

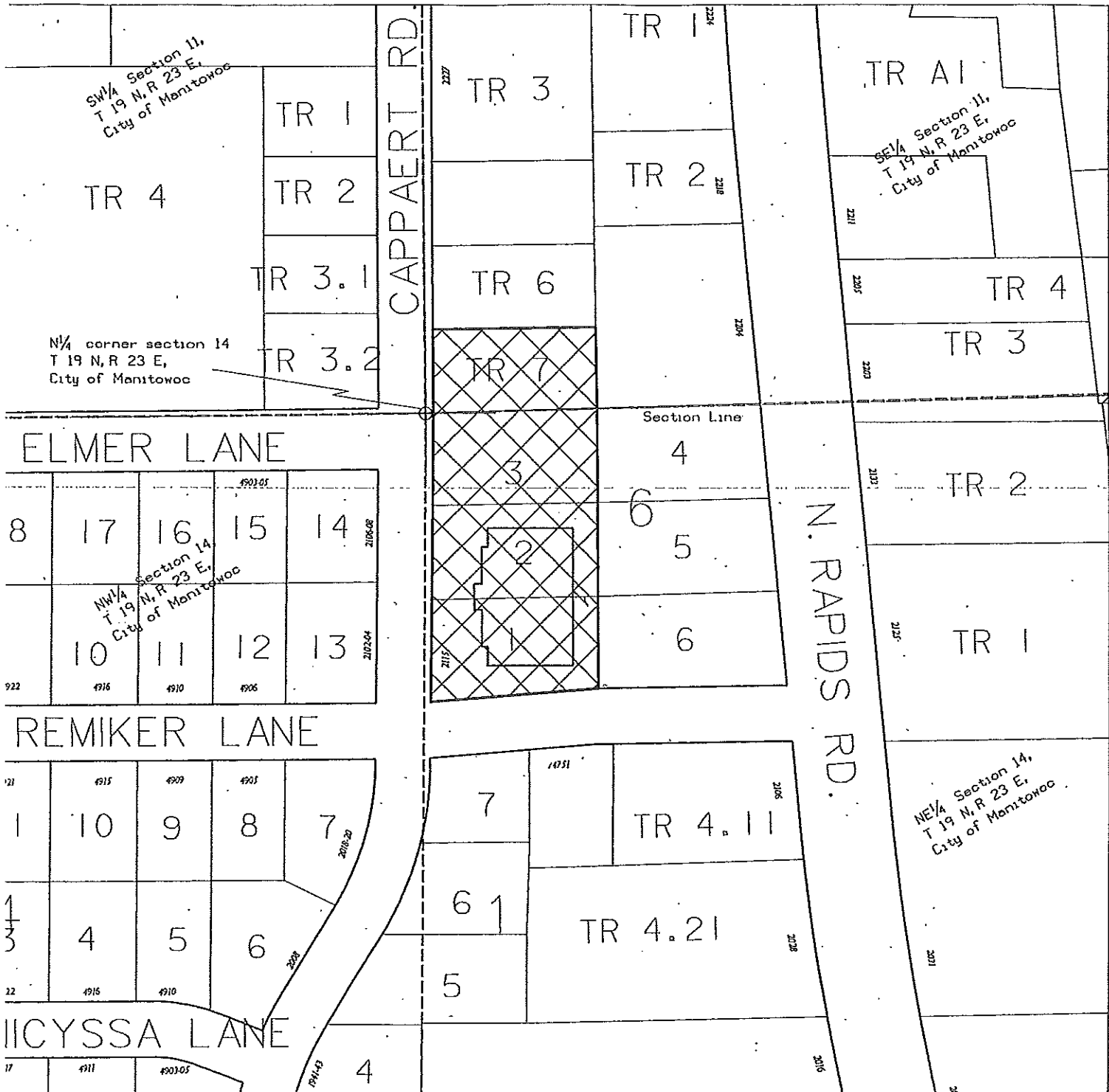
EXISTING CUP FOR HARMONY  
LIVING CENTERS, LLC

REQUIREMENTS FOR  
CONDITIONAL USE PERMIT (CUP) APPROVAL OF  
HARMONY LIVING CENTERS, LLC  
10/20/2003

Re: PC44-2003/PC11-96:

Recommendation: Grant 2003 CUP under Section 15.23(3)4. as requested to Harmony Living Centers, LLC ("Harmony") to operate at 2115 Cappaert Road with an increase in capacity up to a maximum of 43 residents, plus compliance with the conditions outlined below. Harmony is required to comply with the following conditions:

- A. If Harmony does not either purchase the property necessary to implement the proposed development or enter into a long term lease with the current property owner on or before midnight on February 28, 2004, then this CUP shall be declared void and terminated effective March 1, 2004. Harmony and the property owner shall provide a copy of a fully executed deed or lease to the City Planner on or before March 1, 2004 to remain in compliance with this section.
- B. If Harmony satisfied the requirements under A. above, but for whatever reason, fails to secure licensing from the State of Wisconsin by midnight on June 1, 2005 to increase capacity at the Cappaert Road facility to a maximum of 43 residents, this CUP shall be declared void and terminated effective June 2, 2005. Harmony shall provide a copy of a new license to the City Planner on or before June 1, 2005 to remain in compliance with this section.
- C. The CUP shall not become effective and binding until the latest date that: (1) Common Council approves the CUP as outlined herein; (2) the City Planner is provided written documentation required under A. above, as well as documentation evidencing the issuance of a license to Harmony by the Wisconsin Department of Health and Family Services (DHFS) for the operation of a maximum 43 resident CBRF at 2115 Cappaert Road under B. above; and (3) approval of a Harmony project site plan by the City pursuant to Section 15.37(2) and execution of all performance agreement and letter of credit requirements to the satisfaction of the City. *In the event the three (3) activities identified under this section C. are not completed on or before midnight on June 1, 2005, the authorization for the 2003 CUP by the Common Council shall automatically terminate, effective June 2, 2005. Effective June 2, 2005, Harmony shall be required to re-apply to the City for a CUP, but shall be permitted to continue to operate its existing maximum 28 resident facility under the terms and conditions of the 1996 CUP.*
- D. Compliance with all state and local regulations and licensing requirements.
- E. Harmony shall not assign or transfer its interest in the CUP to any party without the written approval of the Manitowoc City Plan Commission.
- F. The CUP shall automatically terminate effective the date any license granted to Harmony by DCFS, or any DCFS-approved license which is assigned or transferred to a City-approved assignee or licensee for the CBRF operation at the Cappaert Road addresses identified herein is closed, denied, revoked, or terminated by either Harmony or DCFS.
- G. 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.
- H. This 2003 CUP replaces in its entirety the 1996 CUP previously issued by the Common Council, excepting non-compliance with C. above in which case the 1996 CUP shall be re-instated.

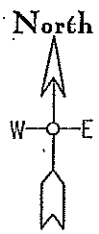


# CONDITIONAL USE PERMIT

## CITY OF MANITOWOC, WI



Area of proposed conditional use permit - existing 28 bed CBRF to be expanded by 15 beds





October 24, 2003

Mr. Michael Smith  
Harmony Living Centers, LLC  
N94 W17900 Appleton Ave., Suite 101  
Menomonee Falls, WI 53051

Certified Mail  
Return Receipt Requested

**RE: Conditional Use Permit for Expansion of Harmony of Manitowoc West at 2115 Cappaert Road**

Dear Mr. Smith:

Your request for a conditional use permit (CUP) to construct an addition onto Harmony of Manitowoc West, 2115 Cappaert Road, was referred to the City Plan Commission for review.

At their meeting of October 15, 2003, the City Plan Commission reviewed the request and submitted a report (copy enclosed) recommending that Common Council approve the CUP, subject to conditions attached to the report.

The Plant Commission report was unanimously accepted by the Common Council at the meeting of Monday, October 20, 2003.

You may consider this communication the 2003 Conditional Use Permit issued to Harmony Living Centers, LLC, to operate at 2115 Cappaert Road with an increase in capacity up to a maximum of 43 residents, plus compliance with the conditions outlined on the Plan Commission report attached hereto.

If you have any questions, please contact me at 920-686-6950.

Very truly yours,

Jennifer Hudon  
City Clerk

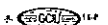
JH:dep

Enc.

Jennifer Hudon, CMC CMTW  
City Clerk/Deputy Treasurer

City Planner David J. Less  
Dir. of Bldg. Inspection Larry Maloney  
City Clerk (CUP File)

CITY HALL  
900 Quay Street  
Manitowoc, WI 54220-4543  
Phone: (920) 686-6950  
FAX: (920) 686-6959  
Email: jhudon@manitowoc.org



*toots & Jan*  
*10/20/03*



**MANITOWOC**  
CITY OF MANITOWOC,  
WISCONSIN, USA

690

October 20, 2003

To: Mayor and Common Council  
From: Manitowoc City Plan Commission

Subject: PC44-2003/PC11-96: Harmony Living Centers, LLC; Conditional Use Permit Under Section 15.23(3)4: for Expansion of Harmony of Manitowoc West Community Based Residential Facility (CBRF) Facility at 2115 Cappaert Road.



Dear Mayor and Common Council:

OFFICE OF CITY PLANNING,  
CITY PLAN COMMISSION

At the regular October 15, 2003 meeting of the Manitowoc City Plan Commission, the Commission held a public informational hearing on a request by Harmony Living Centers, LLC owner and operator of a CBRF known as Harmony of Manitowoc West at 2115 Cappaert Road and Remiker Lane. Harmony is requesting approval to expand their existing facility in size and capacity from 28 residents to a maximum of 43 residents under Section 15.23(3)4.

The Commission notes that Harmony Living Centers, LLC facility is operating under a March 18, 1996 CUP that was granted to Oak Park Developers under the "R-4" district regulations for Harmony to operate a maximum 28-bed CBRF facility at Cappaert Road. Harmony of Manitowoc West is currently licensed by the State as a 28-bed facility and received its initial licensure from the State on 7/1/1999. Their client groups or specialty programs are advanced aged, Alzheimer's and/or Irreversible Dementia.

The Commission further notes that the proposed \$900,000 development is of a similar square footage, and would effectively double the size of the Harmony operation. The expansion would occur in 2004.

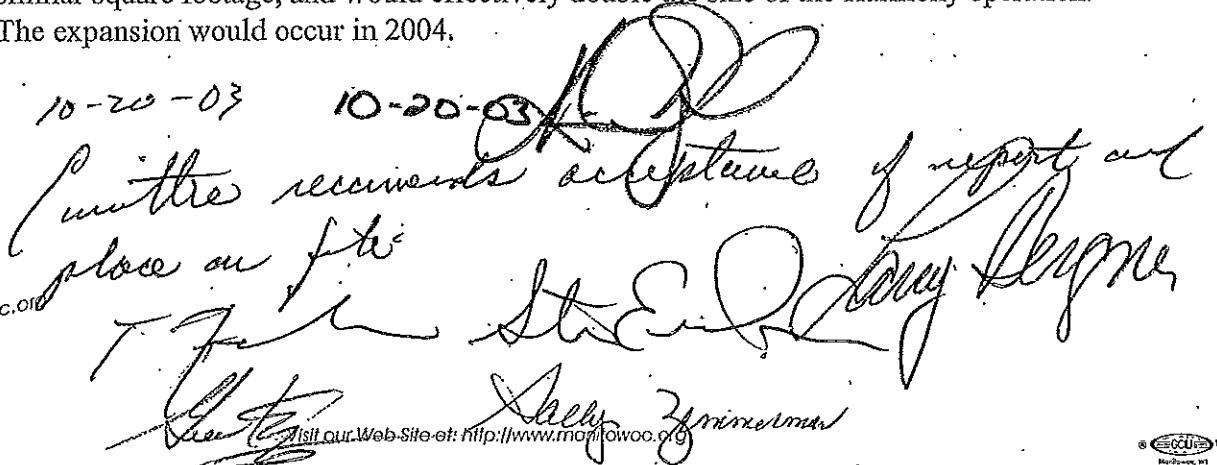
10-20-03

10-20-03

David Less  
City Planner

CITY HALL  
900 Quay Street  
Manitowoc, WI 54220  
Phone: (920) 686-6930  
FAX: (920) 686-6939  
Email: dless@manitowoc.org

*Committee recommends acceptance of report and place on file*



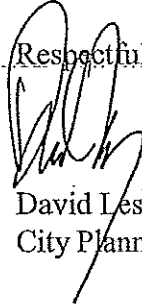
*David Less*  
*Steve...*  
*...*



The Commission unanimously recommended that the Council approve the CUP request by Harmony Living Centers, LLC, subject to the attached conditions. The Commission further notes that their review of this request was done in accordance with Section 15.37(27)(c).

The Commission further notes that there was no opposition to the proposed CUP.

Respectfully Submitted,



David Less  
City Planner

Attachment

Re: Document #2003-611