



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to  
the Community and Economic Development Department,  
920-832-6468.*

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Monday, April 21, 2014

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

#### 4. Public Hearings/Apearances

- 14-689** Comprehensive Land Use Map Amendment #2-14 - North Meadows Investment, Lot 2 of CSM 5679 from Commercial to Multifamily Land Use.
- 14-691** Rezoning #4-14 - North Meadows Investment, Lot 2 of CSM 5679 including to the centerline of the adjacent road right-of-way from C-O Commercial Office District to R-3 Multifamily District.
- 14-694** Special Use Permit #4-14 - Paul and Jolene Moran for a Community Living Arrangement (CLA), located on Lot 2 of CSM 5679 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."

#### 5. Action Items

- 14-690** Comprehensive Land Use Map Amendment #2-14 - North Meadows Investment, Lot 2 of CSM 5679 from Commercial to Multifamily Land Use.

Attachments: [Comp Plan Amend #2-14.pdf](#)

- 14-692** Rezoning #4-14 - North Meadows Investment, Lot 2 of CSM 5679 including to the centerline of the adjacent road right-of-way from C-O Commercial Office District to R-3 Multifamily District.

Attachments: [Rezoning #4-14.pdf](#)

- 14-695** Special Use Permit #4-14 - Paul and Jolene Moran for a Community Living Arrangement (CLA), located on Lot 2 of CSM 5679 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."

Attachments: [Special Use Permit #4-14.pdf](#)

## 6. Information Items

- 14-696** Organizational Matters:
1. Election of Vice-Chairman
  2. Meeting Date and Time
  3. Contact Person

## 7. Adjournment

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** April 21, 2014

**Common Council Public Hearing Meeting Date:** June 4, 2014 (Public Hearing on Comprehensive Plan Amendment and Rezoning)

**Items:** *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #2-14 and Rezoning #4-14

**Case Manager:** Brad Schmidt, AICP

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### 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 to amend the City's *Comprehensive Plan 2010-2030* Future Land Use Map from the Commercial designation to the Multi-Family Residential designation for an undeveloped parcel (Lot 2 of CSM 5679) along the west side of Glenhurst Lane and east side of Ballard Road (Tax Id #31-1-6501-29). In conjunction with this request, the applicant is also proposing to rezone the subject parcel from C-O, Commercial Office district to R-3, Multi-Family Residential district. The requests are being made to accommodate a proposed 50-person Community Living Arrangement (CLA) facility which will require a Special Use Permit in the R-3 District.

### BACKGROUND

The subject parcel was annexed into 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

**Current Site Conditions:** The subject parcel is currently undeveloped and is approximately 3.70 acres in size. The property has frontage along Ballard Road which is classified as an arterial street and Glenhurst Lane which is classified as a local street on the City's Arterial/Collector Plan. A curb cut exists along the east side of Ballard Road which served as access to a former home on the subject parcel.

#### **Surrounding Zoning Classification, Future Land Use Designation and Current Land Uses:**

- **North:**
  - Zoning – C-O, Commercial Office District
  - Future Land Use Designation – Commercial
  - Current Land Use – City of Appleton Stormwater Pond

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***Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-14***

**Rezoning #4-14**

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- **South:**

- Zoning – C-O, Commercial Office District
  - Future Land Use Designation – Commercial
  - Current Land Use – Office

- **East:**

- Zoning – C-O, Commercial Office District
  - Future Land Use Designation – Commercial
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- **West:**

- Zoning – PD/C-2, Planned Development/General Commercial District and R-2, Two-Family Residential District
  - Future Land Use Designation – Commercial
  - Current Land Use – Undeveloped, Agricultural land

**Proposed Future Land Use Designation:** The applicant is proposing to amend the City's *Comprehensive Plan 2010-2030* to change the Future Land Use Map designation for the subject area from Commercial use to Multi-Family Residential use. Amendments to the Comprehensive Plan are sometimes triggered by development proposals or changing circumstances in the City. In this case, changing development patterns in this area are necessitating the change from Commercial to Multi-Family Residential use. The Comprehensive Plan and Future Land Use Map are intended to provide a guide for future development within the City. Rezoning requests must conform to the City's Comprehensive Plan and Future Land Use Map.

The proposed Future Land Use Map amendment would be consistent and compatible with current and future land uses in the surrounding neighborhood. Land to the southeast is designated as Multi-Family Residential on the Future Land Use Map and zoned R-3, Multi-Family Residential district. The existing development consists of attached residential condominium units. This land was originally zoned C-O, Commercial Office district, but in 2005, the Future Land Use Map was amended to Multi-Family Residential and the land was rezoned to the R-3 district. Since 2005, no further development has occurred on land north or south of Glenhurst Lane between Ballard Road and Lighting Drive. A change in development patterns from commercial/ office uses to residential use has been occurring in this area since it was originally platted in 2002. Staff believes this trend will continue.

**Proposed Zoning Classification:** The applicant is proposing to rezone the subject parcel from the C-O, Commercial Office district to R-3, Multi-Family Residential district. The purpose of the R-3 district is intended to provide for and maintain residential areas characterized predominately by multiple family dwellings, while maintaining the basic qualities of a dense residential neighborhood, which may include other housing types and institutional and limited non-residential uses.

Rezoning of the subject parcel to the R-3 district is appropriate for several reasons. First, if the Comprehensive Plan Future Land Use Map is amended to show this area appropriate for Multi-Family uses, the rezoning and Future Land Use designation would be consistent. Next, if the property is rezoned

Items –

***Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-14***

**Rezoning #4-14**

**April 21, 2014**

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to the R-3 district, the permitted uses in that district would not have a negative impact on the surrounding neighborhood or existing uses. Higher density residential already exists to the southeast of the subject site and a multi-family development is also located further north. Finally, the location of the subject parcel adjacent to Ballard Road lends itself to higher intensity uses such as those allowed in the R-3 district or other more intense districts like Commercial and Industrial. The development standards for the R-3 District are listed below:

**R-3 District Development Standards:** The R-3, Multi-Family Residential District development standards are as follows:

- Minimum Lot Area: **7,000 square feet**
- Maximum Lot Coverage: **70%**
- Minimum Lot Width: **80 feet**
- Minimum Front Yard: **25 feet (if located on arterial), 20 feet**
- Minimum Side Yard: **20 feet**
- Minimum Rear Yard: **35 feet**
- Maximum Building Height: **45 feet**

**Impact on Surrounding Neighborhood:** The proposed Comprehensive Plan Future Land Use amendment and rezoning request will not have a detrimental impact on the existing neighborhood or on future development of nearby undeveloped properties. The subject parcel is confined on three sides by two street frontages and the City's stormwater pond to the north. The only non-residential development in the immediate vicinity of the subject parcel is a financial office building to the south. Staff does not anticipate any negative impact to this property with the rezoning request. However, approving the rezoning request would make the property to the south non-conforming to the City's parking lot perimeter landscaping requirements which would require a minimum 15-foot wide landscape buffer between the existing parking lot and the lot line.

**Comprehensive Plan 2010-2030**

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 Multi-Family Residential uses. The proposed zoning classification and use of the subject parcel are not currently consistent with the Future Land Use Map, however, if amended as proposed, the zoning classification and use of the subject parcel will be consistent with the Future Land Use Map and the following goals and objective of the *Comprehensive Plan 2010-2030*:

**Overall Community Goals**

**Goal 1 – Community Growth** (Chapter 10 – Land Use)

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

**Goal 3 – Housing Quality and Affordability** (Chapter 5 – Housing and Neighborhoods)

Items –

***Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-14***

**Rezoning #4-14**

**April 21, 2014**

**Page 4**

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

**Review Criteria:** Based upon the above analysis it would appear the criteria established by Section 23-65(d)(3) Zoning Amendments (rezoning) has been satisfied. It is important to note, that the Zoning Code requires that a rezoning request conform to the City's Comprehensive Plan Future Land Use Map. If the Future Land Use Map Amendment #2-14 is approved, the rezoning would conform to the Comprehensive Plan. However, until Future Land Use Map Amendment #2-14 is approved, the proposed R-3, Multi-Family Residential zoning classification would not conform to the Future Land Use Map, which, in its current form, identifies the subject site as Commercial.

**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.

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

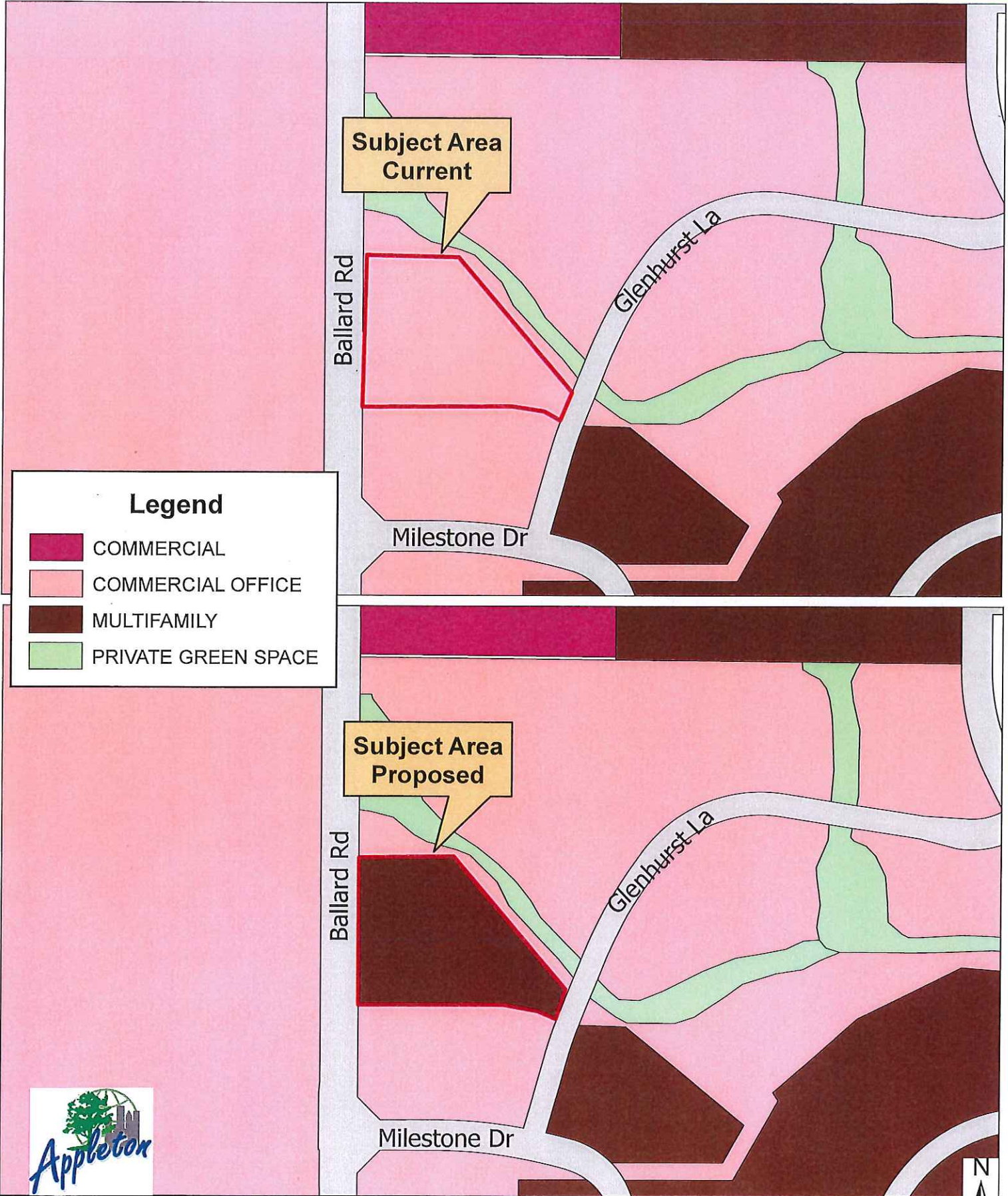
## **RECOMMENDATION**

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Based upon the above analysis, Staff recommends the proposed *Comprehensive Plan 2010-2030 Future Land Use Map amendment #2-14* from Commercial designation to Multi-Family Residential designation and resolution, **BE APPROVED**; and

Staff recommends based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #4-14 to rezone the subject parcel located along the west side of Glenhurst Lane and the east side of Ballard Road (Tax Id #31-1-6501-29) from C-O, Commercial Office district to R-3, Multi-Family Residential district including to the centerline of the adjacent right-of-way as shown on the map, **BE APPROVED**.

**NOTE:** If approved, Rezoning #4-14 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-14 to accurately reflect the change in future land use from Commercial designation to Multi-Family Residential designation.



**RESOLUTION  
CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE  
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

**WHEREAS**, the Common Council of the City of Appleton pursuant to Section 62.23 of the Wisconsin Statutes, has established a City Plan Commission; and

**WHEREAS**, on March 3, 2010 the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

**WHEREAS**, Chapter 12: Implementation, Comprehensive Plan Update Procedures, of the Comprehensive Plan was created in the City of Appleton Code of Ordinances to provide procedures and criteria for amending and updating the City of Appleton Comprehensive Plan; and

**WHEREAS**, members of the public were invited to make comments at a meeting held on April 21, 2014, by the City Plan Commission, wherein the following Comprehensive Plan amendment (Amendment #2-14) herein adopted were reviewed and commented upon by members of the public; and

**WHEREAS**, the City of Appleton Plan Commission has reviewed the recommended amendment to the Comprehensive Plan Future Land Use Map at a meeting held on April 21, 2014; and

**WHEREAS**, the City of Appleton Plan Commission reviewed the following Comprehensive Plan Amendments, found these amendments to meet the criteria outlined in Chapter 12: Implementation, Comprehensive Plan Update Procedures, warranting inclusion in this resolution

1. Having been filed with the City Clerk by the City of Appleton Community and Economic Development Department requesting a Comprehensive Plan Future Land Use Map Amendment to change future land use designations for specified property on the Future Land Use Map from Commercial use to Multi-Family residential use.

**WHEREAS**, members of the public, adjacent and nearby local governmental units will be given a 30-day review and comment period prior to the public hearing, which will be conducted by the Common Council for the Comprehensive Plan proposed amendment; and

**WHEREAS**, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan may be used as the basis for, among other things, updating the zoning ordinance, accomplishing extra-territorial zoning and as a guide for approving or disapproving actions affecting growth and development within the jurisdiction of the City of Appleton; and

**WHEREAS**, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Appleton Plan Commission that the recommended Comprehensive Plan amendments are hereby adopted as a part of the City of Appleton Comprehensive Plan 2010-2030 pursuant to §66.1001(4), Wis. Stats. and that the Plan Commission recommends said Comprehensive Plan amendments to the City of Appleton Common Council for adoption by ordinance, after a 30-day public review and comment period and public hearing.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

ATTEST:

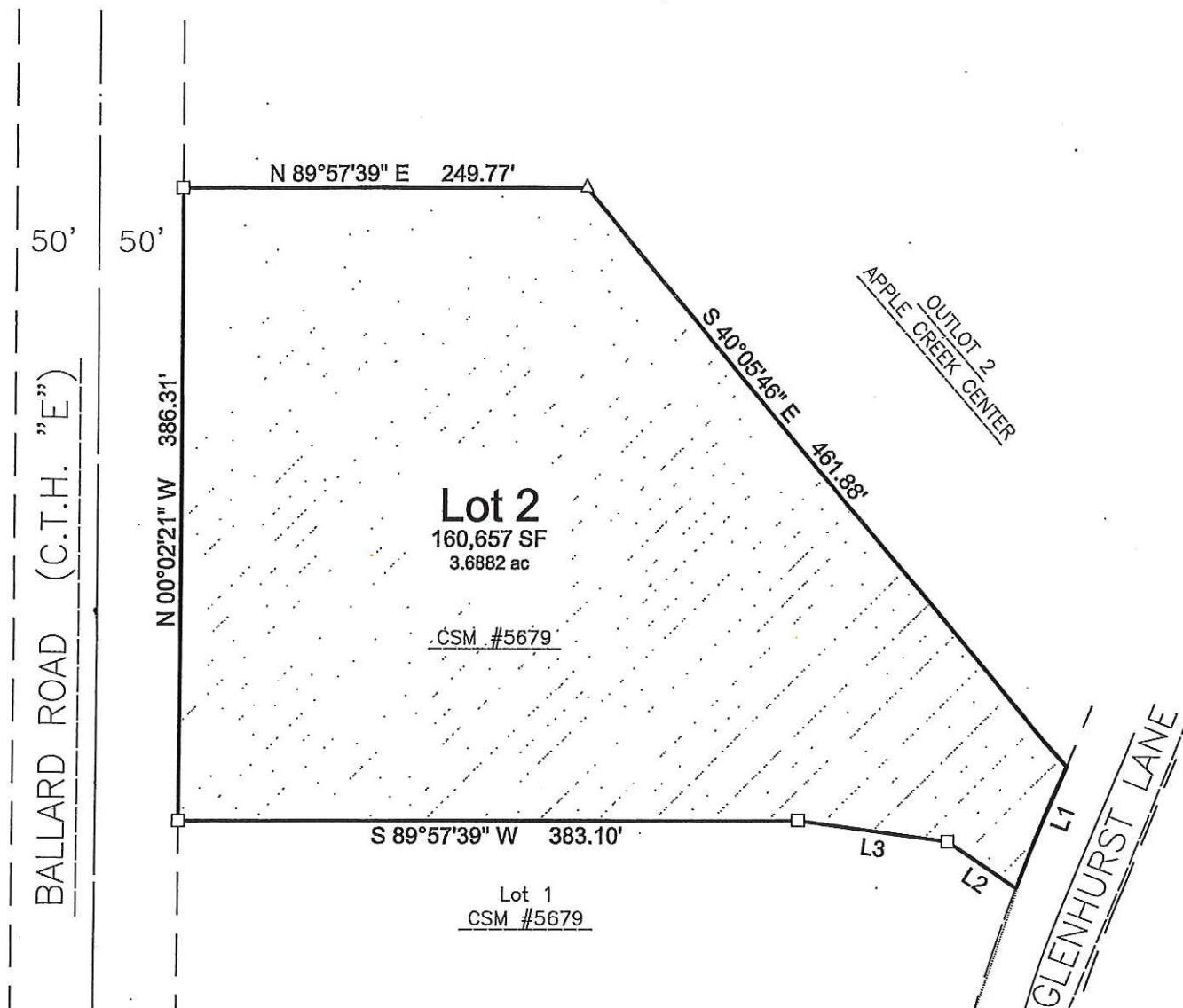
\_\_\_\_\_  
Charlene Peterson, City Clerk

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# Rezoning Map

## Lot 2 Certified Survey Map 5679

City of Appleton  
Outagamie County, WI

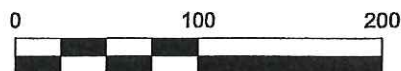


### LEGEND

- △ 1 1/4" Rebar Found
- 1" Iron Pipe Found
- Area to be Rezoned

### LINE TABLE

Line	Bearing	Length
L1	S 21°58'18" W	57.26'
L2	N 56°20'14" W	51.25'
L3	N 81°55'34" W	92.45'



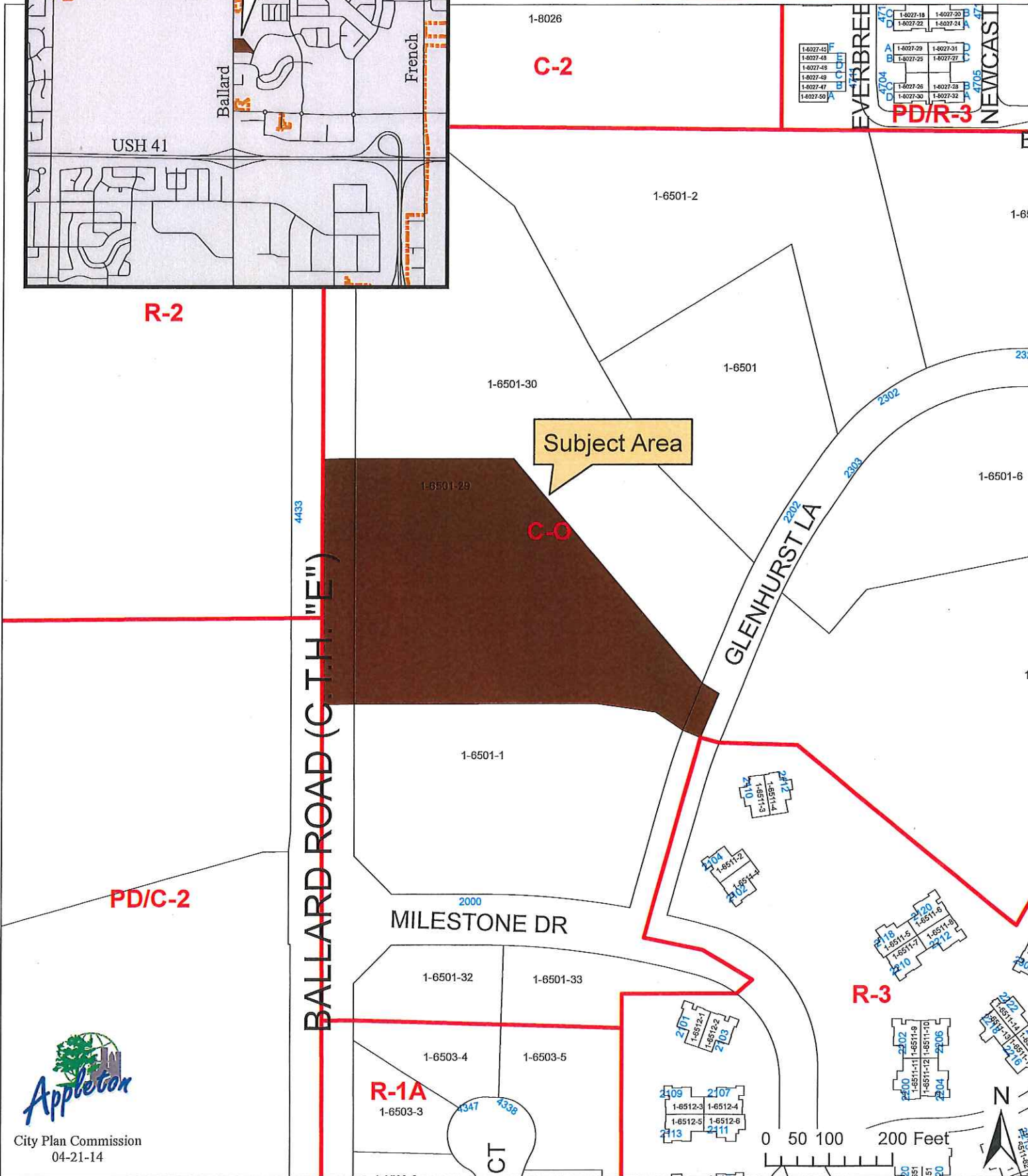
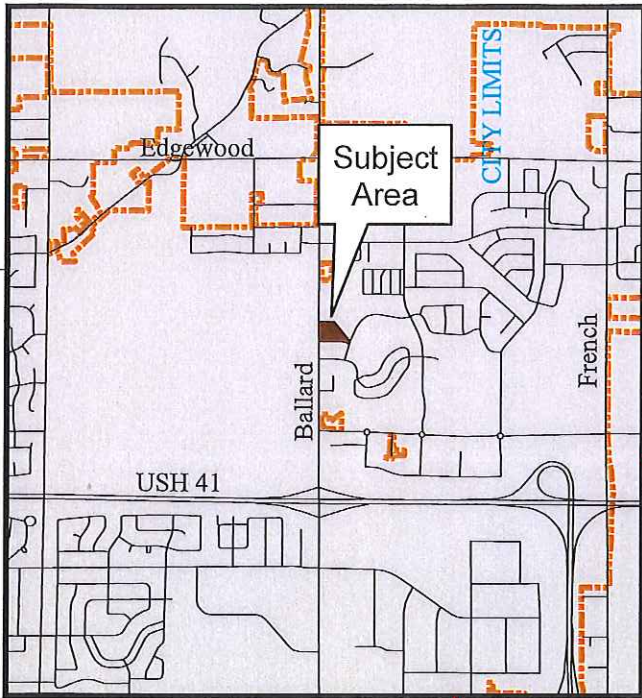
Bearings are referenced to the W/L of the SW 1/4 of Section 7, T21N, R18E assumed to bear N00°02'21"W based on the Outagamie County Coordinate System.



**Davel Engineering & Environmental, Inc.**  
Civil Engineers and Land Surveyors  
1811 Racine Street  
Menasha, Wisconsin  
Ph. 920-991-1866, Fax 920-830-9595

File: 4186zoning.dwg  
Date: 03/25/2014  
Drafted By: tyler  
Sheet: Lot Map

East Glenhurst Lane  
Rezoning  
C-O, Commercial Office District to  
R-3, Multi-Family Residential District  
Zoning Map





## REPORT TO CITY PLAN COMMISSION

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***April 21, 2014***

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**Impact on Surrounding Neighborhood:** The proposed Comprehensive Plan Future Land Use amendment and rezoning request will not have a detrimental impact on the existing neighborhood or on future development of nearby undeveloped properties. The subject parcel is confined on three sides by two street frontages and the City's stormwater pond to the north. The only non-residential development in the immediate vicinity of the subject parcel is a financial office building to the south. Staff does not anticipate any negative impact to this property with the rezoning request. However, approving the rezoning request would make the property to the south non-conforming to the City's parking lot perimeter landscaping requirements which would require a minimum 15-foot wide landscape buffer between the existing parking lot and the lot line.

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**Goal 3 – Housing Quality and Affordability** (Chapter 5 – Housing and Neighborhoods)

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***Comprehensive Plan 2010-2030 Future Land Use Map Amendment #2-14***

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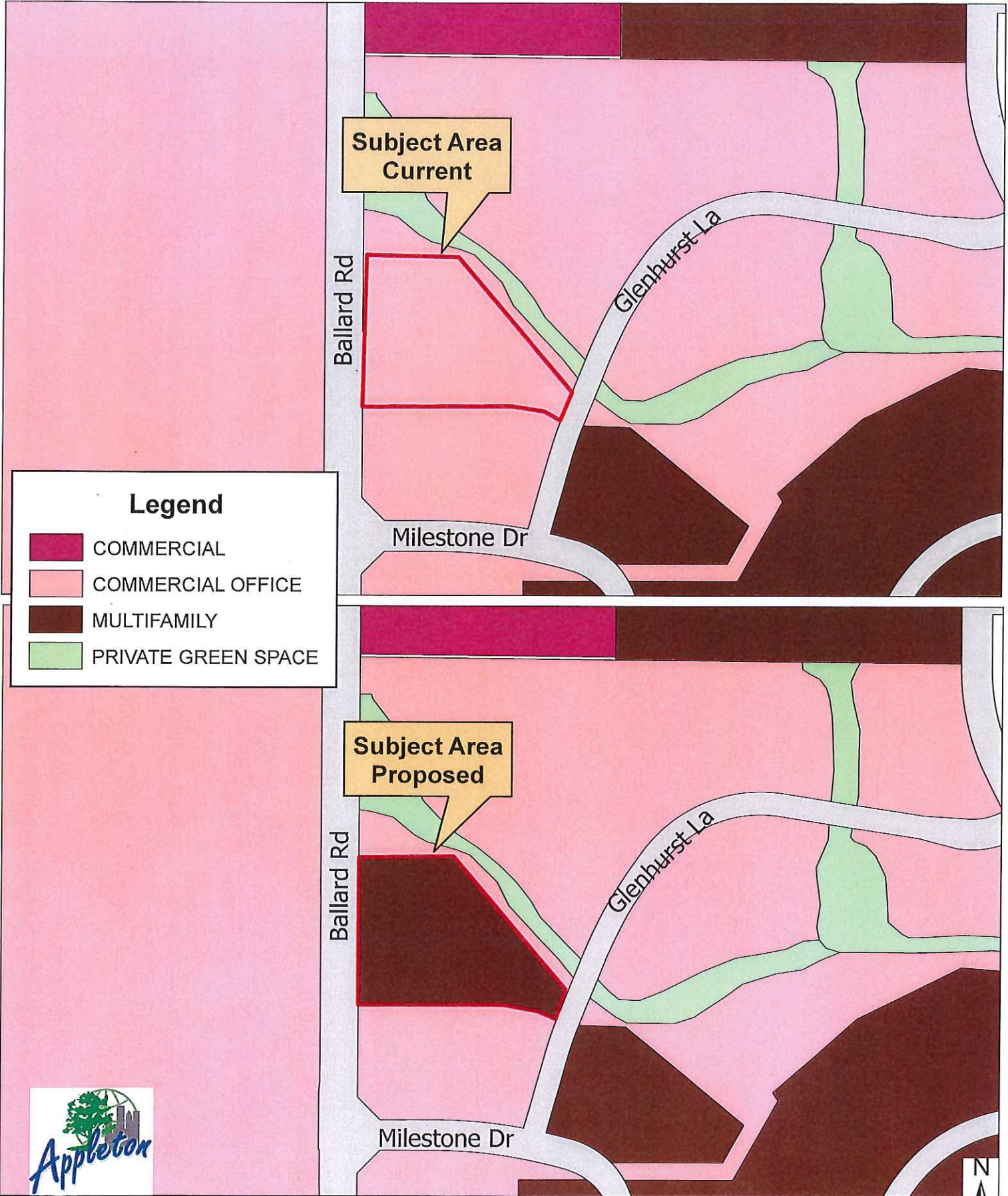
**Neighborhood Input:** We have not received any concerns, questions or comments from the surrounding neighborhood.

## **RECOMMENDATION**

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Staff recommends based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, Rezoning Application #4-14 to rezone the subject parcel located along the west side of Glenhurst Lane and the east side of Ballard Road (Tax Id #31-1-6501-29) from C-O, Commercial Office district to R-3, Multi-Family Residential district including to the centerline of the adjacent right-of-way as shown on the map, **BE APPROVED**.

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CITY OF APPLETON**

**ADOPTION OF THE RECOMMENDED AMENDMENT TO THE COMPREHENSIVE  
PLAN AS PREPARED BY THE CITY OF APPLETON PLAN COMMISSION**

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**WHEREAS**, on March 3, 2010 the Common Council adopted the City of Appleton Comprehensive Plan to promote public health, safety and welfare of the City by effectively guiding long-range growth and development within the city and its statutory extraterritorial planning jurisdiction; and

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**WHEREAS**, after said public hearing, the Common Council will decide whether to adopt by ordinance the proposed amendments to the Comprehensive Plan; and

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**WHEREAS**, this Comprehensive Plan may from time to time be amended, extended, or added to in greater detail; and

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Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Timothy M. Hanna, Mayor

ATTEST:

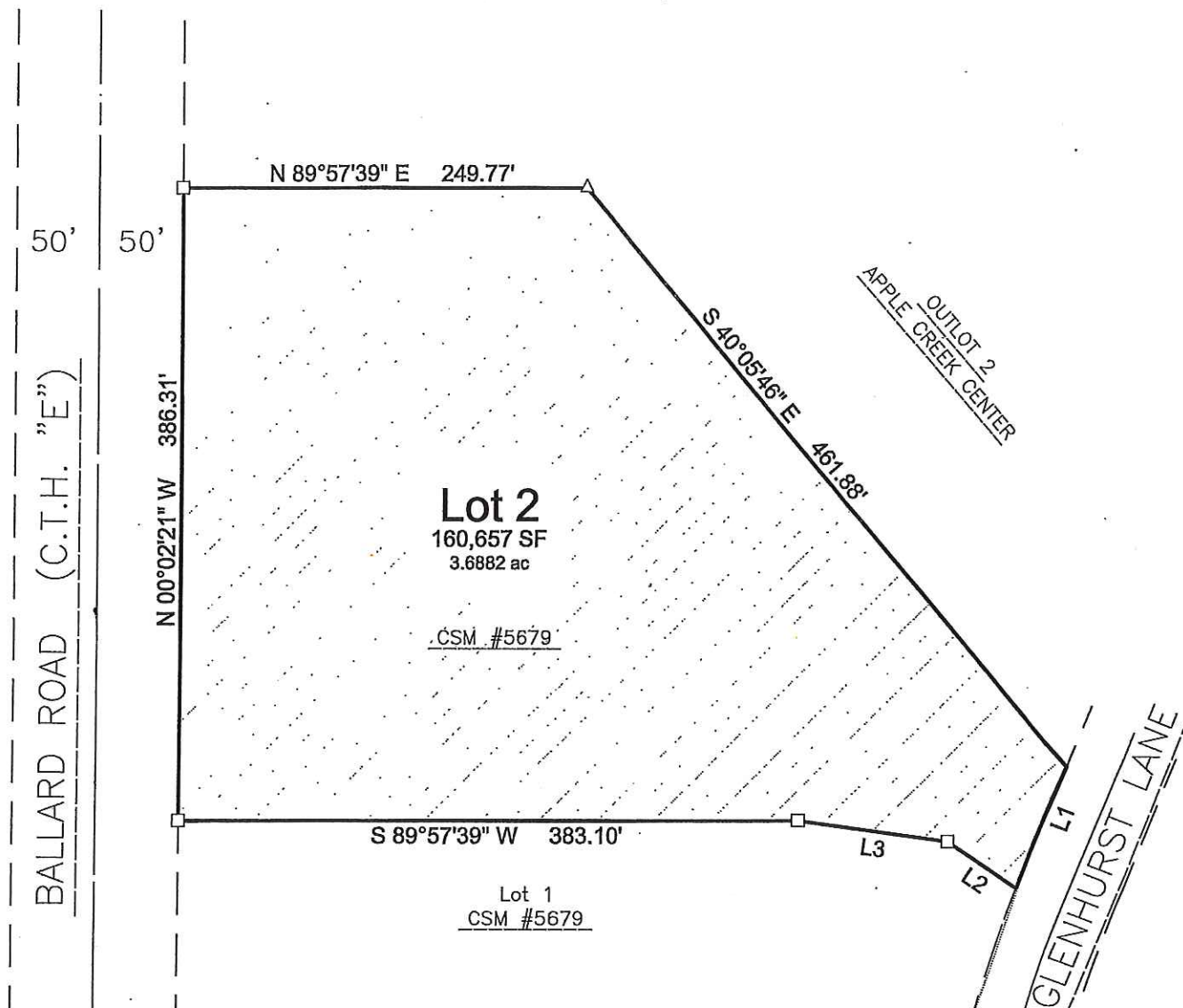
\_\_\_\_\_  
Charlene Peterson, City Clerk

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# Rezoning Map

## Lot 2 Certified Survey Map 5679

City of Appleton  
Outagamie County, WI

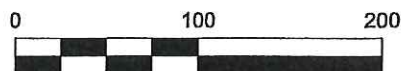


### LEGEND

- △ 1 1/4" Rebar Found
- 1" Iron Pipe Found
- Area to be Rezoned

### LINE TABLE

Line	Bearing	Length
L1	S 21°58'18" W	57.26'
L2	N 56°20'14" W	51.25'
L3	N 81°55'34" W	92.45'



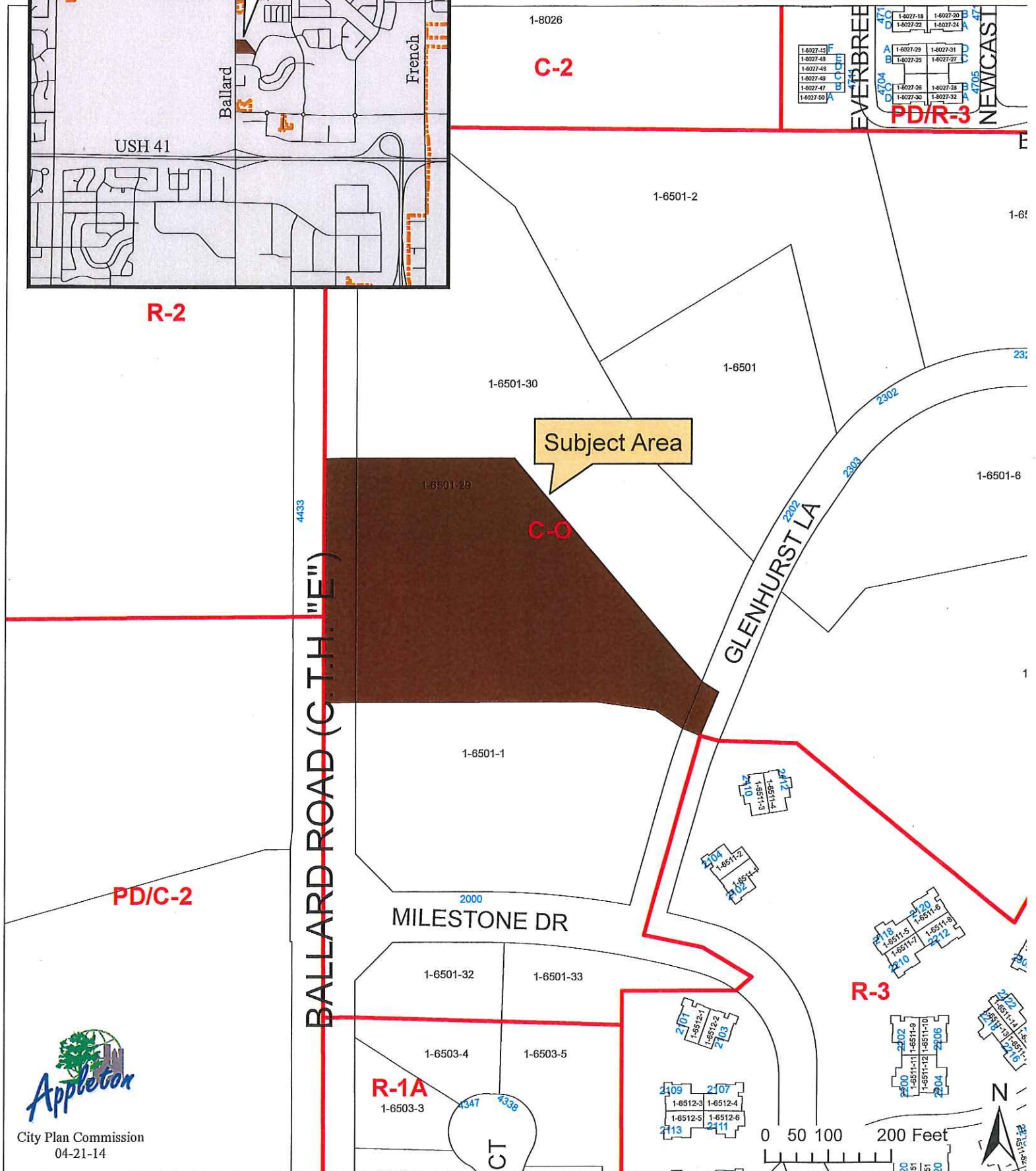
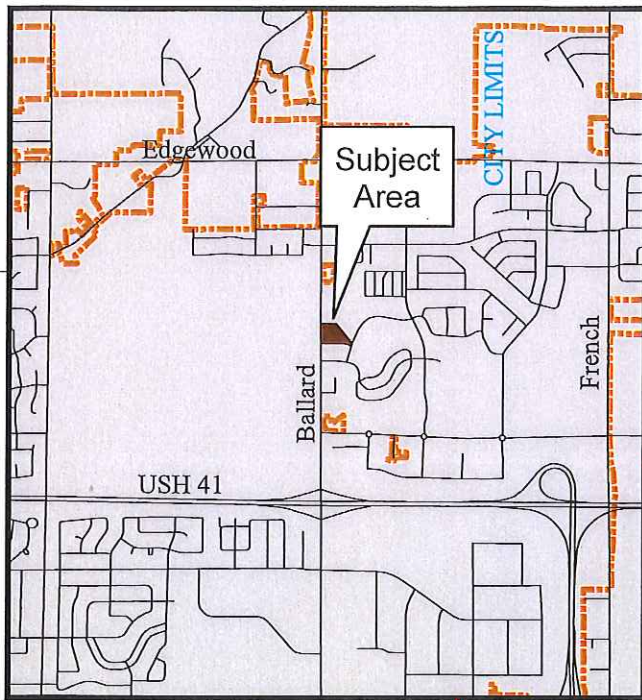
Bearings are referenced to the W/L of the SW 1/4 of Section 7, T21N, R18E assumed to bear N00°02'21"W based on the Outagamie County Coordinate System.



**Davel Engineering & Environmental, Inc.**  
Civil Engineers and Land Surveyors  
1811 Racine Street  
Menasha, Wisconsin  
Ph. 920-991-1866, Fax 920-830-9595

File: 4186zoning.dwg  
Date: 03/25/2014  
Drafted By: tyler  
Sheet: Lot Map

East Glenhurst Lane  
Rezoning  
C-O, Commercial Office District to  
R-3, Multi-Family Residential District  
Zoning Map





## 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

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### **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

**Item – Special Use Permit #4-14**

**April 21, 2014**

**Page 3**

- **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.

**Item – Special Use Permit #4-14**  
**April 21, 2014**  
**Page 4**

**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**

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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.

A map of the 'Subject Area' in Edgewood. The map shows a grid of streets. A callout box labeled 'Subject Area' points to a specific location. The area is bounded by 'Edgewood' to the north, 'Ballard' to the west, 'French' to the east, and 'USH 41' to the south. A dashed orange line indicates the 'CITY LIMITS'. The map also shows various building footprints and a winding road.

C-2

R-2

1-6501-30

1-6501

Subject Area

C-O

GLENHURST LA 2202

1-6501-6

~~PD/C-2~~

BALLARD ROAD (C.T.H. "E")

2000  
MILESTONE DR

1-6501-1

1-6501-32

1-6501-33

1-6503-4

1-6503-5

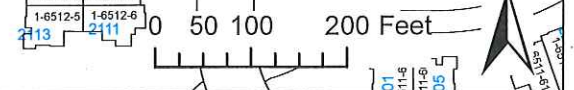
1-6503-3

R-1A

R-3



City Plan Commission  
04-21-14



**OPERATION PLAN:**

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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 demential/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 chief. The amenities will include:

\*Spa with hydrotherapy tub

\*Fitness Center

\*Therapy Center

\*Library/internet café'

\*Big screen Movie Theater

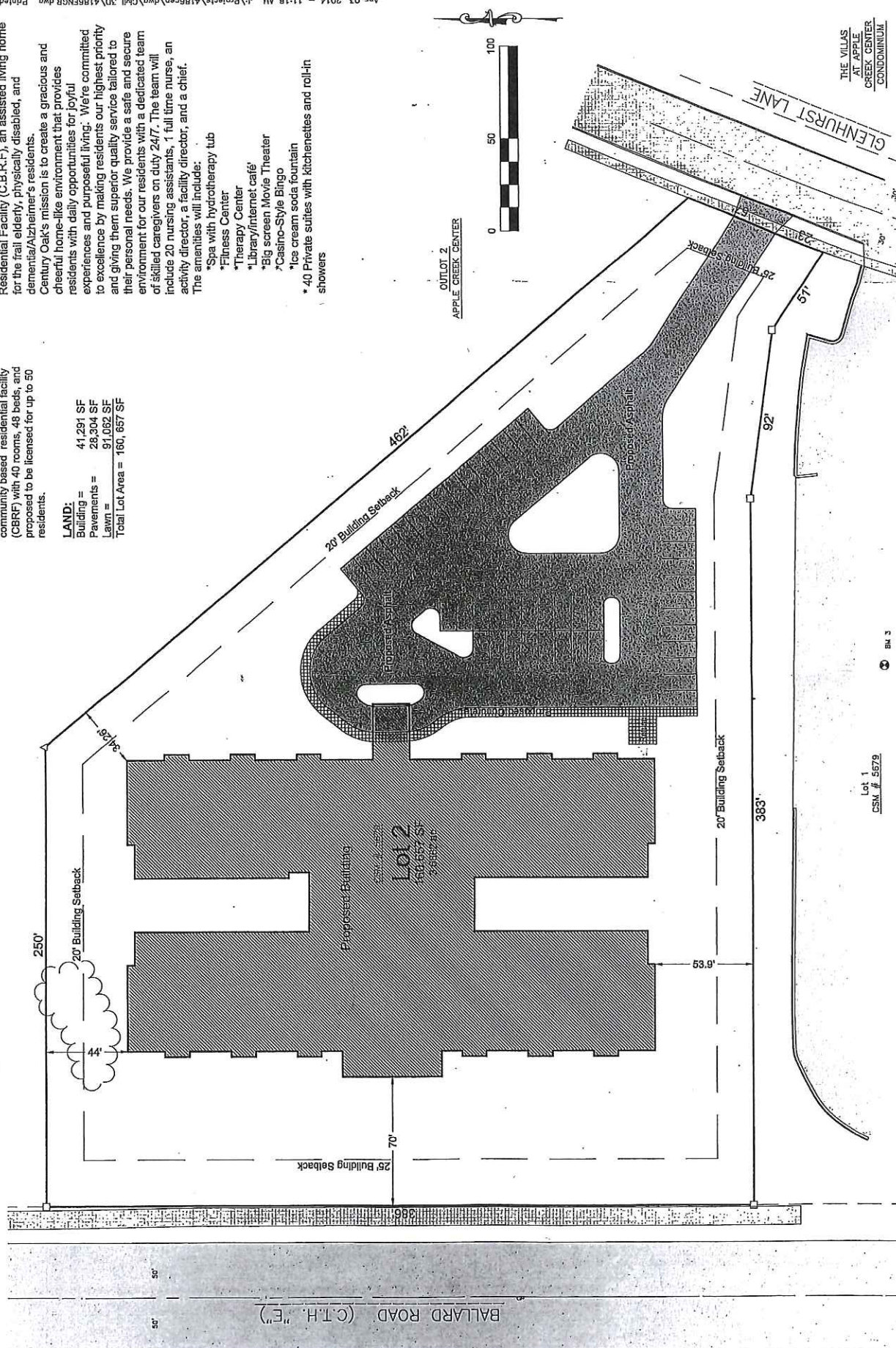
\*Casino-Style Bingo

\*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 = 91,062 SF  
**Total Lot Area = 160,657 SF**



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

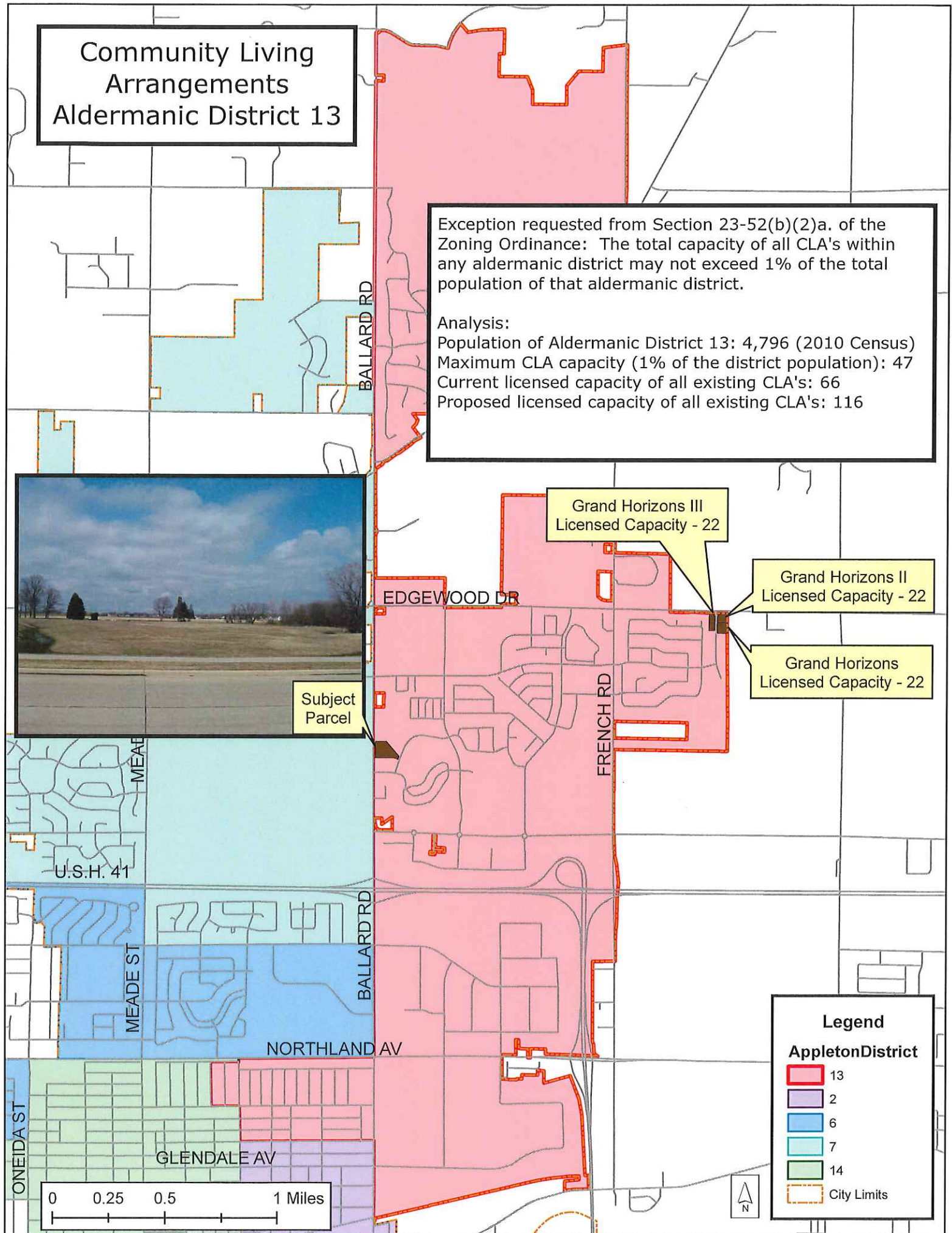


Subject Parcel

Grand Horizons III  
Licensed Capacity - 22

Grand Horizons II  
Licensed Capacity - 22

Grand Horizons  
Licensed Capacity - 22



## Legend

### Appleton District

- 13
- 2
- 6
- 7
- 14
- City Limits