

## Report to the Manitowoc Plan Commission

**Meeting Date:** May 25, 2022

**Request:** PC 17-2022: Core Treatment Services Incorporated: Request for a Conditional Use Permit pursuant to 15.150(3)f located at 5005 Vista Road for the establishment of a 20-bed Community Based Residential Facility.

**Existing Land Use for Subject Property:** Community Based Residential Facility

**Existing Zoning for Subject Property:** R-4 Single and Two Family Residential

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, West	Residential	R-4 Single and Two Family
East	Medical	I-1 Light Industrial
South	Fair Grounds	Residential - Agricultural

**Comprehensive Plan:** Institutional & Community Facilities

### Consistency Analysis

While a Conditional Use is not required to be consistent with the Comprehensive Plan, in this instance the requested use is consistent with the land use category identified.

### **Report:**

Core Treatment Services, Inc is entering into an Offer to Purchase with the current property owner; Partners In Community Eldercare LLC to purchase the building at 5005 Vista Road. The structure is currently being operated as Kindred Hearts which is a 20 bed Community Based Residential Facility specializing in the care for individuals with advanced age, dementia and alzheimers.

The property is zoned R-4 Single and Two Family Residential and Community Based Residential Facilities for nine or more individuals requires the issuance of a conditional use permit.

The property is 1.70 acres and has 306.24 feet of frontage along Vista Road and has an average depth of 319 feet.

The attached letter from Core Treatment Services Incorporated details their business and services provided.

At the Vista Road location, Core will provide residential services for up to 20 individuals in need of treatment for substance use disorders. Core has another location at 3 Riverview Drive providing the same services as proposed at the Vista Road location. The Building Inspection and Police Departments have reported that they have had no issues with the Riverview Drive facility.

The facility will be licensed by the State of Wisconsin Department of Health Services DHS 83 (CBRF), DHS 75 (Substance Use Disorder Treatment) and DHS 35 (Mental Health Outpatient). Community Based Residential Facilities (CBRFs) fall under the category of a Community Living Arrangement by the State. The Wisconsin Department of Health Services defines "Community-based residential facility" as a place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident." CBRFs can admit and provide services to people of advanced age, persons with dementia, developmental disabilities, mental health problems, physical disabilities, traumatic brain injury, AIDS, alcohol and other drug abuse, correctional clients, pregnant women needing counseling and/or the terminally ill. Core would be a licensed facility focusing on individuals with alcohol and other drug abuse dependencies.

**Municipal Code:**

Pursuant to Section 15.370(27)(c) of the Municipal Code, "the Plan Commission and Council shall consider whether the requested use:

- A. is reasonably necessary for the convenience and welfare of the public.
- B. Is in harmony with the character of the surrounding area.
- C. Will have a minimal effect or no effect on the surrounding property values.

The Commission and Council can affix conditions to the CUP to provide assurances that the proposed use will remain in conformity with the criteria under subsection (27)(c) as well as compliance with regulations of the particular zoning district which the conditional use would be located."

CBRFs are reviewed annually by the Plan Commission and Common Council.

**State Statute:**

*" §62.23(7)(de) Conditional use permits.*

*1. In this paragraph:*

*a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.*

*b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.*

*2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.*

*b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of*

*which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.*

*3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.*

*4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.*

*5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10."*

(Note: in 2017 the Wisconsin legislature also passed Wisconsin Act 67 which lessened the discretion and control of local governments regarding the issuance of conditional use permits.)

Adult Family Homes and Community Based Residential Facilities are protected by two federal laws: the American with Disabilities Act and the Fair Housing Act which relate to discrimination against person with disabilities. Municipalities must make a reasonable accommodation for these types of facilities and cannot discriminate on these types of residential uses.

Public Comments: Notices were mailed out to adjacent and abutting property owners on May 18. At the time of this writing no comments have been received by staff.

**Recommendation:** Approve the issuance of a Conditional Use Permit to Core Treatment Services Incorporated for up to 20 individuals for the establishment of a Community Based Residential Facility located at 5005 Vista Road.

REQUIREMENTS FOR  
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR  
CORE TREATMENT SERVICES INCORPORATED (CORE)  
LOCATED AT 5005 VISTA ROAD  
TAX PARCEL # 826-304-085  
6/20/2022

- A. The CUP shall require compliance with all applicable local and state regulations including issuance and maintenance of any license to CORE for the operation of a 20 individual Community Based Residential Facility. If CORE is not successful in receiving any of their licensing by June 30th, 2023 CORE shall be required to re-apply for a CUP, unless this deadline is requested for and extended, in writing, by the Plan Commission and Common Council.
- B. CORE shall be subject to a maximum of 20 individuals plus staff at the location. Administrative, office, business, support, counseling or similar uses are considered an accessory use and shall only be for individuals under CORE'S care and supervision.
- C. CORE shall not assign or transfer its interest in the CUP to any party without the written approval of the Plan Commission and Common Council. The CUP shall automatically terminate effective the date any license or certification granted to CORE by the State or other licensing entity is closed, denied, revoked, or terminated.
- D. Non-compliance with the terms of the CUP may result in the modification of the terms and conditions of the CUP, issuance of citations and financial penalties, or immediate revocation of the CUP.
- E. Prior to issuance of the CUP by the Common Council, CORE shall receive permission/approval from the Wisconsin Department of Safety & Professional Services (DSPS) regarding building, fire and life safety codes and requirements.

# CORE TREATMENT SERVICES INCORPORATED

CORE Treatment Services, Inc. is a 501c3, non-profit organization which was established in 2020 as a Behavioral Health Treatment center with the mission “To make Manitowoc County the healthiest recovery community in Wisconsin”. We began by providing residential substance use disorder services and day treatment level of care in our building at 3 Riverview Drive, with the help and collaboration with HFM. Due to the immense need for substance use disorder and mental health treatment we expanded to include a mental health outpatient clinic and began renting space at 3733 Dewey St for our administrative and outpatient offices. At the present time, our residential program has a waiting list of sixty-two individuals who need residential substance use disorder treatment. We have also expanded our outpatient services to include two additional groups to address substance use disorders and trauma.

CORE Treatment Services, Inc. currently employs twenty-seven individuals, both full and part-time. The State of Wisconsin dually license our clinical staff to provide both mental health and substance use disorder counseling. Our facilities are also licensed by the State of Wisconsin as DHS 83 (CBRF), DHS 75 (Substance Use Disorder Treatment), and DHS 35 (Mental Health Outpatient). We are in good standing with all our licenses. We also contract with Manitowoc County Human Services Department for two crisis beds. This contract will expand in 2023 to include five crisis beds. Our relationships with our community partners are all in good standing.

We have been looking at properties which would allow us to expand our residential services. The property at 5005 Vista Drive is an ideal setting for us to be able to increase the total number of beds that we have available, from 14 to 34. The property is licensed as a CBRF with the State of Wisconsin, just as CORE is, which can ease that process for change in licensing between the two businesses. Furthermore, we would be able to reduce our waiting list and separate men and women for treatment purposes. CORE has worked hard to prove itself as a premiere provider of behavioral health treatment. We exist to help our community by offering employment opportunities and treatment for individuals that can eventually give back. We believe in the power of collaboration and strive to show and maintain healthy relationships with other providers and businesses in Manitowoc.

Our plan for the property is to renovate the building to fit the needs of our clients by improving the flooring, paint, some demolition, and treatment of walls. The building itself is a CBRF, therefore, there is not much work to be done other than updating the current state. In addition, we will add a security system, including cameras, just as we do currently at 3 Riverview Dr. We estimate this project to cost \$300,000. We are in the initial stages of this project and cannot move forward without the approval of the Conditional Use Permit, therefore, we do not have any maps or project renderings to share at this time. We have previously completed the Conditional Use Permit process in 2019 with our collaboration with HFM. As stated above, we are currently providing treatment at 3 Riverview Drive, with no issues to date. Our project would be like the Riverview Drive project in that we are updating the property to reflect the care we have for individuals and their treatment and to be similar in nature to the Riverview Drive property.

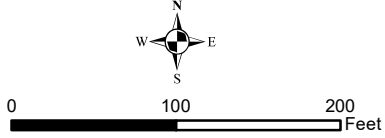
We are currently working on an Intent to Offer which is contingent upon the approval of a Conditional Use Permit.



**Request for a Conditional Use Permit for a Community Based Residential Facility**

# CONDITIONAL USE PERMIT

City of Manitowoc, WI



Conditional Use Permit Area for a Community Based Residential Facility

DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc  
Community Development Department  
www.manitowoc.org  
Map Plotted: 5/17/2022

O:\Planning\PC Plan Commission\PC\_CUP\2022\PC 17-2022 Core Treatment 5005 Vista Road CBRF\Maps\PC 17-2022 CUP.mxd

PC 17-2022  
5005 Vista Rd.

Manitowoc City Plan Commission



Warning  
Downed Lines  
May Be Live  
Stay Clear

Kindred Homes



