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CONSENT

16-0564

CITY OF MANITOWOC
WISCONSIN, USA
www.manitowoc.org



May 26, 2016

To: Mayor and Common Council

From: Manitowoc City Plan Commission

Subject: **PC 18 - 2016: Shady Lane, Inc. - Shady Lane Request for a Conditional Use Permit (CUP) for a Campus Wide Master Plan for up to a mix of 309 SNF, CBRF, or RCAC type beds pursuant to Section 15.190(3)f & i.**

Dear Mayor and Common Council:

At the May 25, 2016 meeting of the Manitowoc City Plan Commission, the Commission considered all items on its agenda, including the item identified above, and wishes to report and recommend to the Common Council the following action: to approve a Conditional Use Permit allowing for up to 309 beds for a blend of either: Skilled Nursing Facility, Community Based Residential Facility or Resident Care Apartment Complex licensed individuals for Shady Lane, Inc. pursuant to the attached conditions. The Commission also recommends that the Council grant the exceptions to the 2,500 foot spacing rule and density requirements.

Respectfully Submitted,

Handwritten signature of Paul Braun in black ink.

Paul Braun
Plan Commission Secretary

Attachment: Conditions and Map
Granicus #16-0495

Shady Lane Inc.
Attn: Todd Meerdink
1235 S. 24th Street
Manitowoc, WI 54220

**REQUIREMENTS FOR
A CONDITIONAL USE PERMIT (CUP) ISSUED TO SHADY LANE, INC.
5/18/2016**

Re: PC 18-2016:

Grant to Shady Lane, Inc. ("Shady Lane") d.b.a. Shady Lane Nursing Care Center & Laurel Grove Assisted Living Center a CUP under Section 15.190(3)(f) and (3)(i) of the Manitowoc Municipal Code ("Code") for: (i) the operation of a Skilled Nursing Facility ("SNF"); (ii) the operation of a Community-Based Residential Facility ("CBRF") and (iii) the operation of a Residential Care Apartment Complex ("RCAC") 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), excepting a retail operation for the primary benefit of Shady Lane residents and visitors, and with no signage visible from any public right-of-way 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.

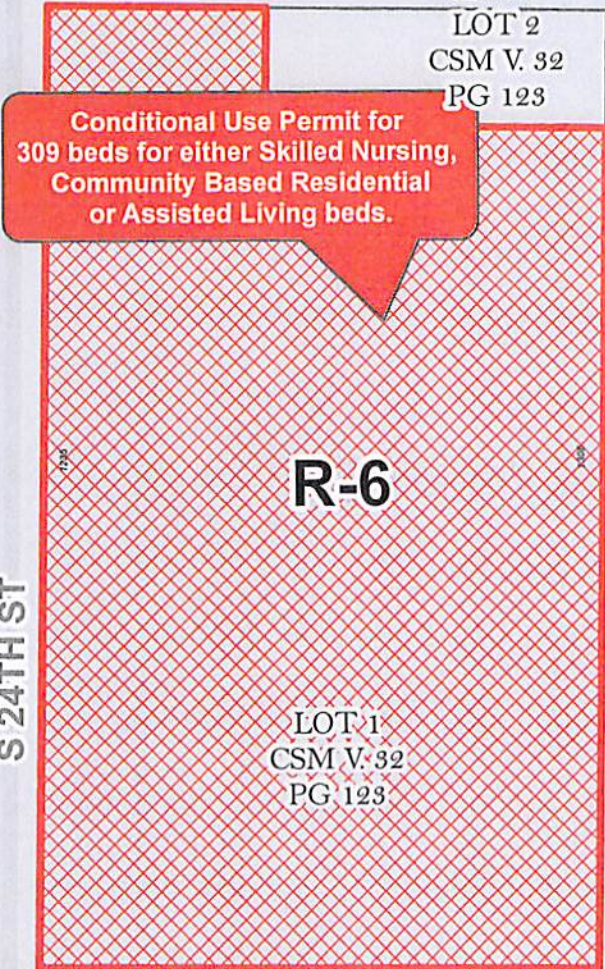
The CUP area is hereinafter defined as Lot 1 of a Certified Survey recorded in Volume 32, Page 123, being Document # 1167165 recorded in the Register of Deeds Office located in the Manitowoc County Courthouse.

- A. This CUP replaces any and all previously issued CUPs by the City related to the Shady Lane property.
- B. This CUP further authorizes the location and operation to have a maximum capacity of **309** beds overall with a mix of Skilled Nursing Home, CBRF or RCAC licensed beds as determined by Shady Lane to meet market demands.

- C. Compliance with all federal, state and local regulations and licensing requirements.
- D. No party shall assign or transfer its interest in the CUP to any party without the prior written approval of the Manitowoc Common Council.
- E. 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.
- 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.
- G. Delivery to the Department of Community Development, 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.

**Conditional Use Permit for
309 beds for either Skilled Nursing,
Community Based Residential
or Assisted Living beds.**



HAMILTON ST 321.55'

LOT 2
CSM V. 32
PG 123

110.0'

R-6

LOT 1
CSM V. 32
PG 123

SHADY LN

S 23RD ST

MADISON ST

COLUMBUS ST

S 25TH ST

S 24TH ST

S 22ND ST

S 21ST ST

301

305

BL. 4

337

R-3

BL. 3

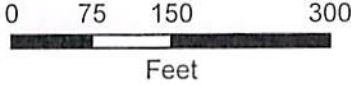
BL. 2

R-4



Request for Conditional Use Permit for a
Blend of 309 Beds Serving Either Skilled Nursing,
Community Based Residential or Assisted Living Individuals

PC 18-2016
Shady Lane, Inc.
1235 S. 24th St.



Legend

 Area of Request for CUP

Prepared by City of Manitowoc
Planning Department
www.manitowoc.org
Map Plotted: 05/16/2016
Y:\Planning\PC Plan Commission\Actions 2016\PC 18-2016 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.