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CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org



January 28, 2016

To: Mayor and Common Council
From: Manitowoc City Plan Commission
Subject: **PC 22-2015 Priority One Investments, LLC; a.k.a. TLC Homes, Inc. (TLC) Request for Conditional Use Permit (CUP) for an Adaptive Reuse Pursuant to 15.150(3)k and 15.370(29) at 1004 N. 17th Street for an Adult Day Care Facility and Office Use.**

Dear Mayor and Common Council:

At the regular January 27th, 2016 meeting of the Manitowoc City Plan Commission, the Commission held a public informational hearing regarding a request from Tim Frey, owner of Priority One Investments, LLC (Priority One) also known as TLC Homes, Inc. (TLC); Mr. Frey owns both Priority One and TLC. Priority One has recently purchased the property located at 1004 N. 17th Street from Bank First National. The building is the former location of Grace Evangelical Church and multiple Community Based Residential Facilities (CBRF) uses.

This is the second request for an Adaptive Reuse Conditional Use Permit from Mr. Frey; the first request was denied by both the Plan Commission and Council in August 2015 based on concerns with the lack of off-street parking, narrow right of way widths, and the length of the hours and number of days the facility would be open. In response to the denial Mr. Frey made changes to his business model and has made a second request for the CUP; Mr. Frey made the following changes:

- Eliminated the Regional Office and Training component
- Reduced Hours of Operation from 6 am – 6 pm to 9 am – 3 pm
- Reduced Days of Operation from Monday – Saturday to Monday – Friday. Saturday operations are eliminated.
- Reduced individuals being served from 40 down to 25.
- Reduced number of vehicles parked on street from 7 to 3
 - o 3 vehicles will be transport vehicles, two employees will park in driveway and the other employees will travel in transport vehicle.
- Employees on-site reduced from 19 to 12. Employees driving vehicle to site reduced from 13 to 2.

The lot is approximately .3 acres and is located at the northwest corner of 17th and Wisconsin. The property is 88 feet along 17th Street and 155 feet along Wisconsin Ave. The property is currently R-4 Single Family and Two Families in all four directions. The surrounding land use is single and two family residential. Adult Day Services up to 8 individuals are a permitted use in an R-4 zoning district, a CUP is required for nine or more individuals.

The Adult Day Service facility would serve intellectually disabled, developmentally disabled adults and traumatically brain injured adults. The individuals will have activities such as crafts, artwork, entertainment such as movies, videos, fine motor skill activities, socialization activities, memory games, gardening, and walks; there will not be any type of packaging or assembly work done at the location.

Public comments regarding the project were both in favor of and opposed to the project. Individuals in favor of the project generally felt the following: the adult day services was a decent reuse of the building benefitting individuals with disabilities in the community, the reuse of the building and investment into the building is better than a vacant deteriorating building and the Adult Day Service is a better alternative compared to a CBRF. Individuals opposed to the project generally felt the following: the concern over the type of individuals being service, the traffic congestion and safety at the Wisconsin Avenue and N. 17th Street intersection, reduction in property values and safety of the residents in the neighborhood.

After a lengthy public informational hearing and discussion by the Plan Commission the Commission voted 4 to 3 to recommend approval of the Adaptive Reuse Conditional Use Permit request to Priority One Investments, LLC for the establishment of an Adult Day Services facility pursuant to the attached conditions.

Respectfully Submitted,



Paul Braun, City Planner

Attachments

Re: Granicus #16-0064

Tim Frey
Priority One Investments
PO Box 1407
Sheboygan, WI 53082

**REQUIREMENTS FOR
ADAPTIVE REUSE CONDITIONAL USE PERMIT (CUP) APPROVAL FOR TLC HOMES,
INC., 1004 N. 17TH STREET
1/27/2016**

Re: PC22-2015: The adaptive reuse CUP is granted exclusively to Priority One Investments, LLC d.b.a. TLC Homes, Inc. ("TLC") pursuant to Sections 15.37(29) and 15.37(27) of the Manitowoc Municipal Code ("Code") for the land and building at 1004 N. 17th Street (Property), and shall hereinafter serve as authorization for the location and operation at the Property of an Adult Day Services operation pursuant to Sections 15.150(3)e and 15.150(3)k of the Code, as may be amended from time to time. The area of the CUP is identified on the attached map and shall hereinafter be referred to as the "CUP Area". The CUP Area is defined as Tax Parcel # 790-004-142.

TLC is required to comply with the following conditions:

1. The CUP authorizing the siting and operation of TLC in the CUP Area shall not become effective and binding until the latest date that: (i) the Common Council approves the CUP as outlined herein. In the event the Council does not approve said CUP on or before midnight on March 31, 2016, the authorization for this CUP by the Common Council shall automatically terminate effective April 1, 2016 and TLC shall be required to re-apply.
2. The maximum number of Day Service individuals at the CUP Area shall not exceed 25 individuals at any time. Day Service hours of operation shall be Monday - Friday from 9am – 3pm. Up to two staff may be on site prior to or after the hours of operation (9am – 3pm) to "setup" or "clean-up" after the Day Service operation is closed.
3. There shall be no office, administration or similar activities at the location with the exception of activities that are directly related to the 1004 N. 17th Street operation.
4. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
5. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which TLC or Tim Frey has a controlling interest, the CUP shall then terminate effective the date of conveyance.
6. The CUP shall not be assigned, transferred, sublet or conveyed without the written approval upon review and recommendation by the City Plan Commission, and approval by the Manitowoc Common Council.
7. 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.
8. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in January, 2017. The Plan Commission

and Council shall at that time determine if an annual review shall continue into subsequent years. The annual review may result in the disclosure of non-compliance issues or the identification of terms and conditions that are no longer necessary or required to maintain the intent or compliance with the CUP, and 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. The Plan Commission and Common Council reserve the right to review the CUP at any time.

9. There shall be no exterior signage allowed advertising the Adult Day Service use.
10. Employees who are not transported to the property in TLC transport vans shall park on the driveway off of N. 17th Street.
11. A maximum of 3 TLC transport vehicles shall be parked at the property at a time. TLC shall make every reasonable attempt to park their transport vehicles along the north side of Wisconsin Avenue directly adjacent to their property. The transport vehicles shall not block the vision triangle and shall park at least 15 feet away from the intersection right of way line of Wisconsin Avenue and N. 17th Street.

WENTHUR LUCAS J & STEPHANIE A	RIVEST DAVID A	BROCHAGEN LEE R & TERYL R	GAUER KIMBERLY M	BIERKE PAULA	BETHKE ET AL MICHAEL T & JACLYN M	STOKES KENNETH B	JUCHNIEWICZ DANIEL L	OLM JAMES A & JOANNE A	REAR PARCELS
JANSSEN JACOB W	1035 JUUL JEFFREY W & KATHLEEN			LONG MAXWELL & NATALIE	1036	1037 SISEL ROGER E		JOHNSRU PAUL	
KENNEDY GARY J & ROSEMARY M	1031 QUANDT REBECCA S			GOFF MATTHEW L	1030	1031 FREY PAUL W & VIRGINIA D		DEWANE REV TRUST KAY A	
MECCA SR ET AL MICHAEL P	1025 HERRERA JR GILBERT			GEORGE RACHAEL T & JOSEPH P	1026	1029 ACKLEY CHAD V & JODY M		TODHUNTER DAVID V	
R-6	1017 STEGMANN ERIC M & ERIKA			KREIE KRISTY	1022	1021 SEARS ALBERT C & PAULETTE M		FENCL MARGARE	
RANKIN ST	1015 CHRISTENSEN ET AL KEVIN P			CAREY DEVELOPMENT LLC	1020	1019 BECKMAN HAROLD L		TRASK KERRY A	
N 18TH ST	SCHMIDT DAVID R	FREUND DOROTHY A	LECLAIR MICHELLE L	D'AOUST GARY M	1014	1013 MANN STEPHEN K		EKSTROM RICHARD J & JOHANNA L WORLEY	
940	1722 1720	1718 1716	1	PRIORITY ONE INVESTMENTS LLC	1004	1009 FRANKLIN JUSTIN T		VADNEY JON G AND DIANNE S	
						WEBER LAURA B	JOHNSON KURT T & JENNIFER M	BAILEY LAWRENCE E & GAIL E	KITZEROW MARK ET AL
						1622	1618	1614	1610
									NIENOW PETER C
									CHRISDEN RENTALS LLC

WISCONSIN AVE

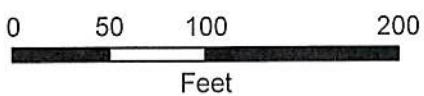
943 LETTENBERGER TED J	1717 WENDT JOSHUA J	1709 POKLINKOSKI NOAH J	RAUEN EUGENE C & KAYLENE M GAUGER	938	ALLEN KAY F	1615 MEVERDEN DANIEL F	1611 OSPEDALE CRAIG	LACOSSE PATRICIA A
933 RAUCH HOWARD F			SUESS LEE E	934	939			MUELLER SR DONALD P
931 KÜRTZBÄCH THOMAS L & CARLA G			& AUDREY S		931	SEILER PETER M		RAYFORD COLIN P
925 DEGROOT PETER J & PEGGY L			NOVY JR REV TRUST VICTOR J	926	925	KAESERMANN RICHARD D		DEMSKE MICHAEL
923 HAESE GLENN R			ZUTZ DENNIS A	922	923	DUENO WALTER P		HOWART ALFRED
917 HANSEN CAROLE J			LODL KENNETH E	920	917	AYERS ROBERT J		PETRI HEATHER
WURTINGER ROBERT J			BINNS BRENN A			STUTTE HOUSE LLC		EQUITY BUILT LLC

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**MANITOWOC
CITY OF
CITIZEN PARK**

TLC Homes Inc. Request for a Conditional Use Permit for the establishment of an Adult Day Service Use
1004 N. 17th Street

PC 22-2015



Legend

 Area of Request for Conditional Use Permit

Prepared by City of Manitowoc
Planning Department
www.manitowoc.org
Map Plotted: 01/19/2015
X:\maps\Plan_Commission\Conditional_use\PC22-2015_Frey_CUP.mxd

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.