



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: June 12, 2018

Common Council Meeting Date: June 20, 2018

Item: Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 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 CLAs within any aldermanic district may not exceed one percent (1%) of the total population of that aldermanic district.”

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: Century Oaks on Ballard, LLC c/o Paul Moran

Address/Parcel #: 2302 East Glenhurst Lane (Tax Id #31-1-6501-00)

Petitioner’s Request: The applicant is requesting a Special Use Permit for a community living arrangement (CLA) serving 87 persons and an exception to the one percent (1%) total capacity limit of all CLAs in Aldermanic District 13, as required per Section 23-52 of the Zoning Ordinance.

BACKGROUND

Comprehensive Plan 2010-2030 Future Land Use Map Amendment #1-15 and Rezoning #4-15 were approved by Common Council on November 18, 2015. These items changed the Future Land Use Map designation from Commercial to Multi-Family Residential and the zoning classification from C-O Commercial Office District to R-3 Multi-Family District for the subject site.

Special Use Permit #16-15 for a CLA serving 80 persons, with an exception to the Aldermanic District 13 CLA capacity limitation, was approved by Common Council on December 16, 2015. If approved, this request would replace the applicant’s previous request, resulting in an overall increase of seven persons.

Site Plan #38-15 for the existing building and parking lot was approved on December 18, 2015. Century Oaks has operated the existing CLA on the subject site since construction was completed in 2016.

STAFF ANALYSIS

Project Summary: The applicant proposes to expand the existing community-based residential facility, considered a CLA under the Zoning Ordinance, on the subject site. The proposed building addition would be approximately 16,957 square feet, bringing the total building area to approximately 58,203 square feet. As shown on the development plan, the proposed building addition would include additional units, common space, and an office. Its exterior would be similar in appearance to the existing building. Seven additional parking spaces are proposed, with vehicular access from existing curb cuts on East Glenhurst Lane.

Special Use Permit #3-18

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Operational Information: Century Oaks is licensed by the State of Wisconsin as a Class “C” community-based residential facility. A plan of operation is attached to the Staff Report.

Existing Site Conditions: The existing building is approximately 41,246 square feet in size. The 6.67-acre site also includes an off-street parking lot east of the building. The property has frontage along East Glenhurst Lane, which is classified as a local street on the City’s Arterial/Collector Plan.

Changes to Special Uses: The applicant’s previous request, Special Use Permit #16-15, was for a CLA serving 80 persons. The applicant’s current request, Special Use Permit #3-18, is for a CLA serving 87 persons. While the proposed increase is less than 10%, typically deemed a “minor change,” a new Special Use Permit is needed for an exception to the aldermanic district capacity limitation. If approved, Special Use Permit #3-18 will replace Special Use Permit #16-15.

Zoning Ordinance Requirements: CLAs require a Special Use Permit in the R-3 Multi-Family District provided one of the following is met:

- The facility capacity is 16 or more persons (per Section 23-96(e) of the Municipal Code).
- The total capacity of all CLAs in an aldermanic district has and will by the inclusion of a new CLA exceed 1% of such district population (per Section 23-52(b)(2)(a) of the Municipal Code).
- The total capacity of all CLAs in the City has and will by the inclusion of a new CLA exceed 1% of the total City population (per Section 23-52(b)(2)(b) of the Municipal Code).

Based on the applicant’s proposal, two of these conditions are met. Listed below are details explaining how the subject CLA relates to these Zoning Ordinance requirements and Aldermanic District 13.

- The proposed licensed capacity of the subject CLA is 87 persons.
- The population of the aldermanic district is 4,796 people (2010 census).
- Maximum licensed CLA capacity (1% of the aldermanic district population) is 47 persons.
- Current approved capacity of all CLAs in the aldermanic district is 266 persons (including the applicant’s previous request).
- The subject CLA will elevate the approved CLA capacity of the aldermanic district to 273 persons.
- The proposed capacity of the subject CLA will exceed the allowed 1% district capacity.
- An exception to the capacity limit of all CLAs in the aldermanic district may be granted at the discretion of the City by a Special Use Permit.

It is important to note the population of the City is approximately 72,623 people (2010 census). One percent of the total City population is 726. The approved capacity of all CLAs in the City is 540, and the subject CLA will elevate the approved CLA capacity of the City to 547. The proposed capacity of the subject CLA will not exceed the 1% City capacity.

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 and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and residential in nature.

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North: PD/R-3 Planned Development Multi-Family District and C-2 General Commercial District. The adjacent land uses to the north are currently a mix of multi-family residential and commercial uses, including an office building.

South: R-1B Single-Family District. The adjacent land uses to the south are currently single-family residential.

East: C-O Commercial Office District. The adjacent land to the east is currently vacant.

West: C-O Commercial Office District and R-3 Multi-Family District. The adjacent land uses to the west are currently a City stormwater pond and multi-family residential, including a community living arrangement.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Multi-Family Residential designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

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.

Goal 3 – Housing Quality, Variety, 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.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

OBJECTIVE 10.1 Land Use

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

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

Technical Review Group (TRG) Report: This item was discussed at the May 22, 2018 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons at 2302 East Glenhurst Lane (Tax Id #31-1-6501-00), as shown on

Special Use Permit #3-18

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the attached maps and per attached plan of operation, along with the attached resolution, **BE APPROVED** to run with the land, 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 conditions:

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.
4. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.
5. Prior to the issuance of a Certificate of Occupancy, the operator of the CLA shall provide the Inspections Supervisor with a copy of a valid license from the Wisconsin Department of Health Services.
6. Special Use Permit #3-18 will replace Special Use Permit #16-15.

RESOLUTION

CITY OF APPLETON RESOLUTION APPROVING SPECIAL USE PERMIT #3-18

WHEREAS, Century Oaks on Ballard, LLC has applied for a Special Use Permit for a community living arrangement (CLA) serving 87 persons and an exception to the Aldermanic District 13 CLA capacity limitation located at 2302 East Glenhurst Lane, also identified as Parcel Number 31-1-6501-00; and

WHEREAS, the location for the proposed community living arrangement is located in the R-3 Multi-Family District and the proposed use is permitted by special use within this zoning district; and

WHEREAS, the City of Appleton Plan Commission held a public hearing on June 12, 2018, on Special Use Permit #3-18 at which all those wishing to be heard were allowed to speak or present written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission has considered the application, the staff reports, oral and written, the Comprehensive Plan and zoning on the subject property, the testimony, written comments, and other materials presented at the public hearing; and

WHEREAS, the City of Appleton Plan Commission reviewed the standards for granting a Special Use Permit under Sections 23-66(e)(1-6) and 23-52(b)(2)(a) of the Municipal Code, and forwarded Special Use Permit #3-18 to the City of Appleton Common Council with a _____ favorable _____ or _____ not favorable _____ (CIRCLE ONE) recommendation; and

WHEREAS, the City of Appleton Common Council has reviewed the report and recommendation of the City of Appleton Plan Commission at their meeting on _____, 2018 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #3-18 for a community living arrangement (CLA) serving 87 persons and an exception to the Aldermanic District 13 CLA capacity limitation located at 2302 East Glenhurst Lane, also identified as Parcel Number 31-1-6501-00 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #3-18

1. All applicable codes, ordinances, and regulations, including but not limited to Fire and Building Codes, shall be complied with.
2. Any deviations from the approved development plan may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. Compliance with the plan of operation is required at all times. Changes to the plan of operation shall be submitted to the Community and Economic Development Department for review and approval.

4. Site Plan review and approval is required, pursuant to Section 23-570 of the Municipal Code, prior to the issuance of a building permit by the Inspections Division.
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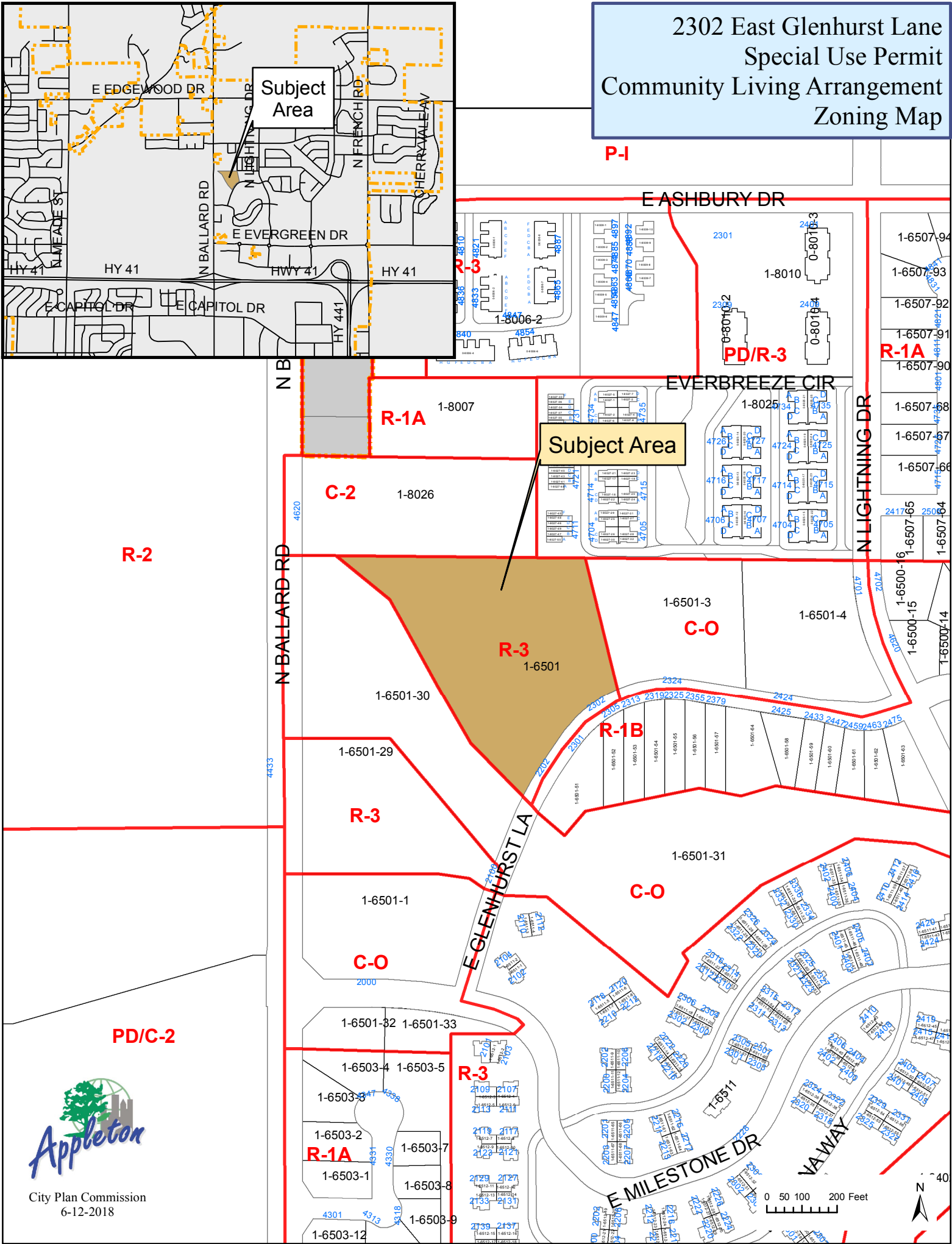
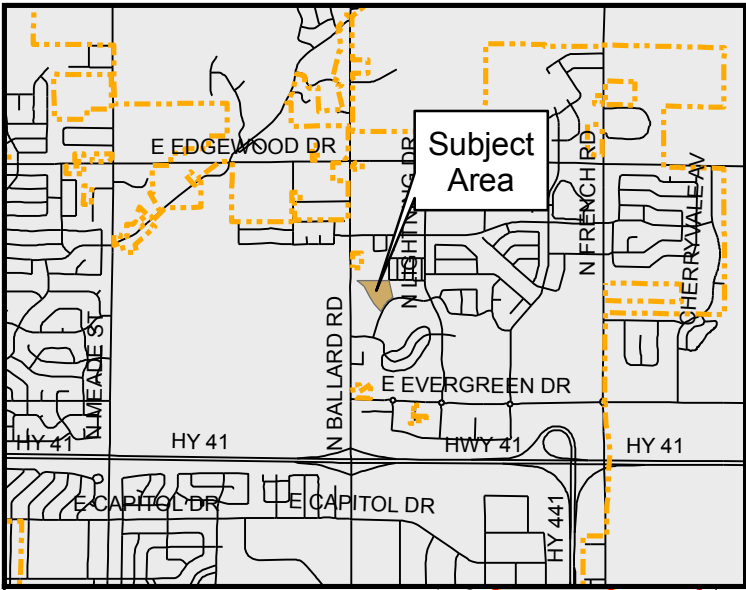
Adopted this _____ day of _____, 2018.

Timothy M. Hanna, Mayor

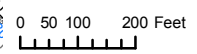
ATTEST:

Kami Lynch, City Clerk

2302 East Glenhurst Lane
 Special Use Permit
 Community Living Arrangement
 Zoning Map



City Plan Commission
 6-12-2018



2302 East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Aerial Map



Subject Area



City Plan Commission
6-12-2018

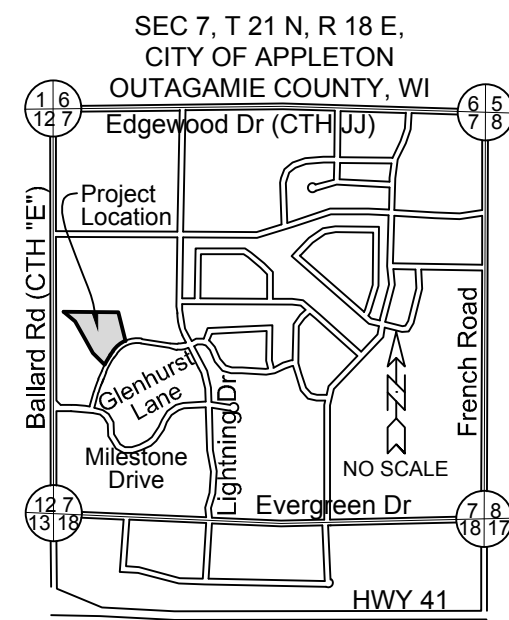
E MILESTONE DR

E GLENHURST LA

NBALLARD RD

NROSEDALE LA

LOCATION MAP



Work within the TransCanada right-of-way will be performed in accordance with TransCanada procedures to protect the safety of TransCanada facilities. The following guidelines, although not inclusive, are provided in order to accommodate your request and protect our pipelines and facilities:

- No ground disturbance shall be made within TransCanada right of way or within 25 ft., measured at right angles, of our pipeline(s) except in the presence of our company representative.
- Notice of at least seventy-two (72) hours in advance of construction must be provided. The Owner must contact the following TransCanada field representatives:
Name: Matt Hischke: 715-460-4042
- TransCanada will arrange for a representative to be on site when work is occurring on or near the Right of Way area, or within 25' of the pipelines. After hours call 1-800-447-8066.
- The Owner and all contractors must hydro-vac or hand expose TransCanada buried pipeline(s) prior to use of mechanical equipment within 15ft. of the pipeline(s).
- No sidecutters may be used.
- No part of powered equipment shall come within three ft of TransCanada pipelines, or according to applicable State or Federal requirements.
- No bucket, any attachment or load may be swung over TransCanada pipeline(s) where there is less than 24" of cover.
- In the event of equipment crossings outside of existing road right of way or wherever our technician determines that inadequate cover exists, the contractor shall install and maintain temporary crossings of TransCanada pipeline(s) at location(s) specified by TransCanada and that are/is perpendicular to TransCanada pipeline(s). A minimum of four (4) feet of total cover over TransCanada pipeline(s) is required. If fill is required to obtain the minimum cover, a suitable material (preferably a bank run gravel material, or a combination of wooden mats and bank run gravel, or a TransCanada approved "Portable Land Bridge") will be placed on the existing surface of the ground over the pipeline(s) from a point fifteen (15) feet ahead of the pipeline crossing to a point fifteen (15) feet beyond the pipeline crossing. The crossing area should be a minimum of twenty (20) feet wide so as to adequately bear the crossing weights of the heavy equipment. All vehicular traffic will cross TransCanada pipeline(s) at these designated locations only.
- The applicable state one-call system must be contacted at 811 in accordance with its advance notification requirements prior to any ground disturbance.
- Should it be necessary for a TransCanada employee/representative to enter the excavation to inspect its pipeline(s), the excavation at the crossing shall be sloped in accordance with the requirements of the Occupational Safety and Health Administration.

Project Information

Building
Occupancy Classification: Institutional - I2 - 1 Story
Construction Classification: Type VA (5A), Wood Frame Protected, Fully Sprinklered
Number of future employees: 20+
Gross Floor Area: 58,203 sq. ft. (single story)
No basement or below grade space

Use:
Class C community based residential facility (CBRF) with 45 Units (Main structure) and 23 units (Addition) and licensed for 87 persons.

Site Information
Proposed Assisted Living Facility
2302 E Glenhurst Lane
Parcel # 311650100
Zoning: R-3 Multi-family

Total Development Impervious Area = 40.9% (118,756 SF)
Proposed Disturbed Area = 232,000± SF

Building coverage 58,203 SF
Parking and Drives 60,553 SF
Lawn and Landscaping 171,585 SF
Total Site Area 290,341 SF (6.6653 Acres)

Contractor shall comply with all conditions of the WDNR general permit for wetland disturbance.

Parking
Requirements:
1 space for every 3 residents = 29 stalls required

Stalls Provided:
50 proposed stalls + 3 Handicap stalls

Parking lot striping shall be 4" painted yellow or white.

No Hazardous materials will be stored on the site. No outdoor storage is proposed

Snow storage shall be located beyond curb in lawn areas per plan.

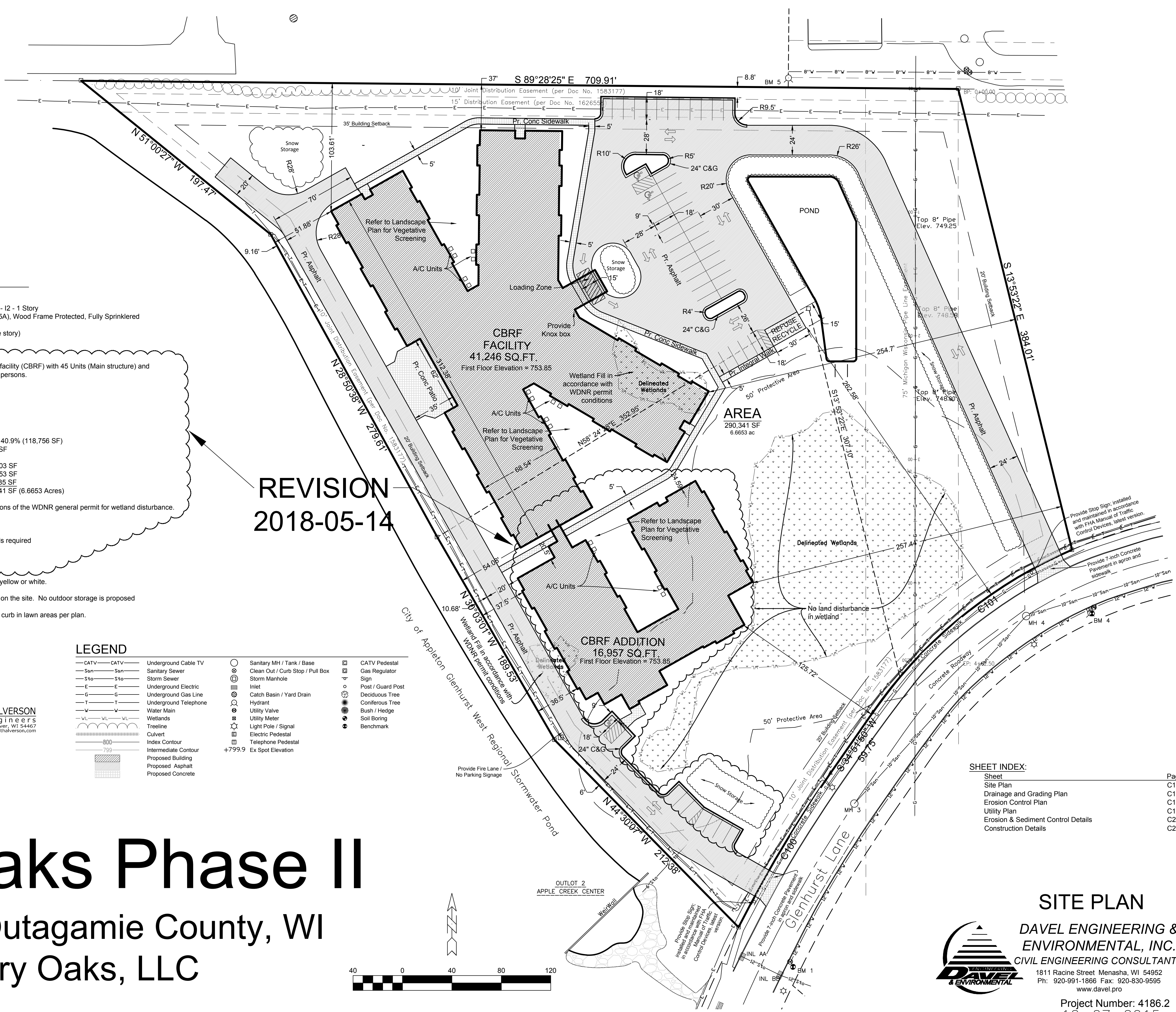
Owner
Century Oaks On Ballard, LLC
PO Box 421
Neenah, WI 54956
Phone: (920) 725-6304
Fax: (920) 725-6304

Architect:
GH GRUNWALDT & HALVERSON
Architects | Engineers
3113 MacArthur Way Plover, WI 54467
715-344-8647 www.grunwaldthalverson.com

LEGEND

—CATV—CATV—	Underground Cable TV	○	Sanitary MH / Tank / Base	□	CATV Pedestal
—San—San—	Sanitary Sewer	⊗	Clean Out / Curb Stop / Pull Box	⊗	Gas Regulator
—Sto—Sto—	Storm Sewer	⊕	Storm Manhole	⊕	Sign
—E—E—	Underground Electric	⊖	Inlet	⊖	Post / Guard Post
—G—G—	Underground Gas Line	⊙	Catch Basin / Yard Drain	⊙	Deciduous Tree
—T—T—	Underground Telephone	⊚	Hydrant	⊚	Coniferous Tree
—W—W—	Water Main	⊛	Utility Valve	⊛	Bush / Hedge
—VL—VL—	Wetlands	⊜	Utility Meter	⊜	Soil Boring
—TL—TL—	Treeline	⊝	Light Pole / Signal	⊝	Benchmark
—C—C—	Culvert	⊞	Electric Pedestal	⊞	
—800—	Index Contour	⊟	Telephone Pedestal	⊟	
—799—	Intermediate Contour	⊠	Ex Spot Elevation	⊠	
▨	Proposed Building				
▩	Proposed Asphalt				
▪	Proposed Concrete				

REVISION
2018-05-14



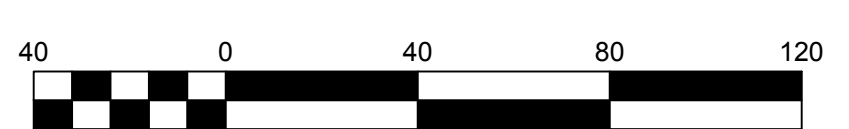
SHEET INDEX:

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Site Plan	C1.0
Drainage and Grading Plan	C1.2
Erosion Control Plan	C1.3
Utility Plan	C1.4
Erosion & Sediment Control Details	C2.1
Construction Details	C2.2

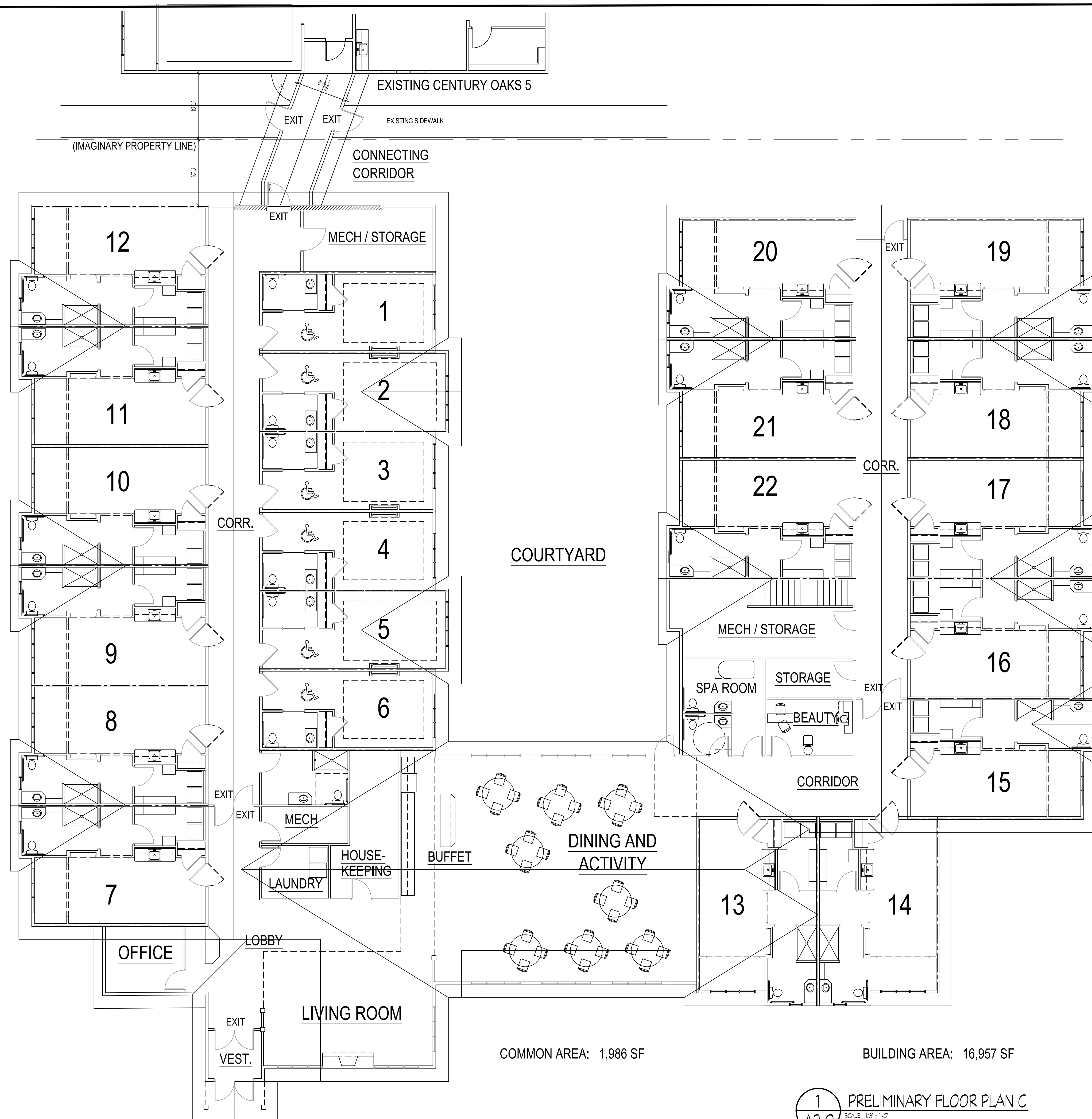
Century Oaks Phase II

City of Appleton, Outagamie County, WI
For: Century Oaks, LLC

SITE PLAN
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro



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COMMON AREA: 1,986 SF

BUILDING AREA: 16,957 SF

1 PRELIMINARY FLOOR PLAN C
SCALE: 1/8" = 1'-0"

REVISIONS	BY
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PRELIMINARY FLOOR PLAN C

PROPOSED 22-BED CBRF ADDITION TO
CENTURY OAKS HOMES
APPLETON, WISCONSIN
CENTURY OAKS HOMES
P.O. BOX 421
NEENAH, WISCONSIN 54957

GH GRUNWALDT & HALVERSON
Architects | Engineers
3113 MacArthur Way Plover, WI 54467
715 344-8647 www.grunwaldthalverson.com

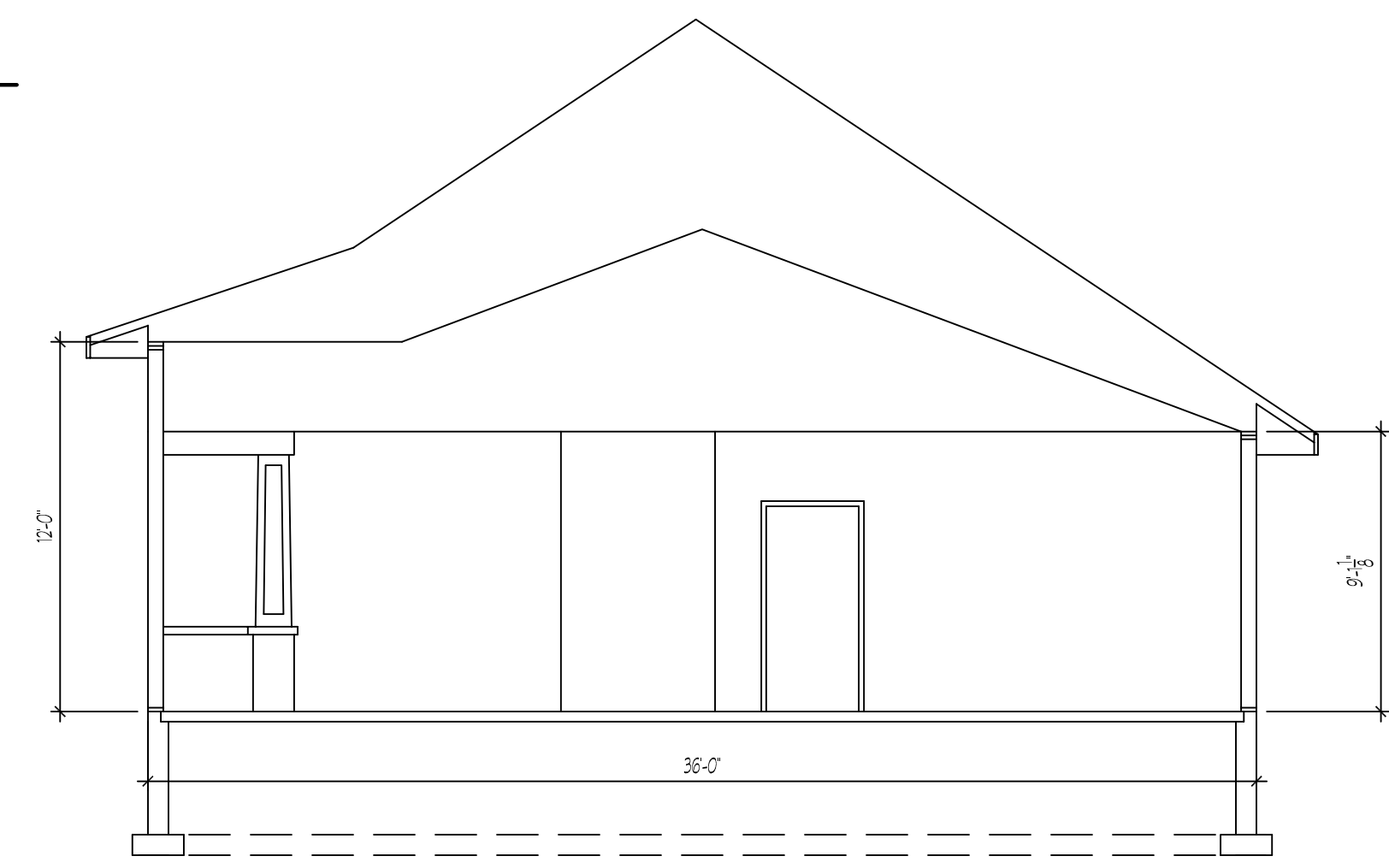
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SHEET
A2.0
OF - SHEETS

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3 ALTERNATE SOUTHEAST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"



5 PRELIMINARY SECTION THRU DINING ROOM
A3.0 SCALE: 3/16" = 1'-0"



3 ALTERNATE NORTHEAST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"



2 PRELIMINARY NORTHEAST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"

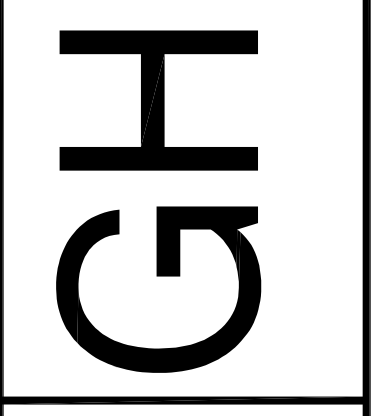


1 PRELIMINARY SOUTHEAST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"

PRELIMINARY EXTERIOR ELEVATIONS

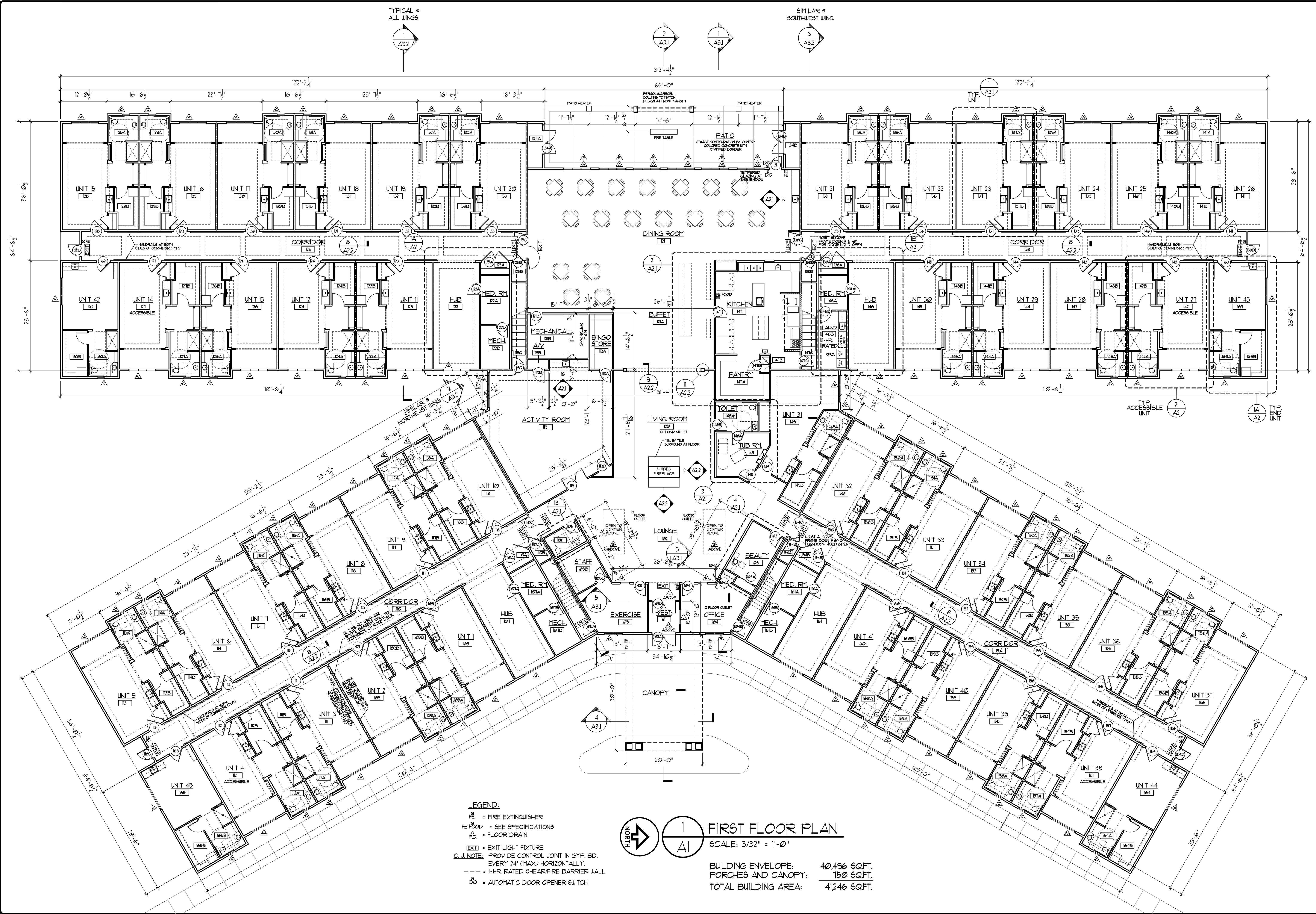
PROPOSED 20-BED CBRF ADDITION TO
CENTURY OAKS HOMES
APPLETON, WISCONSIN
CENTURY OAKS HOMES
P.O. BOX 421
NEENAH, WISCONSIN 54957

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PH: D. Balvo, Grunwaldt & Halverson, LLC 12/15/2015 2:03 PM 5051 1 FLOOR PLAN.dwg

- LEGEND:**
- = FIRE EXTINGUISHER
 - = SEE SPECIFICATIONS
 - = FLOOR DRAIN
 - = EXIT LIGHT FIXTURE
 - = PROVIDE CONTROL JOINT IN GYP. BD. EVERY 24' (MAX.) HORIZONTALLY.
 - = 1-HR. RATED SHEAR/FIRE BARRIER WALL
 - = DO = AUTOMATIC DOOR OPENER SWITCH

FIRST FLOOR PLAN
 SCALE: 3/32" = 1'-0"

BUILDING ENVELOPE: 40,496 SQ.FT.
 PORCHES AND CANOPY: 150 SQ.FT.
 TOTAL BUILDING AREA: 41,246 SQ.FT.

REVISIONS	BY
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FIRST FLOOR PLAN	
NEW 45-UNIT ASSISTED LIVING FACILITY FOR CENTURY OAKS HOMES APPLETON, WISCONSIN	
OWNER: CENTURY OAKS HOMES NEEHAH, WISCONSIN	
GH GRUNWALDT & HALVERSON Architects Engineers 3113 MacArthur Way Plover, WI 54467 715 344-8647 www.grunwaldthalverson.com	
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SCALE: 3/32" = 1'-0"	
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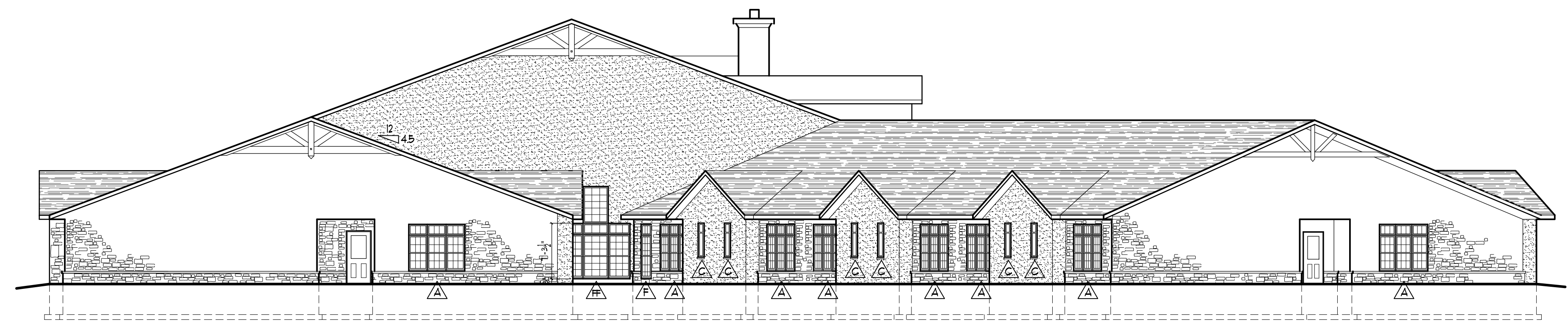
EXTERIOR ELEVATIONS

NEW 45-UNIT ASSISTED LIVING FACILITY FOR
CENTURY OAKS HOMES
APPLETON, WISCONSIN

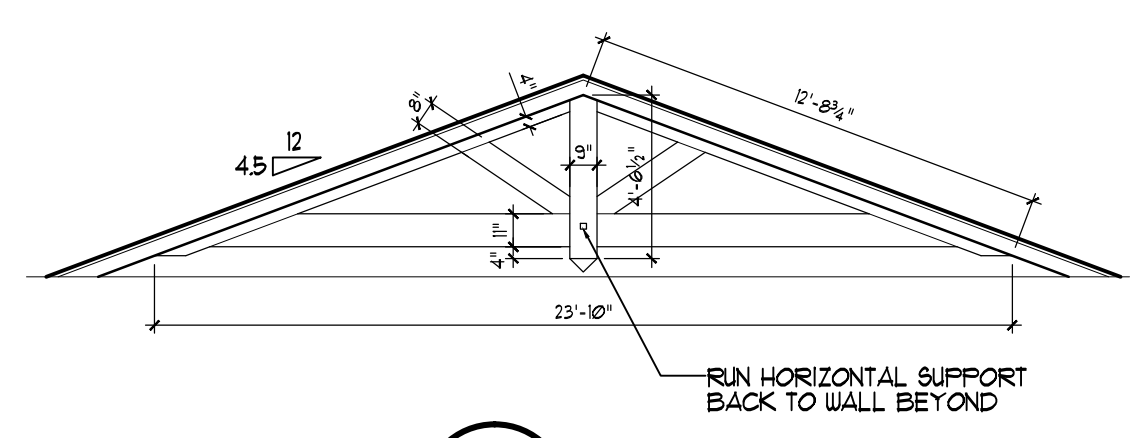
OWNER:
CENTURY OAKS HOMES
NEENAH, WISCONSIN

GH GRUNWALDT & HALVERSON
Architects Engineers
3113 MacArthur Way Plover, WI 54467
715 344-8647 www.grunwaldthalverson.com

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SCALE:	3/32" = 1'-0"
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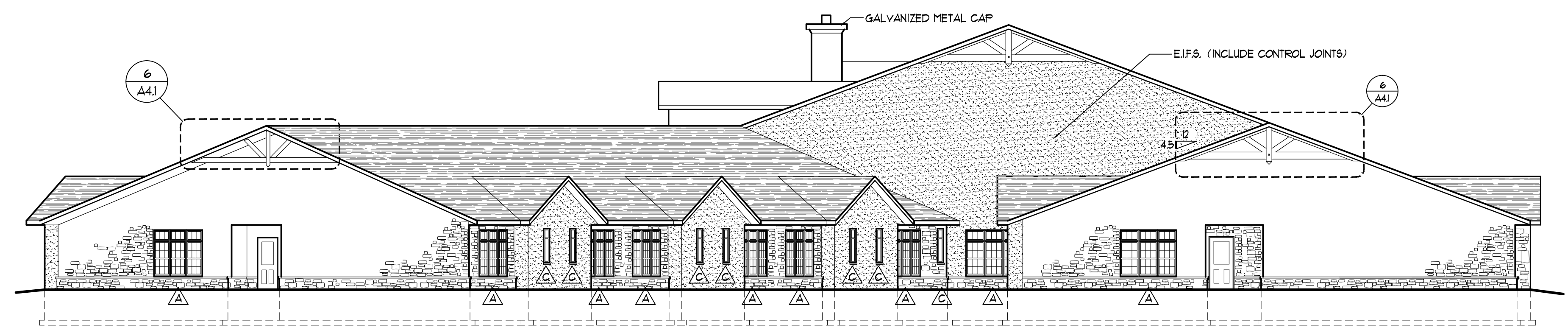


4 SOUTH ELEVATION
A4.1 SCALE: 3/32" = 1'-0"

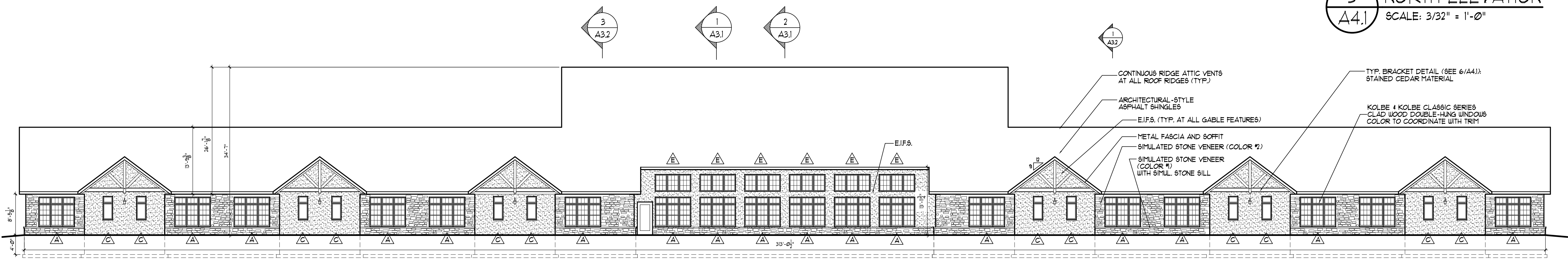


NOTE: GABLE BRACKETS TO BE FIELD-CONSTRUCTED OF 2x CEDAR MATERIAL, STAINED TO COORDINATE WITH EXTERIOR

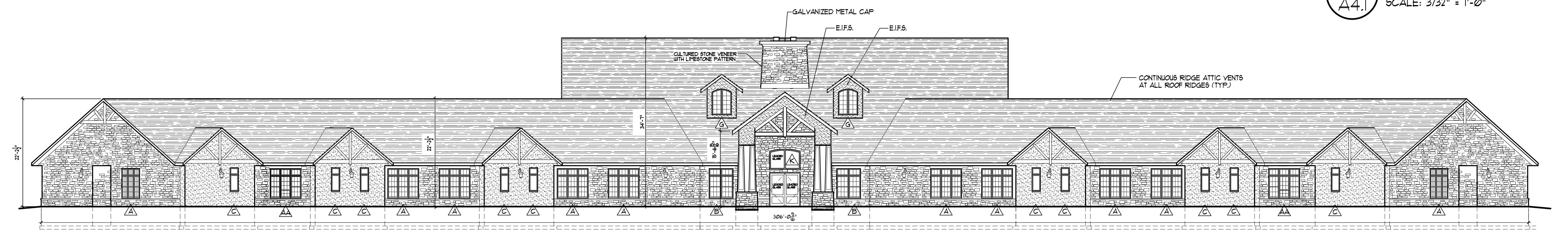
6 GABLE BRACKETS
A4.1 SCALE: 3/16" = 1'-0"



3 NORTH ELEVATION
A4.1 SCALE: 3/32" = 1'-0"



2 WEST ELEVATION
A4.1 SCALE: 3/32" = 1'-0"



1 EAST ELEVATION
A4.1 SCALE: 3/32" = 1'-0"

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PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Century Oaks on Ballard, LLC

Years in operation: 28

Type of proposed establishment (detailed explanation of business):

CBRF, being an expansion of existing facility.

Proposed Hours of Operation:

Day	From	To
Week Day	24 hours a day, 7 days a week	
Friday		
Saturday		
Sunday		

Building Capacity and Area:

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: 280 persons *THE ADDITION WILL ACCOMMODATE 73 MAXIMUM OCCUPANTS FOR A STRUCTURE TOTAL OF 280.*

Gross floor area of the existing building(s):
41,246 SF

Gross floor area of the proposed building(s):
16,957 SF

Identify location, number, capacity and flammable liquid materials stored in storage tanks or containers:

None

Describe any potential smoke, odors emanating from the proposed use and plans to control them:

None

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

Minimal noise for outdoor condensing units.

How will the noise be controlled?

Units to be located in building interior courtyard.

Outdoor Lighting:

Type: 25' Lithonia to match existing parking lot lights if required (site plan review process)

Location: parking stalls

Off-Street Parking:

Number of spaces existing: 46

Number of spaces proposed: 7

Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

No additional access is proposed, will utilize the existing driveway.

Outdoor Uses:

Type, location, size of outdoor storage area(s) of business property, goods, or merchandise not intended for customer viewing or immediate sale:

None

Type and height of screening of plantings/fencing/gating for outdoor storage area(s):

None

Type, location, size of outdoor display area(s) of merchandise for sale:

None

Number of Employees:

Number of existing employees: 50 FULL AND PART TIME

Number of proposed employees: 7 ADDED EMPLOYEES

Number of employees scheduled to work on the largest shift: 10 WITH THE NEW ADDITION