

## Report to the Manitowoc Plan Commission

**Meeting Date:** April 26, 2017

**Report Print Date:** 4/21/2017 10:53:01 AM

**Request:** Annual Review for PC 11-2016: Priority One Investments, LLC d.b.a. TLC Homes Inc. of a Conditional Use Permit for the operation of an Adult Day Services Use located 1004 N. 17<sup>th</sup> Street.

**Reason for Request:** Tim Frey owner of TLC Homes requested the issuance of an adaptive reuse Conditional Use Permit (CUP) for the creation of an Adult Day Services use pursuant to Section 15.37(29) of the Manitowoc Municipal Code.

**Existing Land Use for Subject Property:** Building was previously vacant, but is currently used as an Adult Day Services operation. It was originally Grace Evangelical Church and a CBRF (Open Arms) prior to the Adult Day Service.

**Existing Zoning for Subject Property:** R-4 Single and Two Family Residential

### **Surrounding Property Land Uses and Zoning**

Direction	Existing Land Use	Existing Zoning
North, South, East and West	Residential	R-4 Single and Two Family Residential

### **Report:**

TLC Homes owns and operates at least 10 separate CBRF's located throughout the City for approximately 70 individuals. TLC is proposed to develop a central Adult Day Services operation to serve the individuals from their other locations in the City. TLC also provides services for individuals from other Community Living Arrangements and private homes in Manitowoc. The Day Services serve up to 25 individuals at a single time and operate Monday – Friday between 9am – 3pm. Adult Day Services are not licensed by the State but the number of individuals served is consistent with Wisconsin Department of Health Services which covers minimal square footage per individual served.

### Case History

At the March 23<sup>rd</sup>, 2016 Plan Commission meeting the Commission recommended approval of request for an Adult Day Service at 1004 N. 17<sup>th</sup> Street and the Common Council approved said recommendation at their April 18, 2016 meeting. One of the criteria in the Conditional Use Permit was an annual review of the operation. A copy of the 2016 CUP is attached to this report.

The population served is intellectually disabled, developmentally disabled and traumatically brain injured adults. The individuals will have activities such as crafts, artwork, sensory activities, entertainment such as movies, videos, fine motor skill activities, socialization activities, memory games, gardening, and walks; there will not be any type of packaging or assembly work done at the location.

#### Compliance Analysis

Over the past year Community Development staff has driven past the location, and there have not been any compliance issues seen in regards to vehicle parking. On April 18<sup>th</sup>, 2017 Community Development staff visited the property for an interior inspection and all conditions of the CUP were being followed. At the time of the visit there were 12 – 15 clients on site with at least 5 staff present. No concerns were noticed during the site visit.

The Police, Fire and Building Inspection Departments were contacted to see if there were any complaints or concerns on file; the Departments reported no issues on file for the past year.

The Police Department reported 3 accidents in either the 900 or 1000 blocks of N. 17<sup>th</sup> Street. According to the report the causes were listed as either medical, unsafe backing or hit & run sideswiped vehicle. It appears that none of the 3 accidents were caused by TLC vehicles interfering with the visibility at the intersection. The accidents occurred on 3/27/2017, 1/10/2017, and 11/19/2016.

**Recommendation:** The Community Development Department recommends approval of the annual review of the Conditional Use Permit for the Adult Day Services located at 1004 N. 17<sup>th</sup> Street.

**REQUIREMENTS FOR  
ADAPTIVE REUSE CONDITIONAL USE PERMIT (CUP) APPROVAL FOR TLC HOMES,  
INC., 1004 N. 17<sup>TH</sup> STREET  
3/24/2016**

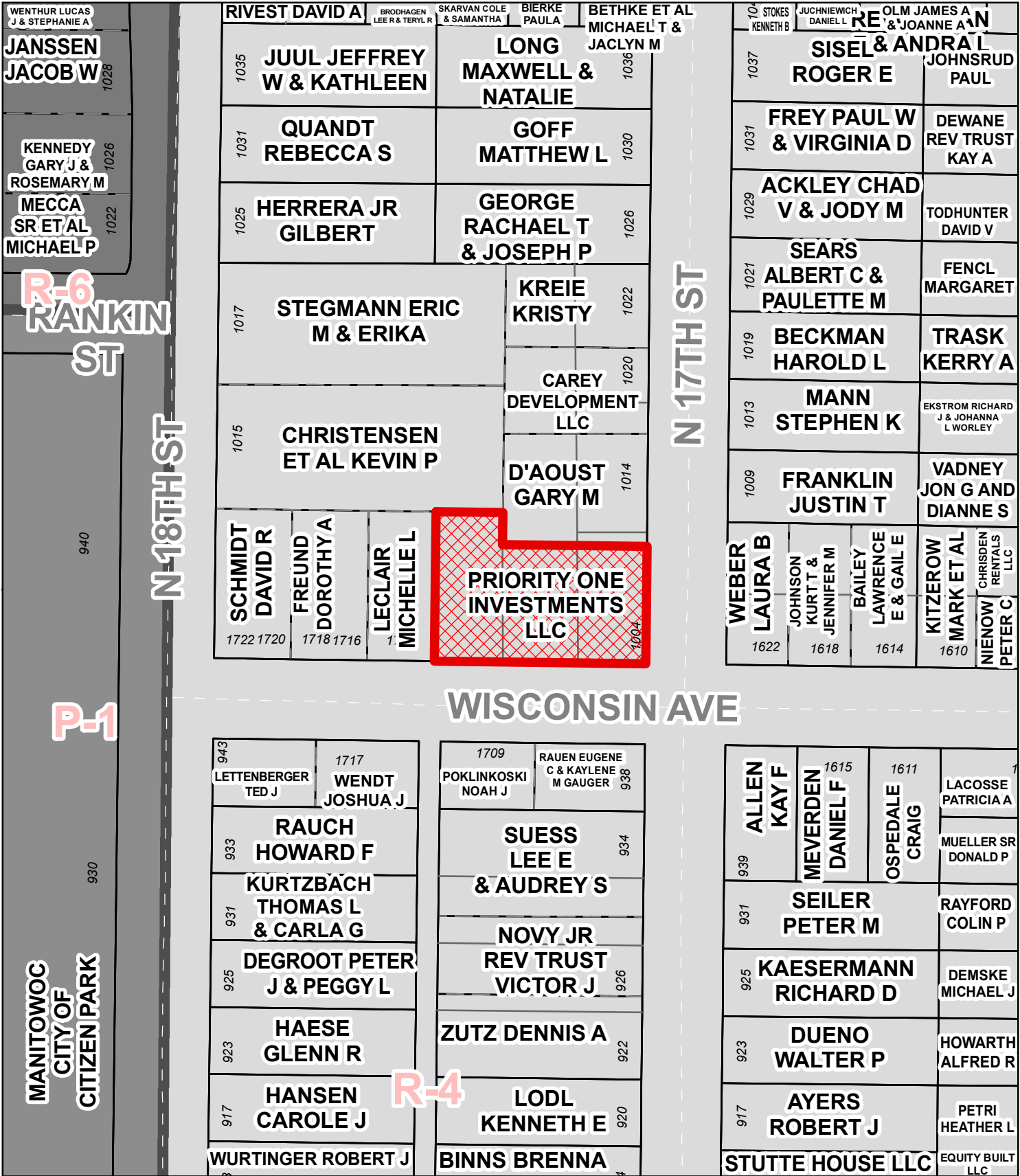
Re: PC11-2016: The adaptive reuse CUP is granted exclusively to Priority One Investments, LLC d.b.a. TLC Homes, Inc. ("TLC") pursuant to Sections 15.37(29) and 15.37(27) of the Manitowoc Municipal Code ("Code") for the land and building at 1004 N. 17<sup>th</sup> Street (Property"), and shall hereinafter serve as authorization for the location and operation at the Property of an Adult Day Services operation pursuant to Sections 15.150(3)e and 15.150(3)k of the Code, as may be amended from time to time. The area of the CUP is identified on the attached map and shall hereinafter be referred to as the "CUP Area". The CUP Area is defined as Tax Parcel # 790-004-142.

TLC is required to comply with the following conditions:

1. The CUP authorizing the siting and operation of TLC in the CUP Area shall not become effective and binding until the latest date that: (i) the Common Council approves the CUP as outlined herein. In the event the Council does not approve said CUP on or before midnight on May 31, 2016, the authorization for this CUP by the Common Council shall automatically terminate effective June 1, 2016 and TLC shall be required to re-apply.
2. The maximum number of Day Service individuals at the CUP Area shall not exceed 25 individuals at any single time. The primary Day Service hours of operation shall be Monday - Friday from 9am – 3pm. Up to two staff may be on site prior to or after the hours of operation (9am – 3pm) to "setup" or "clean-up" after the Day Service operation is closed.
3. There shall be no office, administration or similar activities at the location with the exception of activities that are directly related to the 1004 N. 17<sup>th</sup> Street operation.
4. All exterior lighting from the CUP area shall be contained to the site and shall not filter over the property lines onto adjoining properties.
5. In the event the property comprising the CUP Area is sold or leased to a party other than an entity in which TLC or Tim Frey has a controlling interest, the CUP shall then terminate effective the date of conveyance.
6. The CUP shall not be assigned, transferred, sublet or conveyed without the written approval upon review and recommendation by the City Plan Commission, and approval by the Manitowoc Common Council.
7. 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.
8. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in April, 2017. The Plan Commission

and Council shall at that time determine if an annual review shall continue into subsequent years. The annual review may result in the disclosure of non-compliance issues or the identification of terms and conditions that are no longer necessary or required to maintain the intent or compliance with the CUP, and 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. The Plan Commission and Common Council reserve the right to review the CUP at any time.

9. There shall be no exterior signage allowed advertising the Adult Day Service use.
10. TLC transport vans and employees shall park in the locations as detailed in the TLC application.
11. TLC shall comply with all items and criteria as stated in their application packet.
12. A landscaping plan shall be submitted to and approved by the Community Development Department prior to any plantings.

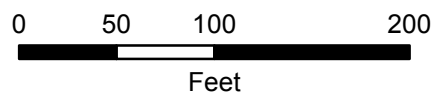


Prepared by City of Manitowoc  
 Planning Department  
 www.manitowoc.org  
 Map Plotted: 03/15/2016  
 X:\maps\Plan\_Commission\Conditional\_use\PC11-2016\_Frey\_CUP.mxd


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.

TLC Homes Inc. Request for a Conditional Use Permit for the establishment of an Adult Day Service Use  
 1004 N. 17th Street

PC 11-2016



**Legend**

 Area of Request for Conditional Use Permit