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9-21-15

15-986

CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org



September 1, 2015



CONSENT

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: PC14-2015: Harmony Living Centers, LLC; Assignment of a Conditional Use Permit to Ensign Group, Inc / Harbor View Assisted Living for a 43 Bed Community Based Residential Facility (CBRF) located at 2115 Cappaert Road.

Dear Mayor and Common Council:

At the regular May 6, 2015 meeting of the City Plan Commission, the Commission reviewed a request from the Ensign Group, Inc d.b.a Harbor View Assisted Living regarding the assignment of a Conditional Use Permit originally issued to Harmony Living Centers, LLC. The Ensign Group and its affiliated operating entity Harbor View Assisted Living have taken over operations of the former Harmony Living Centers, LLC 43 bed CBRF that is located at 2115 Cappaert Road.

The Plan Commission report was delayed for 4 months due to a request from the Ensign Group because of their on-going negotiations.

The Plan Commission unanimously recommended that the Conditional Use Permit be transferred to the Ensign Group, Inc. d.b.a. Harbor View Assisted Living. The Conditional Use Permit conditions are attached to this report.

Sincerely,



Paul Braun
City Planner

Granicus # 15-503

Attachments

Applicant Mailing Addresses:

Harbor View Assisted Living
2115 Cappaert Road
Manitowoc, WI 54220

The Ensign Group, Inc.
27101 Puerta Real #450
Mission Viejo, CA 92691

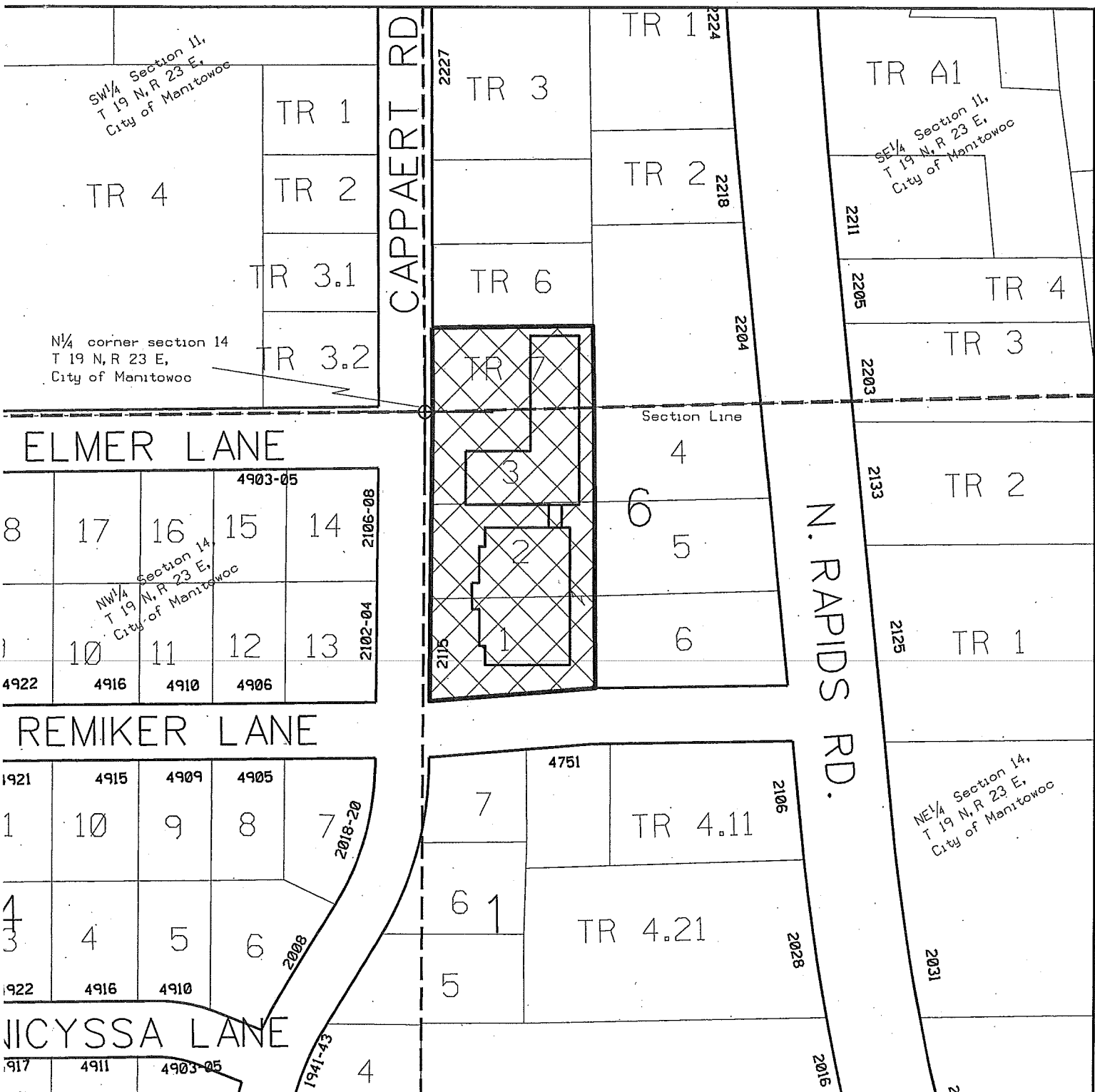
**REQUIREMENTS FOR THE ASSIGNMENT OF A CONDITIONAL USE PERMIT
FROM HARMONY LIVING CENTERS, LLC TO THE ENSIGN GROUP, INC d.b.a. HARBOR VIEW
ASSISTED LIVING
MAY 18, 2015**

Re: PC 14-2015/PC 44-2003/PC11-1996

Recommendation: Assignment of a 2003 CUP under Section 15.23(3)d. Issued to Harmony Living Centers, LLC ("Harmony") to The Ensign Group, Inc. d.b.a. Harbor View Assisted Living (Harbor View) to operate a 43 bed Community Based Residential Facility at 2115 Cappaert. Harbor View is required to comply with the following conditions:

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- A. If Harbor View does not enter into a lease term with the current property owner on or before midnight on September 30, 2015, then this CUP shall be declared void and terminated effective October 1, 2015 unless extended in writing by the Harbor View and the City. Harbor View or the property owner shall provide a copy of a fully executed lease to the City Planner on or before September 30, 2015 to remain in compliance with this section.
- B. If Harbor View satisfied the requirements under A. above, but for whatever reason, fails to secure licensing from the State of Wisconsin by midnight on September 30, 2015 for a maximum of 43 residents, this CUP shall be declared void and terminated effective October 1, 2015. Harbor View shall provide a copy of a new license to the City Planner on or before October 1, 2015 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 assignment of 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 Harbor View 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. ***In the event the two (2) activities identified under this section C. are not completed on or before midnight on September 30, 2015, the authorization for the CUP by the Common Council shall automatically terminate. Harbor View shall be required to re-apply to the City for a CUP but Harmony Living Centers, LLC shall be able to operate under the 2003 CUP.***

- D. Compliance with all state and local regulations and licensing requirements.
 - E. Harbor View 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 Harbor View 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 address identified herein is closed, denied, revoked, or terminated by either Harbor View 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 2015 CUP replaces in its entirety the 2003 CUP previously issued by the Common Council.
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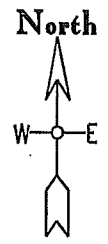


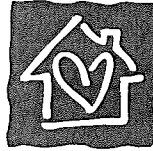
ASSIGNMENT OF CONDITIONAL USE PERMIT

CITY OF MANITOWOC, WI



AREA OF A CONDITIONAL USE PERMIT ASSIGNMENT.
 HARMONY LIVING CENTERS, LLC TO
 MANITOWOC SENIOR LIVING, INC.
 (d.b.a. MANITOWOC COMMONS ASSISTED LIVING)





HARMONY

LIVING CENTERS LLC

July 24, 2015

Dear Sir :

I am pleased to announce that Harmony Living Centers LLC, Riverview Village LLC and Harmony of Franklin LLC have confirmed plans for the transition of operations of our properties to affiliates of The Ensign Group, Inc., one of America's premier providers of senior services. We anticipate the transition to be complete on August 1, 2015, although this date may be modestly adjusted to account for the completion of a variety of licensure and contractual steps involved in this process. As a consequence of this change, Harmony needs to provide notice of termination of our existing relationship with your organization effective July 31, 2015. Any goods or services received or rendered subsequent to July 31, 2015 will no longer be our liability. Representatives of Ensign will contact your organization directly to the extent that Ensign wishes to explore contractual relationships in the future.

Should you have any questions regarding the foregoing, feel free to contact Nate Bascom with Ensign at nbascom@ensigngroup.net or (480) 383-9294. Alternatively, you may reach me at (262) 255-3606, ex. 114.

Very truly yours,

Michael Smith
Vice President / General Counsel
Harmony Living Centers LLC

15-503

Consent Agenda

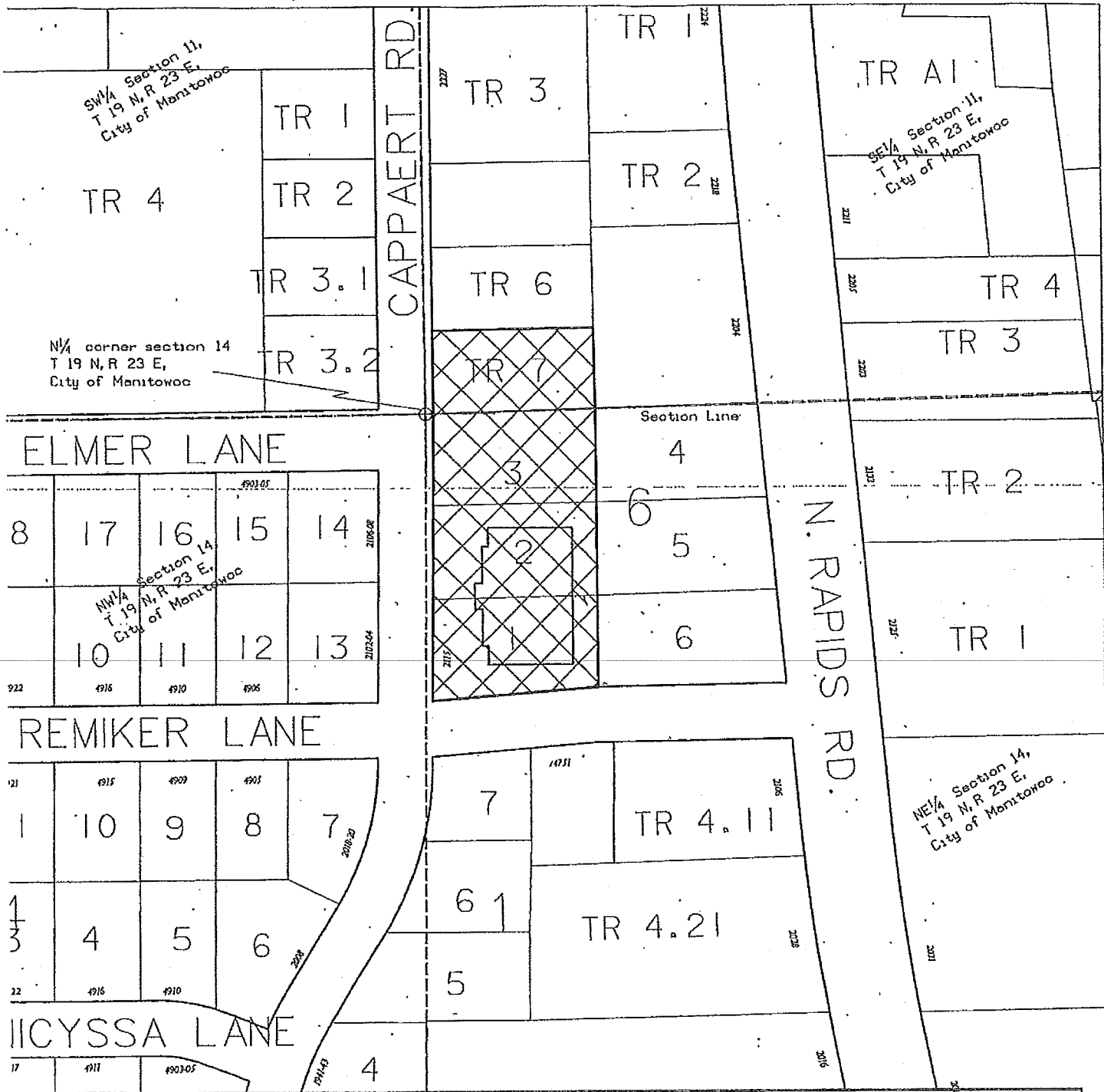
EXISTING CUP FOR HARMONY
LIVING CENTERS, LLC

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

Re: PC44-2003/PC11-96:

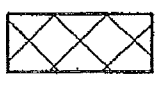
Recommendation: Grant 2003 CUP under Section 15.23(3)4. as requested to Harmony Living Centers, LLC ("Harmony") to operate at 2115 Cappaert Road with an increase in capacity up to a maximum of 43 residents, plus compliance with the conditions outlined below. Harmony is required to comply with the following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

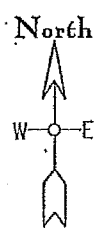


CONDITIONAL USE PERMIT

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 Plan 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,

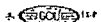
Jennifer Hudon
City Clerk

JH:dep
Enc.


Jennifer Hudon, CMC CMTW
City Clerk/Deputy Treasurer

cc: ✓ 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



tracts & plan
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.

David Less
City Planner

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

10-20-03 *10-20-03*

Committee recommends acceptance of report and place on file

T. J. [Signature] *Steve [Signature]* *Tony [Signature]*

[Signature] *Shelly Zimmerman*

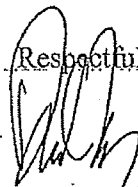
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The Commission unanimously recommended that the Council approve the CUP request by Harmony Living Centers, LLC, subject to the attached conditions. The Commission further notes that their review of this request was done in accordance with Section 15.37(27)(c).

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

Respectfully Submitted,



David Less
City Planner

Attachment

Re: Document #2003-611