

Report to the Manitowoc Plan Commission

Meeting Date: February 26, 2025

Request: PC 5-2025: Restoration Recovery LLC; Request for a Conditional Use Permit for the Establishment of a Transitional Housing Use located at 1222 S. 7th Street.

Existing Land Use for Subject Property: Residential

Existing Zoning for Subject Property: R-7 Central Residence

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, West, South, East	Residential	R-7 Central Residence

Report: Restoration Recovery LLC is a tenant of the building owned by Richart Properties LLC. Restoration Recovery is requesting a conditional use permit to continue to operate a transitional housing use for individuals recovering from drug and alcohol dependency. 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.”*

Restoration Recovery offers recovering men an affordable housing option who are transitioning from drug and/or alcohol treatment. They also offer support and mentorship opportunities for the residents. Richart Properties LLC purchased the property in October of 2024 with the intention of creating the transitional housing use. Restoration Recovery is requesting a conditional use permit for up to 14 individuals.

Restoration Recovery requires all residents to follow their house rules which are attached to this report. Some of the rules are: absolute sobriety, random drug and breathalyzer tests, attend house meetings and weekly chores.

The residence is located along the west side of S. 7th Street. The 0.21 acre lot has 60 feet of frontage along S. 7th Street and a depth of 150 feet. The residence was built in 1900 and has 2,879 square feet of livable area. There are 6 bedrooms and 2 ½ bathrooms in the structure. The property has a detached 2 car garage located at the rear of the lot. The driveway is located on the north side of the residence and has enough space for at least 5 vehicles to park off-street. There are no on street parking restrictions on S. 7th Streets other than snow emergencies or street sweeping.

Section 16.150(11) of the Municipal Code sets a minimum square footage per occupant standard. Habitable rooms containing at least 70 but less than 100 square feet of floor area can have 1 occupant. Habitable rooms containing 100 or more square feet of floor area can have 2 occupants. The structure meets the minimum floor area standards.

The Police, Fire and Building Inspection Departments stated they have not had any major issues historically and that they have no concerns with the use.

Wisconsin Statute 46.234 created a Recovery Residence Registry on which Restoration Recovery is listed. If a recovery home accepts state or federal funds then it must register with

the State of Wisconsin's Department of Health Services. If no state or federal funds are accepted no registry is required. No special licensing is required from any federal, state or local entity. Below is a copy and paste of the statute.

"46.234 Recovery residences; registration.

- (1) DEFINITION.*** *In this section, "recovery residence" means a home-like, residential environment that promotes healthy recovery from a substance use disorder and supports persons recovering from a substance use disorder through the use of peer recovery support.*
- (2) REGISTRATION.*** *The department shall establish and maintain a registry of approved recovery residences. Subject to sub. (3), the department shall approve a recovery residence for inclusion in the registry if the recovery residence requests registration from the department and agrees to do or does all of the following:*
 - (a)*** *Operate with integrity, uphold residents' rights, create a culture of empowerment where residents engage in governance and leadership, and develop abilities to apply the social model form of recovery that focuses on learning from the experiences of peers who are also in recovery.*
 - (b)*** *Provide a home-like, safe, and healthy environment.*
 - (c)*** *Facilitate active recovery and recovery community engagement, model positive social behaviors and relationship enhancement skills, and cultivate residents' senses of belonging and responsibility toward community.*
 - (d)*** *Maintain an environment in the residence free from alcohol and illicit drugs.*
 - (e)*** *Have courtesy rules for residents and be responsive to concerns of neighbors to the residence.*
 - (f)*** *Display in the residence the code of ethics, grievance procedure, and grievance contact information.*
- (3) ACCEPTANCE OF MEDICATION-ASSISTED TREATMENT.*** *Beginning on April 1, 2022, the department may not include a recovery residence in the registry if the recovery residence excludes any resident solely on the basis that the resident is participating in medication-assisted treatment.*
- (4) REGISTRATION REQUIRED FOR REFERRALS OR FUNDING.*** *A recovery residence is not required to register with the department unless the recovery residence seeks referrals under sub. (5) or state or federal funds passing through the state treasury.*
- (5) REFERRALS.*** *Upon request for referrals to recovery residences, the department shall provide a list of recovery residences that are included on the registry under sub. (2). The department may limit the list of registered recovery residences provided under this subsection based on the geographical and other preferences specified by the person requesting referrals.*
- (6) USE OF REGISTERED DESIGNATION.*** *A recovery residence may not use the designation of or hold itself out as "registered" or "state approved" unless the recovery residence is included in the registry under sub. (2).*
- (7) INFORMATION REQUIRED.*** *The recovery residence shall provide at the time of its request for registration for the purpose of inclusion on the registry all of the following information:*
 - (a)*** *The name of any organization that has certified the recovery residence.*
 - (b)*** *The name of any organization under which the recovery residence operates.*
 - (c)*** *The address of the recovery residence.*
 - (d)*** *The number of residents allowed to reside at the recovery residence.*
- (8) REVOCATION OF REGISTRATION.*** *The department shall revoke the registration of a recovery residence if the recovery residence ceases to meet the criteria under sub. (2)."*

Conditional Use Permits are controlled by section 15.370(27) of the municipal code.

In acting upon any application for a conditional use, the Plan Commission and Council shall consider whether the requested use: (1) is reasonably necessary for the convenience and welfare of the public; (2) is in harmony with the character of the surrounding area; and (3) will have a minimal or no effect on surrounding property values.

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 property owners adjoining and abutting the property on February 18th.

Timeline

- Application Received: February 2, 2025
- Notifications Sent: February 18, 2025
- Plan Commission Public Informational Hearing: February 26, 2025
- Common Council Public Hearing scheduled for: April 21, 2025 The petitioner requested the item be placed onto the April 21st Common Council agenda because he will be out of the country for the March 17th date.

Recommendation: Approve the issuance of a Conditional Use Permit to Restoration Recovery LLC for the establishment of a transitional housing use located at 1222 S. 7th Street pursuant to the conditions.

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP)
TO RESTORATION RECOVERY LLC
4/21/2025

Re: PC5-2025: Grant to Restoration Recovery LLC (Restoration Recovery) a CUP under Section 15.370(27) of the Manitowoc Municipal Code ("Code") for the operation of a transitional housing residence for not more than 14 individuals at 1222 S. 7th Street, (parcel # 000-319-120) Manitowoc WI. This CUP shall hereinafter serve as authorization for the location and operation of a transitional housing residence. The area included in the CUP ("CUP Area") is described on the attached map. Restoration Recovery is required to comply with the following conditions:

- A. Restoration Recovery shall not allow the residence to exceed 14 residents at any one time.
- B. Restoration Recovery shall be in compliance with all federal, state and local regulations, licensing and code requirements. For resident life safety reasons, the Fire Department is offering to perform a courtesy fire inspection which will identify hazards, educate occupants and build relationships.
- C. Restoration Recovery shall not assign or transfer its interest in the CUP to any party without the prior written approval of the Manitowoc Common Council. The CUP shall automatically terminate effective the same date Restoration Recovery ceases to operate at the Residence.
- D. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in March 2026, and during the month of January in each subsequent year of the CUP, unless this condition is waived by the Plan Commission and Common Council. 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.
- E. At any date and time, 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. All garbage receptacle and/or dumpster locations shall be kept in a clean and orderly fashion and located in an obscure location. The property shall be kept free of garbage, junk or debris and shall follow all property maintenance requirements.
- G. Recovery Restoration shall expressly prohibit the use, consumption or possession of alcohol and illegal drugs in the residence or anywhere on the property.

City of
Manitowoc

**Request for a Conditional
Use Permit for the Operation
of Transitional Housing**

R-7

SW 1/4
Sec 29
T19N, R24E

R-4

I-1

MADISON ST.

**S. LAKE
ST.**

I-2



0 50 100
Feet

CONDITIONAL USE PERMIT

City of Manitowoc, WI

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: 2/17/2025

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Conditional Use Permit Area for
the Operation of Transitional Housing

PC 05-2025
1222 S. 7th St.

City of Manitowoc Plan Commission



LAND USE APPLICATION

APPLICANT Restoration Recovery LLC PHONE 715-498-9258

MAILING ADDRESS 1222 S. 7th Street EMAIL john66arch@hotmail.com

PROPERTY OWNER Richart Properties LLC PHONE 715-498-9258

MAILING ADDRESS 86 S. Chestnut Street Oconomowoc, Wi. 53066 EMAIL Richartpropertiesllc@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 1222 S. 7th Street Manitowoc, WI. 54220

PARCEL ID# 052- CURRENT ZONING

CURRENT USE OF PROPERTY Single Family home (previously a foster home w/ up to 8 kids and family of 7)

PROPOSED USE OF PROPERTY Transitional Living

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.

The undersigned hereby represents and warrants that it has the authority to enter into this Contract. If the party entering into this Contract is not an individual, the person(s) signing on behalf of the entity represents and warrants that they have been duly authorized to bind the entity and sign this Contract on the entity's behalf.

Signature John Richart Date 02/06/2025
(Property Owner)

Print Name John Richart

For Office Use Only

Date Received: _____

PC/SP #: _____

Fee Paid: _____

Check#: _____

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.

Restoration Recovery House

1222 S. 7th Street – Manitowoc

February 6, 2025

1222 South 7th Street
Manitowoc, Wisconsin. 54220

This Restoration Recovery Home was created November 15, 2024 with the goal to assist Manitowoc County in becoming the strongest recovery community in Wisconsin.

The RRH will be run using the Oxford house model. Offering recovering men an opportunity to transition from treatment, incarceration or just seeking a new way of life free of all drugs. Rent is economical at \$18 per day with a required \$200 sober deposit which is refunded at the time the occupant gives a two week notice and leaves on good terms. Rent must be paid two weeks in advance and includes all utilities; water, sewer, gas, and electric, as well as Wi-Fi for the whole home. A \$5 per week house fee is required from each member for incidentals bought by the house, toilet paper, dish soap, etc.

The total home is 6 bedrooms and two and a half bathrooms. Total occupancy could handle up to 12 men.

- First floor bedroom is 14x16
- Upstairs bedroom #1 is 10x14
- Upstairs bedroom #2 is 12x16
- Upstairs bedroom #3 is 12x16
- Upstairs bedroom #4 is 11x14
- Upstairs bedroom #5 is 11x14
- There is also a first floor office with house computer provided for job search and resume building

There is a strict zero tolerance policy for the protection of the house. Random drug tests and a breathalyzer are on site. If there is a violation of house policy and a member uses drugs they will be asked to leave immediately and will have three days to pick up the rest of their belongings. Members can reapply in 30 days if they stay clean and may be accepted with re-interview.

With an emphasis on each member of the house becoming an independent productive member of society, we encourage members to work and eventually secure full-time employment. We are currently working with members of the community that can assist with part time and full-time employment in construction, manufacturing, and the food service industries.

This peer-based model allows each member to participate in the everyday operation of the house. Interviewing perspective members, managing house funds, and working to resolve conflict in a democratic fashion.

Each member will be required to attend the weekly house meeting, as well as weekly assigned chores in the house. Each member is required to attend at least two 12 step fellowship meetings per week and follow all house rules. Violation of house rules can range from being placed on contract with the house to a reasonable fine or expulsion.

Prescribed medications are allowed on a case-by-case bases. The house places an emphasis on living clean but understands that some members require an extended period to establish their recovery clean of all drugs. Prescription drugs may be locked in the house safe if necessary and distributed after the house meeting weekly. Sharing of prescribed drugs of any kind is strictly prohibited and will result in the expulsion of all members involved.

There will be a house mentor; someone in recovery that lives outside the house that can oversee the house meeting, be available if there is an incident at the house and encourage the men in their journey.

Respectfully submitted

John Richart



Restoration Recovery House

Contract for occupancy

RESTORATION RECOVERY HOUSE

"REBUILDING LIVES, ONE DAY AT A TIME"

Name: _____

Date: _____

Living at the Restoration Recovery House is a privilege and requires all members who stay here to follow the rules of this contract. This is not a lease. This is a contract for occupancy and if the contract is broken by any member of the house they will be asked to leave immediately and will have 30 minutes to gather personal effects and vacate the premises for the safety of the house and other members. The remainder of your belongings must be picked up in three days.

Anything unclaimed after 30 days will be donated.

Rules for occupancy:

- ❖ Absolute Sobriety!
- ❖ Pay rent on time \$550/Mo. Due on the first
- ❖ Pay Sobriety Deposit \$200 due upon moving in.
- ❖ Pay house fund of \$5/WK for house supplies. (TP, dish soap, etc.)
- ❖ 11 pm curfew for the first 30 days, 1:00 am curfew after 30 days
- ❖ No overnights for the first 30 days unless it's a fellowship function or convention.
- ❖ 2 overnights per week after 30 days with house approval and current on rent.
- ❖ No visitors allowed in the house after curfew and beyond the first floor.
- ❖ Submit to random UA's and breathalyzers.
- ❖ Attend mandatory house meetings on Wednesday evenings at 6:00 pm (day may vary).
- ❖ 2 fellowship meetings per week required.
- ❖ Be respectful of other members, their belongings, and their space.
- ❖ Do weekly chores assigned by the chore coordinator or house president.
- ❖ Keep your personal area clean and make your bed every day.

I agree to these rules and any additional rules set by the house and promise to follow them. I understand if I chose not to follow house rules I may be fined, asked to sign a behavior contract additional to this or be asked to leave. I understand by signing this contract I forfeit any right to stay at the Restoration Recovery House and agree to leave voluntarily. The house decision is final, but anyone can reapply for occupancy after 30 days or upon being released from treatment.

Signature: _____



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