



**VILLAGE OF HOBART - NOTICE OF PUBLIC HEARING**

**June 4<sup>th</sup> 2024 (6:00 PM)**

**2990 S. Pine Tree Rd., Hobart WI 54155**

The Hobart Village Board will hold the following Public Hearing on June 4<sup>th</sup> 2024 at 6:00 p.m. for the purpose of gathering input on the following:

1. Consider Ordinance 2024-06 (AN ORDINANCE TO REPEAL AND RECREATE SECTIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN, SPECIFICALLY SECTION 30 (CONDITIONAL USES) OF ARTICLE VI (R-1 RESIDENTIAL DISTRICT), SECTION 42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT), SECTION 55 (CONDITIONAL USES) OF ARTICLE VIII (R-3 RESIDENTIAL DISTRICT), SECTION 68 (CONDITIONAL USES) OF ARTICLE IX (R-4 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT), SECTION 174 (CONDITIONAL USES) OF ARTICLE XVI (ER ESTATE RESIDENTIAL DISTRICT), SECTION 187 (CONDITIONAL USES) OF ARTICLE XVII (R-2-R RURAL RESIDENTIAL DISTRICT), OF CHAPTER 295 (ZONING)) – The purpose of this Ordinance is to bring the Village’s existing zoning code into compliance with state statutes relating to potential placements of “community living arrangement” facilities. Wisconsin Statute 60.63 requires that a municipality “shall make a procedure available to enable such facilities to request such permission”. It has been determined that the inclusion of a conditional use permit would be the clearest path to comply with the “special zoning permission” requirement in the state statutes.
2. Consider a Conditional Use Permit for a Community Living Arrangement (4735 Fonda Fields Court)

The materials for the hearing will be available on the Village website at [www.hobart-wi.org/village-board](http://www.hobart-wi.org/village-board) and at the Village office for public inspection starting May 13<sup>th</sup> 2024 through June 4<sup>th</sup> 2024 during regular office hours. Office hours are Monday through Friday from 7:30 a.m. to 4:00 p.m. The Village Board will take comments from the public and act on the proposed items at the board meeting immediately following the public hearing.

Lisa Vanden Heuvel, Hobart Village Clerk  
Published May 17<sup>th</sup> 2024 and May 24<sup>th</sup> 2024



**TO: Planning & Zoning Commission**

**RE: Modifications/Amendments to the Zoning Ordinance, Chapter 295, Sections 295-30 (R-1: Residential District), 295-42 (R-2: Residential District), 295-55 (R-3: Residential District), 295-68 (R-4: Single and Two-Family Residential District), 295-174 (ER: Estate Residential District), and 295-187 (R-2-R: Rural Residential District) of Chapter 295 (Zoning) relating to conditional uses**

**FROM: Todd Gerbers, Director of Planning & Code Compliance**

**DATE: May 15, 2024**

**ISSUE:** Discussion and action on modifications/amendments to the Zoning Ordinance, Chapter 295, Sections 295-30 (R-1: Residential District), 295-42 (R-2: Residential District), 295-55 (R-3: Residential District), 295-68 (R-4: Single and Two-Family Residential District), 295-174 (ER: Estate Residential District), and 295-187 (R-2-R: Rural Residential District) of Chapter 295 (Zoning) relating to conditional uses

**RECOMMENDATION:** Staff recommends approval.

### **GENERAL INFORMATION**

Village Staff has recently received an inquiry to locate a Community Living Arrangement facility within the Village of Hobart. Wisconsin State Statutes require that a municipality shall make a procedure available to enable such facilities to request permission to be located within residential zoning districts. After reviewing the Village Zoning Code, Village Staff is recommending some amendments / modifications to the Conditional Uses listed in Sections 295-30 (Conditional Uses) of Article VI (R-1: Residential District), 295-42 (Conditional Uses) of Article VII (R-2: Residential District), 295-55 (Conditional Uses) of Article VIII (R-3: Residential District), 295-68 (Conditional Uses) of Article IX (R-4: Single and Two-Family Residential District), 295-174 (Conditional Uses) of Article XVI (ER: Estate Residential District), and 295-187 (Conditional Uses) Of Article XVII (R-2-R: Rural Residential District) of Chapter 295 (Zoning).

When reviewing the state statutes and the Village’s existing zoning code, it was noticed that the Village is not in compliance with state statutes relating to potential placements of “*community living arrangement*” facilities. Statute 60.63 requires that a municipality “*shall make a procedure available to enable such facilities to request such permission*”. Village Staff has worked with the Village Attorney and it was determined that the inclusion of a conditional use permit would be the clearest path to comply with the “special zoning permission” requirement in the state statutes.

Therefore, Staff is proposing an amendment to add “*Community Living Arrangements*” to the Conditional Uses in the R-1, R-2, R-3, R-4, ER, and R-2-R zoning districts.

### **RECOMMENDATION/CONDITIONS**

Staff recommends approval of modifications to Chapter 295, Zoning Code, Sections 295-30 (R-1: Residential District), 295-42 (R-2: Residential District), 295-55 (R-3: Residential District), 295-68 (R-4: Single and Two-Family Residential District), 295-174 (ER: Estate Residential District), and 295-187 (R-2-R: Rural Residential District) of Chapter 295 (Zoning) relating to conditional uses.

§ 295-30. Conditional uses.

The following are conditional uses in the R-1 District:

A. Cemeteries.

B. Colleges and universities.

C. Community Living Arrangements serving 9 or more persons

D. Fire stations, police stations, post offices, and other municipal facilities necessary for Village

operation.

E. Manufactured home parks.

F. Planned unit development.

G. Ponds.

H. Public, parochial and private, elementary, junior high and senior high schools.

I. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels,

temples, synagogues, rectories, parsonages, and parish houses.

J. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

K. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

L. Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

(7) Parcels that do not meet any one of the zoning requirements regarding building setbacks, lot frontage, lot size, accessory building size and number of buildings per parcel; provided that the remaining zoning requirements are all met.

§ 295-42. Conditional uses.

The following are conditional uses in the R-2 District:

A. Artificial lake, pond.

B. Cemeteries.

C. Colleges and universities.

**D. Community Living Arrangements serving 9 or more persons**

**E.** Floriculture, forestry, horticulture, hatcheries, nurseries, orchards, paddocks, riding academies and stables, game farms, wildlife sanctuaries and game preserves.

**F.** Planned unit development.

**G.** Public, parochial and private, elementary, junior high and senior high schools.

**H.** Religious institutions in the form of convents, seminaries, monasteries, churches, chapels,

temples, synagogues, rectories, parsonages, and parish houses.

**I.** Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

**J.** Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

**K.** Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

§ 295-55. Conditional uses.

The following are conditional uses in the R-3 District:

A. Artificial lake, pond.

B. Cemeteries.

C. Colleges and universities.

**D. Community Living Arrangements serving 9 or more persons**

E. Public, parochial and private, elementary, junior high and senior high schools.

F. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels,

temples, synagogues, rectories, parsonages, and parish houses.

G. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

H. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

I. Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

§ 295-68. Conditional uses

The following are conditional uses in the R-4 District:

A. Artificial lakes and ponds.

B. Cemeteries and mausoleums.

C. Colleges and universities.

D. Community Living Arrangements serving 9 or more persons

E. Day-care centers.

F. Planned unit development.

G. Public utility and service uses, and civic buildings as follows:

(1) Substations and transmission lines.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations.

(5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

H. Public, parochial and private, elementary, junior high and senior high schools.

I. Radio and television stations and similar electronic communicating systems, towers - transmitting and receiving.

J. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels,

temples, synagogues, rectories, parsonages, and parish houses.

K. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

L. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

M. Telephone and public utility installations, and cable television installations.



§ 295-174. Conditional uses.

The following are conditional uses in the ER District:

A. Up to 10 animal units.

B. Artificial lakes, ponds per Article XXIX.

C. Community Living Arrangements serving 9 or more persons

D. Retail landscape and retail tree farms.

E. Schools.

F. Satellite dishes larger than 38 inches.

G. Religious institutions.

H. Riding academies and stables.

I. Bed-and-breakfasts.

J. Any animal not listed in this article.

K. Lot frontage less than 150 feet.

L. Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

M. Other business types may be approved by the Village Board, after receiving approval from

the Planning and Zoning Commission. This conditional use may be removed if declared a nuisance to surrounding area.

N. Accessory structures and fences which do not conform to the requirements identified

elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

[Amended 1-15-2013 ]

§ 295-187. Conditional uses.

The following are conditional uses in the R-2-R District:

A. Artificial lake, pond.

**B. Community Living Arrangements serving 9 or more persons**

C. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

D. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels,

temples, synagogues, rectories, parsonages, and parish houses.

E. Public utility and service uses, and civic buildings, as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad rights-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

F. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

G. Parcels that do not meet any one of the zoning requirements regarding building setbacks, lot

frontage, lot size, accessory building size and number of buildings per parcel, provided that the remaining zoning requirements are all met.

**60.63 Community and other living arrangements.** For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), or an adult family home, as defined in s. 50.01 (1), in any town shall be subject to the following criteria:

- (1) 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 town, of any other such facility. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the local town. Two community living arrangements may be adjacent if the town authorizes that arrangement and if both facilities comprise essential components of a single program.
- (2) Community living arrangements shall be permitted in each town without restriction as to the number of facilities, so long as the total capacity of the community living arrangements does not exceed 25 or one percent of the town's population, whichever is greater. If the capacity of the community living arrangements in the town reaches such total, the town may prohibit additional community living arrangements from locating in the township. Agents of a facility may apply for an exception to this requirement, and such exceptions may be granted at the discretion of the town.
- (3) A foster home that is the primary domicile of a foster parent and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subs. (1) and (2) except that foster homes operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subs. (1) and (2).
  - (3m)
    - (a) No adult family home described in s. 50.01 (1) (b) may be established within 2,500 feet, or any lesser distance established by an ordinance of the town, of any other adult family home described in s. 50.01 (1) (b) or any community living arrangement. An agent of an adult family home described in s. 50.01 (1) (b) may apply for an exception to this requirement, and the exception may be granted at the discretion of the town.
    - (b) An adult family home described in s. 50.01 (1) (b) that meets the criteria specified in par. (a) and that is licensed under s. 50.033 (1m) (b) is permitted in the town without restriction as to the number of adult family homes and may locate in any residential zone, without being required to obtain special zoning permission except as provided in sub. (10).
  - (4) If the community living arrangement has capacity for 8 or fewer persons being served by the program, meets the criteria listed in subs. (1) and (2), and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, the community living arrangement is entitled to locate in any residential zone, without being required to obtain special zoning permission except as provided under sub. (10).
  - (5) In all cases where the community living arrangement has capacity for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1) and (2), and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to locate in any residential area except areas zoned exclusively for single-family or 2-family residences except as provided in sub. (10), but is entitled to apply for special zoning permission to locate in those areas. The town may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.
  - (6) In all cases where the community living arrangement has capacity for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is licensed, operated, or permitted under the authority of the department of health services or the department of children and families, that facility is entitled to apply for special zoning permission to locate in areas zoned for residential use. The town may grant such special zoning permission at its discretion and shall make a procedure available to enable such facilities to request such permission.
  - (7) The department of health services shall designate a single subunit within that department to maintain appropriate records indicating the location and the capacity of each community living arrangement for adults, and such information shall be available to the public. The department of children and families shall designate a single subunit within that department to maintain appropriate records indicating the location and the capacity of each community living arrangement for children, and such information shall be available to the public.
  - (8) In this section, "special zoning permission" includes but is not limited to the following: special exception, special permit, conditional use, zoning variance, conditional permit and words of similar intent.
  - (9) The attorney general shall take all necessary action, upon the request of the department of health services or the department of children and families, to enforce compliance with this section.

- (10)** Not less than 11 months nor more than 13 months after the first licensure of an adult family home under s. 50.033 or of a community living arrangement and every year thereafter, the town board of a town in which a licensed adult family home or a community living arrangement is located may make a determination as to the effect of the adult family home or community living arrangement on the health, safety or welfare of the residents of the town. The determination shall be made according to the procedures provided under sub. (11). If the town board determines that the existence in the town of a licensed adult family home or a community living arrangement poses a threat to the health, safety or welfare of the residents of the town, the town board may order the adult family home or community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to judicial review under s. 68.13, except that a free copy of the transcript may not be provided to the licensed adult family home or community living arrangement. The licensed adult family home or community living arrangement must cease operation within 90 days after the date of the order, or the date of final judicial review of the order, or the date of the denial of special zoning permission, whichever is later.
- (10m)** The fact that an individual with acquired immunodeficiency syndrome or a positive HIV test, as defined in s. 252.01 (2m), resides in a community living arrangement with a capacity for 8 or fewer persons may not be used under sub. (10) to assert or prove that the existence of the community living arrangement in the town poses a threat to the health, safety or welfare of the residents of the town.
- (11)** A determination made under sub. (10) shall be made after a hearing before the town board. The town shall provide at least 30 days' notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the licensed adult family home or the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The town board may call witnesses and may issue subpoenas. All witnesses shall be sworn by the town board. The town board shall take notes of the testimony and shall mark and preserve all exhibits. The town board may, and upon request of the licensed adult family home or the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the town. Within 20 days after the hearing, the town board shall deliver to the licensed adult family home or the community living arrangement its written determination stating the reasons therefor. The determination shall be a final determination.

**History:** 1983 a. 532; 1985 a. 281; 1987 a. 161; 1989 a. 56, 201; 1993 a. 27, 327, 446, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225, 417; 2007 a. 20 ss. 1861 to 1866, 9121 (6) (a); 2009 a. 28, 209; 2011 a. 32.

**50.01 Definitions.** As used in this subchapter:

- (1)** "Adult family home" means one of the following and does not include a place that is specified in sub. (1g) (a) to (d), (f), or (g):
- (a)** A private residence to which all of the following apply:
1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings.
  2. The private residence was licensed under s. 48.62 as a home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.
- (b)** A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.
- (1b)** "Advanced practice nurse prescriber" means an advanced practice nurse who is certified under s. 441.16 (2) to issue prescription orders.
- (1e)** "Basic care" includes periodic skilled nursing services or physical, emotional, social or restorative care.
- (1g)** "Community-based residential facility" means a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident. "Community-based residential facility" does not include any of the following:
- (a)** A convent or facility owned or operated by members of a religious order exclusively for the reception and care or treatment of members of that order.
- (b)** A facility or private home that provides care, treatment, and services only for victims of domestic abuse, as defined in s. 49.165 (1) (a), and their children.
- (c)** A shelter facility as defined under s. 16.308 (1) (d).
- (d)** A place that provides lodging for individuals and in which all of the following conditions are met:
1. Each lodged individual is able to exit the place under emergency conditions without the assistance of another individual.
  2. No lodged individual receives from the owner, manager or operator of the place or the owner's, manager's or operator's agent or employee any of the following:
    - a. Personal care, supervision or treatment, or management, control or supervision of prescription medications.
    - b. Care or services other than board, information, referral, advocacy or job guidance; location and coordination of social services by an agency that is not affiliated with the owner, manager or operator, for which arrangements were made for an individual before he or she lodged in the place; or, in the case of an emergency, arrangement for the provision of health care or social services by an agency that is not affiliated with the owner, manager or operator.
- (e)** An adult family home.
- (f)** A residential care apartment complex.
- (g)** A residential facility in the village of Union Grove that was authorized to operate without a license under a final judgment entered by a court before January 1, 1982, and that continues to comply with the judgment notwithstanding the expiration of the judgment.
- (h)** A private residence that is the home to adults who independently arrange for and receive care, treatment, or services for themselves from a person or agency that has no authority to exercise direction or control over the residence.
- (i)** A group home licensed under s. 48.625 or a residential care center for children and youth licensed under s. 48.60 that provides care and maintenance for persons who are in extended out-of-home care under s. 48.366 or 938.366.
- (1m)** "Facility" means a nursing home or **(1m)** community-based residential facility. If notice is required to be served on a facility or a facility is required to perform any act, "facility" means the person licensed or required to be licensed

under s. 50.03 (1).

- (1ng)** "Immediate jeopardy" means a situation in which a nursing home's noncompliance with one or more requirements under 42 CFR 483 related to the operation of a nursing home has caused, or is likely to cause, serious injury, harm, impairment, or death to a resident.
- (1r)** "Home health agency" has the meaning given under s. 50.49 (1) (a).
- (1s)** "Intensive skilled nursing care" means care requiring specialized nursing assessment skills and the performance of specific services and procedures that are complex because of the resident's condition or the type or number of procedures that are necessary, including any of the following:
- (a)** Direct patient observation or monitoring or performance of complex nursing procedures by registered nurses or licensed practical nurses on a continuing basis.
  - (b)** Repeated application of complex nursing procedures or services every 24 hours.
  - (c)** Frequent monitoring and documentation of the resident's condition and response to therapeutic measures.
- (1t)** "Intermediate level nursing care" means basic care that is required by a person who has a long-term illness or disability that has reached a relatively stable plateau.
- (1w)** "Licensed practical nurse" means a licensed practical nurse who is licensed or has a temporary permit under s. 441.10 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k).
- (2)** "Nurse aide" means a person who performs routine patient care duties delegated by a registered nurse or licensed practical nurse who supervises the person, for the direct health care of a patient or resident. "Nurse aide" does not mean a feeding assistant, as defined in s. 146.40 (1) (aw); a person who is licensed, permitted, certified, or registered under ch. 441, 448, 449, 450, 451, 455, 459, or 460; or a person whose duties primarily involve skills that are different than those taught in instructional programs for nurse aides.
- (2m)** "Nursing care" means nursing procedures, other than personal care, that are permitted to be performed by a registered nurse under s. 441.01 (3) or by a licensed practical nurse under s. 441.001 (3), directly on or to a resident.
- (3)** "Nursing home" means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services. "Nursing home" does not include any of the following:
- (c)** A convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual.
  - (d)** A hospice, as defined in s. 50.90 (1), that directly provides inpatient care.
  - (e)** A residential care apartment complex.
- (4)** "Nursing home administrator" has the meaning assigned in s. 456.01 (3).
- (4m)** "Operator" means any person licensed or required to be licensed under s. 50.03 (1) or a person who operates an adult family home that is licensed under s. 50.033 (1m) (b).
- (4o)** "Personal care" means assistance with the activities of daily living, such as eating, dressing, bathing and ambulation, but does not include nursing care.
- (4r)** "Plan of correction" means a nursing home's response to alleged deficiencies cited by the department on forms provided by the department.
- (5m)** "Recuperative care" means care anticipated to be provided in a nursing home for a period of 90 days or less for a resident whose physician has certified that he or she is convalescing or recuperating from an illness or medical treatment.
- (5r)** "Registered nurse" means a registered nurse who is licensed under s. 441.06 or permitted under s. 441.08 or who holds a multistate license, as defined in s. 441.51 (2) (h), issued in a party state, as defined in s. 441.51 (2) (k).
- (6)** "Resident" means a person who is cared for or treated in and is not discharged from a nursing home, community-based residential facility or adult family home, irrespective of how admitted.
- (6d)** "Residential care apartment complex" means a place where 5 or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. "Residential care apartment complex" does

not include a nursing home or a community-based residential facility, but may be physically part of a structure that is a nursing home or community-based residential facility. In this subsection, "stove" means a cooking appliance that is a microwave oven of at least 1,000 watts or that consists of burners and an oven.

- (6g)** "Respite care" means care anticipated to be provided in a nursing home for a period of 28 days or less for the purpose of temporarily relieving a family member or other caregiver from his or her daily caregiving duties.
- (6r)** "Short-term care" means recuperative care or respite care provided in a nursing home.
- (6v)** "Skilled nursing services" means those services, to which all of the following apply, that are provided to a resident under a physician's orders:
- (a)** The services require the skills of and are provided directly by or under the supervision of a person whose licensed, registered, certified or permitted scope of practice is at least equivalent to that of a licensed practical nurse.
  - (b)** Any of the following circumstances exist:
    1. The inherent complexity of a service prescribed for a resident is such that it can be safely and effectively performed only by or under the supervision of registered nurses or licensed practical nurses.
    2. The full recovery or medical improvement of the resident is not possible, but the services are needed to prevent, to the extent possible, deterioration of the resident's condition or to sustain current capacities of the resident.
    3. Because of special medical complications, performing or supervising a service that is generally unskilled or observing the resident necessitates the use of a person whose licensed, registered, certified or permitted scope of practice is at least equivalent to that of a licensed practical nurse.
- (7)** "Violation" means a failure to comply with any provision of this subchapter or administrative rule promulgated thereunder. An alleged deficiency in a nursing home reported in writing to the department by any of its authorized representatives shall not be deemed to be a violation until the department determines it is a violation by serving notice under s. 50.04 (4). If the facility contests the department determination, the facility shall be afforded the due process procedures in this subchapter.

**History:** 1975 c. 413; 1977 c. 170, 418; 1979 c. 111; 1983 a. 189 s. 329 (18); 1985 a. 29, 276; 1985 a. 332 s. 251 (1); 1987 a. 127, 161; 1989 a. 31, 136, 199; 1991 a. 39; 1993 a. 327, 446, 491; 1995 a. 27; 1997 a. 13, 27, 156, 237; 1999 a. 22, 32; 2001 a. 74, 107; 2003 a. 33; 2005 a. 187; 2007 a. 20, 153; 2009 a. 28; 2011 a. 32, 70, 161; 2013 a. 20; 2013 a. 165 s. 114; 2015 a. 55; 2017 a. 135; 2021 a. 23.

**Cross-reference:** See s. 46.011 for definitions applicable to chs. 46, 48, 50, 51, 54, 55 and 58.

Up to seven hours of nursing care may be provided by a community-based residential facility under sub. (1g). *Hacker v. DHSS*, 197 Wis. 2d 441, 541 N.W.2d 766 (1995), 93-1043.

The department can constitutionally license and regulate community-based residential facilities operated by religious organizations that are not exempt under sub. (1) [now sub. (1g)] or s. 50.03 (9). 71. Atty. Gen. 112.



## ORDINANCE 2024-06

AN ORDINANCE TO REPEAL AND RECREATE SECTIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN, SPECIFICALLY SECTION 30 (CONDITIONAL USES) OF ARTICLE VI (R-1 RESIDENTIAL DISTRICT), SECTION 42 (CONDITIONAL USES) OF ARTICLE VII (R-2 RESIDENTIAL DISTRICT), SECTION 55 (CONDITIONAL USES) OF ARTICLE VIII (R-3 RESIDENTIAL DISTRICT), SECTION 68 (CONDITIONAL USES) OF ARTICLE IX (R-4 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT), SECTION 174 (CONDITIONAL USES) OF ARTICLE XVI (ER ESTATE RESIDENTIAL DISTRICT), SECTION 187 (CONDITIONAL USES) OF ARTICLE XVII (R-2-R RURAL RESIDENTIAL DISTRICT), OF CHAPTER 295 (ZONING)

**Purpose:** The purpose of this Ordinance is to bring the Village's existing zoning code into compliance with state statutes relating to potential placements of "community living arrangement" facilities. Wisconsin Statute 60.63 requires that a municipality "shall make a procedure available to enable such facilities to request such permission". It has been determined that the inclusion of a conditional use permit would be the clearest path to comply with the "special zoning permission" requirement in the state statutes.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

**Section 1:** Section 30 (Conditional Uses) of Article VI (R-1 Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-30. Conditional uses.

The following are conditional uses in the R-1 District:

- A. Cemeteries.
- B. Colleges and universities.
- C. Community Living Arrangements serving 9 or more persons
- D. Fire stations, police stations, post offices, and other municipal facilities necessary for Village operation.
- E. Manufactured home parks.
- F. Planned unit development.
- G. Ponds.
- H. Public, parochial and private, elementary, junior high and senior high schools.

I. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

J. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

K. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

L. Public utility and service uses, and civic buildings as follows:

- (1) Substations.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations, public works facilities.
- (5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.
- (7) Parcels that do not meet any one of the zoning requirements regarding building setbacks, lot frontage, lot size, accessory building size and number of buildings per parcel; provided that the remaining zoning requirements are all met.

**Section 2:** Section 42 (Conditional Uses) of Article VII (R-2 Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-42. Conditional uses.

The following are conditional uses in the R-2 District:

A. Artificial lake, pond.

B. Cemeteries.

C. Colleges and universities.

D. Community Living Arrangements serving 9 or more persons

E. Floriculture, forestry, horticulture, hatcheries, nurseries, orchards, paddocks, riding academies and stables, game farms, wildlife sanctuaries and game preserves.

F. Planned unit development.

G. Public, parochial and private, elementary, junior high and senior high schools.

H. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

I. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

J. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

K. Public utility and service uses, and civic buildings as follows:

- (1) Substations.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations, public works facilities.
- (5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.
- (6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

**Section 3:** Section 55 (Conditional Uses) of Article VIII (R-3 Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-55. Conditional uses.

The following are conditional uses in the R-3 District:

- A. Artificial lake, pond.
- B. Cemeteries.
- C. Colleges and universities.
- D. Community Living Arrangements serving 9 or more persons
- E. Public, parochial and private, elementary, junior high and senior high schools.
- F. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.
- G. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.
- H. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

I. Public utility and service uses, and civic buildings as follows:

- (1) Substations.
- (2) Fire stations.
- (3) Gas regulator stations.
- (4) Police stations, public works facilities.

(5) Railroad right-of-way but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

**Section 4:** Section 68 (Conditional Uses) of Article IX (R-4 Single- and Two-Family Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-68. Conditional uses.

The following are conditional uses in the R-4 District:

A. Artificial lakes and ponds.

B. Cemeteries and mausoleums.

C. Colleges and universities.

D. Community Living Arrangements serving 9 or more persons

E. Day-care centers.

F. Planned unit development.

G. Public utility and service uses, and civic buildings as follows:

(1) Substations and transmission lines.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations.

(5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

H. Public, parochial and private, elementary, junior high and senior high schools.

I. Radio and television stations and similar electronic communicating systems, towers - transmitting and receiving.

J. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

K. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

L. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

M. Telephone and public utility installations, and cable television installations.

**Section 5:** Section 174 (Conditional Uses) of Article XVI (ER Estate Residential) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-174. Conditional uses.

The following are conditional uses in the ER District:

A. Up to 10 animal units.

B. Artificial lakes, ponds per Article XXIX.

C. Community Living Arrangements serving 9 or more persons

D. Retail landscape and retail tree farms.

E. Schools.

F. Satellite dishes larger than 38 inches.

G. Religious institutions.

H. Riding academies and stables.

I. Bed-and-breakfasts.

J. Any animal not listed in this article.

K. Lot frontage less than 150 feet.

L. Public utility and service uses, and civic buildings as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad right-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

M. Other business types may be approved by the Village Board, after receiving approval from the Planning and Zoning Commission. This conditional use may be removed if declared a nuisance to surrounding area.

N. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

**Section 6:** Section 187 (Conditional Uses) of Article XVII (R-2-R Rural Residential District) of Chapter 295 (Zoning), of the Code of the Village of Hobart, is hereby repealed and recreated to read as follows:

§ 295-187. Conditional uses.

The following are conditional uses in the R-2-R District:

A. Artificial lake, pond.

B. Community Living Arrangements serving 9 or more persons

C. Satellite dish antennas larger than 38 inches and less than 12 feet in diameter.

D. Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, parsonages, and parish houses.

E. Public utility and service uses, and civic buildings, as follows:

(1) Substations.

(2) Fire stations.

(3) Gas regulator stations.

(4) Police stations, public works facilities.

(5) Railroad rights-of-way, but not including railroad yards and shops, other than for passenger purposes.

(6) Telephone exchanges, transmission equipment buildings and microwave relay towers.

F. Accessory structures and fences which do not conform to the requirements identified elsewhere in this chapter, but which are designed, constructed and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity or use and will not change the essential character of the same area.

G. Parcels that do not meet any one of the zoning requirements regarding building setbacks, lot frontage, lot size, accessory building size and number of buildings per parcel, provided that the remaining zoning requirements are all met.

**Section 7:** Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

**Section 8.** This Ordinance shall be effective from and after its passage by the Village Board and publication as required by law.

Passed and approved this 4<sup>th</sup> day of June, 2024.

---

Richard Heidel, Village President

Attest:

---

Aaron Kramer, Village Administrator

**CERTIFICATION**

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on June 4<sup>th</sup> 2024.

(Seal)

---

Lisa Vanden Heuvel, Village Clerk



**TO: Planning & Zoning Commission**

**RE: Consider CUP for a residential based wellness facility for substance and alcohol addiction residents located at 4735 Fonda Fields Ct., HB-2485 & HB-2492**

**FROM: Todd Gerbers, Director of Planning and Code Compliance**

**DATE: May 15, 2024**

**ISSUE:** Review and consider CUP request to operate a residential based wellness facility for substance and alcohol addiction residents located at 4735 Fonda Fields Ct., HB-2485 & HB-2492

**RECOMMENDATION:**

**GENERAL INFORMATION**

1. Current Owner: Golden Pond Development, LLC / Gary DeCaster
2. Agent(s)/Petitioner(s): Summit Behavioral Health, LLC / John Flanagan
3. Parcel(s): HB-2485 & HB-2492
4. Present Zoning: R-1: Residential District

**BACKGROUND**

Summit Behavioral Health, LLC (Green Bay Recovery Center) is proposing to purchase the property located at 4735 Fonda Fields Ct., (HB-2485, HB-2492, & HB-2493) and operate a residential based wellness facility for substance and alcohol addiction residents at this location. The parcels HB-2485 & HB-2492 are currently zoned R-1: Residential and parcel HB-2493 is currently zoned B-1: Community Business District. Such a facility is only allowed in the R-1: Residential zoning district as a Conditional Use Permit (CUP). This request is for a CUP to operate such a facility at this location.

The applicant(s) is proposing to operate a wellness and recovery facility at this location that would be in excess of 16 persons being served by the program. Being that there will be more than 16 residents, in accordance with Wisconsin State Statutes 60.63(6), such a *“facility is entitled to apply for special zoning permission to locate in areas zoned for residential use.”* Therefore, the applicant(s) is requesting a CUP (aka “special zoning permission”) to operate such a facility at this location.

Village Staff has met with the petitioners to discuss items including but not limited to, buffering from neighboring properties, traffic flow, and policing. As for the operation and structure of the facility/program itself, the team from Summit Behavioral, LLC will be at the meeting to present their plans and address any question/concerns that are brought forward.

**RECOMMENDATION/CONDITIONS**

Village Staff recommends that any recommendation to the Village Board include a detailed list of conditions of which a preliminary draft is included in this packet and additional conditions may be brought to the meeting for discussion and consideration.





- Rezoning Review
- Conditional Use Permit Review
- Planned Development Review
- CSM/Plat Review

Village of Hobart  
 Dept of Planning & Code Compliance  
 2990 S Pine Tree Rd  
 Hobart WI 54155  
 Phone: (920) 869-3809  
 Fax: (920) 869-2048

**APPLICANT INFORMATION**

Petitioner: Summit Behavioral Health LLC Date: 05-02-2024  
 Petitioner's Address: 501 Coprorate Centre Drvie St 600 City: Franklin State: TN Zip: 37067  
 Telephone #: 214-240-9476 Email: john.flanagan@summitbhc.com

Status of Petitioner (Please Check):  Owner  Representative  Tenant  Prospective Buyer

Petitioner's Signature (required): *John Flanagan* Date: 05-02-2024

**OWNER INFORMATION**

Owner(s): Golden Pond Development Gary DeCaster Date: 05-02-2024  
 Owner(s) Address: 5696 School Drive City: Green Bay State: WI Zip: 54313  
 Telephone #: 920-371-2923 Email: Gary De Caster <gdecastersr@yahoo.com>

Ownership Status (Please Check):  Individual  Trust  Partnership  Corporation

**Property Owner Consent: (required)**

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: *X Gary DeCaster* Date: 05-02-2024

**SITE INFORMATION**

Address/Location of Proposed Project: 4735 Fonda Fields Ct Parcel #: HB-2495  
2485, Lot 4 & 2492

Proposed Project Type: Residential

Current Use of Property: vacant Zoning: Commercial, Residential, Forest Lands

Land Uses Surrounding Site:

North: Tribal/Forest Land

South: Residential Homes

East: Residential Homes

West: Medical Offices and Residential Homes

**\*\*Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- > Application fees are due at time of submittal. Make check payable to Village of Hobart.
- > Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE

## CONDITIONAL USE PERMIT / PLANNED DEVELOPMENT APPLICATIONS

Briefly explain how the proposed **conditional use/development plan** will not have a negative effect on the issues below.

### **1. Health, safety, and general welfare of occupants of surrounding lands.**

The facility will be staffed twenty four hours a day seven days a week. The facility will only accept adult vountary patients, who want to engage in treatment. The facility implements a state of the art patient alert system "Observe Smart." This is implemented with the use of IPAD's for staff and wrist bands, patients are required to wear. Support staff perform patient safety rounds every thirty minutes at a minimum.

The facility will be licensed by the state of Wisconsin as a CBRF AA and will be accredited nationally by CARF and or The Joint Commission.

These licensing and accrediting bodies have strict guidelines and policies, which the foundation is patient and staff safety.

### **2. Pedestrian and vehicular circulation and safety.**

Based on Golden Pond Developments previous interactions with the Village of Hobart we realize that an additional driveway into the property will need to be created from Centennial Drive. This will allow for traffic flow to be less disruptive to current and future home owners of adjacent properties.

### **3. Noise, air, water, or other forms of environmental pollution.**

Summit is considering this location due to its peaceful atmosphere. We feel this is conducive to creating a therapeutic environment for the clients we will serve. We will have adequate water and sewage systems. Additionally, we will be adding a fire suppression system.

We will assure all HVAC systems are maintained and inspected following local and state guidelines. We will have a contract with a local landscape and snow removal company.

### **4. The demand for and availability of public services and facilities.**

The facilities water, sewage, gas, and electric will be provided by the city of Hobarts public utilities.

### **5. Character and future development of the area.**

The addition of the aforementioned drive way coming in from Centennial Drive , along with creating walking paths around the property will add to the aesthetics. We will create flower beds, add shruberies to improve the landscape.

We do not anticipate any major reconstruction to the exterior of the building. Renovations will occur to the interior of the property structure.

<b>Green Bay Recovery Center</b>	<b>SECTION: Services Overview and Staffing</b>
	<b>TITLE: LD-01 SCOPE OF SERVICES</b>
<b>Original Date of Issue: 5/1/2024</b>	<b>Date of Last Revision: 05/01/2024</b>

**Overview**

Green Bay Recovery Center is privately owned and operates for profit. The facility will license 48 beds which consist of 24-hour medically supported detox, residential, and partial hospitalization programming. The facility will have budgeted expectations to grow census annually starting at 20 beds in year one, progressing to 30 beds in year two. The Residential programming is offered 24 hours a day, 7 days a week. Detox clients are encouraged to participate in as much programming as they can, dependent on severity of detox symptoms. In addition, Green Bay Recovery Center provides residential treatment for co-occurring mental health disorders and an Intensive Outpatient program is available for individuals not in need of detoxification or residential services.

**Staffing**

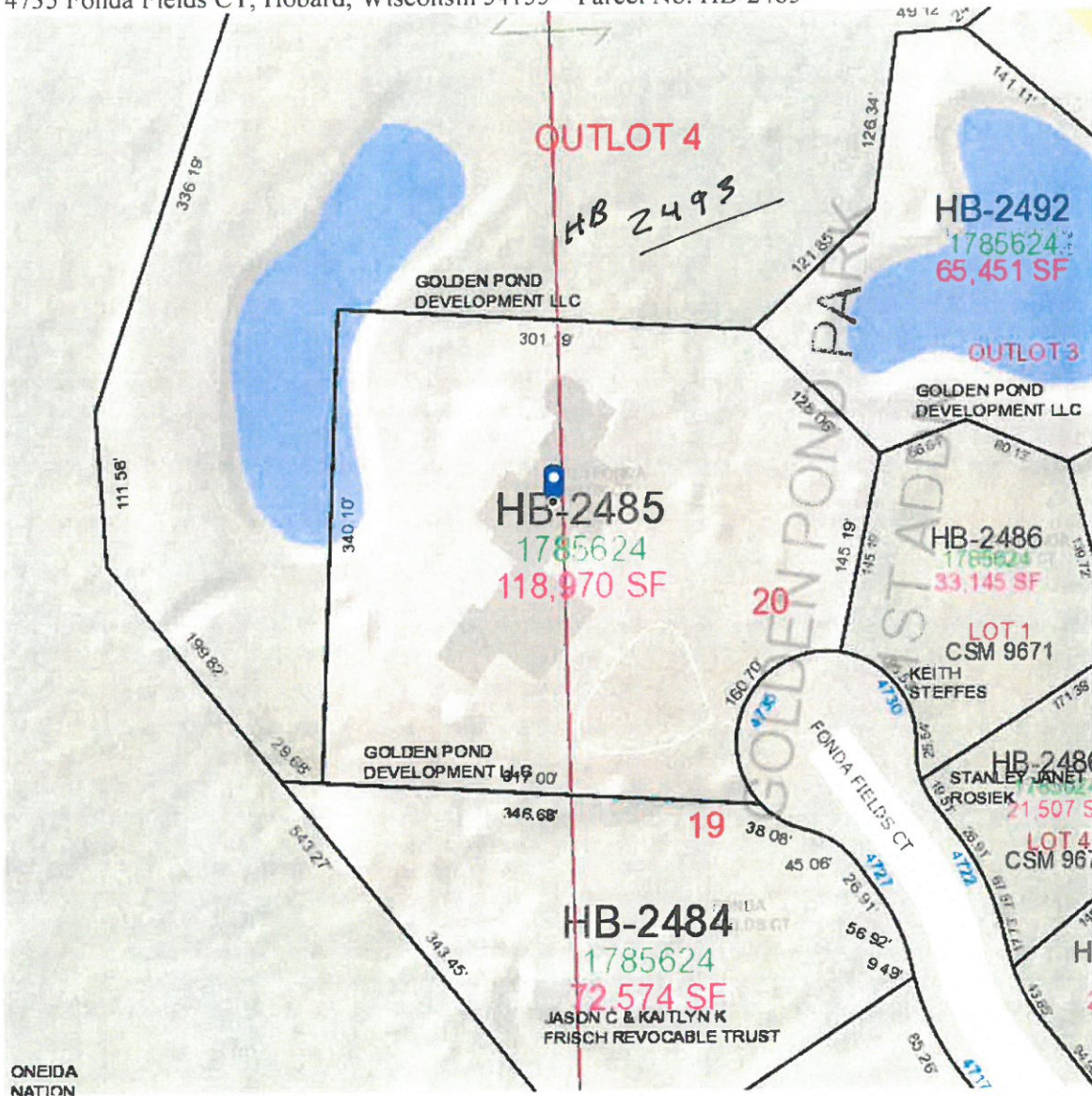
UR Director – 9-5 Mon-Fri  
 Tech Supervisor – 9-5 Mon-Fri, on call Sat-Sun  
 Director of Plant Ops – 9-5 Mon-Fri, on call Sat-Sun  
 Dietary Manager – meal coverage daily  
 Cook x2 – meal coverage daily  
 Therapist/Counselor – 9-5 Mon-Fri  
 Intake Coordinator (Admissions) – 10-6 Mon-Fri  
 Medical Director – contracted, provides on call coverage  
 APRN – 9-5 Mon-Fri, provides on call coverage  
 Nurse RN/LPN x2 – 7a-7p Sun-Sat  
 Nurse RN/LPN x2 – 7p-7a Sun-Sat  
 Tech x2 – 7a-3p Sun-Sat  
 Tech x2 – 3p-11p Sun-Sat  
 Tech x2 – 11p-7a Sun-Sat  
 Director of Clinical Services - Mon-Fri 9a-5p; provides on call coverage  
 CEO - Mon-Fri 9a-5p; provides on call coverage  
 Director of Nursing - Mon-Fri 9a-5p; provides on call coverage  
 Director of Admissions – Mon-Fri 9a-5p; provides on call coverage  
 Director of Business Development Mon-Fri 9a-5p; provides on call coverage  
 Human Resources Director – Mon-Fri 9a-5p; provides on call coverage



EXHIBIT A

Legal Description of Real Property

4735 Fonda Fields CT, Hobard, Wisconsin 54155 – Parcel No. HB-2485



## Conditional Use Permit

A Conditional Use Permit is hereby granted for a community living arrangement for residential wellness with substance abuse issues to be located at 4735 Fonda Fields Ct., Hobart, Wisconsin 54155 (HB-2485& HB-2492) as approved by the Village Board on June 4, 2024. This Permit is subject to the following Limitations and Conditions:

### Limitations:

- Properties are limited to only residents with substance abuse to drugs and alcohol.

### Conditions:

1. Maximum capacity of residents in treatment shall not exceed 48 residents at any one time;
2. All egress doorways accessible to residents shall be controlled by audio alarms that activate to alert staff members and same egress doors shall be covered by security cameras;
3. There shall be no exterior group activities on the premises between the hours of 10:00 P.M. and 7:00 A.M. that create noise or light that project past the property lines of these properties;
4. Vehicular and pedestrian traffic to this site shall only be accessed through the ingress/egress from Centennial Centre Blvd.;
5. Any such collection of refuse and/or recycling materials shall take place between the weekday hours of 8:00 A.M. and 6:00 P.M.;
6. All vehicle and trailer parking shall be on private property and on hard surface material such as concrete, asphalt, or paver / block system;
7. There shall be no exterior storage of materials visible from adjoining properties;
8. Completion and compliance will all building, electrical, HVAC, plumbing, fire suppression, and any other applicable codes prior the staffing and arrival of the first resident to the facility;
9. Review and approval from the Village Site Review Committee of site and exterior building elevations improvements;
10. The Conditional Use Permit may be brought back to the Village Board for reconsiderations and possible revocation if the activities of the operation results in repeated violations or complaints of Village, County, State or Federal regulations, rules or laws;
11. This Conditional Use Permit shall be brought back to the Village Board for a review on neighborhood impacts no later than one year from date of first resident arrival to the facility at which time these above detailed conditions may be modified, expanded, or reduced.

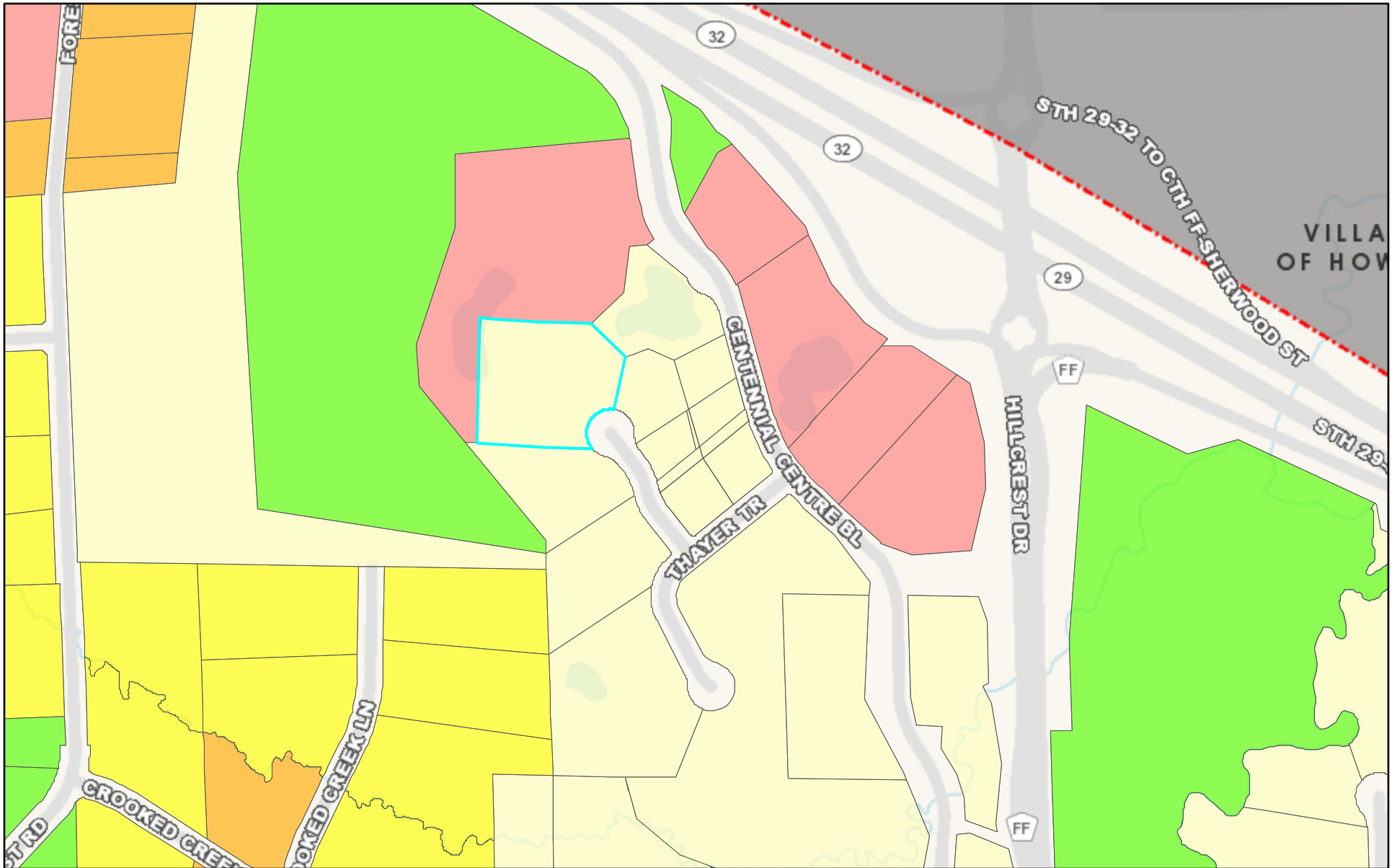
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Director of Planning and Code Compliance

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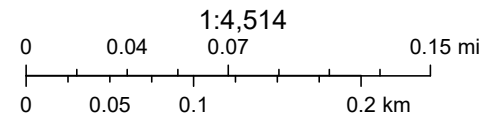
Date

# Village of Hobart Zoning



5/8/2024, 3:46:11 PM

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| R-2-R: Rural Residential District | B-1: Community Business District |
| R-1: Residential District         | A-1: Agricultural District       |
| R-2: Residential District         | Zoning Not Designated            |



Brown County, Robert E. Lee & Associates, Inc.



This is a custom map created by an online user of GIS map services, provided by Brown County Municipalities, Brown County, Brown County WI

# Part of Brown County WI

Map printed on 5/8/2024

**1:2,400**





**1 inch = 200 feet\***







**1 inch = 0.0379 miles\***

*\*original page size: 8.5"x11"*

*Appropriate format depends on zoom level*

### Parcel ownership key

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line

-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete key (legend) is available at:  
[tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)



(920) 448-6480

[www.browncountywi.gov](http://www.browncountywi.gov)



TO: Village of Hobart (“Village”) Planning & Zoning Commission

FROM: Summit Behavioral Health LLC (“Applicant”)

The Applicant has submitted an Application for Conditional Use Permit (“CUP”) for the property located at 4735 Fonda Fields Court in the Village (“Property”). The Property is currently owned by Golden Pond Development (“Owner”) and Owner has consented to the Application. The existing site improvements and plans were previously approved by the Village and the existing improvements and structures (other than interior work) were completed many years ago.

The Village recently amended its CUP ordinance (Section 295-342) to conform with Wisconsin statutory changes. This memo will demonstrate Applicant’s compliance with the CUP standards and considerations set forth in the ordinance.

295-342 Conditional Uses.

**G. Standards and considerations for conditional uses.**

(1) Standards. No application for a conditional use shall be recommended for approval by the Planning and Zoning Commission, or approved by the Village Board, unless the following conditions are present:

- (a) That the applicant has demonstrated that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. Per §62.23(7)(de)b, Wis. Stats., "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Response:

Applicant will present a power point and packet of information at the upcoming Commission meeting supporting our compliance with local, state, and federal guidelines and the standards and considerations of the ordinance. The Applicant’s presentation and responses in this letter will provide the necessary substantial evidence.

- (b) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Response:

The Applicant operates thirty-seven (37) voluntary residential drug and alcohol treatment centers throughout the United States. The facility to be located on the Property will be licensed by the Wisconsin Department of Health Services (“DHS”) as a community-based residential facility under Wisconsin Statutes (Chapter 50) and Administrative Code (DHS 83) and certified as a residential community substance use treatment facility under DHS 75. Applicant is regulated by and accountable to DHS. The facility will house voluntary patients only. The residents will live at the facility for an average of 24 days. The facility will be staffed by employees licensed and certified and will receive continuing education for the treatment of resident clients.

Residential drug and alcohol treatment involves individual, group, music, and art therapy delivered within a peaceful and respectful residential environment. The Property offers a significant amount of indoor meeting and program space, in addition to outdoor acreage for fresh air and recreation.

Daily traffic will primarily consist of staff coming and going over two daily shifts with residents typically receiving rides to begin and end a stay at the facility. Traffic impacts are addressed elsewhere in this letter.

- (c) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

Response:

The facility will be staffed around the clock by professional staff and residents will be monitored by policy and practice. Applicant will adhere to the time frames set forth by the Village of Hobart referring to curfews. The facility will only admit voluntary patients. If clients request to leave, they are free to discharge. There will not be any incarceration of clients.

- (d) That the establishment of the conditional use will not impede the normal and orderly use, development and improvement of the surrounding property for uses permitted in the district.

Response:

Much of the daily programming activities will be conducted indoors. The large, wooded lot will minimize any disruptions that the arrival, departure, and use of the Property by residents and staff will have on surrounding properties. Likewise, the structured daily outdoor activities enjoyed by residents will be consistent with those of other residential users. The program will have a very structured daily schedule. An example is provided in the submitted packet of information. This means that the Property grounds will not primarily be used for the residents to linger without activities. The facility will maintain grounds, and beautify the landscape with flower beds, fountain, and perhaps a walking path.

- (e) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Response:

Applicant's site plan includes a planned access drive off Centennial Centre Boulevard. The opposite side of the road consists of numerous office buildings and Centennial Centre Boulevard itself has been designed and constructed with traffic-generating uses in mind. Vehicle trips added for staff and resident arrivals and departures will be consistent with the current use of that road. Applicant has commissioned third-party property assessments, including a property condition report. At present, nothing has been identified that raises concerns about drainage, water, or sewage. The facility appears to have adequate utility systems to support the anticipated number of residents receiving care at the facility. Applicant will have utilities provided by the vendors recommended by the Village of Hobart.

- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response:

As discussed elsewhere, Applicant intends to add an entrance drive off Centennial Centre Boulevard. This will minimize the impact on Thayer Trail and is consistent with the design and uses present on the Centennial Centre corridor.

- (g) That the conditional use shall conform to all applicable regulations of the district in which it is located.

Response:

Applicant will conform to all local, state, and federal guidelines. The structures that are present on the Property were approved and constructed in a manner that was and continues to be consistent with zoning district requirements. Interior changes to the structures will occur, but minimal exterior alterations are contemplated. The access drive will be the notable outdoor change and will be done to minimize traffic impacts on adjacent residential properties. The drive will be constructed in accordance with applicable regulations.

- (h) That the proposed use does not violate floodplain regulations governing the site.

Response:

The Property does not and will not violate any floodplain regulations.

- (i) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

Response:

The site plan approved many years ago retains surface water onsite utilizing the two large ponds on the Property. Applicant is not aware of any concerns with sedimentation, erosion, or runoff to date.

- (2) Application of standards. When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Planning and Zoning Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district and the Village Comprehensive Plan.

Response:

The building located on the Property was designed by a local architect many years ago and was approved at that time as being consistent with the zoning district and Village Comprehensive Plan. The Wisconsin legislature has also recognized the importance of siting adult community living arrangements in residential zoning districts. No material exterior changes will occur other than an improved entrance drive off Centennial Centre Boulevard. The only planned changes to the building on the Property will be to the interior. Applicant will work with the Village and its Planning and Code Compliance staff to ensure the renovation plans are approved.

- (3) Additional considerations. In addition, in passing upon a conditional use permit application, the Planning and Zoning Commission and Village Board shall also evaluate the effect of the proposed use upon:
- (a) The maintenance of safe and healthful conditions.

Response:

Applicant's programs are operated with the safety and well-being of its voluntary residents and staff in mind. This emphasis on safety and recovery extends to its neighbors and the broader community. Applicant will be proud to maintain this beautiful property in a healthy and respectful manner.

- (b) The prevention and control of water pollution, including sedimentation.

Response:

Applicant will conduct quarterly and annual inspections of stormwater management, including and concerns with sedimentation and pollution impacts. As a licensed and certified facility, Applicant will undergo period inspections and reviews to maintain its DHS compliance.

- (c) Existing topographic and drainage features and vegetative cover on the site.

Response:

The exterior of structures and site improvements were constructed long ago. The issuance of a conditional use permit in connection with Property use will not affect the existing topographic and drainage features and vegetative cover on site. The entrance drive to be constructed off Centennial Centre Boulevard will minimize traffic impacts and will be constructed in a manner that complies with existing ordinances.

- (d) The location of the site with respect to floodplains and floodways of rivers and streams.

Response:

There will be no effect. The conditional use and proposed entrance drive will present no impact on floodplains or floodways of rivers and streams.

- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

Response:

The contemplated use itself will present no substantial modification to the current structure and site plan. A new entrance drive is proposed, but any water run off due to the new drive and parking will be designed to divert into existing retention pond.

- (f) The location of the site with respect to existing or future access roads.

Response:

See above reference to added drive off of Centennial Centre Boulevard.

- (g) The need of the proposed use for a shoreland location.

Response:

The Property does not involve a shoreland location.

- (h) Its compatibility with uses on adjacent land.

Response:

The facility will be licensed by the State of Wisconsin as a Community-Based Residential Treatment Facility. As a residential facility, its use is intended to be consistent with surrounding residential districts. Given the size of the Property of greater than 10 acres total, Applicant can create a best-in-class environment of care, providing clients with fresh air space, outdoor activities, including walking paths and other positive amenities. These are the same uses that the structure was designed and built for many years ago and it will not be disruptive to any adjacent land.

- (i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Response:

Public sewer and water are adequate to handle the facility as proposed.

# The Village of Hobart, Wisconsin

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*Summit BHC*

*June 4, 2024*



# The Need

## Nationally

- 3M or 7% of 43.7M people with illicit drug or alcohol use disorder received treatment in the past year.
- 93% received NO TREATMENT

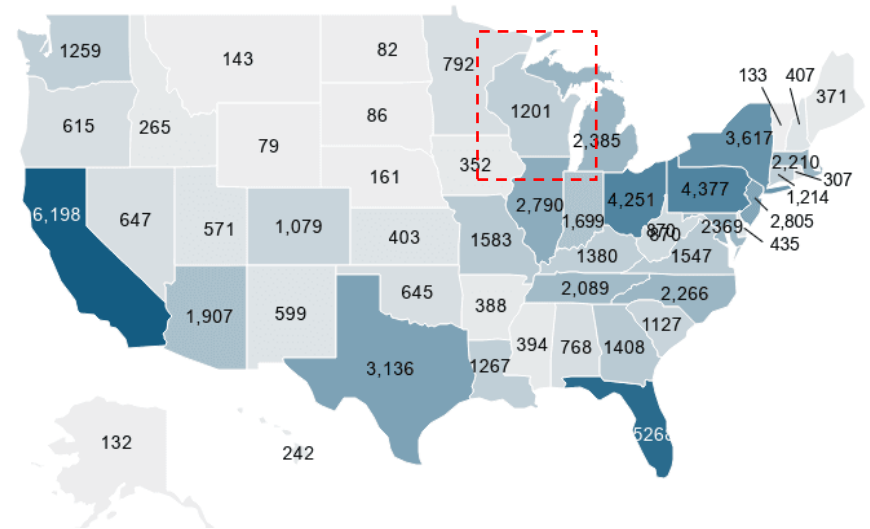
## Key Findings

96k+	Over 96,700 people die from drug overdoses in a year.
72%	Opioids are a factor in 7 out of every 10 overdose deaths.
1M	Drug overdoses have killed almost a million people since 1999.

## Wisconsin

- 1,201 overdose deaths annually in the state alone....

Total Annual Overdose Deaths by State





# Our States data is illustrative of the need

## Wisconsin's Estimated Alcohol-Attributable Deaths

All Alcohol Deaths  
23,845

Chronic Deaths  
10,601

Acute Deaths  
13,233

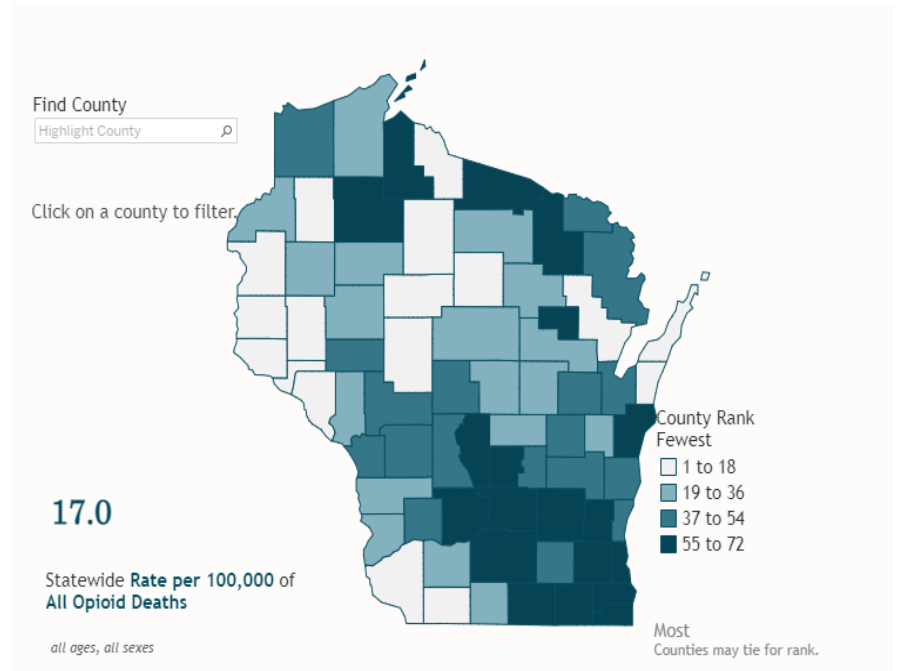
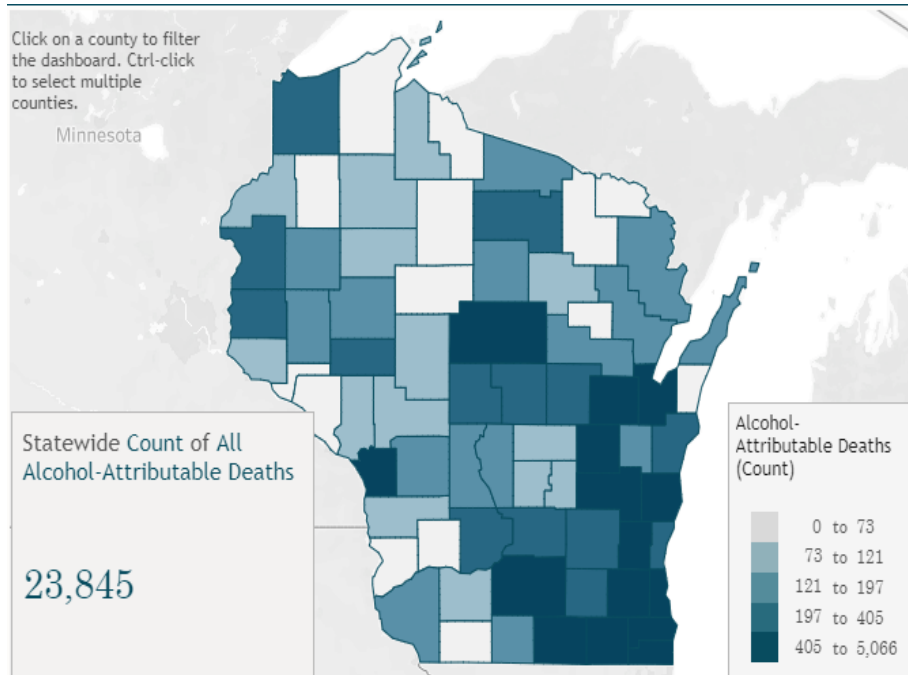
## Wisconsin Opioid Deaths All Opioid Deaths by Rate

All Opioids  
17.0

Heroin  
4.8

Prescription Opioids  
5.6

Synthetic Opioids  
11.1



# Summit BHC Overview

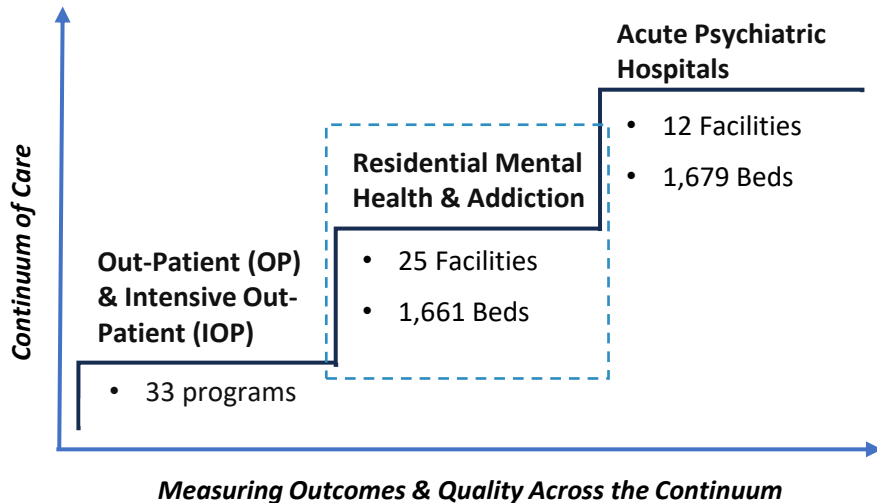
**Summit BHC (SBHC) is a national behavioral health platform; dedicated to providing quality care that serves patients across the behavioral health acuity spectrum to ensure lasting recovery . . .**

## Overview

- 37 facilities in 21 states, across multiple complementary service lines
- Treat more than ~50,000 patients annually
- Seasoned management team
- In-network provider focused on high quality of care, patient safety and outcomes



## Service Lines



## Geographic Footprint



## Strategic Vision & Outlook

1. Identify communities with unmet behavioral health needs
2. Build to the community's needs; caring for patients across the behavioral health spectrum
3. Continuous investment in infrastructure and team to achieve a modernized and integrated behavioral health ecosystem

**Partner with communities to provide high quality care at the appropriate care setting and price point.**

# Comparable Facilities Emergent Calls

***Emergent calls are a typical for residential substance abuse facilities, the majority of which are medically related***

## 911 Calls by similar Summit facilities: size and number of beds: Q4 2023 - Q1 2024

Sample Size	# of calls
Victory Addiction and Recovery Center	4
English Mountain Recovery	6
Waypoint Recovery Center	8
Aviary Recovery Center	10
Bel Aire Recover Center	13
Twin Lakes Recovery Center	13

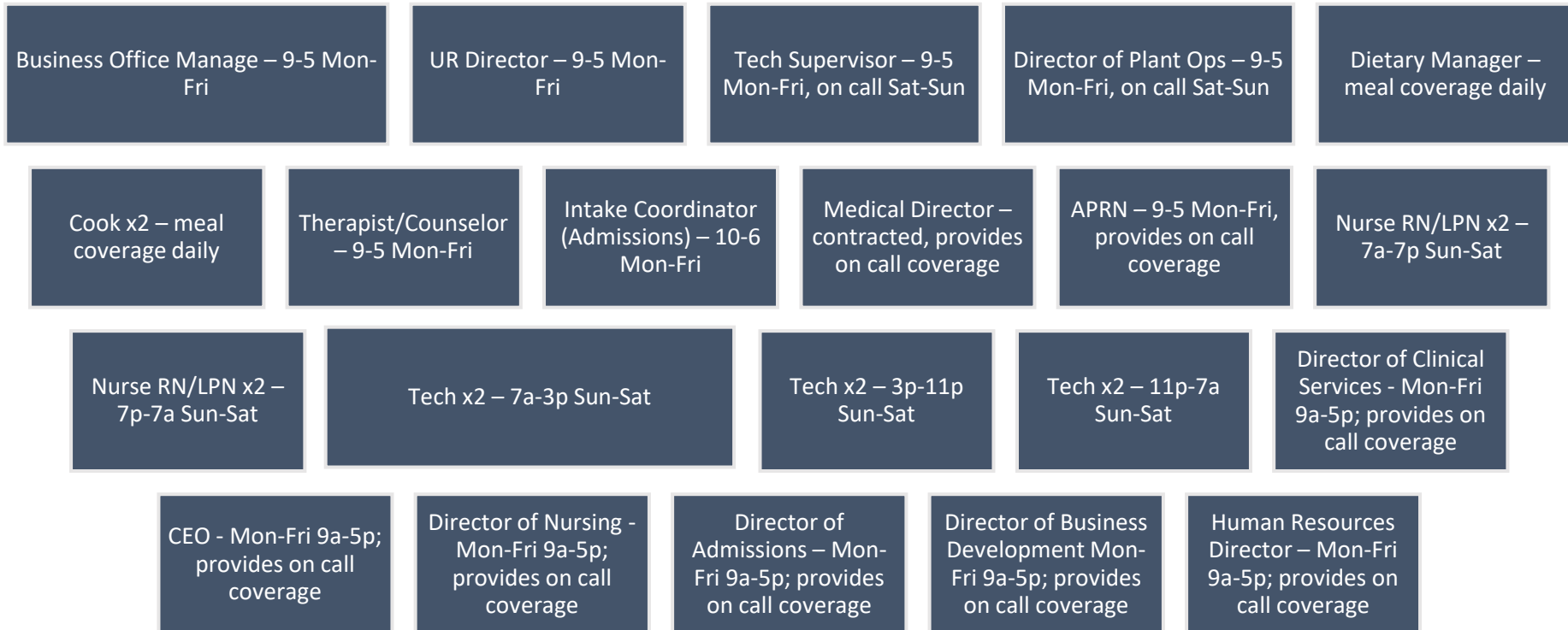
# Daily Schedule Example

***Patients typically do not leave during treatment; one family visitation per patient is offered on the weekend, but does not always occur***

DATE	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7:00A	Wake-up/Hygiene 7:00a - 8:00a	Wake-up/Hygiene 7:00a - 8:00a	Wake-up/Hygiene 7:00a - 8:00a	Wake-up/Hygiene 7:00a - 8:00a	Wake-up/Hygiene 7:00a - 8:00a	Wake-up/Hygiene 7:00a - 8:00a	Wake-up/Hygiene 7:00a - 8:00a
8:00A	Breakfast 8:00a - 9:00a	Breakfast 8:00a - 9:00a	Breakfast 8:00a - 9:00a	Breakfast 8:00a - 9:00a	Breakfast 8:00a - 9:00a	Breakfast 8:00a - 9:00a	Breakfast 8:00a - 9:00a
9:00A	Morning Reflections w/ BHT 9:00a - 9:30a	Morning Reflections w/ BHT 9:00a - 9:30a	Morning Reflections w/ BHT 9:00a - 9:30a	Morning Reflections w/ BHT 9:00a - 9:30a	Morning Reflections w/ BHT 9:00a - 9:30a	Morning Reflections w/ BHT 9:00a - 9:30a	Morning Reflections w/ BHT 9:00a - 9:30a
9:30A	12-Step Education w/ Counselor or BHT 9:30a - 10:30a	Spiritual Principles w/ Counselor 9:30a - 10:30a	Healthy Coping Strategies w/ Counselor 9:30a - 10:30a	Life Skills w/ Counselor 9:30a - 10:30a	Relapse Prevention w/ Counselor 9:30a - 10:30a	12-step Education w/ BHT 9:30a - 10:30a	12-step Education w/ BHT 9:30a - 10:30a
10:30A	Process Group w/ Therapist 10:30a - 11:30a	Emotional Sobriety w/ Counselor 10:30a - 11:30a	Process Group w/ Therapist 10:30a - 11:30a	Improving Thought Processes w/ Therapist 10:30a - 11:30a	Process Group w/ Therapist 10:30a - 11:30a	Recovery Skills w/ BHT or Counselor 10:30a - 11:30a	Fun in Recovery w/ BHT or Counselor 10:30a - 11:30a
11:30A	Break 11:30a - 12:00p	Break 11:30a - 12:00p	Break 11:30a - 12:00p	Break 11:30a - 12:00p	Break 11:30a - 12:00p	Break 11:30a - 12:00p	Break 11:30a - 12:00p
12:00P	Peer Support w/ BHT 12:00p - 1:00p	Peer Support w/ BHT 12:00p - 1:00p	Peer Support w/ BHT 12:00p - 1:00p	Peer Support w/ BHT 12:00p - 1:00p	Peer Support w/ BHT 12:00p - 1:00p	Lunch 12:00p-1:00p	Lunch 12:00p - 1:00p
1:00P	Lunch 1:00p - 2:00p	Lunch 1:00p - 2:00p	Lunch 1:00p - 2:00p	Lunch 1:00p - 2:00p	Lunch 1:00p - 2:00p		
2:00P	Accountability w/ Counselor 2:00p - 3:00p	Communication Skills w/ Therapist 2:00p - 3:00p	Health Issues w/ Nursing staff 2:00p - 3:00p	Family Relationships w/ Counselor 2:00p - 3:00p	Health Issues w/ Nursing staff 2:00p - 3:00p	Visitation 1:00p - 4:00p	Visitation 1:00p - 4:00p
3:00P	Individual Sessions 3:00p - 4:30p	Stress Management w/ Counselor 3:00p - 4:00p	Four Agreements w/ Counselor 3:00p - 4:00p	Understanding Trauma w/ Therapist 3:00p - 4:00p	Recovery Management w/ Counselor 2:00p - 3:00p		
4:00P		Study time/Sessions 4:00p - 4:30p	Study time/Sessions 4:00p - 4:30p	Study time/Sessions 4:00p - 4:30p	Study time/Sessions 4:00p - 4:30p	Written Assignments/Free time 4:00p - 5:30p	Written Assignments/Free time 4:00p - 5:30p
4:30P	Physical Activity 4:30p - 5:30p	Physical Activity 4:30p - 5:30p	Physical Activity 4:30p - 5:30p	Physical Activity 4:30p - 5:30p	Physical Activity 4:30p - 5:30p		
5:30P	Dinner 5:30p - 6:30p	Dinner 5:30p - 6:30p	Dinner 5:30p - 6:30p	Dinner 5:30p - 6:30p	Dinner 5:30p - 6:30p	Dinner 5:30p - 6:30p	Dinner 5:30p - 6:30p
6:00P	Free time 6:30p - 7:00p	Free time 6:30p - 7:00p	Free time 6:30p - 7:00p	Free time 6:30p - 7:00p	Free time 6:30p - 7:00p	Free time 6:30p - 7:00p	Free time 6:30p - 7:00p
7:00P	On Campus Meeting 7:00p - 8:00p	On Campus Meeting 7:00p - 8:00p	On Campus Meeting 7:00p - 8:00p	On Campus Meeting 7:00p - 8:00p	On Campus Meeting 7:00p - 8:00p	On Campus Meeting 7:00p - 8:00p	On Campus Meeting 7:00p - 8:00p
8:00P	Free time 8:00p - 8:30p	Free time 8:00p - 8:30p	Free time 8:00p - 8:30p	Free time 8:00p - 8:30p	Free time 8:00p - 8:30p	Free time 8:00p - 8:30p	Free time 8:00p - 8:30p
8:30P	Wrap Up 8:30p - 9:00p	Wrap Up 8:30p - 9:00p	Wrap Up 8:30p - 9:00p	Wrap Up 8:30p - 9:00p	Wrap Up 8:30p - 9:00p	Wrap Up 8:30p - 9:00p	Wrap Up 8:30p - 9:00p
9:00P	Rest & Relaxation 9:00p - 10:30p	Rest & Relaxation 9:00p - 10:30p	Rest & Relaxation 9:00p - 10:30p	Rest & Relaxation 9:00p - 10:30p	Rest & Relaxation 9:00p - 10:30p	Rest & Relaxation 9:00p - 10:30p	Rest & Relaxation 9:00p - 10:30p
10:30P	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out	Lights Out

# Staffing “Around the Clock”

- **Staffing is provided 24/7**
- **Not all staff will be on site at the same time**
- **Some staff are virtual depending on the patient’s needs**



# A Program Dedicated To Our Nations Hero's



**Tactical Recovery**  
Veteran & First Responder Support Services

SERVING THOSE WHO SERVED

*Improve the lives we touch*  
[TacticalRecovery.com](http://TacticalRecovery.com)  
[SummitBHC.com](http://SummitBHC.com)

# Community Voiced Concerns & Responses

*In response to our first meeting, please see our responses below. We strive to be as transparent and thoughtful as possible and hope to serve the members of your community in need. Thank you.*

Voiced Concern	Responses
<b>Traffic</b>	<ul style="list-style-type: none"><li>• Most individuals coming to and from the facility will be staff and will be on a 24-hour staffing schedule, thus not all leaving at the same time.</li><li>• Average patient admissions and discharges at comparable facilities were 2.4 and 2.3 per day respectively.</li><li>• Evening and weekend numbers would be lower. All of which are much less than the many vehicles parked in the commercial office buildings across the street each and every weekday.</li><li>• SBHC plans to move the entrance to the facility to Centennial Centre Boulevard. Prior work conducted by the seller indicates that this road is feasible under existing zoning, and all necessary permits will be obtained.</li></ul>
<b>Safety / Security</b>	<ul style="list-style-type: none"><li>• SBHC utilizes industry standard security infrastructure and technology, including but not limited to, alarm systems, security cameras and ObservSmart patient rounding technology.</li><li>• SBHC also plans to enclose the facility with a fence for security and privacy of residents.</li><li>• Patient elopements across SBHC's 25 SUD facilities are so infrequent that the metric is not able to be tracked. Patient elopements are a personal decision to discontinue treatment and are not categorized as an emergency or safety threat.</li></ul>
<b>Property Value Impact</b>	<ul style="list-style-type: none"><li>• The property has been on the market for ~15 years.</li><li>• If SBHC purchases the property, the transaction will likely aid real estate comps given its size.</li><li>• SBHC will also invest +\$3 million in the property once acquired, further increasing the property's value.</li></ul>
<b>Economic Impact</b>	<ul style="list-style-type: none"><li>• SBHC expects to employ ~30 individuals at the facility, ranging from high paying leadership positions to entry level positions, all receiving competitive salaries and benefits.</li><li>• Expenditures from staff and facility renovation / investment post acquisition, will also have positive impact on the local economy.</li><li>• SBHC is a for-profit entity and is subject to corporate state and local tax assessments, which is projected to provide ~\$45,033 in annual property tax revenue.</li></ul>