



# City of Manitowoc

900 Quay Street  
Manitowoc, WI 54220  
www.manitowoc.org

## Meeting Minutes

### Plan Commission

---

Wednesday, May 25, 2016

6:00 PM

Council Chambers

---

#### I. CALL TO ORDER

The meeting of the City Plan Commission was called to order by Chairman Justin Nickels at 6:00 pm

#### II. ROLL CALL

**Present:** 7 - Jim Brey, Dave Diedrich, Daniel Hornung, Mayor Nickels, Dan Koski, Jim Muenzenmeyer and Peter Dorner

**Absent:** 1 - Dennis Steinbrenner

Staff present: Nic Sparacio, Paul Braun, Tyler Caulum, Lisa Mueller

Others present: Todd Meerdink

#### III. APPROVAL OF MINUTES

[16-0494](#) Approval of the Minutes of the April 27, 2016 Meeting.

**Moved by Diedrich, seconded by Koski, that the minutes of the April 27, 2016 meeting be approved. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Dorner

#### IV. PUBLIC INFORMATIONAL HEARINGS

[16-0495](#) PC 18-2016: Shady Lane Request for a Conditional Use Permit for a Campus Wide Master Plan for up to a mix of 309 Skilled Nursing (SNF), Community Based Residential Facility (CBRF) or Residential Care Apartment Complex (RCAC) type beds pursuant to Section 15.190(3)f & i.

P. Braun described the location, zoning and surrounding land uses.

P. Braun explained that Todd Meerdink, President of Shady Lane Inc. is requesting a conditional use permit for the development of up to a maximum 309 bed Community Living Arrangement. The 309 beds would be a blend of either skilled nursing, community based residential or residential care apartment complex type beds. P. Braun stated that the Plan Commission and Council are required to issue a conditional use permit for nursing homes or community living arrangements for 16 or more

individuals.

P. Braun explained that the requested CUP is generally consistent with the Comprehensive Plan, however the north half of the property is shown on the future land use map as Public Parks and Open Space and will need to be amended in the future.

T. Meerdink stated that they are adjusting to the changing skilled and assisted living demographics and proposing to construct new buildings and raze the outdated ones. T. Meerdink detailed the proposed phasing of the projects, in addition he also showed renderings of the building elevations of the first 36 bed, one story CBRF that will be constructed in 2016. The Master Plan also shows 3 market rate duplexes.

T. Meerdink explained that the 309 beds would be the maximum number and that this amount would only be needed when Shady Lane has all the new buildings completed and the old ones are being transitioned out of service. When the master plan is completely finished Shady Lane is anticipating that there will be approximately 250 beds available.

J. Brey raised concerns over the lack of off street parking shown on the master plan. T. Meerdink stated that the architect has reviewed the City's off-street parking requirements and that the development will meet all the requirements. He also stated that the number of employees may go down based on efficiencies and that full skilled care nursing requires more staff than assisted living care and that the number of skilled nursing beds are expected to decrease.

P. Braun informed the Commission that Shady Lane held two of their own neighborhood meetings and that public hearing notices were mailed to the neighbors on May 18th and that no comments were recieved.

Mayor Nickels opened the public informational hearing.

There were no public comments, so Mayor Nickels closed the public informational hearing and asked for the recommendation.

P. Braun stated that the recommendation is to approve the request to allow for up to 309 beds for a blend of either: Skilled Nursing Facility, Community Based Residential Facility or Residential Care Apartment Complex licensed individuals for Shady Lane, Inc's (d.b.a. Shady Lane Nursing Care Center & Laurel Grove Assisted Living Center) pursuant to the following conditions. In addition staff recommends to the Commission that they go on record granting the exceptions to the 2,500 foot spacing rule and density requirements.

Re: PC 18-2016:

Grant to Shady Lane, Inc. ("Shady Lane") d.b.a. Shady Lane Nursing Care Center & Laurel Grove Assisted Living Center a CUP under Section 15.190(3)(f) and (3)(i) of the Manitowoc Municipal Code ("Code") for: (i) the operation of a Skilled Nursing Facility ("SNF"); (ii) the operation of a Community-Based Residential Facility ("CBRF") and (iii) the operation of a Residential Care Apartment Complex ("RCAC") as part of the Shady Lane operation.

This CUP shall hereinafter serve as authorization for the location and operation of a nursing home (as defined under Section 15.030 of the Code) including but not limited to all site improvements or modifications required by municipal, state or federal statute or regulation, plus support facilities appurtenant to the operation of a nursing home including, but not limited to various medical, dental, clinic, mental health and pharmaceutical services, administrative offices, kitchen and dining facilities, meeting functions, counseling and other services ("Support Facilities"), all at the "CUP Area" as described on the attached map. The Support Facilities (whether owned and operated by Shady Lane, or an entity not controlled\* by Shady Lane, or an off-site clinic operated under a hospital license) are herein authorized in this CUP as long as it is not used for a commercial purpose (having profit as its primary aim), excepting a retail operation for the primary benefit of Shady Lane residents and visitors, and with no signage visible from any public right-of-way and may exist via any lease, sublease, license or sublicense arrangement in which Shady Lane (or an entity controlled by Shady Lane) serves as the lessor or licensor, as long as Shady Lane is not released from liability or performance under this CUP by reason of such transfer.

The CUP area is hereinafter defined as Lot 1 of a Certified Survey recorded in Volume 32, Page 123, being Document # 1167165 recorded in the Register of Deeds Office located in the Manitowoc County Courthouse.

- A. This CUP replaces any and all previously issued CUPs by the City related to the Shady Lane property.
- B. This CUP further authorizes the location and operation to have a maximum capacity of **309** beds overall with a mix of Skilled Nursing Home, CBRF or RCAC licensed beds as determined by Shady Lane to meet market demands.
- C. Compliance with all federal, state and local regulations and licensing requirements.
- D. No party shall assign or transfer its interest in the CUP to any party without the prior written approval of the Manitowoc Common Council.
- E. The CUP shall automatically terminate effective the date any License or certification granted to Shady Lane by the State, or any State-approved

license which is assigned or transferred to a City-approved assignee or licensee for the nursing home or CBRF at the CUP Area is closed, denied, revoked, or terminated by either Shady Lane or the State.

- F. 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.
- G. Delivery to the Department of Community Development, within ten (10) consecutive calendar days of full execution, of any agreement in which Shady Lane (or an entity controlled by Shady Lane) authorizes occupancy of Support Facilities in the CUP Area.

- \* The term "control" or "controlled" is defined herein as the ownership, directly or indirectly, of the power to direct or cause the direction of the management and policies of an entity, or the power to veto major policy decisions of any such entity, whether through the ownership of voting securities, by contract or otherwise.

**Moved by Hornung, seconded by Muenzenmeyer, to approve a Conditional Use Permit allowing for up to 309 beds for a blend of either: Skilled Nursing Facility, Community Based Residential Facility or Resident Care Apartment Complex licensed individuals for Shady Lane, Inc. pursuant to the recommended conditions. The Commission also recommends that the Council grant the exceptions to the 2,500 foot spacing rule and density requirements. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Dorner

## V. REFERRALS FROM COMMON COUNCIL: None

## VI. OLD BUSINESS: None

## VII. NEW BUSINESS

### [16-0496](#)

PC 19-2016 Release of Easement BOC Partnership, LLP (Badger Office City) for property located at 4716 Expo Drive.

P. Braun reviewed the request to release the two easement areas that are located on the BOC Partnership, LLC property. The first utility and access easement runs in a north / south direction through the BOC parking lot and the second water easement runs along the south property line. There are no utilities located in the two areas and all agencies have filed approvals for this request.

**Moved by Diedrich, seconded by Koski, to approve the release of the easement for Badger Office City. The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Dorner

### [16-0497](#)

PC 17-2016 Chapter 15 Text Amendment, Section 15.370(19), regarding

Community Living Arrangements.

N. Sparacio stated that this ordinance amendment is the result of the discussion continued from the April Plan Commission meeting on this topic. The recommended amendment would strike the language from Chapter 15.370 of the Zoning Code that requires a Community Living Arrangement to acquire an exception to the 2,500 foot spacing and density requirements pursuant to § 62.23(7)i 1 & 2 of the State Statutes, which have been found to be in conflict with related federal laws. The other provisions of the Zoning Code that require larger Community Living Arrangements to obtain Conditional Use Permits would remain intact.

**Moved by Diedrich, seconded by Hornung, to approve the amendment to Section 15.370(19)(a) of the Municipal Code regarding Community Living Arrangements as shown in the recommended ordinance, and to instruct the Clerk to: i) introduce said ordinance at the next Council meeting, ii) call for a public hearing to be set for the July 18th Council meeting, and iii) publish the required class 2 notices.**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Dorner

## VIII. MISCELLANEOUS

- A. Manitowoc County Activities: None
- B. Certified Survey Maps (CSM): None
- C. Summary of Site Plans: From April 8, 2016 To May 16, 2016: None
- D. Director's Report: Mr. Sparacio provided a Director's Report via email. Discussion ensued regarding various potential developments in the community.

## IX. ADJOURNMENT

**Moved by Brey, seconded by Dorner, that the meeting be adjourned at 6:21 PM.  
The motion carried by the following vote:**

**Aye:** 7 - Alderperson Brey, Member Diedrich, Member Hornung, Mayor Nickels, Member Koski, Member Muenzenmeyer and Member Dorner

Respectfully Submitted,

Paul Braun  
Secretary