

## Report to the Manitowoc Plan Commission

**Meeting Date:** March 23, 2022

**Request:** PC 13-2022: Assignment of a 1996 Conditional Use Permit to Whispering Meadows MHC LLC for the Continued Operation of a Manufactured Home Park located in the 3100 block of Viebahn Street.

**Existing Land Use for Subject Property:** Residential

**Existing Zoning for Subject Property:** R-6 Multiple Family Residential

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North	Industrial	I-1 Light Industrial & I-2 Heavy Industrial
West, South, East	Residential	R-4 Single & Two Family Residential and R-6 Multiple Family Residential

**Comprehensive Plan:** Conditional Use Permits do not have to be consistent with the Comprehensive Plan’s Future Land Use Map but the subject is consistent with the future land use map category of Planned Neighborhood.

**Report:** In 1996 the City issued a conditional use permit to LCR Development LLC (Russ Gilson) for the establishment of a manufactured home development off of Viebahn Street. LCR sold 8.93 acres to Whispering Meadows MHC LLC and they plan to continue the build-out of the manufactured home development.

The property is zoned R-6 Multiple Family Residential and in the R-6 zoning district Manufactured Homes are permitted after issuance of a conditional use permit.

In the Zoning Code manufactured homes are defined as: *“Manufactured home means a structure certified and labeled as a manufactured home under 42 USC 5401 through 5426.”*

42 USC 5401 to 5426 states the following:

*(a) Findings*

*Congress finds that — (1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and (2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.*

*(b) Purposes The purposes of this chapter are—*

*(1) to protect the quality, durability, safety, and affordability of manufactured homes;*

*(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;*

- (3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;*
- (4) to encourage innovative and cost-effective construction techniques for manufactured homes;*
- (5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;*
- (6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;*
- (7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and*
- (8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.*

42 USC 5402(6) defines manufactured home as: *(6)“manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle;*

The 1996 CUP is attached for reference. There are no planned substantial changes to that permit.

Building Inspection, Police, Fire and Engineering were contacted and no concerns were stated by any of the departments.

**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.”

**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."*

**Recommendation:** Approve the assignment / transfer of the Conditional Use Permit from LCR Development LLC to Whispering Meadows MHC LLC for an 8.93 acre parcel of land shown on the attached map.

REQUIREMENTS FOR  
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR  
WHISPERING MEADOWS MHC, LLC  
LOCATED AT 3307 KINGLET DRIVE  
TAX PARCEL # 801-102-040  
4/18/2022

NOTE: THIS CONDITIONAL USE PERMIT REPLACES A PERMIT ISSUED TO LCR DEVELOPMENT LLC IN 1996 (SEE PC 33-1996). THIS PERMIT COVERS AN 8.92 ACRE PARCEL – TAX ID # 801-102-040. THE 1996 CUP ISSUED TO LCR DEVELOPMENT LLC FOR THE REMAINDER OF THEIR PROPERTY IS STILL VALID AND UNAFFECTED BY THIS PERMIT.

- A. Grant the CUP to Whispering Meadows MHC, LLC for an 8.92 acre area located south of Viebahn Street.
- B. The CUP shall not be assignable or transferrable without the written approval of the City Plan Commission and Common Council.
- C. The CUP shall require compliance with all applicable local, state and federal regulations.
- 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. Whispering Meadows shall follow section 15.510(5) of the Municipal Code which requires an up to date site plan of the park.

City of  
Manitowoc

SW 1/4  
Sec 36  
T19N, R23E

SE 1/4  
Sec 36  
T19N, R23E

S-35TH ST

S-30TH ST

Conditional Use Permit  
Area to be Assigned

VIEBAHN ST. Township Line

City Limits

Existing Conditional Use  
Permit Area - PC 33-1996

ORCHARD LN.

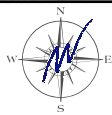
City Limits

NW 1/4  
Sec 1  
T18N, R23E

Town of  
Newton

1/4 Section Line

NE 1/4  
Sec 1  
T18N, R23E



# CONDITIONAL USE PERMIT

City of Manitowoc, WI



0 400 800 Feet

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: 3/21/2022

O:\Planning\PC Plan Commission\PC\_CUP\2022\PC 13-2022 Whispering Meadows Viebahn Street\Maps\PC 13-2022 CUP.mxd

	Conditional Use Permit Area to be Assigned
	Existing Conditional Use Permit Area - PC 33-1996

PC 13-2022  
3307 Kinglet Dr.

Manitowoc City Plan Commission



# LAND USE APPLICATION

APPLICANT Ker Meyers PHONE 920-922-2222

MAILING ADDRESS N7559 N. Pioneer Rd. EMAIL Kmeyers@floodhomesinc.com

PROPERTY OWNER Whispering Meadow MHC LLC PHONE 920-922-2222

MAILING ADDRESS N7559 N. Pioneer Rd Fond du Lac WI 54937 EMAIL Kmeyers@floodhomesinc.com

REQUEST FOR:

- Conditional Use Permit (CUP) \$350\*
- Zoning District Change/Map Amendment \$350\*
- Site Plan Review \$350
- Request for Annexation \$350\*
- Certified Survey Map (CSM) \$100
- Planned Unit Development (PUD) \$350\*
- Official Map Review \$350\*
- Street/Alley Vacation \$350\*

*\*Publication of legal notice fees additional.*

STATUS OF APPLICANT:  Owner  Agent  Other

PROJECT LOCATION ADDRESS 3307 Kinglet Dr.

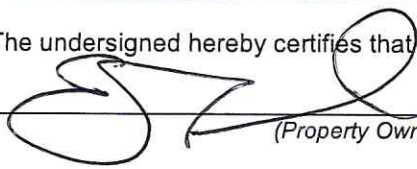
PARCEL ID# 05280110204000 CURRENT ZONING \_\_\_\_\_

CURRENT USE OF PROPERTY Manufactured Home Community

PROPOSED USE OF PROPERTY Manufactured Home Community

**REQUIRED: Attach a detailed written description of your proposal or request.**  
Include as much information as possible including planned use, maps, project renderings or drawings, etc.

The undersigned hereby certifies that the information contained in this application is true and correct.

Signed  Date 3/07/2022  
(Property Owner)

<b>For Office Use Only</b>	
Date Received: _____	PC #: _____
Fee Paid: _____	Check#: _____
Plan Commission Date: _____	

**The City of Manitowoc Plan Commission meets the fourth Wednesday of each month at 6pm.**  
**Deadline for submission is the Friday two weeks prior to the meeting.**

Please contact the Community Development Department at 920-686-6930 if you have any questions.



# FLOOD

## HOMES, INC.

N7559 N. Pioneer Road, Fond du Lac, Wisconsin 54937-9714

(800) 97-FLOOD • (920) 922-2222

Fax: (920) 922-7556

March 10, 2022

City of Manitowac

900 Quay Street

Manitowac, WI 54220

Attn: Community Planning

In May of 2020 we purchased Whispering Meadows MHC LLC “formerly known as LCR Development LLC” located at 3307 Kinglet Drive. With the purchase we acquired 8.93 acres with 31 home sites. 10 which are occupied and the balance to be developed. We have been in the Manufactured Housing Business for 60 years and operate 11 Manufactured Home Communities throughout the State of Wisconsin. We are applying for the CUP (Conditional Use Permit) as we found out the current CUP cannot be assignable or transferable. We look forward to developing the vacant home sites to serve the communities need for affordable housing. If we find that demand is strong enough to support additional homes, we hope to continue with LCR Development LLC’s vision for the vacant land south of 3307 Kinglet Drive.

Sincerely,

Whispering Meadows LLC





October 29, 1996

Mr. Russell S. Gilson  
LCR Development LLC  
2435 W. Prospect Avenue  
Appleton, WI 54914

Dear Mr. Gilson:

Your communication of September 23, 1996, requesting that all of your property which was recently annexed to the City be included in your conditional use permit to allow manufactured housing, was unanimously placed on file by the Common Council at the meeting of Monday, October 21, 1996.

In a related action at the same meeting the Common Council unanimously accepted and placed on file a report of the City Plan Commission of October 21, 1996, recommending that the Council approve your request to add the balance of your property, approximately 37.1 acres located west of future So. 35th Street, into the area covered by the conditional use permit, subject to the conditions identified in the attachment thereto.

You may consider this communication your modified conditional use permit for the development of a manufactured home park south of Viebahn Street, to include the addition of your land west of South 35th Street, subject to the conditions identified in the Plan Commission report of October 21, 1996, and as shown on the map attached thereto. A certified copy of said Plan Commission report is enclosed.

Very truly yours,

Jennifer Hudon  
City Clerk

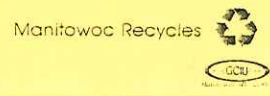
Enc.

cc: Dir. of Public Works/City Engr. William G. Handlos  
City Planner David J. Less  
Dir. of Building Inspection Wayne C. Huebner



OFFICE OF CITY CLERK

CITY HALL  
817 Franklin Street  
P.O. Box 1597  
Manitowoc, WI 54221-1597  
Phone: (414) 683-4450  
FAX: (414) 683-4424





Plan

Streets & Sanitation  
10/21/96  
MANITOWOC  
CITY OF MANITOWOC,  
WISCONSIN, USA

RECEIVED  
OCT 18 1996 6 85  
CITY CLERK'S OFFICE

October 21, 1996

To: Mayor and Common Council  
From: Manitowoc City Plan Commission  
Subject: PC33-96: Gilson/LCR Development LLC; Modification of a 1996 Conditional Use Permit (CUP) for Development of a Manufactured Home Park South of Viebahn Street -- Addition of Land West of So. 35th Street to CUP.

Dear Mayor and Common Council:

At the regular meeting of the Manitowoc City Plan Commission held on October 16, 1996, the Commission held a public informational hearing regarding a proposed change in the boundaries of a September, 1996 CUP granted for the abovereferenced proposal (#96-638). The proposed revision would add the balance of Mr. Gilson's property in the City of Manitowoc (approximately 37.1 acres located west of future So. 35th Street), into the area covered by the CUP.

The Commission unanimously recommended that the Council approve the requested CUP, subject to the conditions identified in the attachment.

The Commission further notes that its review of the proposed CUP under 15.19(3)11. was based on a determination whether the facility was reasonably necessary for the convenience and welfare of the public, was in harmony with the character of the surrounding area, and would have a minimal or no effect on surrounding property values.

Respectfully Submitted,

*David Less*  
David Less  
Secretary

10-28-96  
10-21-96 *[Signature]*

*Committee recommends acceptance of report & place as file.*

*[Signatures]*

Attachment

Re: Document #96-646

WISCONSIN'S MARITIME CAPITOL



David Less  
City Planner  
CITY HALL  
817 Franklin Street  
P.O. Box 1597  
Manitowoc, WI 54221-1597  
Phone: (414) 683-4435  
FAX: (414) 683-4424



CONDITIONAL USE PERMIT  
RE: GILSON/LCR DEVELOPMENT LLC  
OCTOBER 16, 1996

Requirements:

1. Rescind the CUP issued on 9/16/96.
2. Grant CUP to Russell Gilson / LCR Development, Inc. for a 45.91± acre area located east of So. 35th Street, plus 37.1± acre area located west of future So.35th Street, as depicted on the attached map.
3. CUP shall not be assignable or transferrable without the written approval of the City Plan Commission.
4. Compliance with all site plan and development requirements under 15.37(2) and 15.51 of the Manitowoc Municipal Code.
5. Submittal of building construction specifications and recordable development covenants related to the development, shall be submitted to the City in conjunction with the site plan for the first development phase of the project. Said specifications and covenants shall require the approval of the City Planning Department, as a condition of site plan review.
6. It is presumed that the aboverferenced specification and covenants will cover all of the area included in the CUP. In the event there are changes to the specifications and/or covenants, any changes shall first be submitted to the City Planning Department for review and approval.
7. Submittal of a stormwater runoff and drainage plan for the area included in the CUP. Plan to be submitted, reviewed and approved by the City Engineer. Approval of said plan shall be a condition of site plan review.
8. Prior to commencing with the first phase of the development, as well as all future development phases of the project, developer shall submit a site plan in compliance with 15.37(2) to the Plan Commission for review and approval. The Commission, at its sole discretion, shall contact the appropriate property owners for any desired input into the process of evaluating the development to date. Approval of the site plan by the Commission shall be a requirement to proceeding with subsequent development phases of the project.
9. Prior to commencing with development west of future So. 35th Street, developer shall submit an overall concept and development plan to the Commission. Said plan shall contain information requirements contained in 21.04(1)(a) of the Municipal Code (attached).

