

Report to the Manitowoc Plan Commission

Meeting Date: May 27, 2020

Request: PC 5-2020: Vichil Properties LLC, d.b.a. Samaritan Group Homes: 1700 Block of Mirro Drive, Request for a Conditional Use Permit for the establishment of a Community Living Arrangement in a R-4 Single and Two Family Residential Zoning District pursuant to 15.150(3)f.

Reason for Request: Community Living Arrangements/Community Based Residential Facility (CBRF) for nine or more individuals requires the issuance of a Conditional Use Permit

Existing Land Use for Subject Property: Vacant

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, South	Residential, vacant	R-4 Single & Two Family
East	Vacant, former outdoor movie theatre	I-1 Light Industrial

Comprehensive Plan: Single and Two Family Residential – Urban

Consistency Analysis: Conditional Use Permits do not have to be consistent with the future land use map but the proposed CBRF residential use would be a consistent use in the Single and Two Family Residential – Urban district.

Report: See submittal packet attached which provides the requestor’s background information.

David and Tina Last, on behalf of Vichil Properties LLC, d.b.a. Samaritan Group Homes are requesting the conditional use permit for the establishment of an Assisted Living Facility in the 1700 block of Mirro Drive.

The petitioner is proposing to construct six, single story, stand-alone buildings with a total occupancy of 60 residents. There will be 3 – 8 resident and 3 – 12 resident buildings in addition to an office building. All buildings will be sprinklered, handicap accessible, with monitored entrances and fencing will be installed as needed. The client group will be: advanced age, dementia, mental illness, developmental disability, physical disability and crisis / respite. In addition to the six assisted living buildings an administrative building will be constructed on the site.

Community Based Residential Facilities (CBRFs) fall under the category of a Community Living Arrangement by the State. CBRFs are licensed by the Department of Health Services and are defined as a medium-sized facility with a minimum of 5 beds, providing care beyond room and board, including up to 3 hours per week of nursing care.

The subject property is currently owned by Nicolas Doneff. It's tax parcel number is 052-816-102-020.00. It is 4.6 acres +/- with 313' of frontage along Mirro Drive. The depth of the lot is roughly 620'. The property splits Lilac Drive into two sections. In 1983 the portion of Lilac Drive that runs through the property was removed from the Official Map to allow for the construction of a church (Calvary Assembly of God) which never occurred. A wetland is now delineated in the area of where Lilac Drive would run so it is very unlikely that Lilac Drive could be constructed even if it was needed.

Wetlands have been delineated on the property and are shown in the submittal packet. The wetlands measure approximately 1.5 acres, so approximately 34% of the property are delineated as wetlands and are undevelopable.

Statute and Municipal Code:

Municipal Code: Pursuant to Section 15.370(27)c of the Municipal Code the following criteria shall be considered when considering a Conditional Use Permit.

“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.”

Statute: In 2017 the Wisconsin legislature passed Wisconsin Act 67 which lessened the discretion and control of local governments regarding the issuance of conditional use permits. The statute is copied and pasted below.

“ §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.”

Public Comments: Because of COVID 19 this item was scheduled for a previous Plan Commission meeting that was cancelled and based on the petitioner talking to the neighbors there was a comment from a Deanna Harp who stated concerns over the wildlife in the area in addition to the wetlands.

Notices were mailed out to abutting and adjacent properties on May 20th

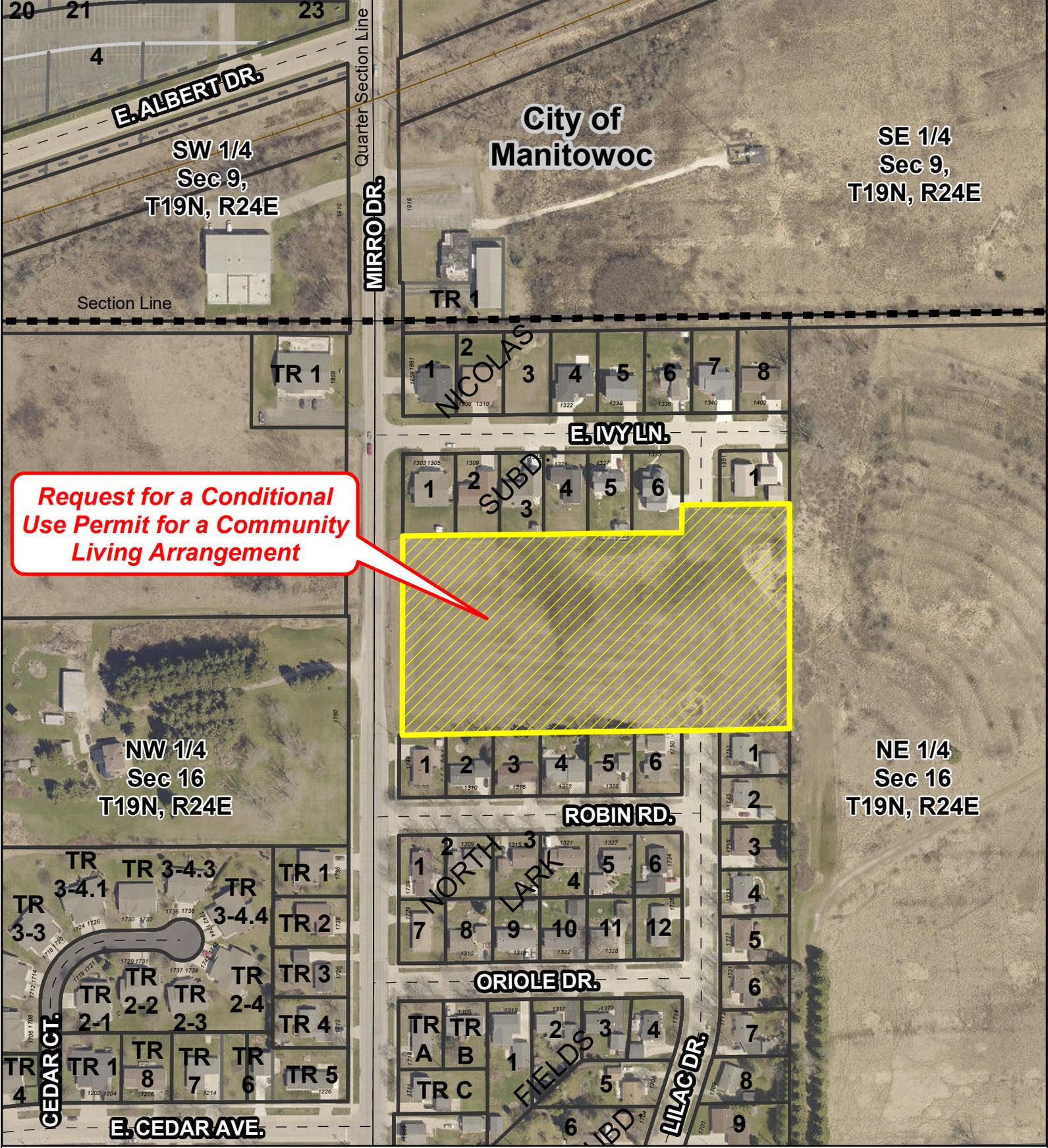
Timeline

- Plan Commission informational hearing May 27
- Common Council public hearing June 15

Recommendation: The Community Development Department recommends approval of the Conditional Use Permit for the establishment of a Community Living Arrangement for up to 60 residents pursuant to the submittal packet and following conditions.

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
VICHIL PROPERTIES LLC, d.b.a. SAMARITAN GROUP HOMES
LOCATED IN THE 1700 BLOCK OF MIRRO DRIVE
TAX PARCEL # 816-102-020
5/27/2020

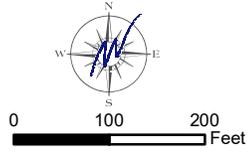
- A. The CUP shall require compliance with all applicable local and state regulations including issuance and maintenance of a license to Samaritan Group Homes (Samaritan) by the Wisconsin Department of Health Services (DHS) for the operation of a Community Living Facility. If Samaritan is not successful in receiving a license from DHS by December 31, 2021 Samaritan shall be required to re-apply for a CUP.
- B. Samaritan shall be subject to a maximum of up to 60 residents as shown in the submittal packet and drawing.
- C. Samaritan shall not assign or transfer its interest in the CUP to any party without the written approval of the Manitowoc City Plan Commission and Manitowoc Common Council. The CUP shall automatically terminate effective the date any License or certification granted to Samaritan by the State or 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. If in the future the property converts to a use other than an Assisted Living Facility the property shall be subdivided so that each building is on their own lot of record with proper access and utilities provided to each building.
- F. Building 5 at the southeast corner of the development shall be at least 15' setback from the south property line.



Request for a Conditional Use Permit for a Community Living Arrangement

CONDITIONAL USE PERMIT

City of Manitowoc, WI



 Area of Conditional Use Permit for Samaritan Community Living Arrangement

PC 15-2020 Samaritan
Mirro Drive

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: 3/16/2020

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Manitowoc City Plan Commission

Conditional Use Permit Request

Contact Info:

Request Being Made By: Vichil Properties LLC
DBA: Samaritan Group Homes
W3329 Sunset Road
Sheboygan Falls, WI 53085

Contact Person: David Last – Member
(920) 207-8453 – Cell
(920) 467-6303 – Office
morainebuilders@gmail.com – Email

Property Information:

Tax Key Number - 052-816-102-020.00

Legal Description- NW ¼ NW ¼ NE ¼ EXCL NORTH 20' & EXCL
WEST 45' V1183 p686 FOR ST & EXCL PART
TAKEN FOR NICOLAS SUBD NO 1 SEC 16-19-24

Total Acres: 4.613

Existing Use of Property:

This site is currently a vacant lot that is zoned R-4. No existing structures or roadways. Topography is gently sloping from East to West. The property also contains a large amount of delineated wetland as shown on the attached site layout.

Purpose of this Request:

The purpose of this request is to obtain a conditional use permit to develop this parcel of land as a multi-building Community Based Residential Facility (CBRF) and Assisted Living campus.

Attachments:

- 1) Map of Parcel with topography and preliminary buildings layout
- 2) Sample layouts of 8 and 12 bed floorplans
- 3) Preliminary concept front elevations of buildings

Description of Proposed Project:

Facilities:

- Construction of (6) CBRF facilities with an occupancy of 8 to 12 residents in each building
 - All facilities to be fully sprinklered, handicap accessible, class CNA
 - All facilities incorporate monitored entrances for resident management
 - Facilities will incorporate fenced yard areas as appropriate
 - Facilities to serve a mix of client groups including
 - Advanced Age
 - Dementia
 - Mental Illness
 - Developmental Disability
 - Physical Disability
 - Crisis/Respite

- Construction of an administrative building to be used for:
 - Garage for business vehicles and property maintenance equipment
 - Business/Management office space
 - Centralized Kitchen and Storage Pantry
 - Training and Meeting Rooms

Infrastructure:

- Private paved roadway to run East from Mirro Drive and connect to North end of Lilac Ln.
- Storm drain system installed integral with roadway
- Storm drainage to be incorporated with storm retention pond on Southwest corner of property
- Roadway to be lit with dusk to dawn street lighting for ambiance and security
- Parking areas at each building to accommodate necessary staff/visitor parking
- Water mains of adequate size to be installed to accommodate sprinkler systems in each facility

Health and Safety:

- Street lighting and building egress lighting throughout site
- All buildings to be sprinklered for fire safety
- Fire Hydrant installed per City of Manitowoc requirements
- Twin access points (Lilac Ln and Mirro Dr) for fire fighting equipment access
- Fencing to be installed at storm water retention pond

Additional Site Information:

- Requested building density is less than what could be developed under current zoning
- Building designs and roadway with streetlights will be consistent with a new residential area and be a positive image for the surrounding neighborhood.
- Proximity to public transportation will be utilized by residents as practical
- Wetland area will be maintained as lawn area and be used as a park like setting

Miscellaneous Info:

- Traffic patterns for these facilities
 - 2 staff per facility per shift
 - Resident traffic during the daytime hours
 - To and from day programming
 - Outings/shopping
 - To and from healthcare appointments
 - Visitors such as family and care teams

- Signage to include a main monument sign at Mirro Drive entrance and a smaller monument sign at each individual building. Signs to be ground lit.

Preliminary Project Schedule:

- This project is anticipated to develop over the course approximately 6 – 8 years. Infrastructure will begin at Mirro drive and continue East to the end of the retention pond. Infrastructure work for this area will begin in the Fall of 2020 or Spring of 2021. After this infrastructure work is in place, construction will begin on the 12 bed CBRF on the Northwest corner of the property. Additional buildings and infrastructure will be added as each facility is filled and appropriately staffed. Ideally this progression will be at the pace of one new facility per year.

About Vichil Properties:

Mission and Vision

Samaritan Home is committed to excellence in serving the unique needs and challenges of members within our community who have developmental disabilities, mental illness, advanced age, and Dementia. Our mission is quite simple and straight forward; our core values are established by our family's strong Christian Faith, which inspires us to provide the highest quality of care in the most cost-effective manner, which is person-centered, delivered in the least restrictive setting, while preserving the client's independence and dignity.

Samaritan Home's vision is to provide affordable, comfortable, and accessible housing, links to public services, and highly trained support staff to assist the client in his / her daily activities, decision making, and actualization of personal choices and goals.

Our mission and vision is maintained through our continued commitment to provide a physical, social, and spiritual environment which recognizes these core values in the continuum of care. Samaritan Home will continue to uphold a reputation of excellence and remain a trusted and reliable partner for the governmental and private agencies in the communities we serve.

Population Served

Located in Manitowoc, WI Samaritan Home is owned by Vichil Properties which is a family owned LLC which owns and operates, state licensed, Community Based Residential Facilities, (CBRF) which provides residency services for adults within the community.

The population served consists primarily of persons with diagnosis such as; mental illness, developmental disabilities, advanced age, and Dementia. Recognizing the need for Crisis Services and intervention in the continuum of care, Samaritan Home has elected to partner with Managed Care Organizations (MCO) such as Manitowoc County Health and Human Services to provide the much needed crisis services for individuals requiring immediate, short-term placement when their acute condition may not be successfully managed in their normal setting, or when they require additional observation and treatment by trained professionals to manage their care in the interim.

The primary goal of these services is to stabilize and improve psychological symptoms and to engage individuals in appropriate treatment services to address the problems that led to their crisis and to educate the client and provide them with methods to help them successfully manage their condition long-term.

By serving these various client groups we are able to select clients that most fully compliment the homes culture and resident mix. Experience has shown that a particular diagnosis does not adequately describe the attributes of a client or their current physical, mental, and emotional needs. Licensing for admission of clients with varied diagnosis allows Samaritan Home to take a patient-centered approach in selecting those individuals we feel our program is most likely to positively affect and improve the quality of their life and the lives of their fellow housemates. Diversity in the home has proven beneficial in highlighting the positive attributes and strengths of the individual clients in their particular circumstance.

Program Goal

Samaritan Home's overall goal as a provider is to maximize the clients' cognitive, affective, physical health and psychomotor skills in order to facilitate the client in maintaining or attaining their highest possible level of functioning in the least restrictive setting. This can be accomplished through optimistic attitudes, providing a structured, yet warm home-like setting, implementing individual treatment plans with realistic goals, providing opportunities for social interaction, and having highly qualified, trained staff that adheres to the mission and vision of Samaritan Home in providing care that not only meets, but exceeds State regulations and standards of care.

Imperative to this program is an emphasis on the importance of community integration to the highest extent possible for each client. Examples of such integration are vocational opportunities through developmental training centers such as; REACH, Supported Employment, religious activities, cultural events, and social interaction through community events and activities.

Specific Program Goals Include:

- Assisting and training clients in personal care activities such as dressing, grooming, and bathing.
- Assisting and training clients in daily living skills such as meal planning and preparation, laundry, and household chores.
- Manage and administer client medications with the goal of minimizing side effects and managing the patients condition with the least amount of medications possible and in the lowest dose required to maintain a therapeutic effect (specifically psychotropic medications and narcotic).
- Assisting clients in appropriate socialization, including productive and independent leisure time, one-on-one interaction, group activities, as well as community work or day programs.
- Assisting clients in understanding and expressing their emotions and feelings, focusing on building positive self-esteem and sense of self-worth.
- Encouraging and helping clients in maintaining involvement with family members and other significant people in their lives.
- Accurately assessing and responding to the unique changing needs of each client.

Staffing Patterns and Level of Training

Staffing patterns consist of around the clock, 24/7 awake care delivered by highly qualified, experienced, Certified Nursing Assistants (CNA's) and Resident Assistants (RA) who hold required CBRF certifications. Low resident to staff ratios ensures that all clients are provided with ample supervision and supportive services which empowers the clients to function at their highest optimal level of independence. The ratio of staff to clients shall be adequate to meet the needs of the clients as defined in their assessments and current Individual Service Plan (ISP).

Exit doors, although not locked, are wired into an alarm system to alert staff to elopements from the building. Surveillance cameras are also present at the outside of the front and back side doors on the main level of the Home for increased security.

Required CBRF Certifications in Accordance with DHS 83 Codes Include:

- First Aid and Choking
- Fire Safety
- Medication Administration
- Standard Precautions (CNA exempt)

Qualifications of Samaritan Home's Administrator

Tina Last is the RN / Administrator of Samaritan Group Home. Tina has a diverse background in nursing serving a wide variety of cliental. Tina started her nursing career working in the Long-Term Care setting for approximately two years as a Certified Nursing Assistant (CNA) while she was enrolled in the nursing program at Lakeshore Technical College (LTC). Tina received her Associates degree in Nursing from Lakeshore Technical College in Cleveland, WI and later received her Bachelorette of Science and Nursing from the University of WI, Oshkosh. Tina spent approximately seven years of her career working in the Long-Term Care setting before she decided to switch gears to gain experience in an acute care setting in 2014.

Tina is currently employed Part-Time at Holy Family Memorial Hospital where she is a familiar face to both the Medical Surgical floor as well as the Holy Family Wound Clinic. With a passion for wound care, Tina furthered her education in this field of study by becoming a board certified Wound Care Nurse receiving her WCC certification from the National Alliance of Wound Care and Ostomy in August of 2014. Tina also holds additional certifications and has also received extensive training relevant to her work as an RN / Administrator in a CBRF setting including training in the following areas: Wisconsin Mental Health Laws; Suicide and Risk Assessment; Dementia Awareness and Skills; Recognizing, Responding, and Investigating Abuse, Neglect, and Misappropriation; Resident Rights; Crisis Core Training; and Pressure Ulcer Prevention. Tina has also taken several "Train the Trainer Courses" and has recently been certified by the state of Wisconsin to instruct the following required CBRF courses: Fire Safety; First Aid and Choking; Standard Precautions; and Medication Administration.

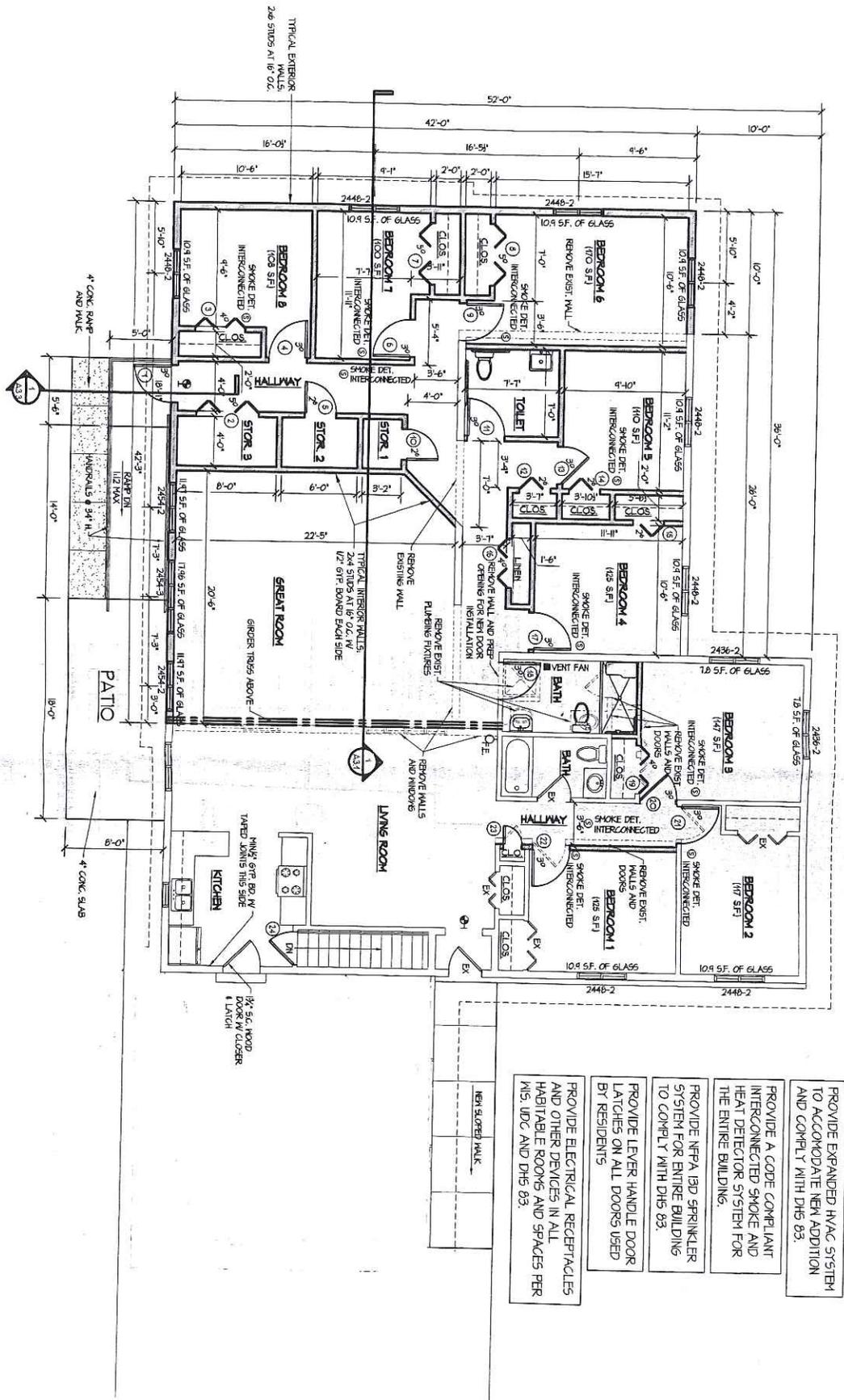
Tina's plans for the future include providing additional, ongoing training and support for all employees of Samaritan Home and teaching nursing courses for local colleges.

In the event that Tina is absent from the facility, Catherine Livingston, RN, BSN will be available to meet the immediate needs of the homes and clients. Catherine has over 30 years of experience working in the field of nursing and is also a certified wound care and ostomy nurse (WCON).

Submitted By:



David Last
Moraine Builders



FLOOR PLAN
 SCALE 1/8" = 1'-0"

Example 8 Bed

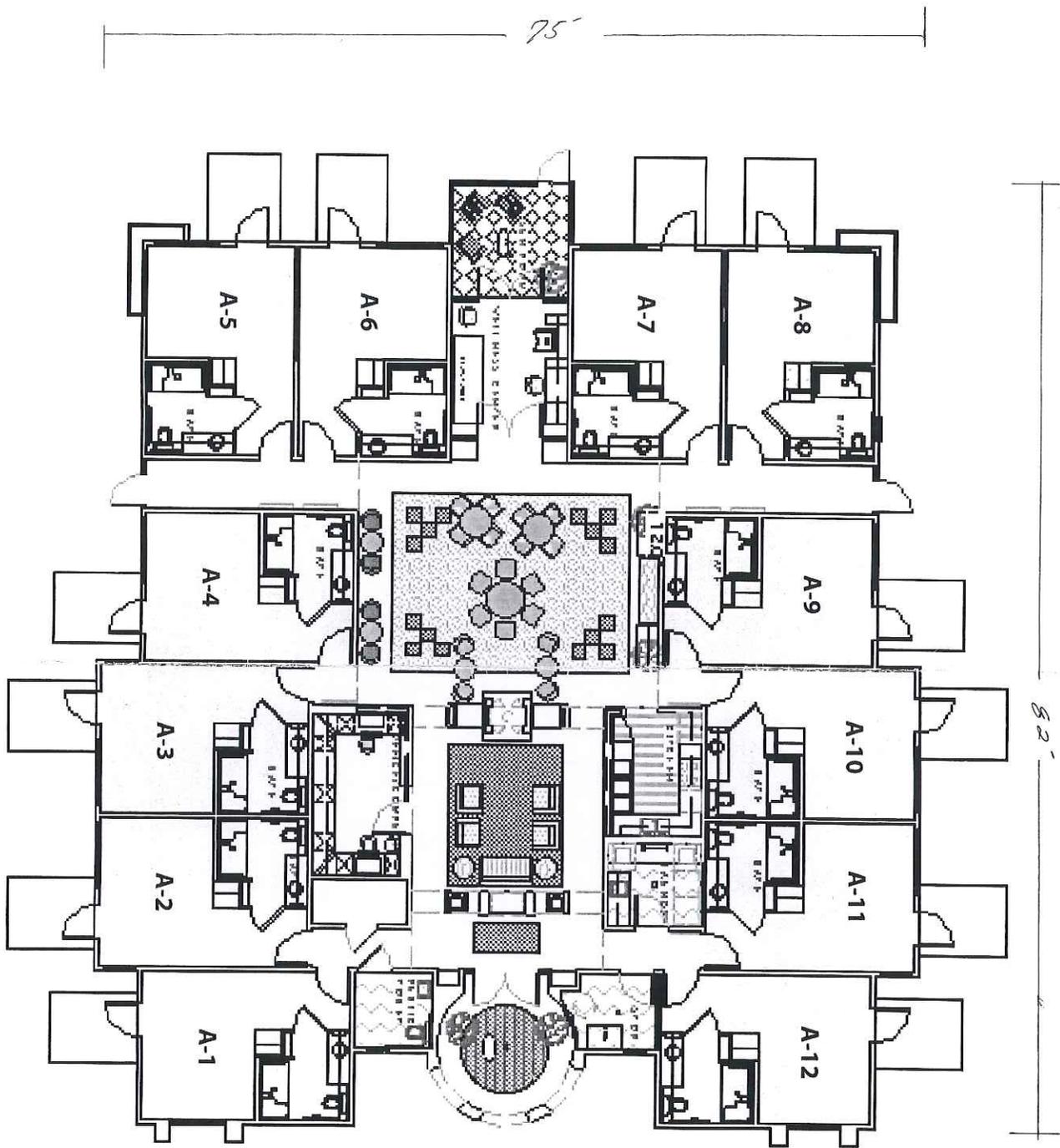
- PROVIDE EXPANDED HVAC SYSTEM TO ACCOMMODATE NEW ADDITION AND COMPLY WITH DHS 83.
- PROVIDE A CODE COMPLIANT INTERCONNECTED SMOKE AND HEAT DETECTOR SYSTEM FOR THE ENTIRE BUILDING.
- PROVIDE NFPA 13D SPRINKLER SYSTEM FOR ENTIRE BUILDING TO COMPLY WITH DHS 83.
- PROVIDE LEVER HANDLE DOOR LATCHES ON ALL DOORS USED BY RESIDENTS
- PROVIDE ELECTRICAL RECEPTACLES AND OTHER DEVICES IN ALL HABITABLE ROOMS AND SPACES PER M15, IJDC AND DHS 83.

DATE	4-27-17
PROJECT NO.	1746
SHEET NO.	A1.1

DRAWN BY	JL
CHECKED BY	EJ
SHEET TITLE	COMMUNITY BASED RESIDENTIAL FACILITY MANITOWOC, WI 54220

LJM Architects
 813 Riverfront Drive Sheboygan, WI 53081
 Phone (920) 458-4800 Fax (920) 458-1485

NO. REVISIONS	DATE



Sample 12 Bed CBRF

EXAMPLE EXTERIOR ELEVATIONS W/ FRONT CANOPIES



EXAMPLE EXTERIOR ELEVATIONS W/ FRONT CANOPIES

