterals are dealt with. If new zero lot line houses are built in the future, there will need to be individual laterals. The existing units would be addressed by jogging the lot line or requiring the replacement of the lateral when repairs are required.

Cm. Gray liked the idea of the zero lot line zoning, but would like to see a draft of the agreement that would be used. Brian Juarez said that he would put a draft together for a future meeting. John Wilmet said that this would protect both the City and the property owners.

Motion by Cm. Gray, seconded by Dennis Rybicke, to recommend to the Council to approve the changes to the Zoning Code to add the zero lot line. The motion passed by a 6-0 voice vote. The draft of an agreement will be presented at a future meeting.

Item #6: Approval of Minutes and Adjournment.

A motion to approve the amended Minutes of the July 14, 2009 meeting was made by Dennis Rybicke, seconded by Cm. Gray, and passed by a 5-0 voice vote with Bill Camplin abstaining. A motion to adjourn was made by Cm. Gray, seconded by Bill Camplin, and passed by a 6-0 voice vote. The meeting adjourned at 5:10 p.m.

Respectfully submitted,

Jeffrey L. Woods, P.E.
Secretary