



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: April 21, 2014

Common Council Meeting Date: June 4, 2014 (To be reported out with Comprehensive Plan Amendment #2-14 and Rezoning #4-14)

Item: Special Use Permit #4-14 – Paul and Jolene Moran for a Community Living Arrangement (CLA) serving 50 persons and an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)a of the Zoning Ordinance, which states” The total capacity of all CLA’s with any aldermanic district may not exceed 1% of the total population of that aldermanic district.”

Case Manager: Don Harp, Principal Planner

GENERAL INFORMATION

Owner/Applicant: North Meadows Investment, LTD, Owner
Paul and Jolene Moran, Applicants

Lot/Parcel: Lot 2 of CSM 5679 (Tax Id #31-1-6501-29)

Petitioner’s Request: The applicant is requesting a Special Use Permit to establish a Community Living Arrangement (CLA) serving 50 persons and an exception to the one percent (1%) total capacity limit of all community living arrangements in Aldermanic District 13 as required per Section 23-52 of the Appleton Zoning Ordinance.

Petitioner’s Operation Plan: Century Oaks is a Class “C” Community Based Residential Facility, an assisted living home for the frail elderly, physically disabled and dementia/Alzheimer’s residents. Century Oak’s mission is to create a gracious and cheerful home-like environment that provides residents with daily opportunities for joyful experiences and purposeful living. Century Oaks is committed to excellence by making residents our highest priority and giving them superior quality service tailored to their personal needs. Century Oaks provides a safe and secure environment for our residents with a dedicated team of skilled caregivers on duty 24/7. Staff will include 20 nursing assistants, 1 full time nurse, on activity director, a facility director, and a chief.

BACKGROUND

The applicant is requesting a Future Land Use Map and concurrent Zoning Map Amendment (Rezoning) to change the Future Land Use Map designation and Zoning district on the subject site from Commercial to Multifamily designation and C-O Commercial/Office District to R-3 Multifamily District. This request will also be placed on the April 21, 2014 Plan Commission agenda.

The subject parcel was annexed to the City in 1990, as part of the AAL Annexation. The subject parcel and surrounding land was then rezoned to C-O, Commercial Office district in 2001, by AAL for a business/office park. A portion of the subject parcel and approximately 90 acres of land surrounding the subject parcel was subdivided in 2002, creating the Apple Creek Center Subdivision. Finally, in 2007, a Certified Survey Map (CSM) was approved creating the subject parcel (Lot 2 of CSM 5679).

STAFF ANALYSIS

Zoning Ordinance Requirements:

Community Living Arrangements (CLA's) are a Special Use in the R-3 Multifamily District provided: (1) the facility capacity is sixteen (16) or more persons, (2) the total capacity of all community living arrangements in an aldermanic district has and will by the inclusion of a new community living arrangement exceed one percent (1%) of such district population, or (3) the total capacity of all community living arrangements in the City has and will by the inclusion of a new community living arrangement exceed one percent (1%) of the total City population per Section 23-96 (b) R-3 Multifamily District and Section 23-52(b)(2)a and b. General requirements for Community Living Arrangements (CLA's) of the Zoning Ordinance.

- The proposed licensed capacity of the CLA on Lot 2 of CSM 5679 is 50 persons
- The population of Aldermanic District 13 is 4,796 people (2010 census).
- Maximum licensed CLA capacity (One percent 1% of Aldermanic District population) is 47 persons.
- Current licensed capacity of all existing Community Living Arrangements (CLA's) in Aldermanic District is 66 persons.
- The proposed CLA will elevate the licensed CLA capacity of Aldermanic District 13 to 116.
- The proposed capacity of the CLA on Lot 2 of CSM 5679 will exceed the one (1%) percent of the allowed district capacity pursuant to Section 23-52(b)(2) a and b. General requirements for Community Living Arrangements (CLA's) of the Zoning Ordinance.
- An exception to the capacity limit of all community living arrangements in Aldermanic District 13 may be granted at the discretion of the City by Special Use Permit.

It is important to note the population of the City is approximately 71,320 people (2010 census). One percent of the total City population is 713. The licensed capacity of all existing Community Living Arrangements (CLA's) in the City is 310, the proposed CLA will elevate the CLA licensed capacity of the City to 360. The proposed capacity of the CLA on Lot 2 of CSM 5679 will not exceed to the one (1%) percent City capacity. As a result, this proposed CLA satisfies this requirement.

The capacity limits were set by the Wisconsin legislature in 1978, and are intended to preserve the established character of a neighborhood and community.

Surrounding Zoning Classification and Current Land Uses:

- **North:** Zoning: C-O, Commercial/Office District
Current Land Use: City of Appleton Stormwater Pond
- **South:** Zoning: C-O, Commercial/Office District
Current Land Use – Financial Institution

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- **East:** Zoning: C-O, Commercial/Office District and R-3 Multifamily Residential District
Current Land Use – City of Appleton Stormwater Pond and residential condominiums
- **West:** Zoning: PD/C-2, Planned Development/General Commercial District
Current Land Use – Thrivent Financial Office and Agriculture

Comprehensive Plan 2010-2030 and Official Zoning Map:

The Future Land Use Map currently shows this area to be used for Commercial uses. The applicant is proposing to amend the Future Land Use Map to Multifamily Residential uses. The subject site is currently zoned C-O Commercial/Office District. The applicant is proposing to amend the Official Zoning Map to R-3 Multifamily District. The proposed use of the subject parcel is not currently consistent with the Future Land Use Map and Official Zoning Map, however, if the amendments are approved as proposed, the proposed use of the subject parcel will be consistent with the Future Land Use Map and the following goals and objectives of the *Comprehensive Plan 2010-2030* and purpose of the R-3 District.

Overall Community Goals and Objectives:

Goal 1 – Community Growth: Appleton will continue to provide opportunities for residential, commercial and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods and greenfield development sites at the City's edge.

- **10.1 Objective: Land Use**

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

Goal 3 – Housing Quality and Affordability: Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

- **5.3 Objective: Housing and Neighborhoods.**

Provide a range of housing styles that meet the needs and appeal to all segments of the community.

Streets and Transportation

The City's Arterial Plan identifies Ballard Road as an arterial street and its posted speed limit is 35 miles per hour. An eight (8) foot high privacy fence may be installed along a lot line of a residential property abutting an arterial street that has access restrictions and is posted at no more than 45 miles per hour. Prior to the construction of an eight (8) foot high privacy fence along the west lot line of the subject site, the applicant/owner will need to close the existing driveway curb cut along Ballard Road in accordance with Outagamie County Highway Department specifications and provide documentation to the City restricting access to Ballard Road from the subject site.

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Finding of Fact: This request was reviewed in accordance with the standards for granting a Special Use Permit under 23-66 (e)(1-6) of the Zoning Ordinance, which were found in the affirmative.

Technical Review Group Report (TRG): This item was discussed at the April 15, 2014, Technical Review Group meeting. No negative comments were received from participating departments.

The Department of Public Works indicated they will need to conduct a vision analysis prior to permits being issued for a fence being installed along this portion of Ballard Road. In addition, fences install along this portion Ballard Road will need to be setback from the property line at least one (1) foot to allow room for snow removal/storage between the edge of the existing sidewalk and fences.

Neighborhood Input: We have not received any concerns, questions or comments from the surrounding neighborhood.

Future Actions:

- Site Plan review and approval is required pursuant to Section 23-570 of the Zoning Ordinance prior to the issuance of a building permit by the Inspections Division.
- The site plan shall show the refuse area being located in the side yard, unless a variance is applied for and approved by the Zoning Board of Appeals.
- Prior to the issuance of a Certificate of Occupancy, the operator of the CLA shall provide the Inspections Supervisor a copy of a valid license from the Wisconsin Department of Health Services.
- A minor change to the Special Use Permit may be requested in writing by the applicant to be reviewed and voted on by the Plan Commission. If the Plan Commission determines the modification is a major change, the applicant will be required to file a new Special Use Permit application.

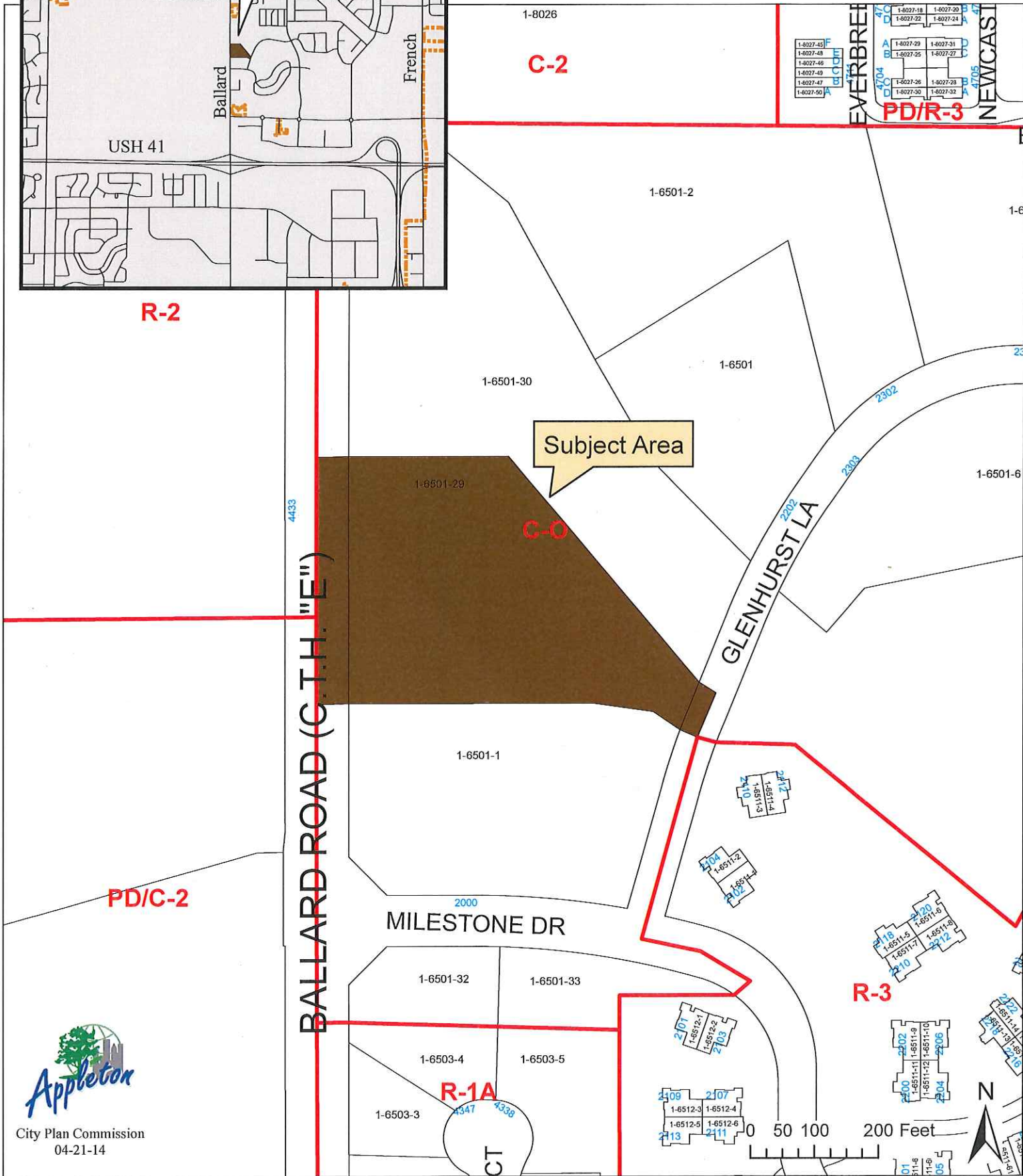
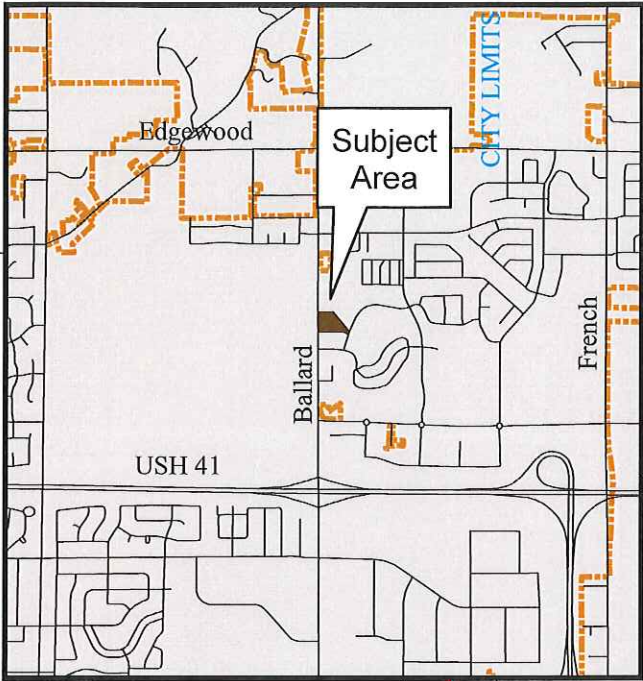
RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #4-14 for a Community Living Arrangements (CLA) serving 50 people located on Lot 2 of CSM 5679 (Tax key number 31-1-6501-29) for Paul an Jolene Moran, **BE APPROVED** with an exception to the Aldermanic District 13 CLA capacity limitation per Section 23-52(b)(2)a of the Zoning Ordinance, subject to the following:

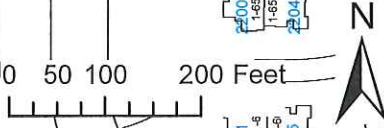
1. This Special use permit shall be deemed null and void if a building permit has not been obtained or the use has not been established within 12 months after Council approval pursuant to Section 23-66(f)(3) of the Zoning Ordinance.

NOTE: Special Use Permit #4-14 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-14 and Rezoning #4-14 to accurately reflect the change in: (1) future land use from Commercial to Multi-Family Residential designation and (2) zoning classification from C-O Commercial/Office District to R-3 Multifamily District.

East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Zoning Map



1-8027-43	F	1-8027-18	B	1-8027-20	B
1-8027-43	F	1-8027-22	B	1-8027-24	B
1-8027-46	A	1-8027-29	A	1-8027-31	A
1-8027-49	A	1-8027-25	A	1-8027-27	A
1-8027-47	A	1-8027-26	A	1-8027-28	A
1-8027-50	A	1-8027-30	A	1-8027-32	A

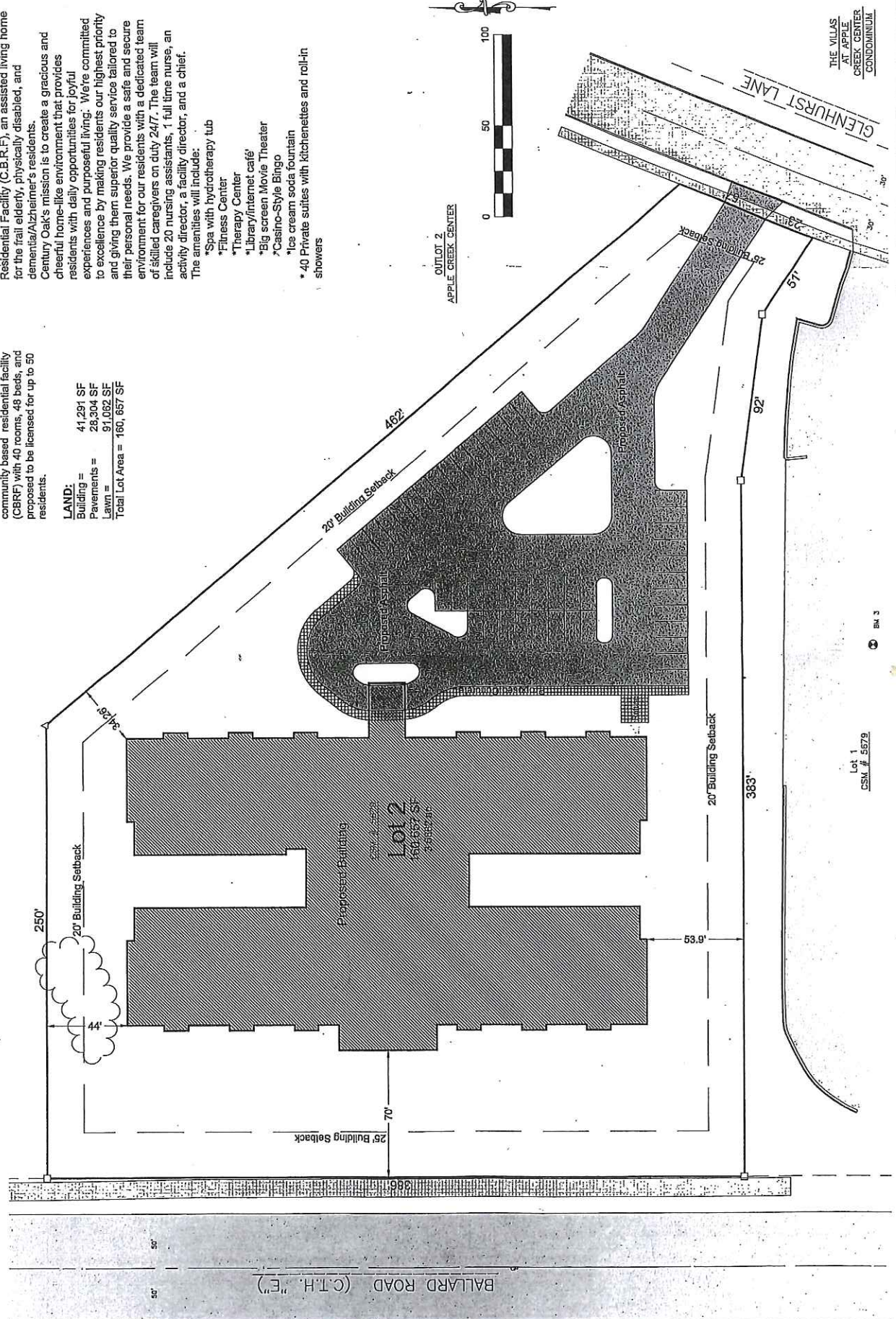


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OPERATION PLAN:
 Century Oaks is a Class "C" Community Based Residential Facility (C.B.R.F.), an assisted living home for the frail elderly, physically disabled, and dementia/Alzheimer's residents.
 Century Oak's mission is to create a gracious and cheerful home-like environment that provides residents with daily opportunities for joyful experiences and purposeful living. We're committed to excellence by making residents our highest priority and giving them superior quality service tailored to their personal needs. We provide a safe and secure environment for our residents with a dedicated team of skilled caregivers on duty 24/7. The team will include 20 nursing assistants, 1 full time nurse, an activity director, a facility director, and a chef.
 The amenities will include:
 *Spa with hydrotherapy tub
 *Fitness Center
 *Therapy Center
 *Library/internet cafe'
 *Big screen Movie Theater
 *Casino-Style Bingo
 *Ice cream soda fountain
 *40 Private suites with kitchenettes and roll-in showers

USE:
 The proposed use is for a Class C community based residential facility (CBRF) with 40 rooms, 48 beds, and proposed to be licensed for up to 50 residents.

LAND:
 Building = 41,291 SF
 Pavements = 28,304 SF
 Lawn = 91,082 SF
 Total Lot Area = 160,657 SF



THE VILLAGES
 AT APPLE
 CREEK CENTER
 CONDOMINIUM

Lot 1
 CSM # 5679

BN 3

East Glenhurst Lane
 Special Use Permit
 Community Living Arrangement

Community Living Arrangements Aldermanic District 13

Exception requested from Section 23-52(b)(2)a. of the Zoning Ordinance: The total capacity of all CLA's within any aldermanic district may not exceed 1% of the total population of that aldermanic district.

Analysis:
 Population of Aldermanic District 13: 4,796 (2010 Census)
 Maximum CLA capacity (1% of the district population): 47
 Current licensed capacity of all existing CLA's: 66
 Proposed licensed capacity of all existing CLA's: 116

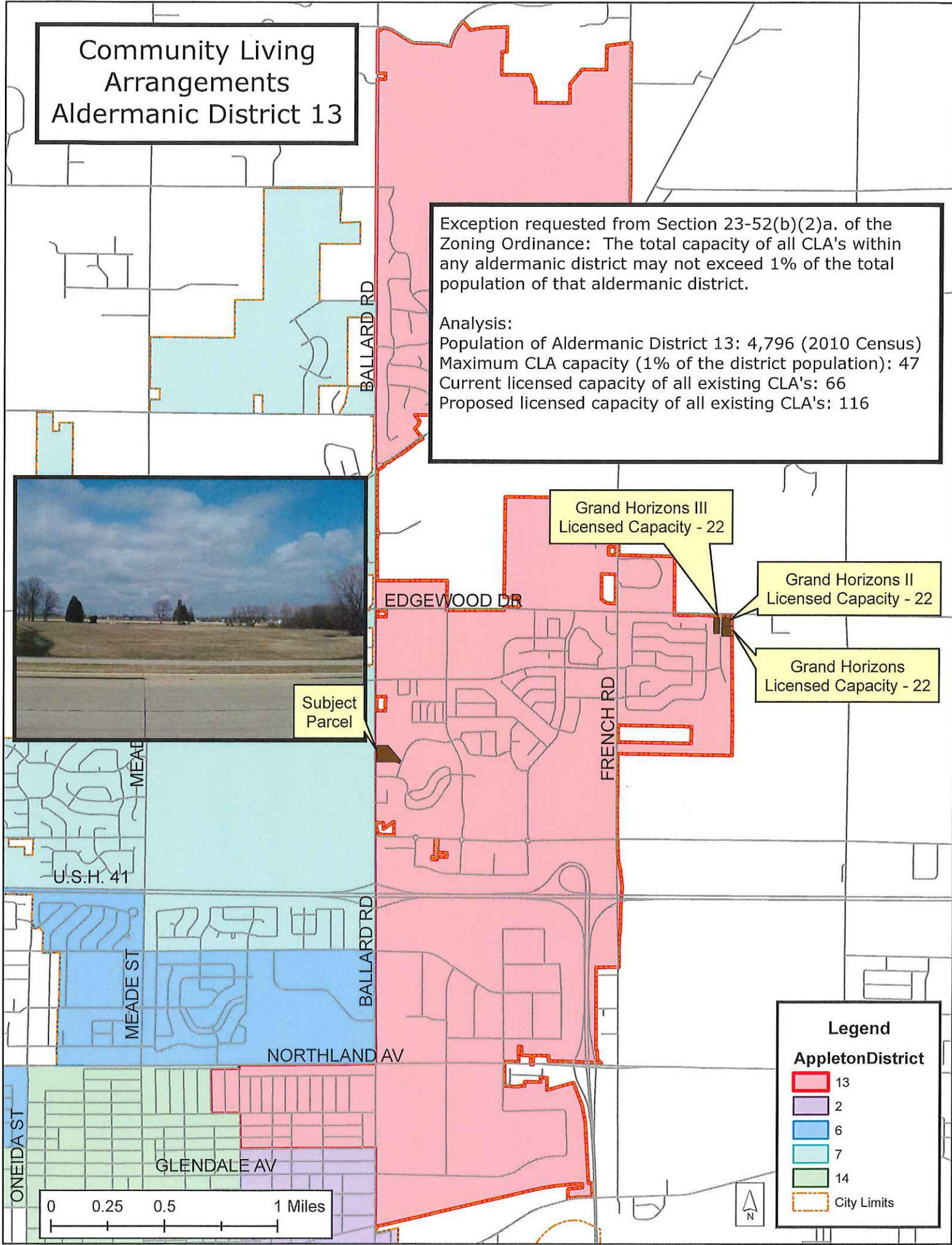


Subject Parcel

Grand Horizons III
Licensed Capacity - 22

Grand Horizons II
Licensed Capacity - 22

Grand Horizons
Licensed Capacity - 22



Legend

Appleton District

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- City Limits