

Report to the Manitowoc Plan Commission

Meeting Date: March 27, 2024

Request: PC 18-2022: Manitowoc Cooperative Ministry / First Presbyterian Church, Review of the Conditional Use Permit for a Transitional Housing Warming Shelter Pursuant to 15.230(3)k located at 502 N. 8th Street.

Existing Land Use for Subject Property: Church and School

Existing Zoning for Subject Property: B-1 Office - Residential

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, West, South, East	Residential, Institutional, Business	B-1 Office Residential

Report:

In 2022, the Plan Commission and Council approved the issuance of a Conditional Use Permit for the warming shelter; the CUP was reviewed and extended a year for the Fall of 2023 and Spring 2024. The current proposal is to allow the CUP for one more year (Fall of 2024 / Spring of 2025) and if all the building codes concerns are not addressed the CUP would be terminated.

The shelter allows up to a maximum of 12 adult individuals at a time with open hours from 8pm to 8am.

The City of Manitowoc Zoning Code does not define a warming shelter; the closest definition is Transitional Housing. Transitional housing is defined as: “housing intended to provide the support needed for temporary occupants who lack a fixed, regular and adequate nighttime residence to move into long-term housing, and which is usually offered as part of a transitional program that helps homeless individuals and families become independent through counseling, job training, child care, skills training, and health care assistance.”

Municipal Code:

Pursuant to Section 15.370(27)(c) of the Municipal Code, “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.”

State Statute:

“ §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.

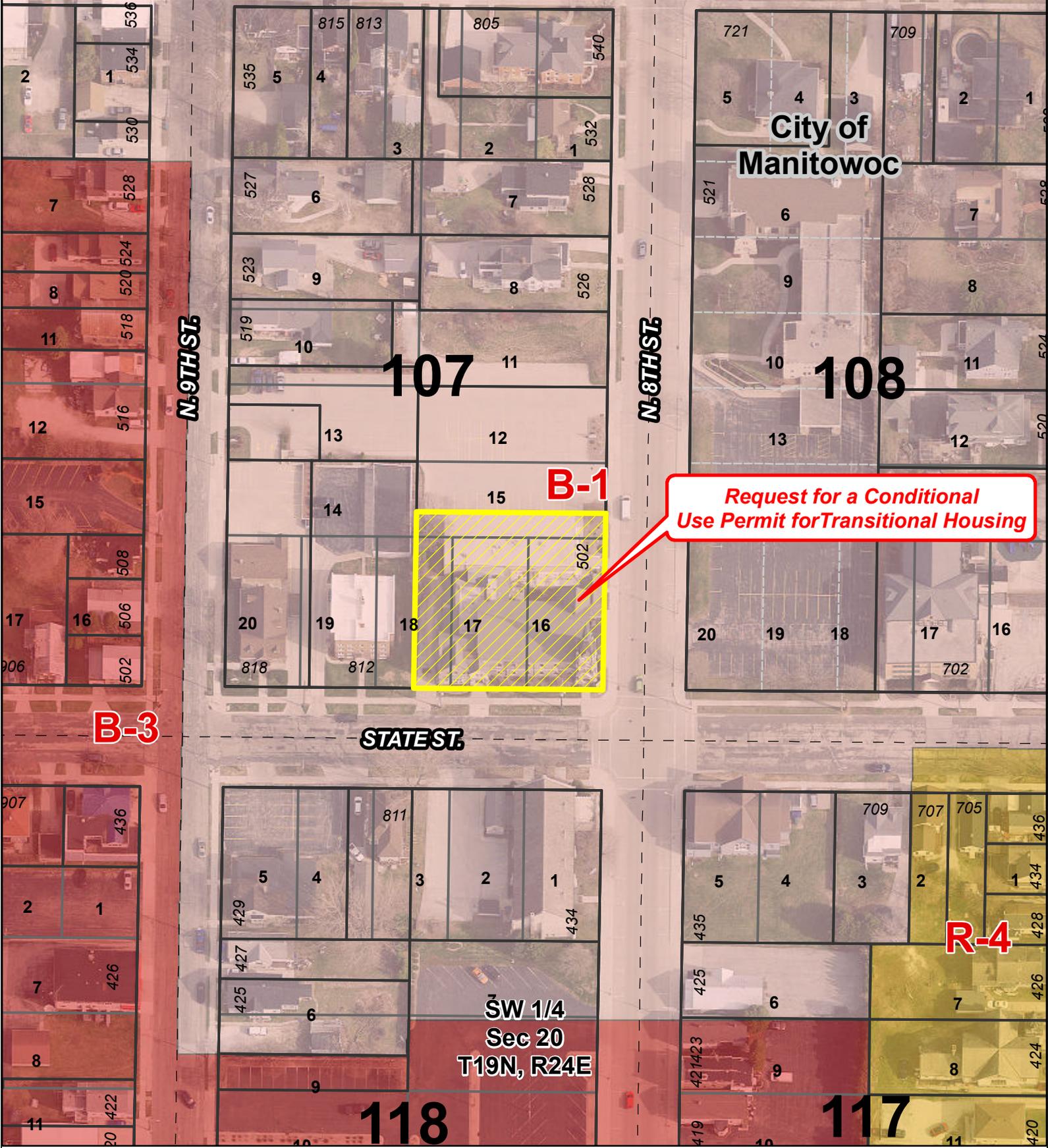
5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.”

Public Comments: Notices were mailed out to adjacent and abutting property owners on August 17. At the time of this writing no comments have been received by staff.

Recommendation: Approve the continuance of a Conditional Use Permit to First Presbyterian Church for the establishment of a 12 bed Transitional Housing Warming Shelter located at 502 N. 8th Street for the Fall 2024 to Spring 2025 time period; if all Building, Fire and Life Safety Codes are not addressed to the satisfaction of Building Inspection and the Fire Department the Conditional Use Permit will automatically terminate on April 1, 2025.

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR
FIRST PRESBYTERIAN CHURCH – WARMING SHELTER
LOCATED AT 502 N. 8TH STREET
TAX PARCEL # 000-107-170
9/19/2022—Revised 4/15/2024

- A. The CUP shall require compliance with all applicable local and state regulations including issuance and maintenance of any license to FIRST PRESBYTERIAN CHURCH for the operation of a 12-bed warming shelter. Prior to opening, FIRST PRESBYTERIAN CHURCH shall have any required licensing in place, if needed.
- B. The Warming Shelter shall be subject to a maximum of 12 individuals plus staff at the location.
- C. The Warming Shelter may be open to individuals November 1 – March 31.
- D. FIRST PRESBYTERIAN CHURCH shall not assign or transfer its interest in the CUP to any party without the written approval of the Plan Commission and Common Council. The CUP shall automatically terminate effective the date any license, certification or occupancy granted to FIRST PRESBYTERIAN CHURCH by the State or other licensing entity is closed, denied, revoked, or terminated.
- E. 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.
- F. Prior to beginning operation of the warming shelter, FIRST PRESBYTERIAN CHURCH shall receive permission/approval from the Wisconsin Department of Safety & Professional Services (DSPS) and/or the Building Inspection Department regarding building, fire and life safety codes and requirements. FIRST PRESBYTERIAN CHURCH shall annually invite Building Inspection and the Fire Department to inspect the warming shelter for fire and life safety code requirements.
- G. If all Building, Fire and Life Safety Codes are not addressed to the satisfaction of Building Inspection and the Fire Department the Conditional Use Permit will then automatically terminate on April 1, 2025.



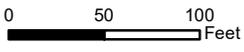
Request for a Conditional Use Permit for Transitional Housing

CONDITIONAL USE PERMIT

City of Manitowoc, WI

 Area of Conditional Use Permit for Transitional Housing

PC 18-2022
502 N. 8th St.



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: 8/16/2022

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Manitowoc City Plan Commission