



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: December 7, 2015

Common Council Meeting Date: December 16, 2015

Item: Special Use Permit #16-15 for a Community Living Arrangement (CLA) serving 80 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: Paul and Jolene Moran

Lot/Parcel: Lots 1 & 2 of the Apple Creek Center plat (Tax Id #31-1-6501-00 and #31-1-6501-02)

Petitioner's Request: The applicant is requesting a Special Use Permit to establish a Community Living Arrangement (CLA) serving 80 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

The subject area was annexed to the City in 1990, as part of the Aid Association for Lutherans (AAL) Annexation. The subject area and surrounding land was then rezoned to C-O Commercial Office District in 2001, by AAL for a business/office park. Approximately 90 acres of land surrounding the subject area was subdivided in 2002, creating the subject parcels in the Apple Creek Center plat.

A Certified Survey Map (CSM) to combine the subject parcels was recently approved and is currently being circulated for City signatures. CSMs are administratively reviewed and approved by City staff.

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 #13-15 for a CLA serving 50 persons, with an exception to the Aldermanic District 13 CLA capacity limitation, was also approved by Common Council on November 18, 2015. If approved, this request would replace the applicant's original request, resulting in an overall increase of 30 persons.

STAFF ANALYSIS

Project Summary: The applicant proposes to construct a community-based residential facility, considered a CLA under the Zoning Ordinance, on the subject site. The attached "pool house" portion of

Special Use Permit #16-15
December 7, 2015
Page 2

the building would include offices, a pool, and additional units, as shown on the development plan. The entire building would be 58,800 square feet, and its exterior would be similar in appearance to the existing CLA at 2100 East Glenhurst Lane, which was also developed by the applicant. Vehicular access to the proposed off-street parking lots would be provided by curb cuts on East Glenhurst Lane.

Operational Information: 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. A plan of operation is attached to the Staff Report.

Existing Site Conditions: The subject site is currently undeveloped and is approximately 6.67 acres in size. The property has frontage along East Glenhurst Lane, which is classified as a local street on the City’s Arterial/Collector Plan.

Major Changes to Special Uses: Per Section 23-66(g)(2) of the Municipal Code, all changes not identified as a “minor change” shall be deemed a major change in a special use and shall be submitted to Common Council for review through the typical Special Use Permit procedure. The applicant’s original request, Special Use Permit #13-15, was for a CLA serving 50 persons in a 48,412 square feet building. The applicant’s current request, Special Use Permit #16-15, is for a CLA serving 80 persons in a 58,800 square feet building. This expansion is greater than 10% and therefore constitutes a major change. If approved, Special Use Permit #16-15 will replace Special Use Permit #13-15.

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 sixteen (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 one percent (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 one percent (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 80 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 licensed capacity of all existing and approved CLAs in the aldermanic district is 242 persons (including the applicant’s original request that was recently approved).
- The subject CLA will elevate the licensed CLA capacity of the aldermanic district to 272 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 licensed capacity of all existing and approved CLAs in the City is 486, and the subject CLA will elevate the CLA licensed capacity of the City to 516. The proposed capacity of the subject CLA will not exceed the one percent City capacity.

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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.

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: C-O Commercial Office District. The adjacent land to the south is currently vacant. Rezoning #6-15, to rezone parcels to the south from C-O Commercial Office District to R-1B Single-Family District, will also appear before Plan Commission on December 7, 2015.

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 and Official Zoning Map: Comprehensive Plan Amendment #1-15 changed the Future Land Use Map designation to Multi-Family Residential for the subject site. Community & Economic Development staff has reviewed this proposal and determined it is compatible with the 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 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 styles that meet the needs and appeal to all segments of the community.

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.

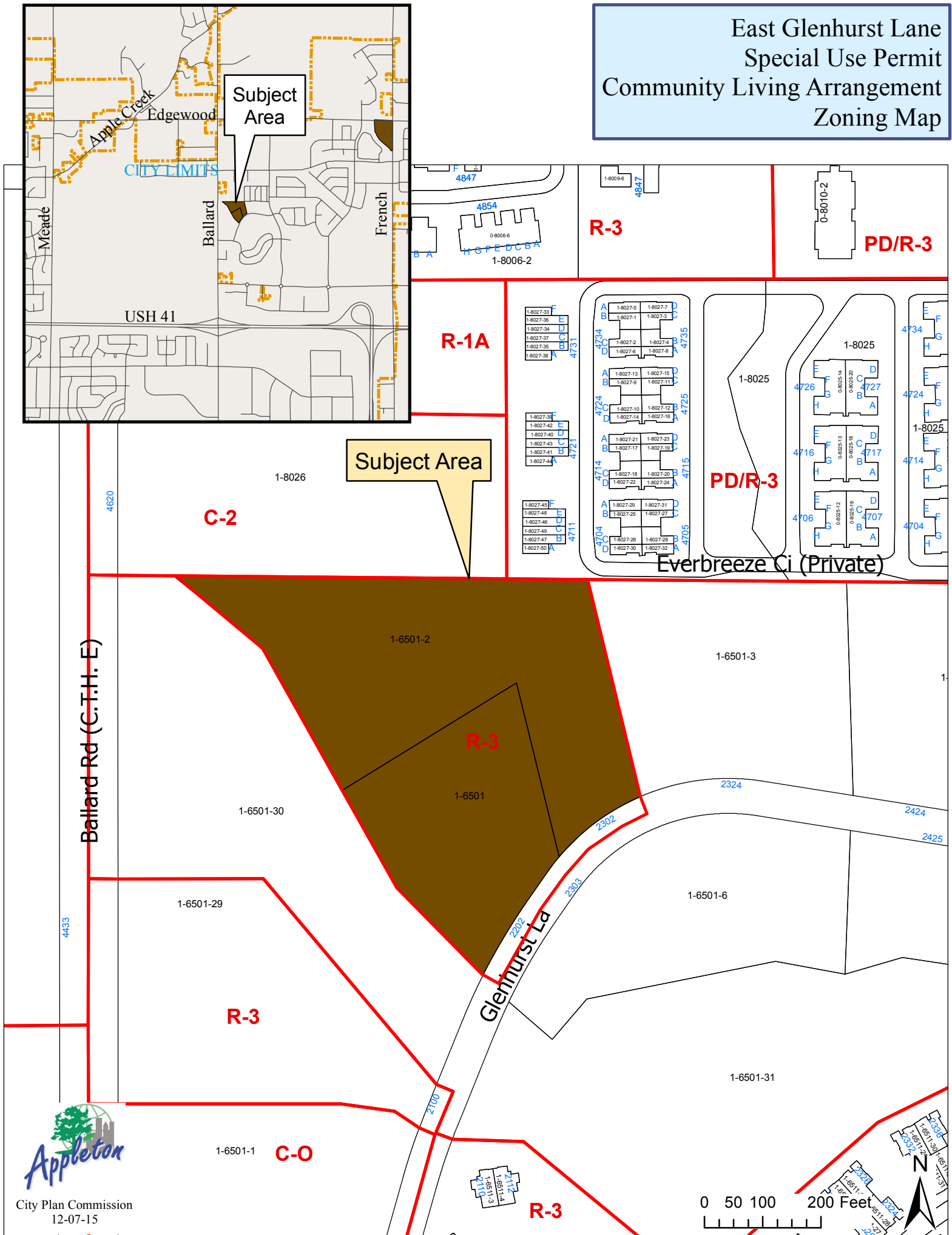
Technical Review Group (TRG) Report: This item was discussed at the November 17, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #16-15 for a Community Living Arrangement (CLA) serving 80 persons located north of East Glenhurst Lane (Tax Id #31-1-6501-00 and #31-1-6501-02), **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 or plan of operation may require a major or minor amendment request to this Special Use Permit, pursuant to Section 23-66(g) of the Municipal Code.
3. 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.
4. 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.
5. 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 twelve (12) months after Common Council approval, pursuant to Section 23-66(f)(3) of the Municipal Code.

East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Zoning Map

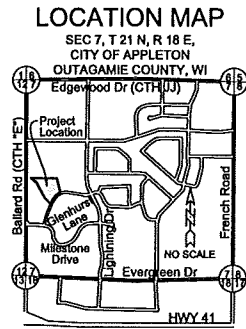


East Glenhurst Lane
Special Use Permit
Community Living Arrangement



Subject Area





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:

1. 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.

2. 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 Hirschke: 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.

3. 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).

4. No sidecutters may be used.

5. No part of powered equipment shall come within three ft of TransCanada' pipelines, or according to applicable State or Federal requirements.

6. No bucket, any attachment or load may be swung over TransCanada' pipeline(s) where there is less than 24" of cover.

7. 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 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.

8. The applicable state one-call system must be contacted at 811 in accordance with its advance notification requirements prior to any ground disturbance.

9. 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 proposed and future employees: 10 - 15
Gross Floor Area: 58,800sq. ft. (single story)
No basement or below grade space

Use:
Class C community based residential facility (CBRF) with 45 Units (Main structure) and 8 units (pool house structure) and licensed for 63 - 77 persons.

Site Information
Proposed Assisted Living Facility
N Ballard Rd / Glenhurst Lane
Parcel # 311650100; 311650102
Zoning: R-3 Multi-family

Existing Impervious Area = 0
Total Development Impervious Area = 40.7% (118,068 SF)
Proposed Disturbed Area = 232,000± SF

Building coverage 58,800 SF
Parking and Drives 59,268 SF
Lawn and Landscaping 172,273 SF
Total Site Area 290,341 SF (8.6653 Acres)

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

Parking
Requirements:
1 space for every 3 residents = 26 stalls required

Stalls Provided:
44 proposed stalls + 2 Handicap stalls (Proposed)

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, LLC
PO Box 421
Neenah, WI 54956
Phone: (920) 725-6304
Fax: (920) 725-6304

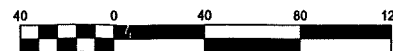
Architect:
GRUNWALD & HALVERSON
Architects/Engineers
3113 MacArthur Way, Plover, WI 54467
715 344-8647 www.grunwaldhalverson.com

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	○ Catch Basin / Yard Drain	□ Post / Guard Post
— G — G	Underground Gas Line	○ Hydrant	□ Deciduous Tree
— T — T	Underground Telephone	○ Utility Valve	□ Coniferous Tree
— W — W	Water Main	○ Utility Meter	□ Bush / Hedge
— VL — VL	Wellhead	○ Light Pole / Signal	□ Soil Boring
— Tree — Tree	Tree Line	○ Electric Pedestal	□ Benchmark
— Culvert — Culvert	Culvert	○ Telephone Pedestal	
— Index — Index	Index Contour	○ Ex Spot Elevation	
— Intermediate — Intermediate	Intermediate Contour		
— Proposed — Proposed	Proposed Building		
— Proposed — Proposed	Proposed Asphalt		
— Proposed — Proposed	Proposed Concrete		

Century Oaks Phase II

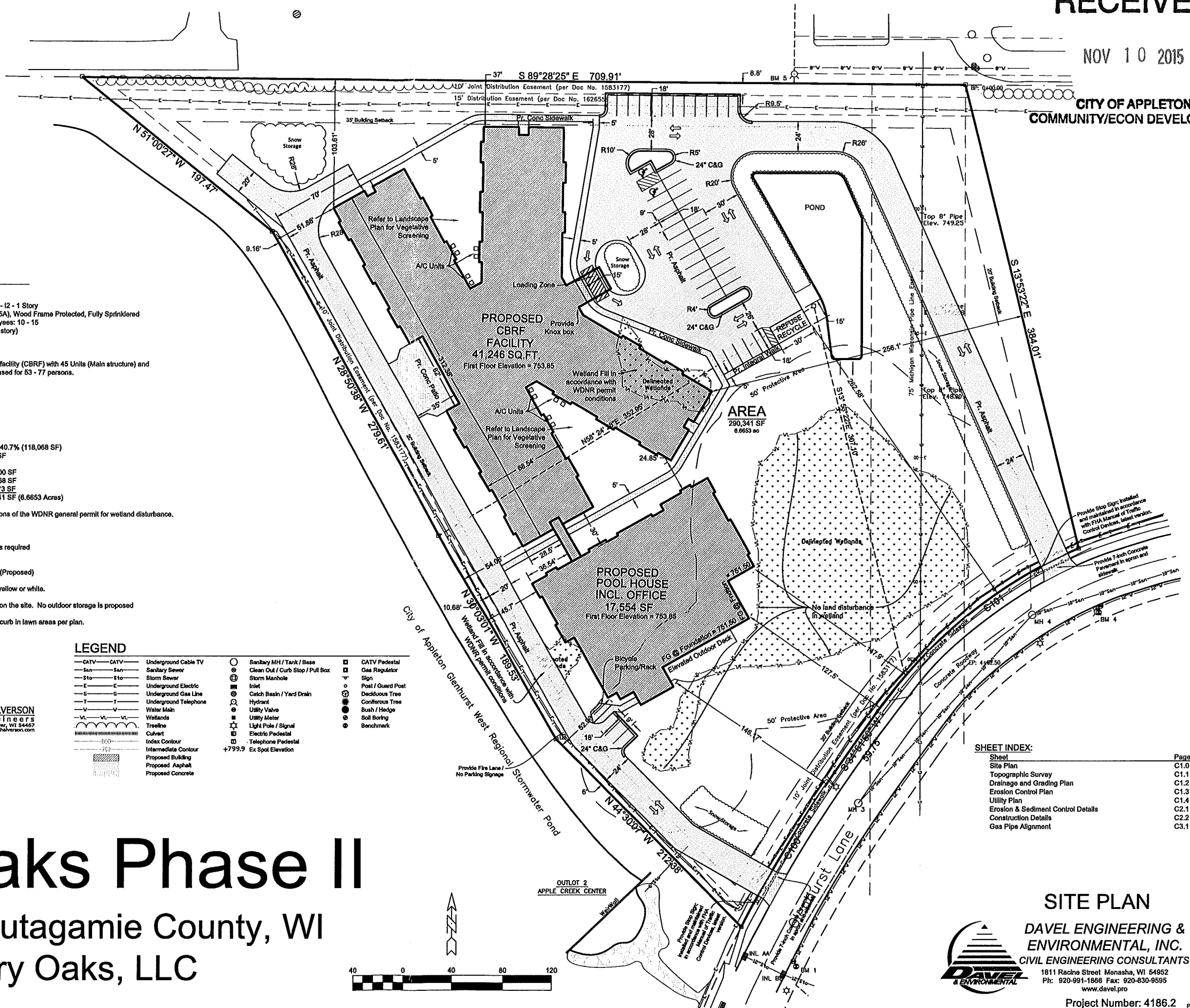
City of Appleton, Outagamie County, WI
For: Century Oaks, LLC



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Site Plan	C1.0
Topographic Survey	C1.1
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
Gas Pipe Alignment	C3.1

SITE PLAN

DAVEL ENGINEERING &
ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS

1811 Racine Street, Monasha, WI 54952
Ph: 920-991-1868 Fax: 920-630-9595
www.davel.pro

Project Number: 4186.2
11-03-2015 C1.0

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COMMUNITY/ECON DEVELOPMENT

FIRST FLOOR PLAN

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

OWNER:
CENTURY OAKS HOMES
NEENAH, WISCONSIN

GH GRUNWALDT & HALVERSON

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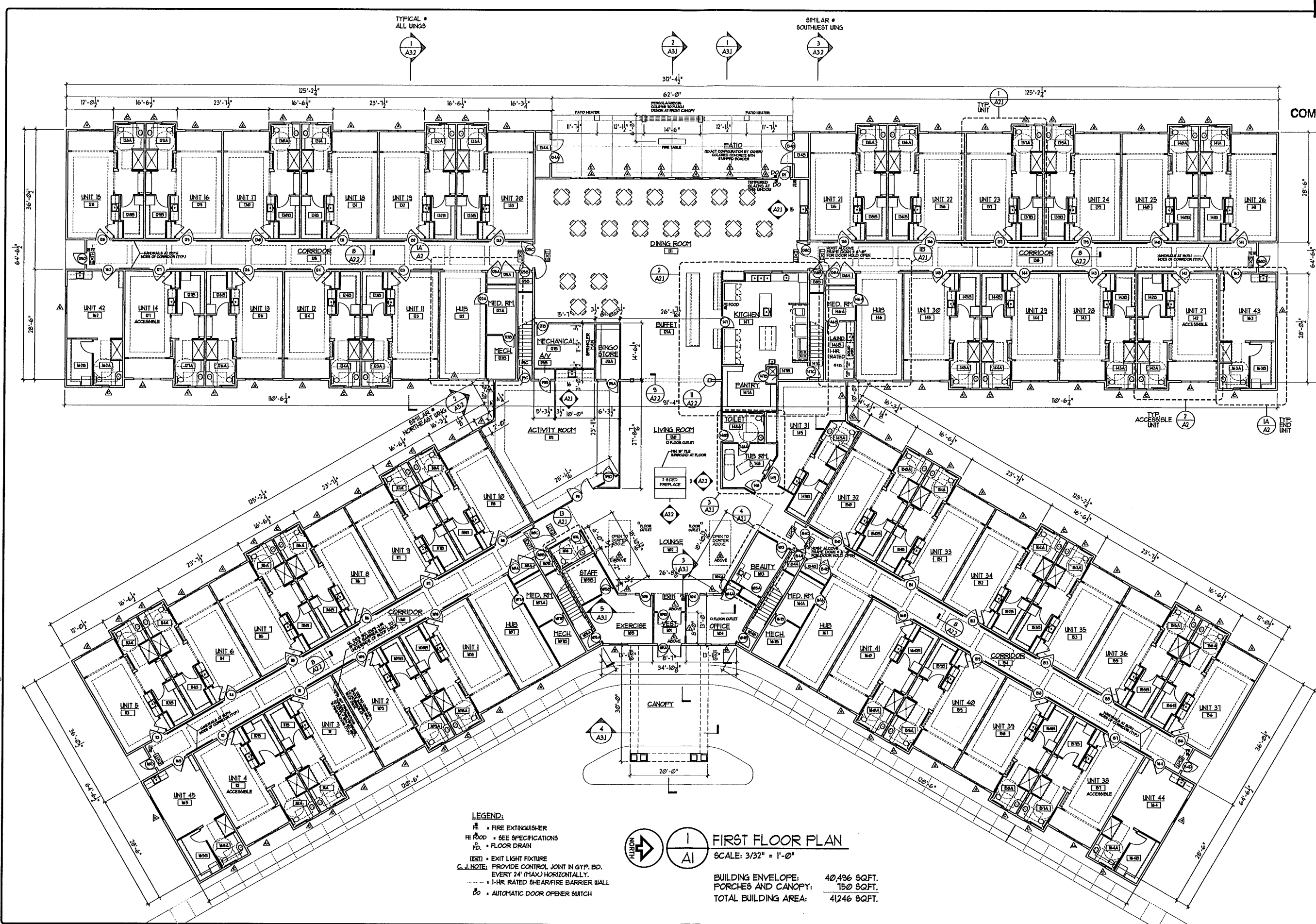
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OF 14 SHEETS



LEGEND:
FE • FIRE EXTINGUISHER
FD • FLOOR DRAIN
EL • EXIT LIGHT FIXTURE
C.J. NOTE: 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 SQFT.
PORCHES AND CANOPY: 150 SQFT.
TOTAL BUILDING AREA: 41,246 SQFT.

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CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

EXTERIOR ELEVATIONS

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

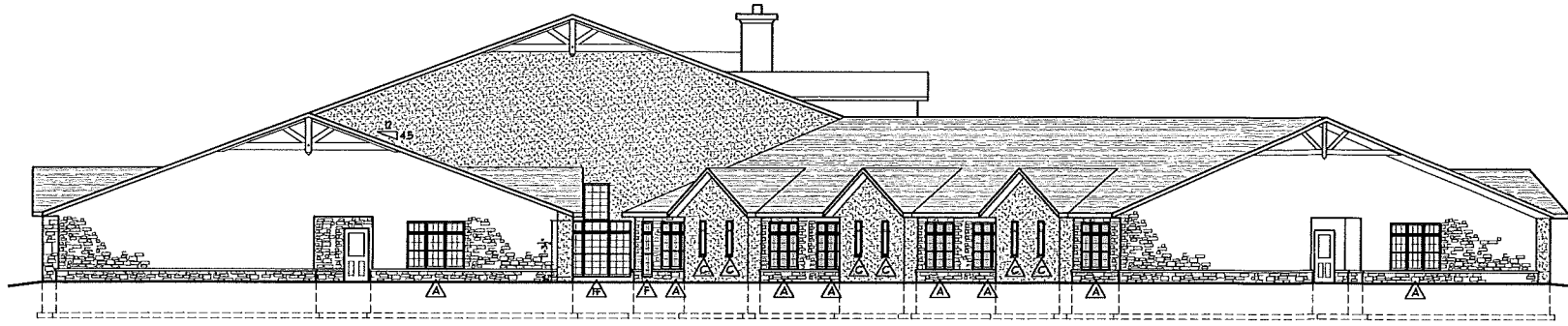
OWNER:
CENTURY OAKS HOMES
NEENAH, WISCONSIN

GRUNWALDT & HALVERSON

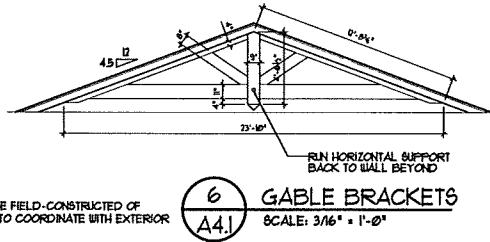
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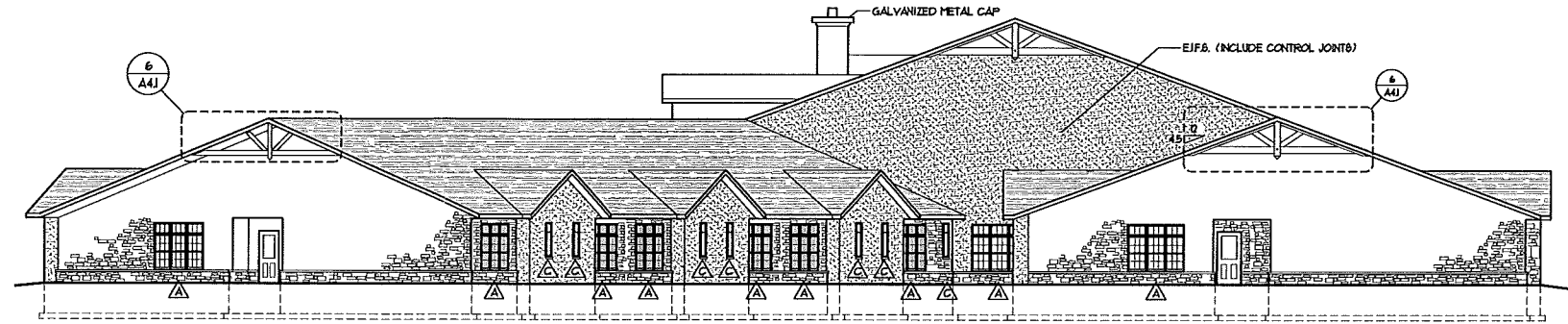


4 SOUTH ELEVATION
A4.1 SCALE: 3/32" = 1'-0"

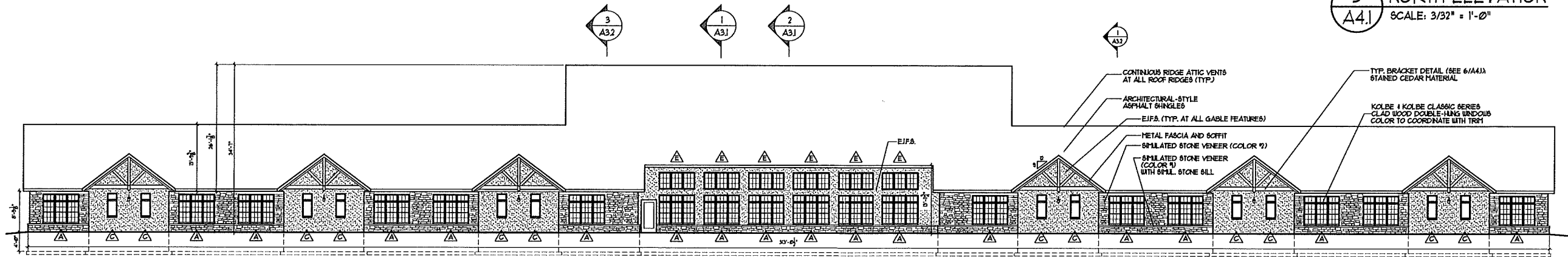


NOTE: GABLE BRACKETS TO BE FIELD-CONSTRUCTED OF 7x CEDAR MATERIAL, STAINED TO COORDINATE WITH EXTERIOR

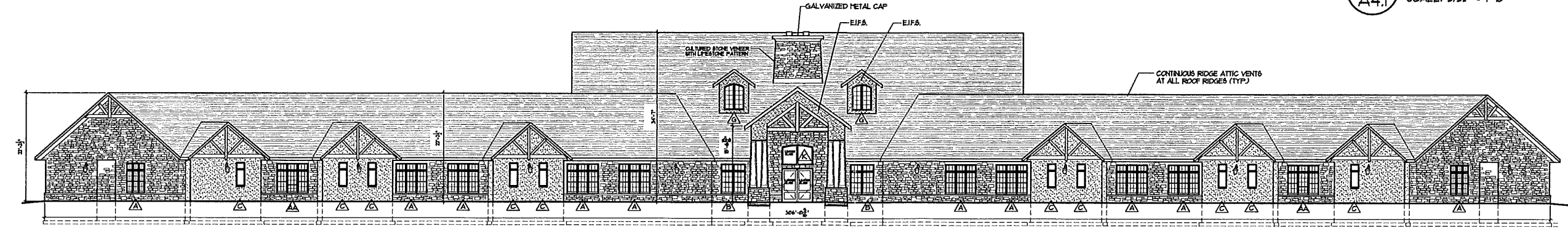
6 GABLE BRACKETS
A4.1 SCALE: 3/16" = 1'-0"



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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COMMUNITY/ECONOMIC DEVELOPMENT

EXTERIOR ELEVATIONS

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

OWNER:
CENTURY OAKS HOMES
NEENAH, WISCONSIN

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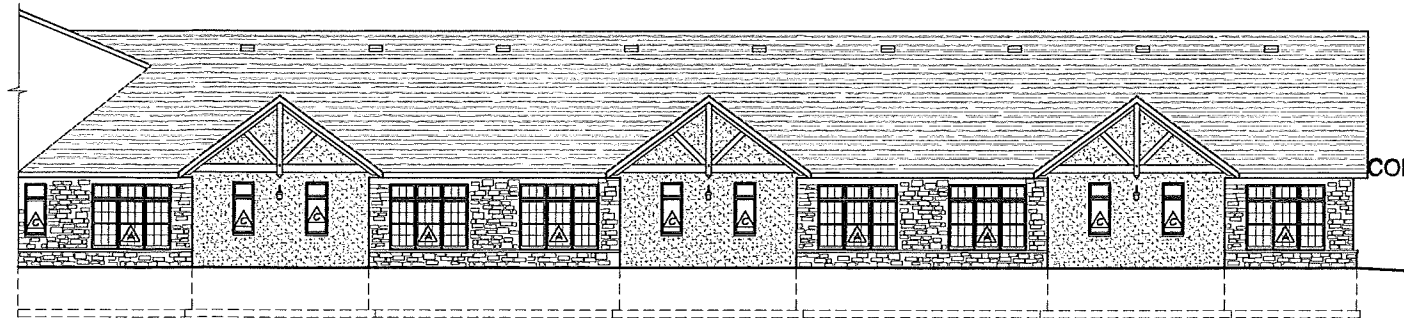
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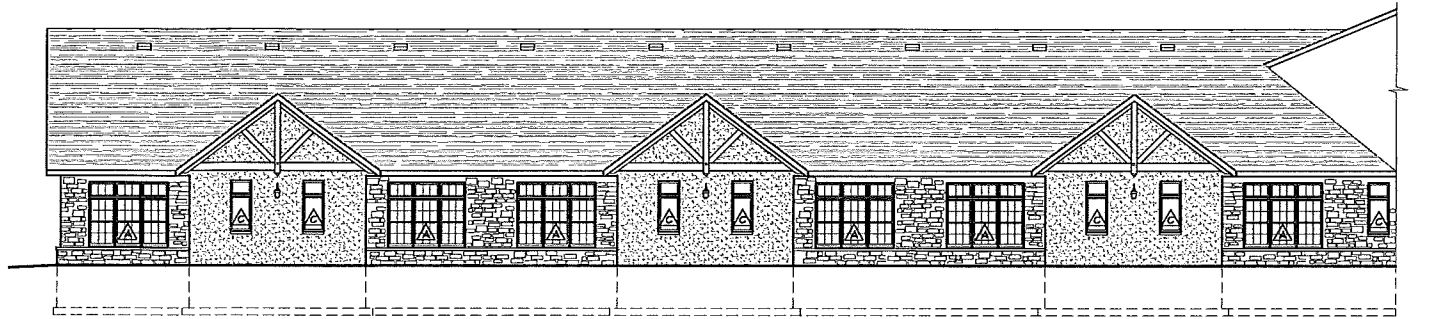
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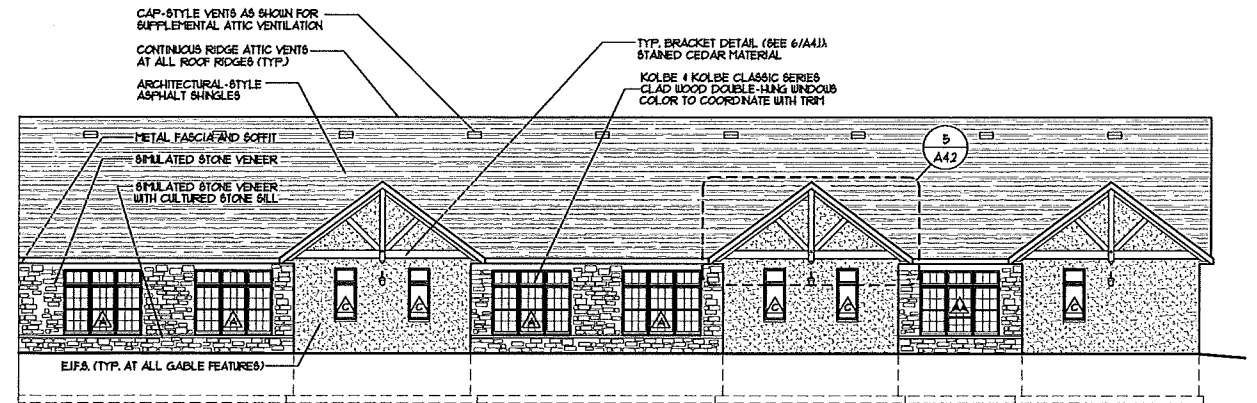
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4 WEST ELEVATION - SOUTHEAST WING
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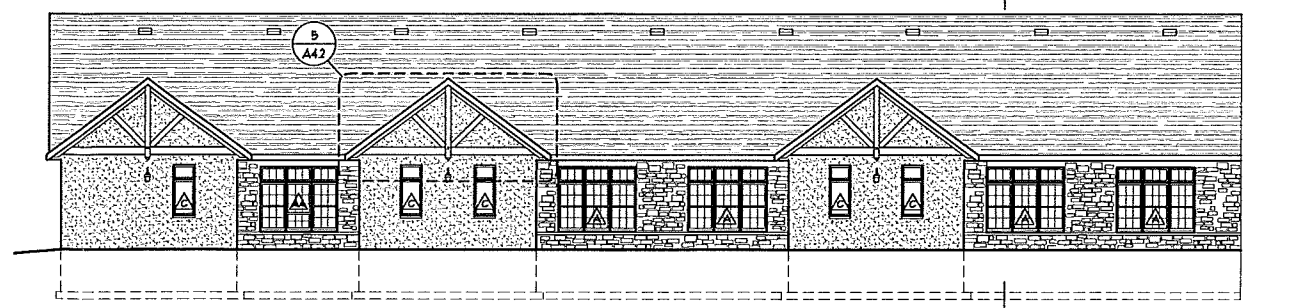


3 WEST ELEVATION - NORTHEAST WING
SCALE: 1/8" = 1'-0"

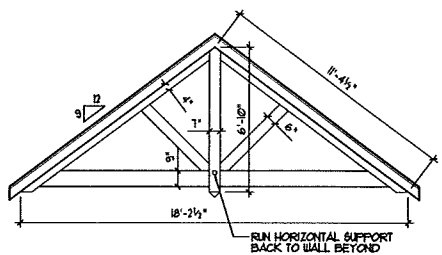


2 EAST ELEVATION - NORTHWEST WING
SCALE: 1/8" = 1'-0"

1 A32 TYP. AT ALL WINGS



1 EAST ELEVATION - SOUTHWEST WING
SCALE: 1/8" = 1'-0"



5 GABLE BRACKET
SCALE: 1/4" = 1'-0"

NOTE: GABLE BRACKETS TO BE FIELD-CONSTRUCTED OF 2x CEDAR MATERIAL, STAINED TO SELECTED COLOR

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CITY OF APPLETON
COMMUNITY/ECONOMIC DEVELOPMENT

PRELIMINARY
POOL HOUSE PLAN

A NEW POOL HOUSE FOR
CENTURY OAKS ASSISTED LIVING
APPLETON, WISCONSIN

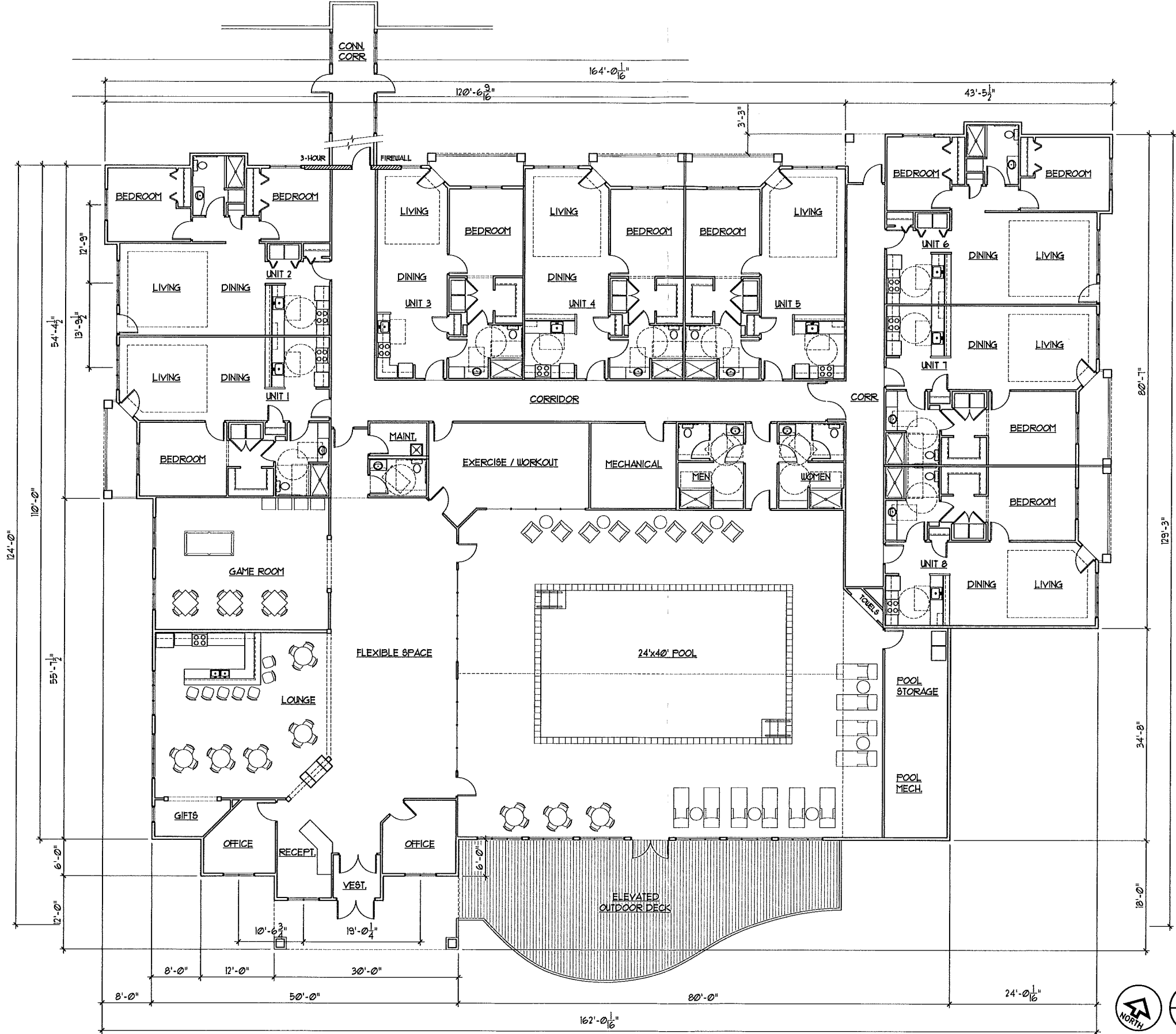
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OF 2 SHEETS



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POOL HOUSE PLAN
SCALE: 1/8" = 1'-0"
BUILDING AREA: 17,543 SF

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CITY OF APPLETON
COMMUNITY/ECONOMIC DEVELOPMENT

PRELIMINARY
EXTERIOR ELEVATIONS

A NEW POOL HOUSE FOR
CENTURY OAKS ASSISTED LIVING
APPLETON, WISCONSIN

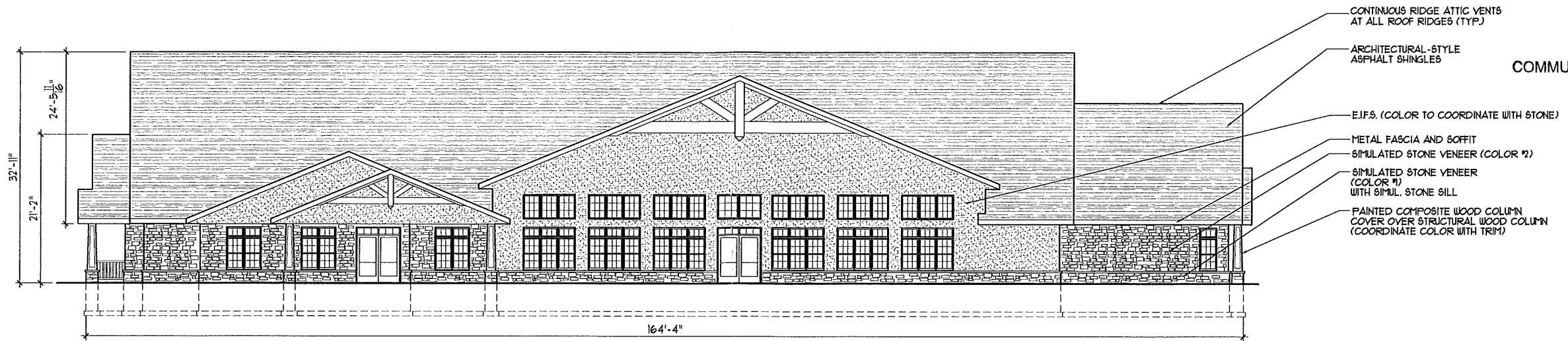
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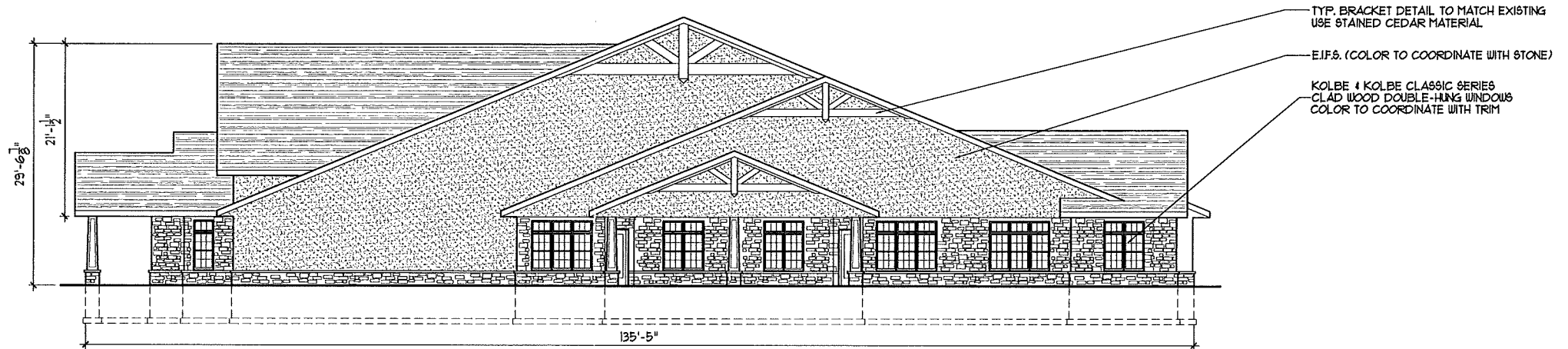
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SHEET
A2
OF 2 SHEETS



1
A2 SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



2
A2 NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Century Oaks, LLC

Years in operation: 26

Type of proposed establishment (detailed explanation of business):

CBRF

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: 207 persons

Gross floor area of the existing building(s):

Gross floor area of the proposed building(s):

41,246

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:

Outside condensing units. Noise will be minimal.

How will the noise be controlled?

Condensing units are located between the building wings.

Outdoor Lighting:

Type: 25' Lithonia 400W parking lights

Location: Parking lot

Off-Street Parking:

Number of spaces existing: na

Number of spaces proposed: 46

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?

Street access is adequate

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: na

Number of proposed employees: 40

Number of employees scheduled to work on the largest shift: 11



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NOV 10 2015

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

November 10, 2015

City of Appleton
David Kress
Dept of Community and Economic Development
100 N Appleton St
Appleton, WI 54911

RE: Century Oaks on Ballard Phase 2, City of Appleton
Special Use Permit Application with Attachments

Dear Mr. Kress:

Please find enclosed the Special Use Permit Application and \$450 fee for the above project located in the City of Appleton on Lots 1 and 2 of Apple Creek Center Subdivision (Glenhurst Drive).

The attached submittal is for a Community Based Residential Facility. The facility is the same as the adjacent constructed last year (architectural plans from previous CBRF are enclosed). This plan will include the addition of an office/clubhouse having a pool. The original 50 – resident application was in error based on the Owner's request to meet current demand, this application is for up to 80 licensed residents.

Upon your review, if you should have any questions or need additional information, please feel free to contact Tim Wittmann at 920-560-6568.

Sincerely,

A handwritten signature in cursive script that reads "Mary J. Relien".

Mary J. Relien
Office Administrator

Enclosure (a/s)

Cc Paul Moran (emailed)

Community Living Arrangements Aldermanic District 13

Exception requested from Section 23-52(b)(2)(a) of the Zoning Ordinance: The total capacity of all CLAs 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 and approved CLAs: 242
 Proposed licensed capacity of all CLAs: 272

