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2-15-16



16-0115

CITY OF MANITOWOC  
WISCONSIN, USA  
[www.manitowoc.org](http://www.manitowoc.org)



January 28, 2016

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: **PC3-2016/PC47-2011/PC27-2011: Shady Lane, Inc. - Proposed Amendment No. 2 to a 2011 Conditional Use Permit (CUP) Pursuant to Section 15.370(27) of the Manitowoc Municipal Code to Authorize an increase the Capacity of Beds for Community Based Residential Facility (CBRF)**

Dear Mayor and Common Council:

At the regular January 27, 2016 meeting of the Manitowoc City Plan Commission, the Commission held a public informational hearing regarding a request from Shady Lane, Inc. as the owner and operator of an independent senior living complex at 1235 So. 24<sup>th</sup> Street. Shady Lane is requesting that the City amend their November 2011 Conditional Use Permit (CUP) to allow up to a maximum capacity of 151 CBRF beds, the previous CUP allowed a maximum of 88 beds.

Shady Lane is making this request to adjust to changes that are occurring in the assisted living and skilled nursing environment. Shady Lane will not be making any exterior renovations to the current buildings; they will be renovating existing rooms converting them from high cost skilled nursing rooms to a lower cost assisted living CBRF room.

The Commission notes that it did notify property owners within 200' of Shady Lane of the proposal, and while there was concern expressed by one property owner regarding on-street parking, there was no opposition to the proposed amendment to the CUP.

As such, the Commission unanimously recommended that Council: (i) amend the November, 2011 CUP to approve and authorize the increase CBRF type beds from 88 to 151; all other conditions in the November 2011 CUP will remain the same.

Respectfully Submitted,



Paul Braun  
City Planner

Attachment

Granicus #16-0065

Todd Meerdink, President  
Shady Lane, Inc  
1235 S 24<sup>th</sup> Street  
Manitowoc, WI 54220

REQUIREMENTS FOR  
AMENDMENT NO. 2 TO 2011 CONDITIONAL USE PERMIT (CUP) ORIGINALLY  
ISSUED TO SHADY LANE, INC. ON JULY 5, 2011 AND  
AMENDED ON 11/21/2011  
1/27/2016

*Italicized & Bold* = Text to be added.

~~Strikeout~~ = Text to be deleted.

Re: PC 3-2016/PC47-2011/PC27-2011:

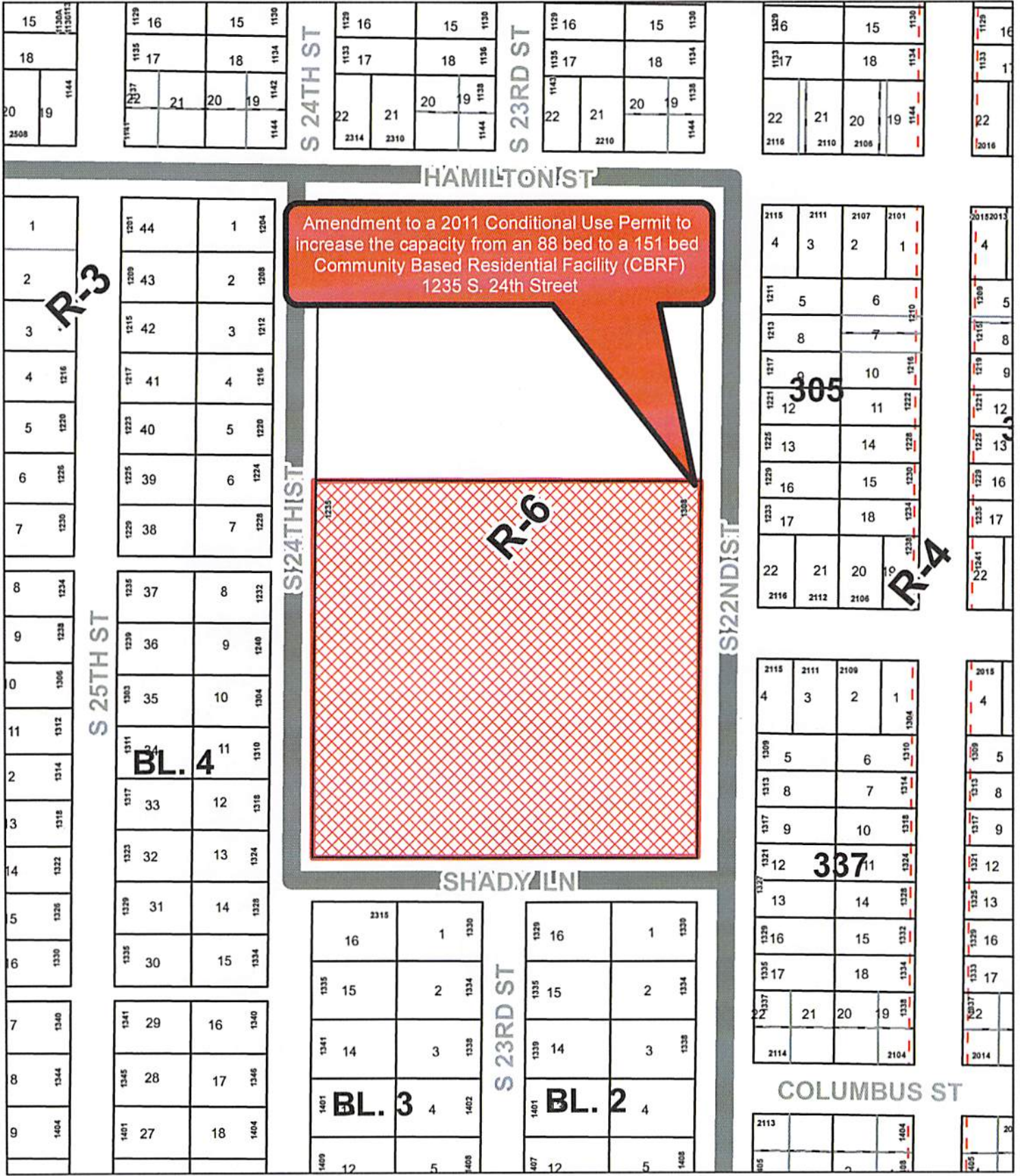
Grant to Shady Lane, Inc. (“Shady Lane”) a CUP under Section 15.190(3)(f) and (3)(i) of the Manitowoc Municipal Code (“Code”) for: (i) the operation of a nursing home; and (ii) the operation of a Community-Based Residential Facility (“CBRF”) for more than 16 individuals in the “R-6” zoning district as 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), 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. This CUP further authorizes the location and operation of a CBRF in the CUP Area with a maximum capacity of ~~88~~ *151* residents. The CUP Area is hereinafter defined as the South 515' of Block One (1) of Shady Lane Subdivision. Shady Lane is required to comply with the following conditions:

- A. Compliance with all federal, state and local regulations and licensing requirements.
- B. No party shall assign or transfer its interest in the CUP to any party without the prior written approval of the Manitowoc Common Council.
- C. 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.

- 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. Delivery to the City Planner, 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.





Amendment to a 2011 Conditional Use Permit to increase the capacity from an 88 bed to a 151 bed Community Based Residential Facility (CBRF) 1235 S. 24th Street

R-6

BL. 3

BL. 2

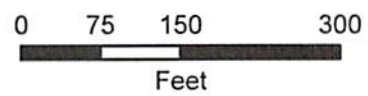
Request for amendment to a Conditional Use Permit  
City of Manitowoc, WI

PC 3-2016  
Shady Lane, Inc.  
1235 S. 24th St.



Prepared by City of Manitowoc  
Planning Department  
www.manitowoc.org  
Map Plotted: 01/19/2015  
Y:\Planning\PC Plan Commission\Actions 2016\PC 3-2016 Shady Lane CUP amendment

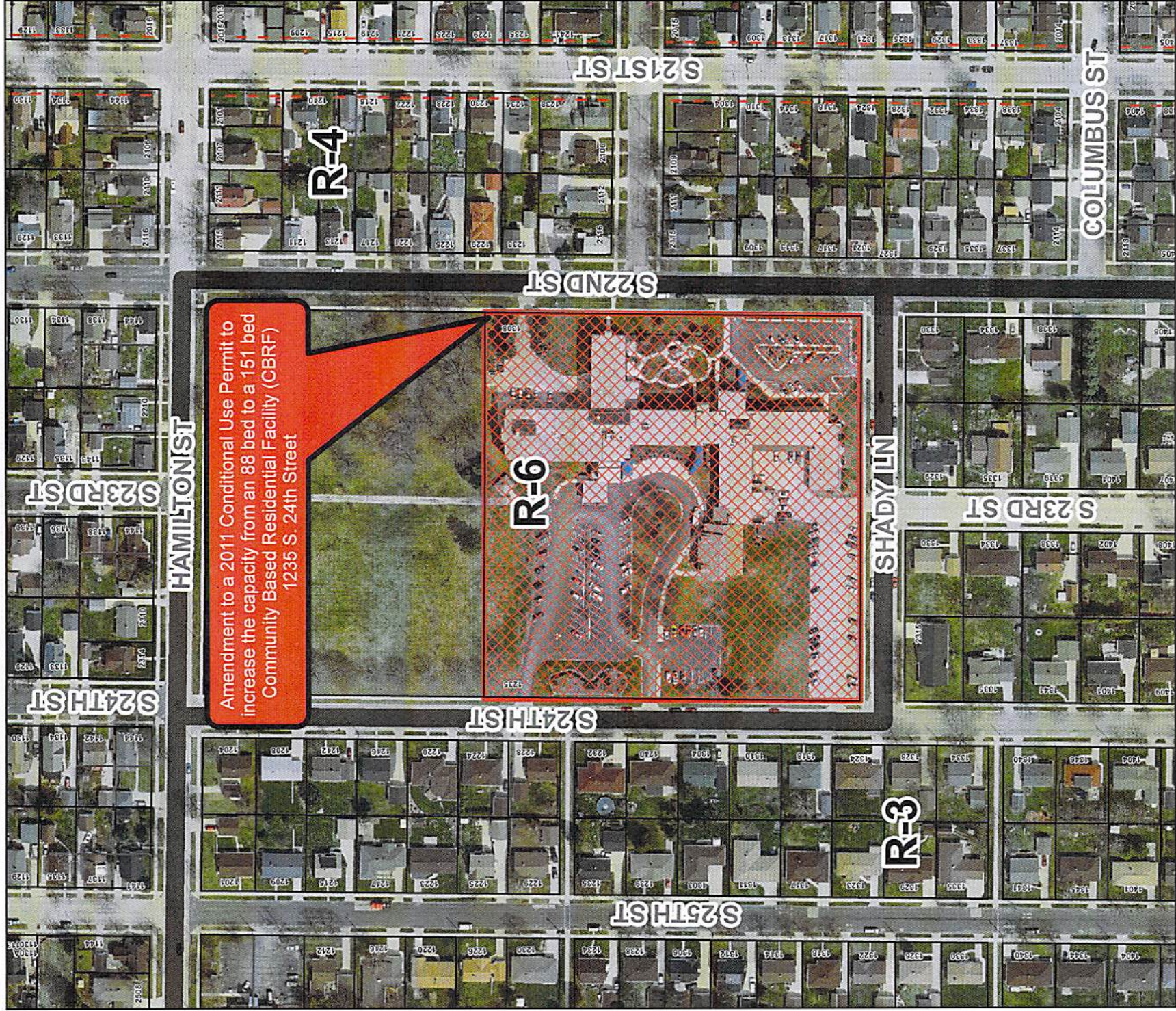
DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.



**Legend**

 Area of Request for Rezone



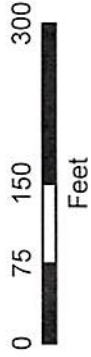


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Request for amendment to a Conditional Use Permit  
 City of Manitowoc, WI



PC 3-2016  
 Shady Lane, Inc.  
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**Legend**

 Area of Request for Rezoning