



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: September 24, 2019

Common Council Meeting Date: October 2, 2019

Item: Special Use Permit #9-19 for a community living arrangement (CLA) serving 28 persons and an exception to the Aldermanic District 4 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: EP Development, Inc. c/o Colin Cassady

Applicant: Iconica, Inc. c/o Alan Theobald

Address/Parcel #: 975 East John Street (Tax Id #31-1-0772-01)

Petitioner’s Request: The applicant is requesting a Special Use Permit for a community living arrangement (CLA) serving 28 persons and an exception to the one percent (1%) total capacity limit of all CLAs in Aldermanic District 4, as required per Section 23-52 of the Zoning Ordinance.

BACKGROUND

On March 17, 2010, Common Council approved Rezoning #14-08 to rezone the subject area from M-2 General Industrial District to R-3 Multi-Family District. On September 21, 2016, Common Council approved a Development Agreement for the subject area, known as Eagle Point, which identified City and developer undertakings and provided a framework for redevelopment of the property. A Certified Survey Map (CSM), to divide and reconfigure parcel boundaries, was administratively approved by City staff on November 1, 2016 and formalized with the recording of CSM 7281. A residential care apartment complex, which is a permitted use in the R-3 District, was built in 2018 on Lot 1 of the CSM (adjacent parcel #31-1-0772-00).

Site Plan #21-19 for the proposed CLA building and associated parking was recently submitted for review. Approval of the Special Use Permit is needed prior to Site Plan approval.

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 building would include 28 units and be approximately 22,307 square feet in size, as shown on the attached development plan. Its exterior would be similar in appearance to the existing residential care apartment complex at 955 East John Street, which was also developed by the applicant. Vehicular access would be provided by East John Street, with a segment of public right-of-way also being considered for vacation. Off-street parking spaces are

Special Use Permit #9-19
September 24, 2019
Page 2

proposed on the subject site and adjacent parcel #31-1-0772-00, which would require an off-site parking agreement. An extension of a publicly-accessible trail is also proposed for the subject site.

Operational Information: The proposed CLA would be licensed by the Wisconsin Department of Health Services. A plan of operation is attached to the Staff Report.

Existing Site Conditions: The subject site is currently undeveloped and is approximately 1.77 acres in size. The property is located adjacent to the Fox River and has frontage on East John Street, which is classified as a local street on the City's Arterial/Collector Plan.

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 4.

- The proposed capacity of the subject CLA is 28 persons.
- The population of the aldermanic district is 4,849 people (2010 census).
- Maximum CLA capacity (1% of the aldermanic district population) is 48 persons.
- Current capacity of all existing CLAs in the aldermanic district is 24 persons.
- The subject CLA will elevate the CLA capacity of the aldermanic district to 52 persons.
- The proposed capacity of the subject CLA will exceed the allowed 1% aldermanic 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 563, and the subject CLA will elevate the approved CLA capacity of the City to 591. 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 residential in nature.

North: R-1C Central City Residential District. The adjacent land uses to the north are currently single-family residential.

South: R-3 Multi-Family District. The adjacent land uses to the south are currently residential, including a residential care apartment complex.

East: R-3 Multi-Family District. The Fox River is immediately east of the subject property.

West: R-1C Central City Residential District and R-3 Multi-Family District. The adjacent land uses to the west are currently a mix of residential uses.

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.

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.

Policy 5.3.2 Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as redevelopment sites along the Fox River Corridor, including the industrial flats, that are suited to a variety of living options.

OBJECTIVE 10.1 Land Use:

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

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

OBJECTIVE 13.3 Fox River Corridor Plan:

Promote an economically viable mix of existing and redeveloped uses along the riverfront.

Policy 13.3.2 Most of the new development occurring within the corridor is expected to be commercial and residential. Commercial uses will primarily consist of restaurant and small retail uses serving the neighborhood and visitors attracted to the river. Residential uses are expected to include mid- to high-density rental and owner-occupied housing.

OBJECTIVE 13.5 Fox River Corridor Plan:

Improve connectivity between the river valley and adjacent neighborhoods.

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 September 3, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

Future Actions: A segment of John Street right-of-way, adjacent to the subject site, is being considered for vacation. The vacation of public right-of-way requires action by Municipal Services Committee, Plan Commission, and Common Council. If vacated, the City would retain an easement for utilities and access. While the street vacation may impact cul-de-sac, parking, and trail design, it should not affect the proposed CLA use of the subject site. Additional technical comments will be provided through the Site Plan review process.

RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #9-19 for a community living arrangement (CLA) serving 28 persons at 975 East John Street (Tax Id #31-1-0772-01), as shown on 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 4 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. Zoning Ordinance requirements and other departmental comments will be examined further during review of Site Plan #21-19.
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.

RESOLUTION

**CITY OF APPLETON
RESOLUTION APPROVING SPECIAL USE PERMIT #9-19**

WHEREAS, Iconica, Inc. has applied for a Special Use Permit for a community living arrangement (CLA) serving 28 persons and an exception to the Aldermanic District 4 CLA capacity limitation located at 975 East John Street, also identified as Parcel Number(s) 31-1-0772-01; 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 September 24, 2019, on Special Use Permit #9-19 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 #9-19 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 _____, 2019 and found it to be acceptable.

NOW, THEREFORE, BE IT RESOLVED, that the City of Appleton Common Council approves Special Use Permit #9-19 for a community living arrangement (CLA) serving 28 persons and an exception to the Aldermanic District 4 CLA capacity limitation located at 975 East John Street, also identified as Parcel Number(s) 31-1-0772-01 and orders as follows:

CONDITIONS OF SPECIAL USE PERMIT #9-19

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.
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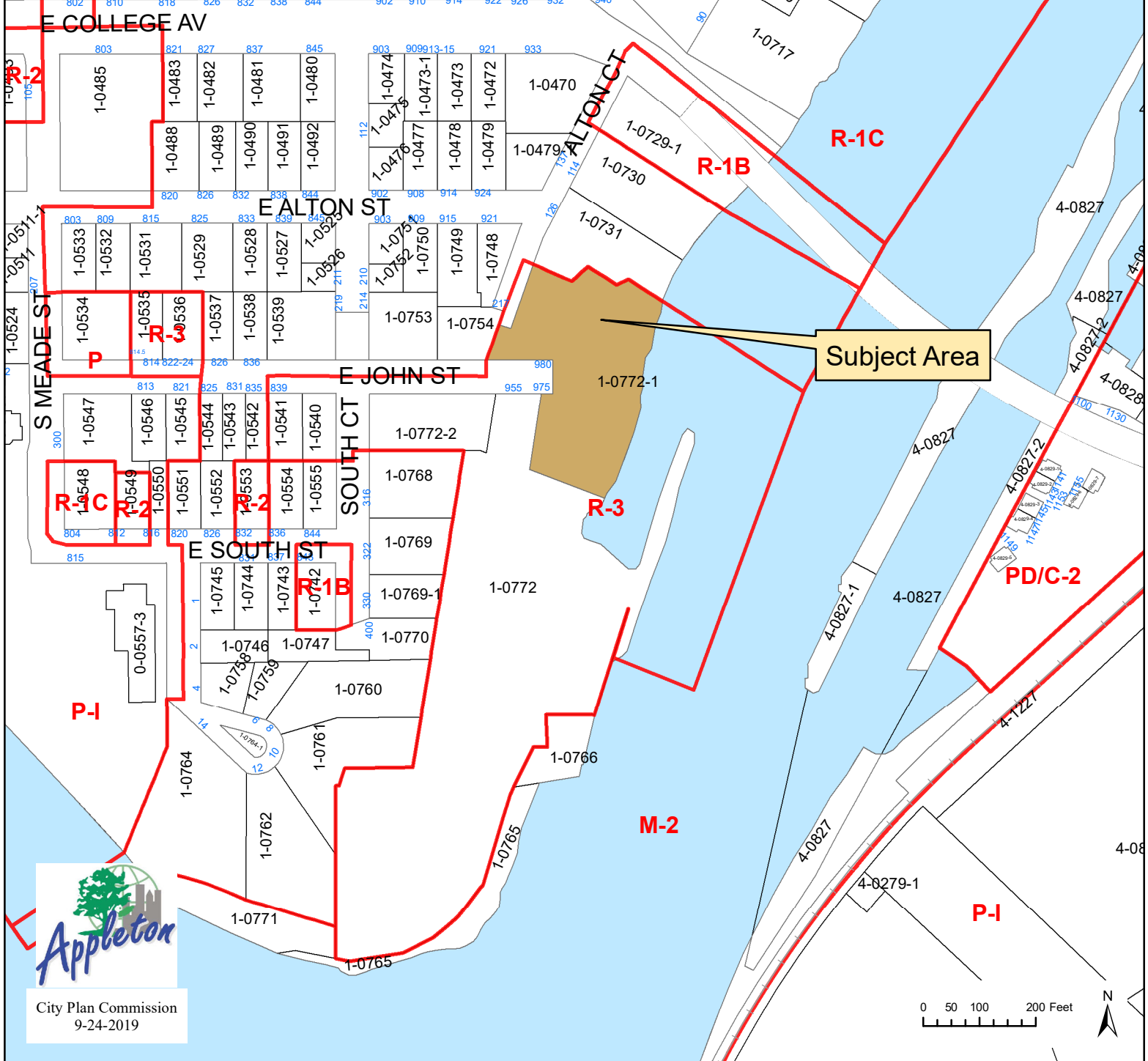
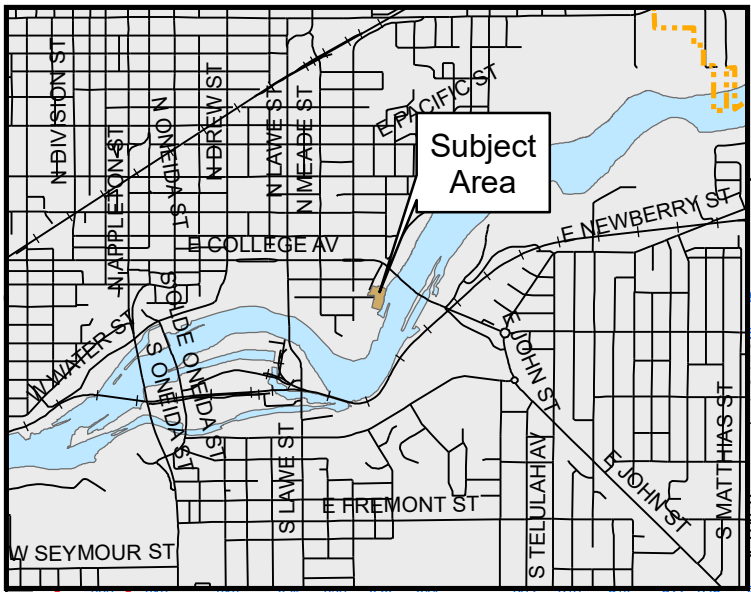
Adopted this _____ day of _____, 2019.

Timothy M. Hanna, Mayor

ATTEST:

Kami Lynch, City Clerk

975 East John Street
Special Use Permit
Community Living Arrangement
Zoning Map



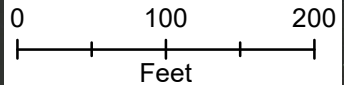
975 East John Street
Special Use Permit
Community Living Arrangement
Aerial Map

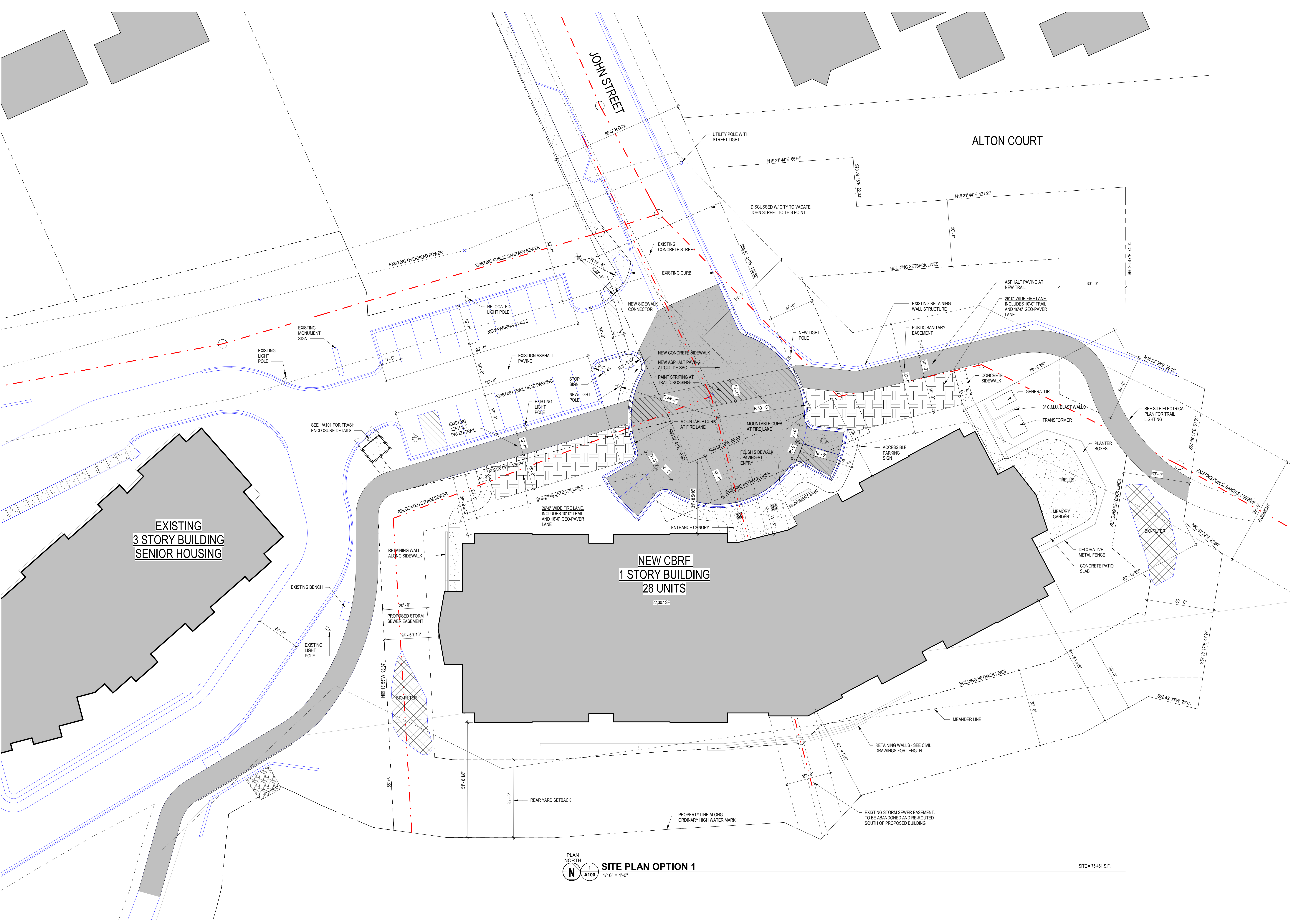


Subject Area



City Plan Commission
9-24-19





PLAN NORTH
 1 SITE PLAN OPTION 1
 A100 1/16" = 1'-0"

SITE = 75,461 S.F.

EAGLE COURT
 975 EAST JOHN STREET
 APPLETON WI
TUKKA PROPERTIES, INC
 901 DEMING WAY, SUITE 102
 MADISON, WI 53717

ISSUE DATES:

Issue	Description	Date
SUP	SUP SUBMITTAL	08-27-19

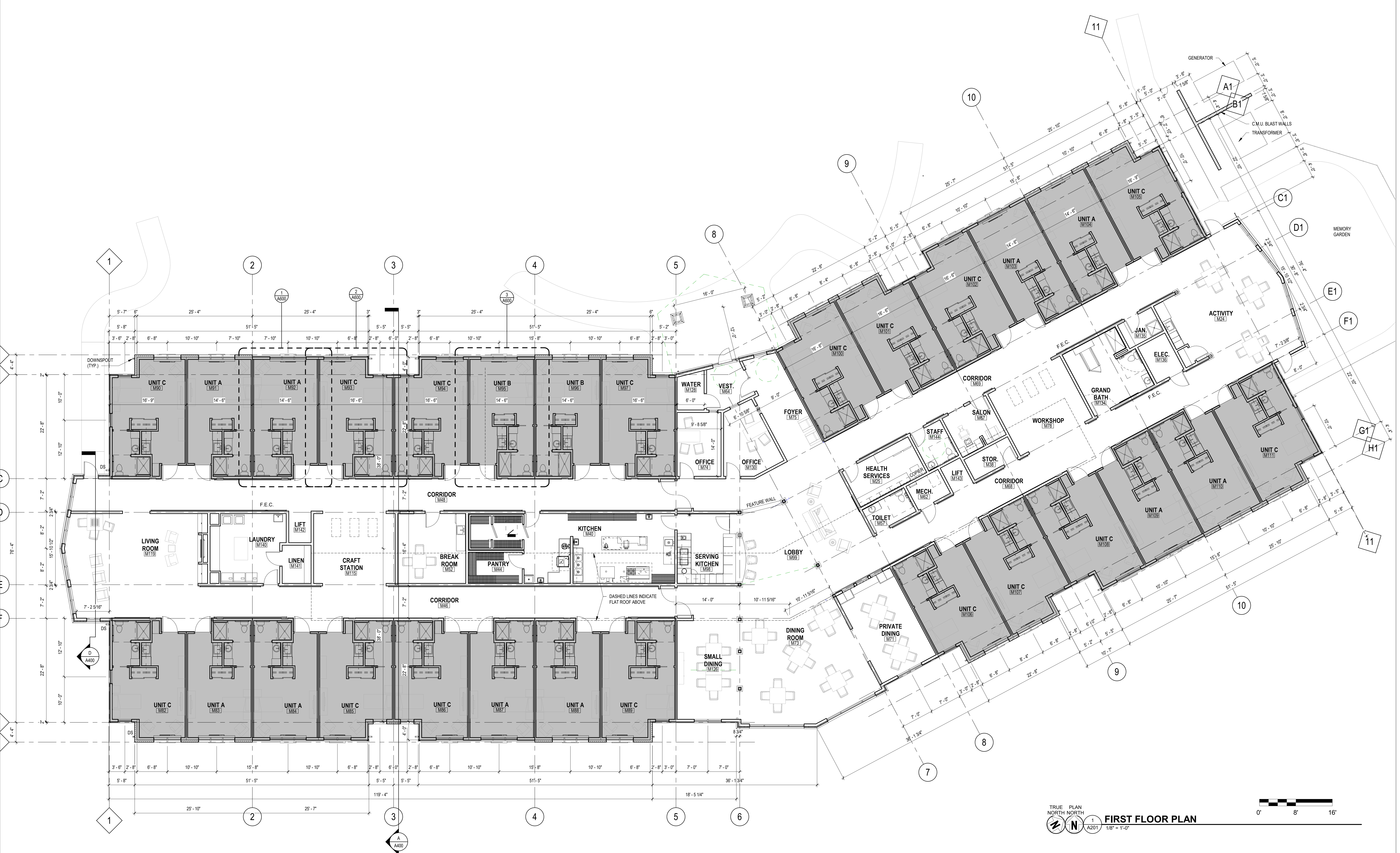
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Sheet Title
SITE PLAN

Project Number: 20190200
 Sheet Number

A100



ISSUE DATES:

Issue	Description	Date
SUP	SUP SUBMITTAL	08-27-19

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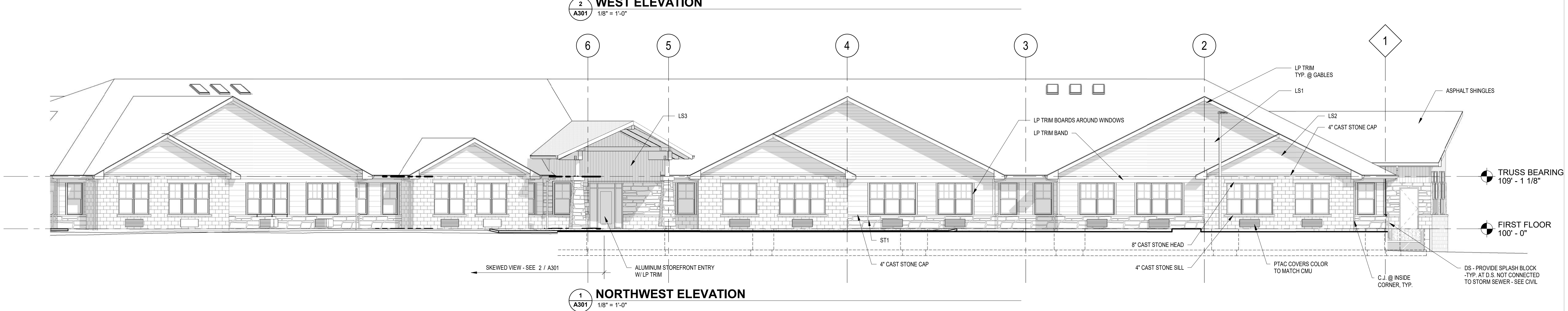
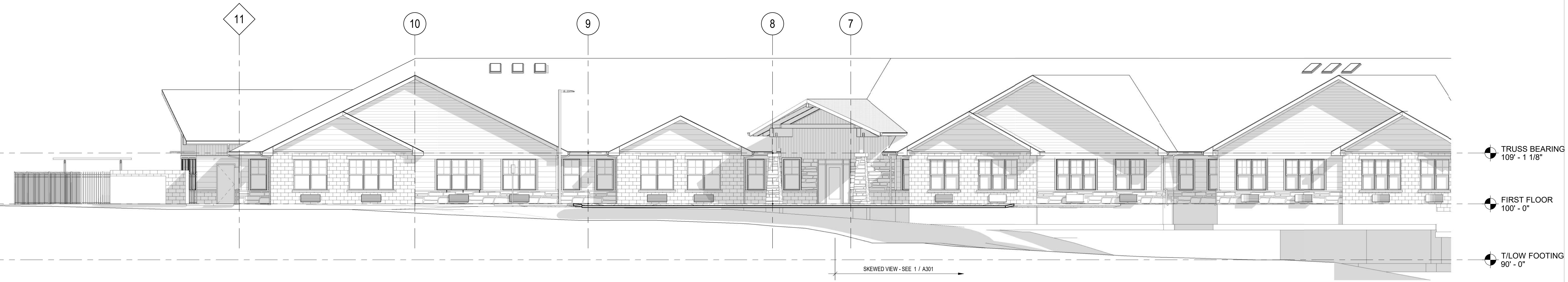
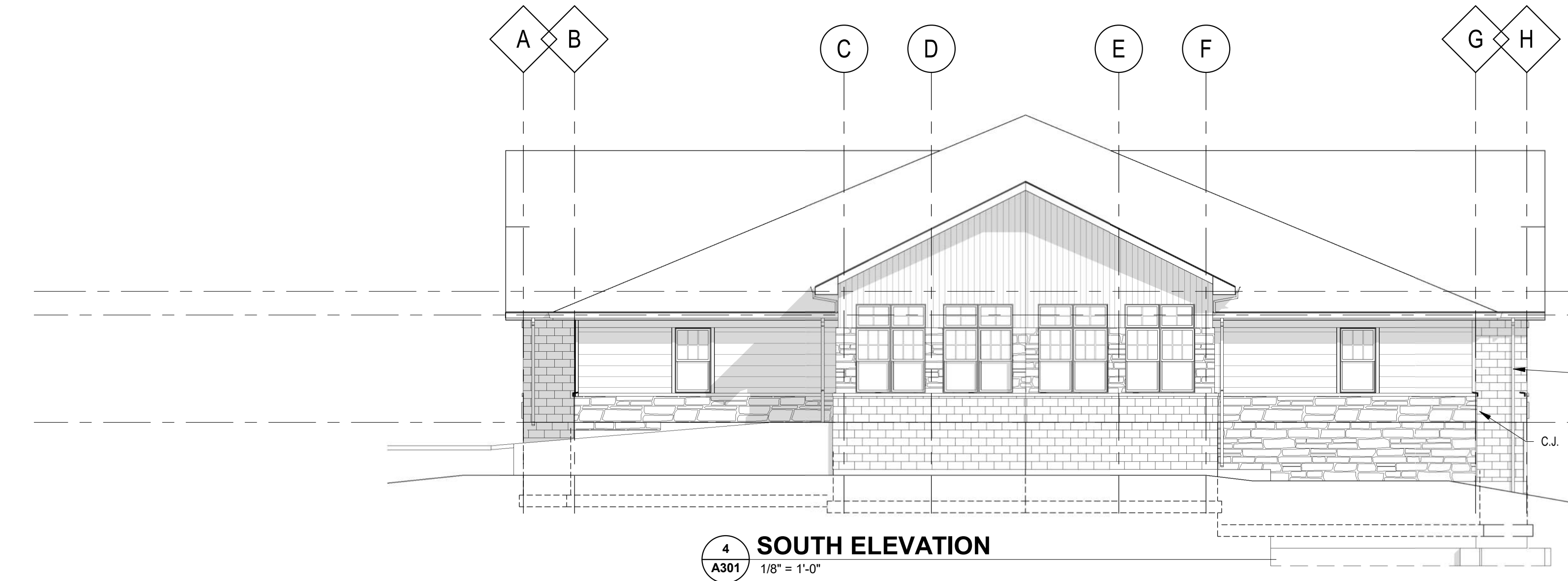
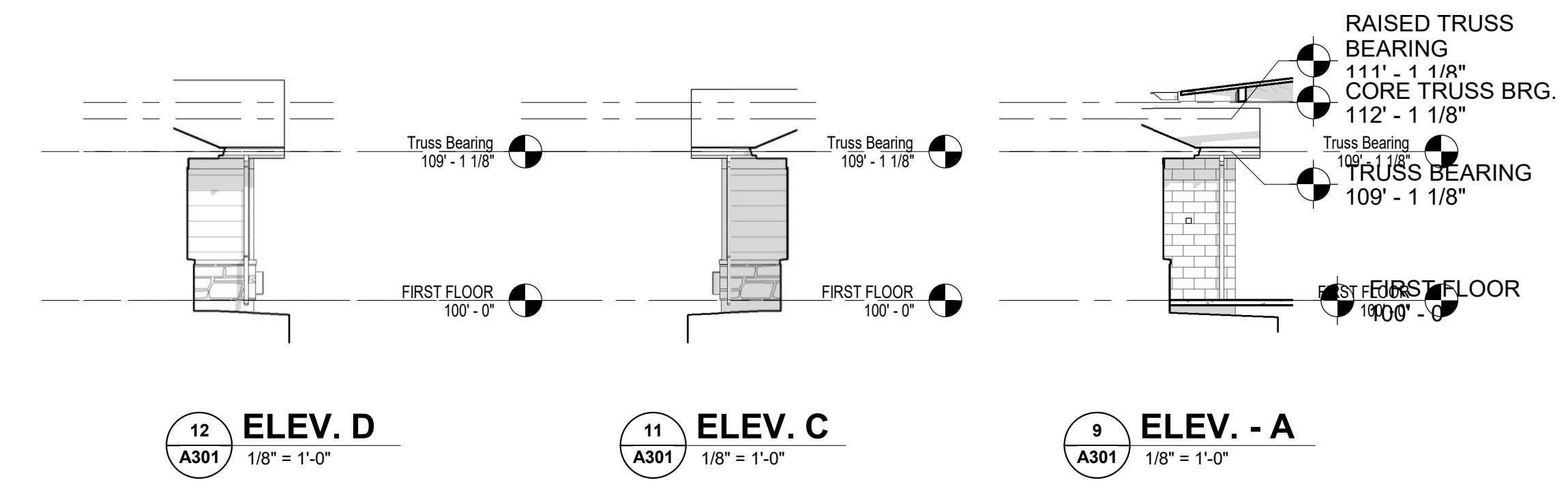
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Sheet Title
FIRST FLOOR PLAN

Project Number: 20190200
 Sheet Number

A201

EXTERIOR MATERIAL KEY			
CMU1	CMU VENEER - SPLIT FACE CMU COUNTY MATERIALS - BROWN (18 - 068A) MORTAR: MAX TAN (MORTAR TECHNOLOGIES)	LP SMART SIDE TRIM	WINDOW TRIM (SIDE AND SILL) 9/16" x 3/5" COLOR - SW-7034 - STATUS BRONZE WINDOW TRIM (HEAD) 9/16" x 5/5" COLOR - SW-7034 - STATUS BRONZE FRIEZE TRIM BAND 9/16" x 7/21" COLOR - SW-7034 - STATUS BRONZE VERTICAL CORNER TRIM: 9/16" x 3/5" COLOR - SW-7034 - STATUS BRONZE
ST1	STONE VENEER: THIN STONE NATURAL STONE VENEERS INTERNATIONAL: SHADY CANYON MORTAR: LITE PRAIRIE STONE (MORTAR TECHNOLOGIES)		
LS1	LP SIDING 1: LP SMART SIDE - 4" EXPOSURE SW-6121 - WHEAT WHEAT - WOOD GRAIN TEXTURE		CAST STONE - HERITAGE CAST STONE COLOR: SAND DUNE - SMOOTH
LS2	LP SIDING 2: LP SMART SIDE - 8" EXPOSURE SW-7032 - WARM STONE - WOOD GRAIN TEXTURE		ALUMINUM SOFFIT, FASCIA, SCREEN WALL COPING, GUTTERS AND DOWN SPOUTS COLOR - BRONZE (ROLLEX)
LS3	VERTICAL SIDING PANEL: LP SMART SIDE PANEL SW-6363 - GINGERLY - WOOD GRAIN TEXTURE		ASPHALT SHINGLES - TIMBERLINE PRESTIQUE - MISSION BROWN ALUMINUM RAILINGS - COLOR: DARK BRONZE ALUMINUM STOREFRONT / CURTAINWALL COLOR: DARK BRONZE ANODIZED H.M. DOORS & FRAMES - PAINTED COLOR: SW 7032 WARM STONE



ISSUE DATES:		
Issue	Description	Date
SUP	SUP SUBMITTAL	08-27-19

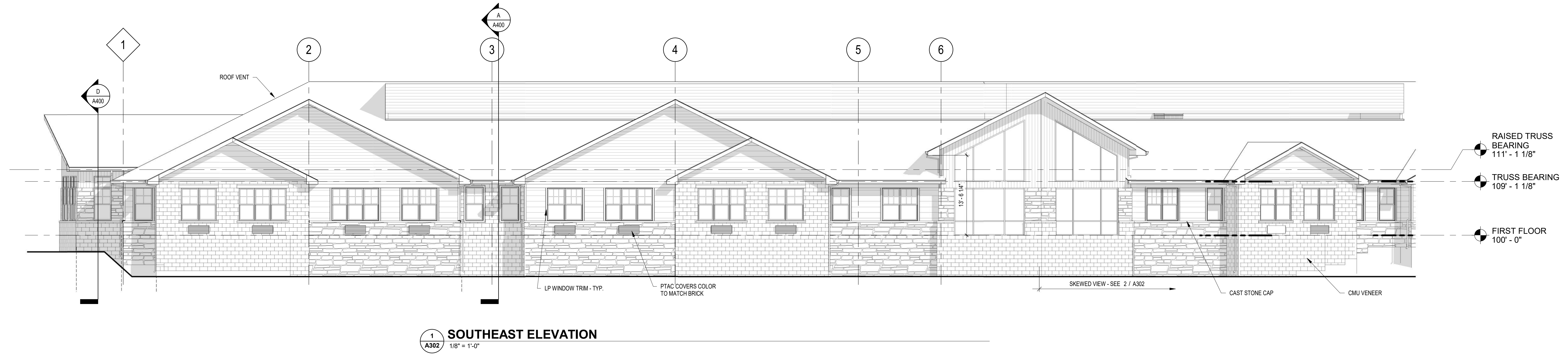
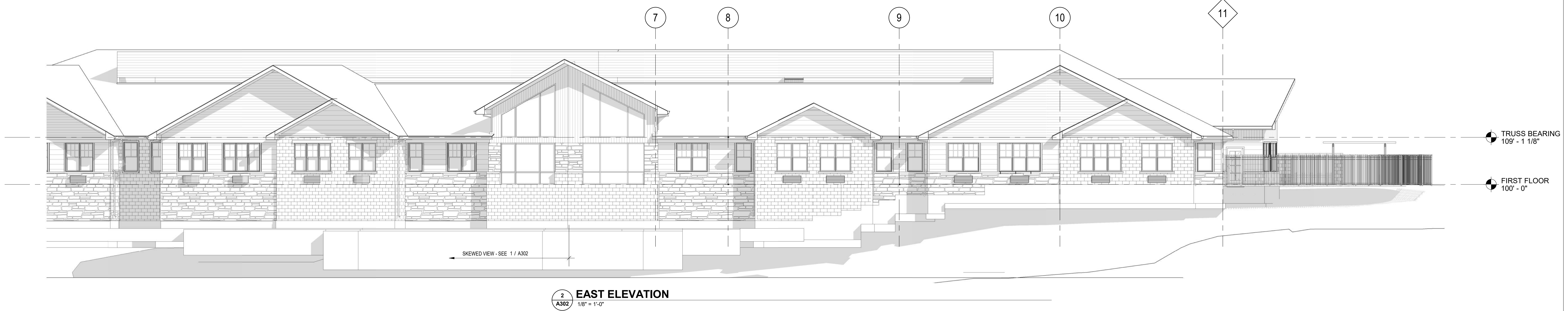
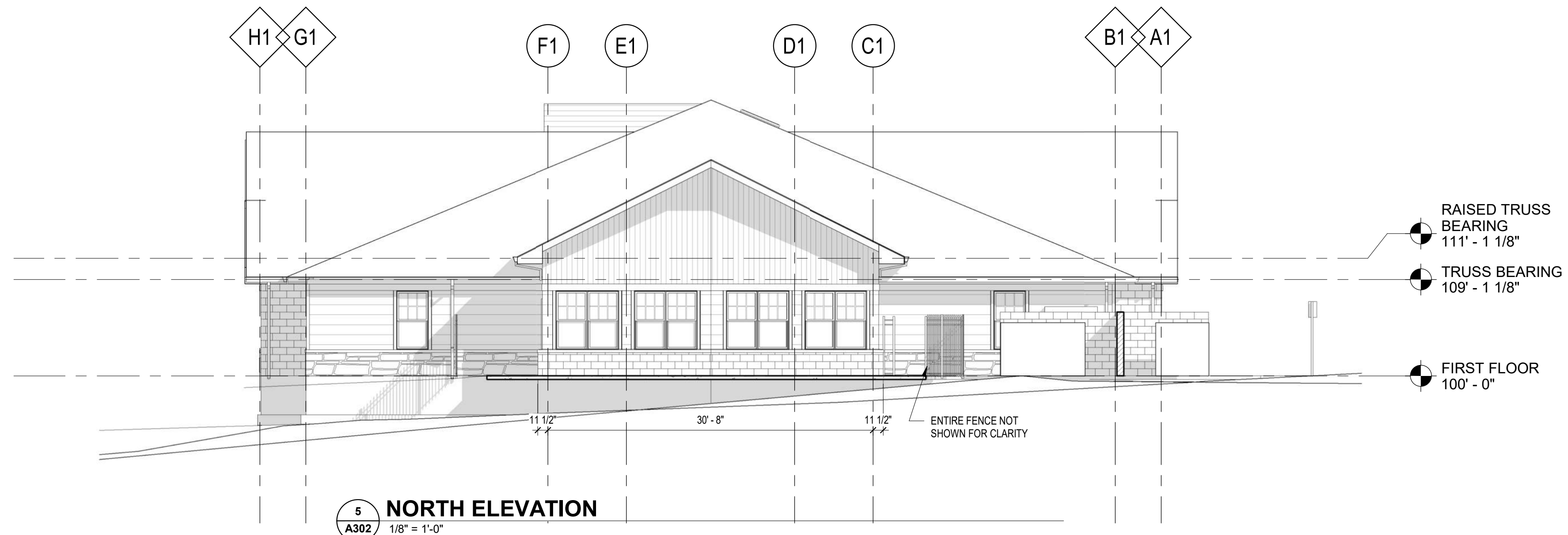
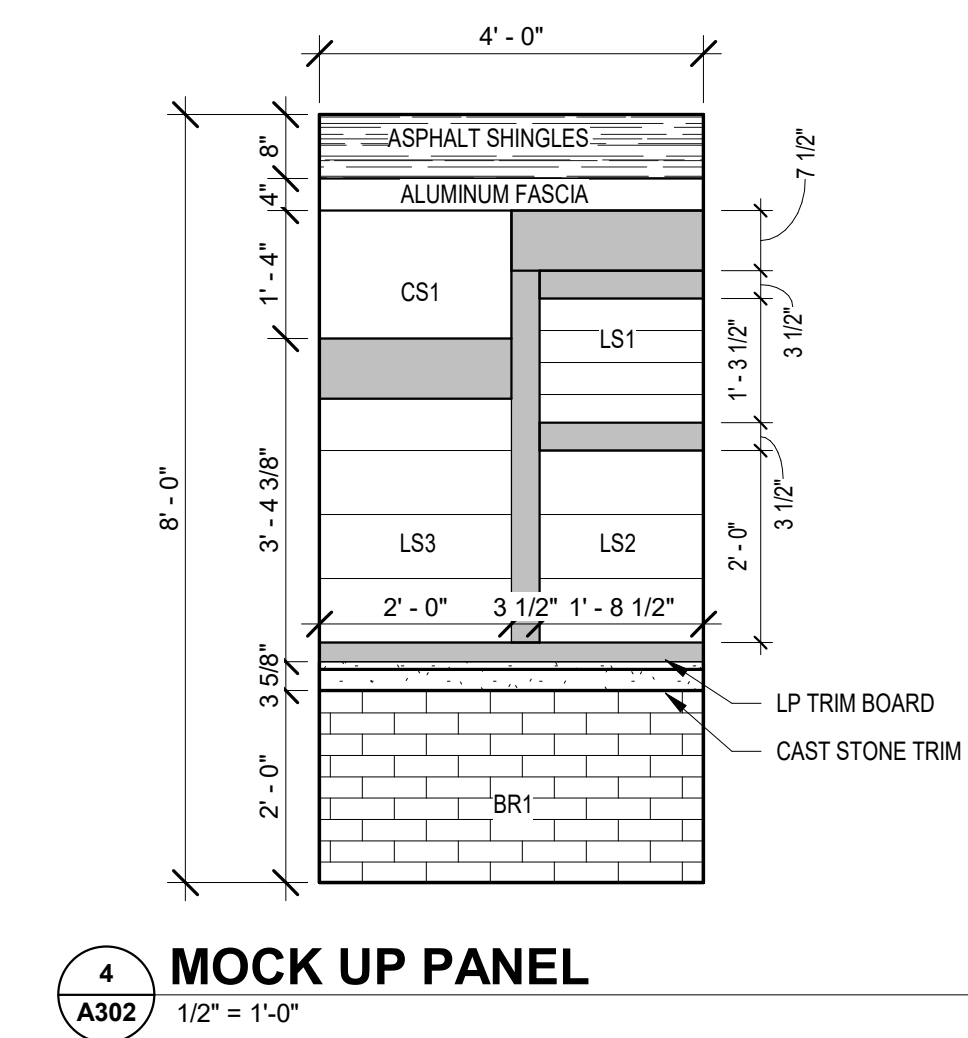
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Sheet Title
BUILDING ELEVATIONS

Project Number: 20190200
 Sheet Number

A301



EAGLE COURT
 975 EAST JOHN STREET
 APPLETON WI
TUKKA PROPERTIES, INC
 901 DEMING WAY, SUITE 102
 MADISON, WI 53717

ISSUE DATES:

Issue	Description	Date
SUP	SUP SUBMITTAL	08-27-19

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Sheet Title
BUILDING ELEVATIONS

Project Number: 20190200
 Sheet Number
A302

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PLAN OF OPERATION AND LOCATIONAL INFORMATION

Business Information:

Name of business: Eagle Court

Years in operation: The property will be operated by Tealwood, the same operator as Eagle Point. Tealwood has been in business for 30 years and manages 21 memory care facilities.

Type of proposed establishment (detailed explanation of business):

Eagle Court will be a 28 unit memory support community licensed as a CBRF.

Proposed Hours of Operation:

Day	From	To
Week Day	12 am	12 am
Friday	12 am	12 am
Saturday	12 am	12 am
Sunday	12 am	12 am

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: 80 persons

Gross floor area of the existing building(s):

0

Gross floor area of the proposed building(s):

22,307 sq ft

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:

Small kitchen with upblast fans located on the roof.

Describe Any Potential Noise Emanating From the Proposed Use:

Describe the noise levels anticipated from all mechanical equipment:

Little to no noise. Small units on roof with insulated curbs / screen walls.

How will the noise be controlled?

All equipment will be located on the roof and screened from view. Screen walls will help with any noise.

Outdoor Lighting:

Type: Light poles to match Phase I and bollards along exit sidewalks

Location: See attached site plan and cut sheets

Off-Street Parking:

Number of spaces existing: 0

Number of spaces proposed: 13 - with cross parking agreement

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?

Proposing a new cul-de-sac at the end of John Street. In discussion with the City to vacate a portion of John Street.

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: 0

Number of proposed employees: 35

Number of employees scheduled to work on the largest shift: 9