

## Report to the Manitowoc Plan Commission

**Meeting Date:** April 28, 2021

**Request:** PC 11-2021: Langman Holdings LLC / Vista Care / Priority One Investments: Request for a Conditional Use Permit pursuant MMC 15.370(29) for the establishment of an Adult Day Care Facility, located at 2005 Johnston Drive.

**Existing Land Use for Subject Property:** former school and child day care center

**Existing Zoning for Subject Property:** R-6 Multiple Family

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North	Institutional (church)	R-6 Multiple Family
West	Multi-Family, Mobile Home Park, Industrial	R-6 Multiple Family I-1 Light Industrial
South	Multi-Family, Mobile Home Park	R-6 Multiple Family
East	Residential	R-6 Multiple Family

**Comprehensive Plan: Comprehensive Plan:** Conditional Use Permits do not need to be consistent with the comprehensive plan. The Future Land Use Map does show the area as Institutional; the proposed use would be considered an institutional use.

**Report:** Tim Frey, from Vista Care Wisconsin / Priority One Investments (VISTA) is the contract purchaser of the property located at 2005 Johnston Drive. VISTA has conditioned the purchase of the property on the issuance of a conditional use permit to allow them to establish an Adult Day Services operation for adults with disabilities. VISTA is anticipating a maximum of 40 individuals to be present at the location at one time in addition to support staff. Individuals will not be overnighting at the facility. The application attached details the specific hours of operation and other aspects of the operation.

The applicant currently operates a number of existing assisted living facilities in the City, the individuals in these facilities have the option to be transported to the Johnston Drive site for activities such as exercise, crafts, movies, games etc.

The property is currently owned by Scott Langman from Langman Holdings, LLC. The building was recently the location of the Ashling Montessori School and a Day Care Center. It was built in 1970 and is 3,404 square feet in area. The improved value of the building is \$123,900, land value of \$46,000 for a total Assessed Value of \$169,900 generating \$3,562 of taxes in 2020. There is a approximately 24' x 24' detached garage east of the main building. VISTA is not planning any structural changes to the building. The asphalt parking lot is currently not striped but it appears there is enough area for at least 25 off-street parking spaces. The applicant is not anticipating any need to park on Johnston Drive.

In the R-6 Multiple Family zoning district adult day services for 15 or less individuals are permitted; 16 or more individuals are permitted after issuance of a conditional use permit.

**Statute and Municipal Code:**

**Municipal Code:** Pursuant to Section 15.370(27)c of the Municipal Code the following criteria shall be considered when considering a Conditional Use Permit.

“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:** In 2017 the Wisconsin legislature passed Wisconsin Act 67 which lessened the discretion and control of local governments regarding the issuance of conditional use permits. The statute is copied and pasted below.

“ §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: per 15.370(27)b Notices were mailed out on April 21<sup>st</sup>, to all abutting or fronting property owners.

#### Timeline

- Neighborhood Meeting Held: April 28, 2021
- Public Hearing at Council May 17, 2021

**Recommendation:** Approve the request for a Conditional Use Permit for the establishment of an Adult Day Care Facility for up to 40 individuals pursuant to the submittal packet and following conditions.

REQUIREMENTS FOR  
CONDITIONAL USE PERMIT (CUP) APPROVAL FOR  
VISTA CARE / PRIORITY ONE INVESTMENTS, LLC  
LOCATED 2005 JOHNSTON DRIVE  
TAX PARCEL # 130-003-195  
4/28/2021

- A. The CUP shall require Vista Care (Vista) be in compliance with all applicable local and state regulations.
- B. Vista shall be subject to a maximum of up to 40 individuals as shown in the submittal packet and drawing.
- C. Vista shall not assign or transfer its interest in the CUP to any party without the written approval of the Manitowoc City Plan Commission and Manitowoc Common Council. The CUP shall automatically terminate effective the date any license, certification or stoppage of the Adult Day Services use occurs.
- 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. Vista shall follow all the criteria as stated in their April 20, 2021 application packet.
- 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.



**City of  
Manitowoc**

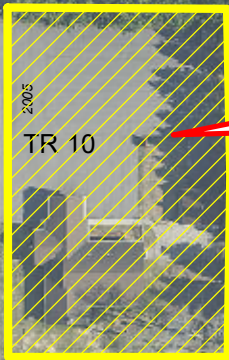
**SE 1/4  
Sec 8  
T19N, R24E**

**SW 1/4  
Sec 9  
T19N, R24E**

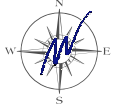
**JOHNSTON DR.**  
Section Line

**E. CHARLES LN.**

**Request for a Conditional  
Use Permit for an Adult  
Day Care Facility**




**E. RAYMOND LN.**



**CONDITIONAL USE PERMIT**

City of Manitowoc, WI

0 100 200 Feet

 **Area of Conditional Use Permit  
for an Adult Care Facility**

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: 4/20/2021

**PC 11-2021  
2005 Johnston Dr.**

O:\Planning\PC Plan Commission\PC\_CUP\2021\PC 11-2021 Vista Care CUP\_2005 Johnston Drive\Maps\PC 11-2021 Vista Care CUP.mxd

**Manitowoc City Plan Commission**

# City of Manitowoc

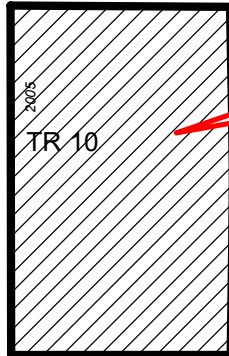
SW 1/4  
Sec 9  
T19N, R24E

SE 1/4  
Sec 8  
T19N, R24E

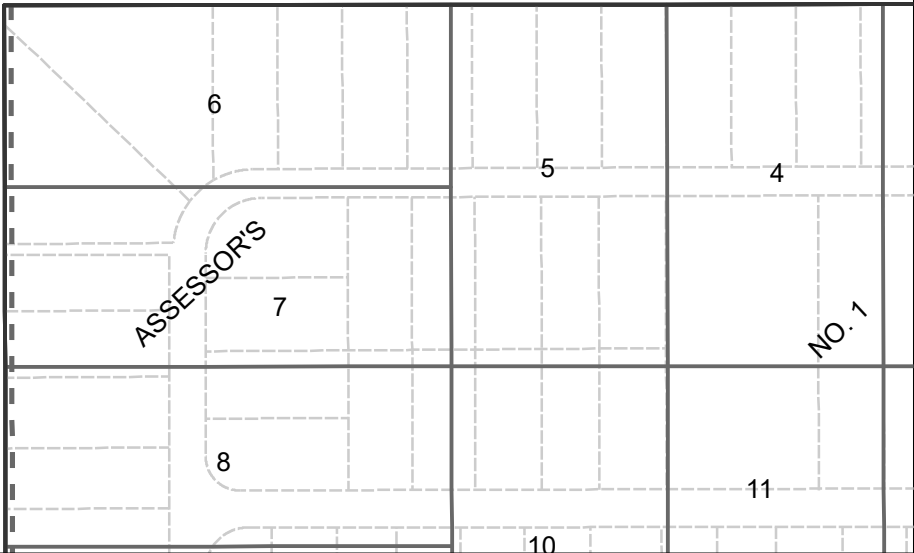
Section Line  
**JOHNSTON DR.**

**E. CHARLES LN.**

**Request for a Conditional Use Permit for an Adult Day Care Facility**

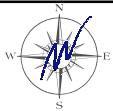


**E. RAYMOND LN.**



TR 2

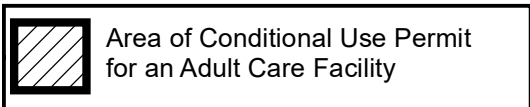
TR B



## CONDITIONAL USE PERMIT

City of Manitowoc, WI

0 100 200 Feet



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: 4/20/2021  
O:\Planning\PC Plan Commission\PC\_CUP\2021\PC 11-2021 Vista Care CUP\_2005 Johnston Drive\Maps\PC 11-2021 Vista Care CUP B&W.mxd

PC 11-2021  
2005 Johnston Dr.

Manitowoc City Plan Commission



# LAND USE APPLICATION

APPLICANT Vista Care Wisconsin/Priority One Investments PHONE 920-694-1102

MAILING ADDRESS 708 Erie Avenue, STE 201 Sheboygan, WI 53081 EMAIL timfrey@vistacare.org

PROPERTY OWNER Langman Holdings, LLC PHONE 920-905-0404

MAILING ADDRESS 15409 Buck Ln Mishicot, WI 54228 EMAIL beginnings.better@gmail.com

REQUEST FOR:

- Conditional Use Permit (CUP) \$350\*
- Zoning District Change/Map Amendment \$350\*
- Site Plan Review \$350
- Request for Annexation \$350\*
- Certified Survey Map (CSM) \$100
- Planned Unit Development (PUD) \$350\*
- Official Map Review \$350\*
- Street/Alley Vacation \$350\*

*\*Publication of legal notice fees additional.*

STATUS OF APPLICANT:  Owner  Agent  Other

PROJECT LOCATION ADDRESS 2005 Johnston Drive Manitowoc, WI 54220

PARCEL ID# 052-130-003-195.00 CURRENT ZONING R-6

CURRENT USE OF PROPERTY Adult Day Services & Administrative Offices

PROPOSED USE OF PROPERTY Adult Day Services & Administrative Offices

**REQUIRED: Attach a detailed written description of your proposal or request.**

*Include as much information as possible including planned use, maps, project renderings or drawings, etc.*

**See attachment.**

The undersigned hereby certifies that the information contained in this application is true and correct.

Signed Scott Langman (Property Owner) Date 3/17/2021

<b>For Office Use Only</b>	
Date Received: <u>4/9/2021</u>	PC #: <u>11-2021</u>
Fee Paid: <u>\$350</u>	Check#: <u>#0070</u>
Plan Commission Date: _____	

**The City of Manitowoc Plan Commission meets the fourth Wednesday of each month at 6pm. Deadline for submission is the Friday two weeks prior to the meeting.**

Please contact the Community Development Department at 920-686-6930 if you have any questions.

## **Vista Care - Conditional Use Permit**

**2005 Johnston Drive**

**Revised April 20, 2021**

Vista Care & Better Beginnings have reached an agreement for Vista Care to assume the operations at 2005 Johnston Drive. The individuals served have similar needs and there would be limited to no changes how the location is operated. The neighbors would not notice a change in any of the services being provided.

### Proposed Use:

Vista Care plans to use this location as an Adult Day Services (ADS) for adults with disabilities, and an Activity Center for adults with disabilities.

### Adult Day Services – Days & hours of operation

The ADS would be open Monday through Friday approximately 250 days per year and the primary hours of operation are 9am – 3pm. Staff will always be present when an individual served is present. Most individuals would arrive between 8:45am and 9:00am and depart between 2:45pm and 3:00pm. A couple of individuals may arrive as early as 8:30am and depart as late as 3:30pm. The ADS would serve up to 40 individuals at one time.

### Evening Activity Center – Days & hours of operation

Vista Care would utilize this location for weekday group activities such as cook outs and movie nights. This would occur no more than 26 times per year, the hours would be from 4:00pm to 7:30pm and no more than 40 individuals would be served at one time.

### Festive Activity Center – Days & hours of operation

Vista Care would utilize this location for festive occasions such as national holidays and Vista Care's summer picnic. This would occur no more than 6 times per year, the hours would vary but never be earlier than 8:00am or later than 8:00pm, and no more than 60 individuals would be served at one time. Efforts will be made to avoid street parking during these activities but may be necessary.



### Population Served

Intellectually disabled, developmentally disabled, and traumatically brain injured adults.

### Staffing Ratio

Targeted staffing ratio is 1 staff per 4 individuals served.

### Parking

The parking lot has 25 parking spots, and all Vista Care vehicles will be parked off street for Regional Offices, ADS and evening activities.

### Ownership & Changes

The property will be owned by Priority One Investments, LLC which Tim Frey is 100% owner. There are no planned structural changes to the property.



