



REPORT TO CITY PLAN COMMISSION

Plan Commission Public Hearing Meeting Date: October 12, 2015

Common Council Meeting Date: November 18, 2015 (to be reported out with Comprehensive Plan Amendment #1-15 and Rezoning #4-15)

Item: Special Use Permit #13-15 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 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: North Meadows Investment, LTD

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 50 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 are being requested for the subject site in conjunction with this Special Use Permit. In doing so, the applicant is requesting to change 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. These requests will also be placed on the October 12, 2015 Plan Commission agenda.

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) was recently submitted to combine the subject parcels. CSMs are administratively reviewed and approved by City staff.

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. An attached "clubhouse" would include an office and pool, as shown on the development plan. The entire building would be 48,412

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.

Petitioner's Operational 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 Oaks' 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 provides a safe and secure environment for residents, with a dedicated team of skilled caregivers on duty 24/7. Staff will include 20 nursing assistants, one full-time nurse, an activity director, a facility director, and a chef.

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.

Zoning Ordinance Requirements: Community Living Arrangements (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 50 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 CLAs in the aldermanic district is 116 persons.
- The subject CLA will elevate the licensed CLA capacity of the aldermanic district to 166 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 CLAs in the City is 360, and the subject CLA will elevate the CLA licensed capacity of the City to 410. The proposed capacity of the subject CLA will not exceed the one percent 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: C-O Commercial Office District. The adjacent land to the south is currently vacant.

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: The Future Land Use Map currently shows this area to be used for Commercial use, but the applicant is proposing to amend the Future Land Use Map to Multi-Family Residential use. The subject site is currently zoned C-O Commercial Office District, but the applicant is proposing to amend the Official Zoning Map to R-3 Multi-Family District. The proposed use of the subject site is not currently consistent with the Future Land Use Map and Official Zoning Map. However, if the amendments are approved, the proposed use of the subject site will be consistent with the Future Land Use Map, the purpose of the R-3 District, and the following goals and objectives from the *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 (pending approval of Comprehensive Plan Amendment #1-15 and Rezoning #4-15).

Technical Review Group (TRG) Report: This item was discussed at the September 22, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

Written Public Comments: No questions, concerns, or comments have been received from the surrounding neighborhood.

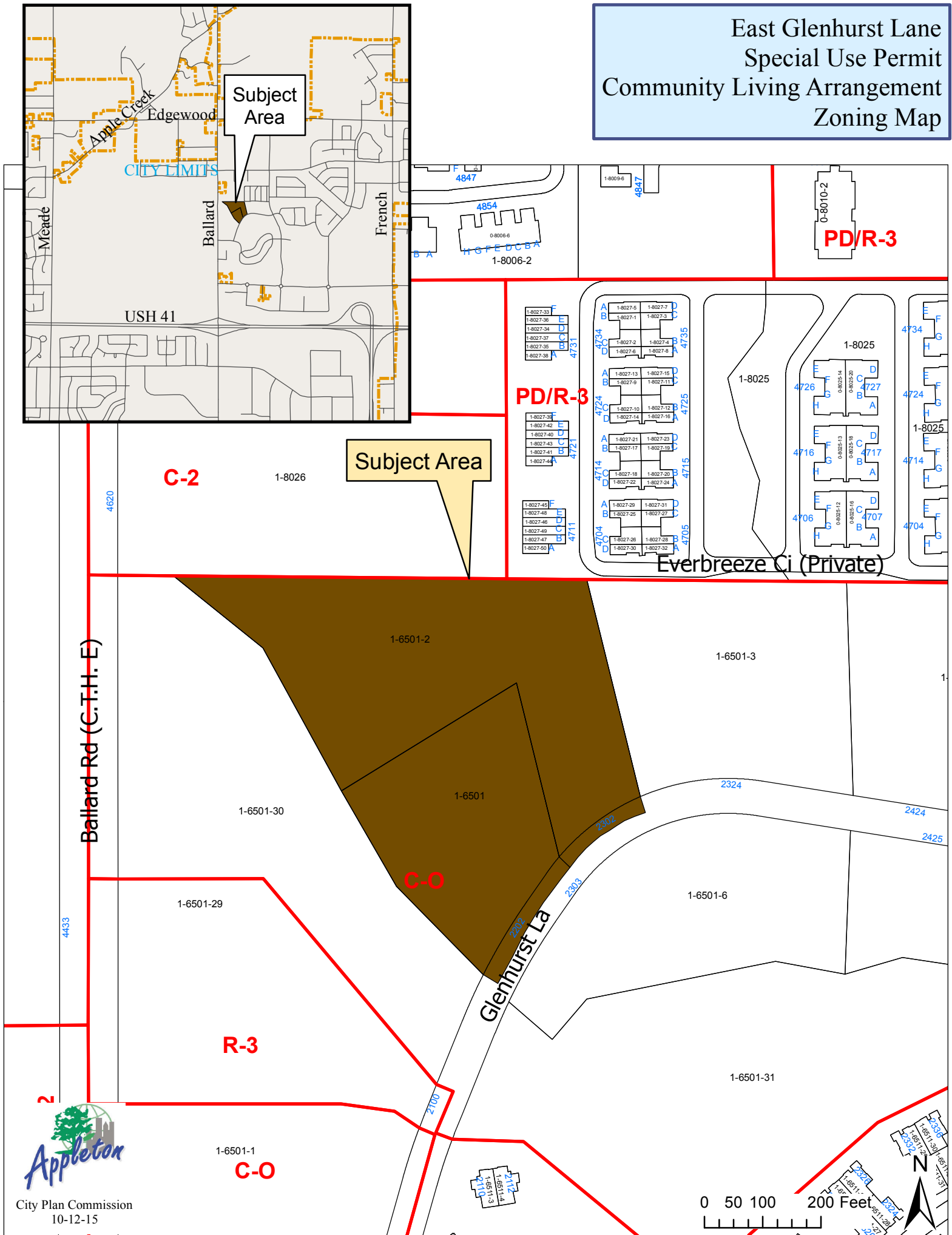
RECOMMENDATION

Staff recommends, based on the above, that Special Use Permit #13-15 for a Community Living Arrangement (CLA) serving 50 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.

NOTE: Special Use Permit #13-15 will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #1-15 and Rezoning #4-15 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 Multi-Family District.

East Glenhurst Lane
Special Use Permit
Community Living Arrangement
Zoning Map



East Glenhurst Lane
Special Use Permit
Community Living Arrangement



Ballard Rd (C.T.H. E)



City Plan Commission
10-12-15

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 =	48,412 SF
Pavements =	49,315 SF
Lawn =	192,614 SF (66.3%)
Total Lot Area =	290,341 SF

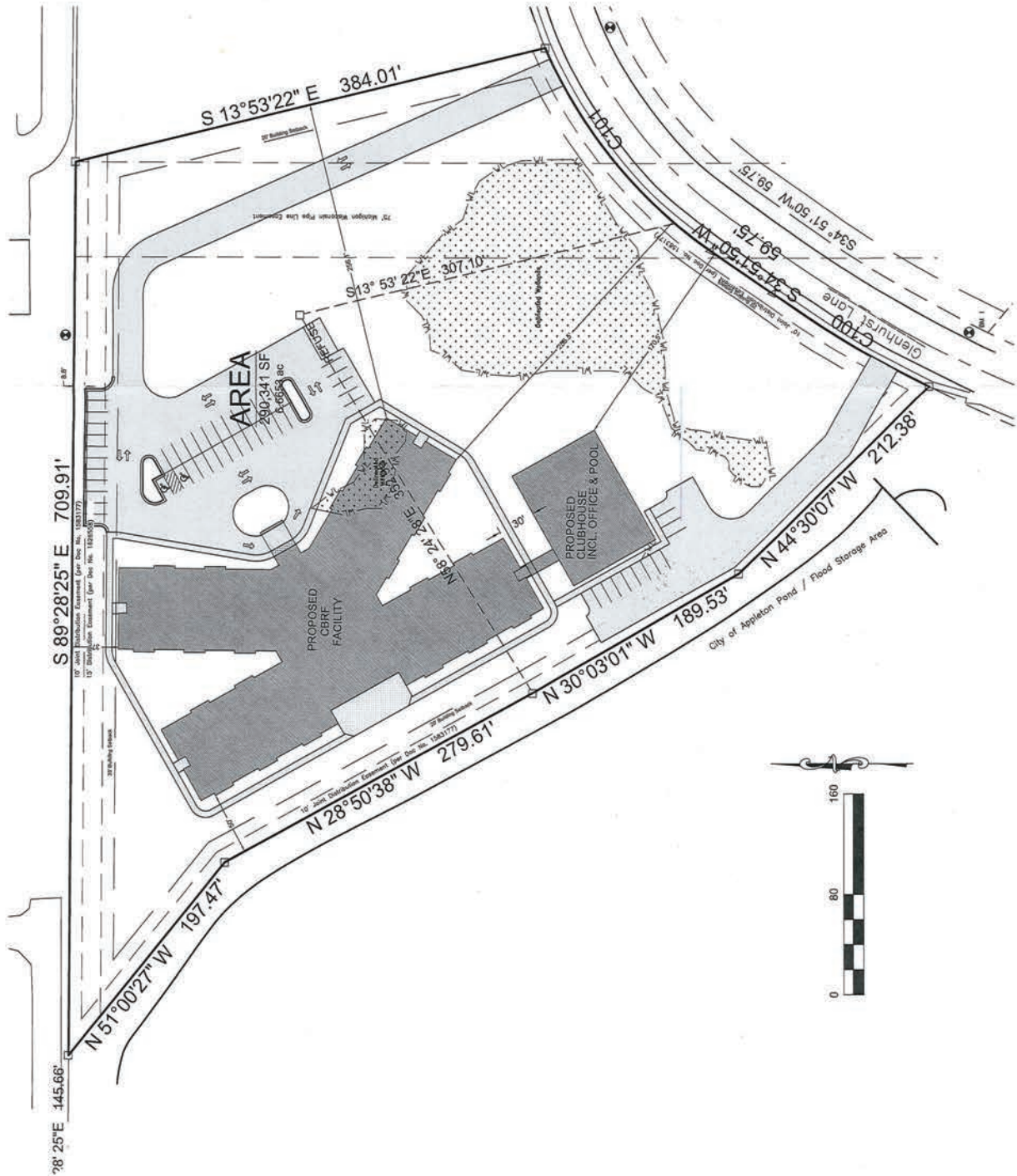
OPERATION PLAN:

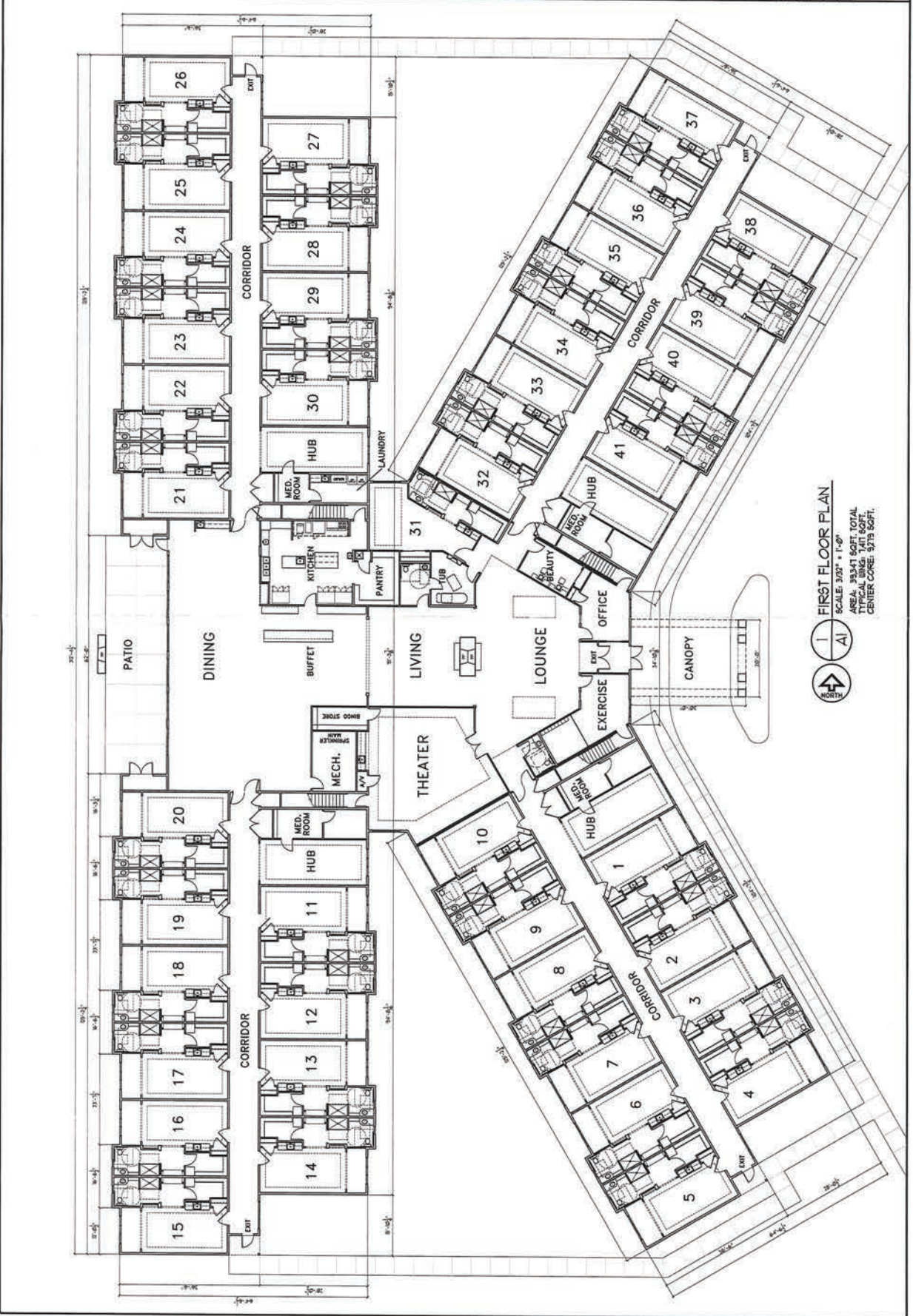
CELEBRATING LEAD: Century Oaks is a Class "C" Community Based Residential Facility (C.B.R.F.), an assisted living home for the frail elderly, physically disabled, and demential/Alzheimer's residents.

Century Oaks's mission is to create a gracious and cheerful home-like environment that provides residents with daily opportunities for joyful experiences and purposeful living. We're committed to excellence by making residents our highest priority and giving them superior quality service tailored to their personal needs. We provide a safe and secure environment for our residents with a dedicated team of skilled caregivers on duty 24/7. The team will include 20 nursing assistants, 1 full time nurse, an activity director, a facility director, and a chef. The amenities will include:

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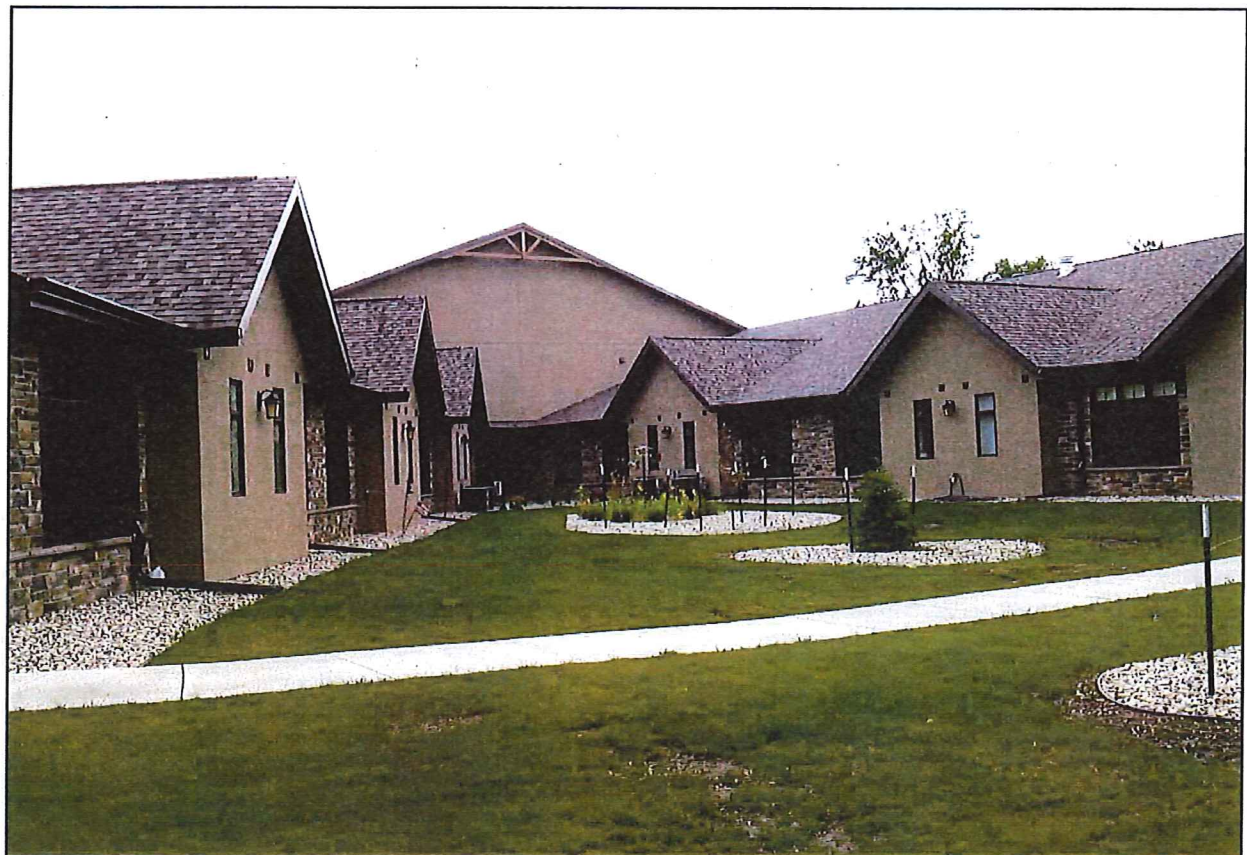
- *Spa with hydrotherapy tub
- *Fitness Center
- *Therapy Center
- *Library/Internet café
- *Big screen Movie Theater
- *Casino-Style Bingo
- *Ice cream soda fountain
- *Office & Pool
- *40 Private suites with kitchenettes and roll-in showers







DRIVEWAY ENTRY - GATE - SIGN



WING EXTERIOR



REAR PATIO



FRONT ENTRY

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 CLAs: 116
Proposed licensed capacity of all existing CLAs: 166

