

Report to the Manitowoc Plan Commission

Meeting Date: October 25, 2023

Request: PC 23-2023: Lotus Recovery Homes, Inc; Request for a Conditional Use Permit for the Operation of Transitional Housing at 1111 Marshall Street.

Existing Land Use for Subject Property: Office / Transitional Housing

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

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North	Park Land	P-1 Conservancy
East, West, South	Office, Residential	B-1 Office Residential B-2 Neighborhood Business

Report: Lotus Recovery Homes, Inc (Lotus) is requesting a CUP for an existing transitional housing use at 1111 Marshall Street. The former leadership group for Lotus was unaware of the requirement that a transitional housing use requires a CUP and now the new leadership wants to correct the oversight.

Lotus is a non-profit organization that works with Manitowoc County Drug Court and Human Services providing safe and secure housing and support services for individuals in drug and/or alcohol recovery programs. Lotus is not a treatment center, but provides transitional housing while residents continue their recovery process. The residents will have gone through extensive addiction treatment before going to the 1111 Marshall Street location. Residents are monitored and are required to follow strict house rules.

Lotus is requesting the ability to house up to 12 adults at the 1111 Marshall Street location. In addition to the housing Lotus will maintain their offices at the location. The office use is a permitted use in the B-1 zoning district. Building Inspection and Community Development staff visited the location and it appears that the building meets the minimum square foot requirements listed in Chapter 16 of the Municipal Code.

Per the assessment records the 2-story structure is 4,926 s.f. with a mix of office and residential uses. The property is 7,405 s.f. with 60' of frontage along Marshall Street and 120' of depth.

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.”*

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.

Timeline

- Application Received: October 10, 2023
- Notifications Sent: October 17, 2023
- Plan Commission Public Informational Hearing: October 25, 2023
- Common Council Public Hearing scheduled for: November 20, 2023

Recommendation: Approve the issuance of a Conditional Use Permit to Lotus Recovery Homes Inc for the establishment of a transitional housing use located at 1111 Marshall Street pursuant to the conditions.

REQUIREMENTS FOR
CONDITIONAL USE PERMIT (CUP)
TO LOTUS RECOVERY HOMES INC.
11/20/2023

Re: PC23-2023: Grant to Lotus Recovery Homes Inc (Lotus) 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 12 residents at 1111 Marshall Street, Manitowoc WI. This CUP shall hereinafter serve as authorization for the location and operation of a transitional housing Residence, and all appurtenant and related functions. The area included in the CUP ("CUP Area") is described on the attached map. Lotus is required to comply with the following conditions:

- A. Lotus shall not allow the residence to exceed 12 residents at any one time. A house lead shall be present in the residence at all times when residents are present. The house lead is part of the total residence count.
- B. Lotus shall expressly prohibit the use, consumption or possession of alcohol and illegal drugs in the residence or anywhere on the 1111 Marshall Street Property.
- C. All over-night vehicles shall be parked off-street on hard surfaced areas on the 1111 Marshall Street property.
- D. Beginning in 2024, Lotus shall file a report with the Community Development Department on or before December 31st of each calendar year detailing the status of the Residence. This report shall be filed by December 31st in each subsequent year the CUP is effective, and each report shall detail the activities at the Residence from the prior calendar year. This report shall include, but not be limited to: (i) a summary of the financing in place to operate the Residence including a summary of foundation grants, donations, lender financing and State and/or Federal grants in hand, and volunteer hours worked ; (ii) residence summary identifying the number of residents in the Residence; (iii) a description of the services being provided at the Residence and the number of residents accessing various services; (iv) the number of residents that were at the Residence, but left without notice; (v) a summary of agreements with third party providers for support services for residents at the Residence; and (vi) any other information that may be requested by the Community Development Department to address identification of common characteristics or experiences of residents at the Residence.
- E. Lotus shall, at the written request of the Manitowoc Police Chief, install any required security enhancements into the residence, on terms and conditions acceptable to Lotus and the Chief.
- G. Compliance with all federal, state and local regulations, licensing and building code requirements.
- H. No party shall assign or transfer its interest in the CUP to any party without the prior written approval of the Manitowoc Common Council.
- I. The CUP shall automatically terminate effective the same date Lotus ceases to operate at the Residence. Lotus shall provide the Community Development Department with written notice of its intent to discontinue operation of the

residence not less than 30 consecutive calendar days prior to the date operations are planned to cease.

- J. Compliance with the terms and conditions of the CUP shall be reviewed by the Plan Commission and Common Council in January 2025, and during the month of January in each subsequent year of the CUP. 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.
- K. 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.



LAND USE APPLICATION

APPLICANT Lotus Recovery Homes PHONE 920-629-4351

MAILING ADDRESS 1111 Marshall Street EMAIL lotusrecoveryhomes@gmail.com

PROPERTY OWNER Thomas and Kevin Fox PHONE 847-366-8369

MAILING ADDRESS 200 E Irving Park Rd. Roselle, IL 60172 EMAIL tfox@airiq.com

REQUEST FOR:

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

*Publication of legal notice fees additional.

STATUS OF APPLICANT: Owner Agent Other

PROJECT LOCATION ADDRESS 1111 Marshall Street

PARCEL ID# 052-000-288-030 CURRENT ZONING B1

CURRENT USE OF PROPERTY Lotus Recovery Homes

PROPOSED USE OF PROPERTY Lotus Recovery Homes

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

Signed  Date 10/10/23
(Property Owner)

For Office Use Only	
Date Received: <u>10/12/2023</u>	PC #: _____
Fee Paid: <u>\$350</u>	Check#: <u>#9295</u>
Plan Commission Date: <u>10-25/23</u>	

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.

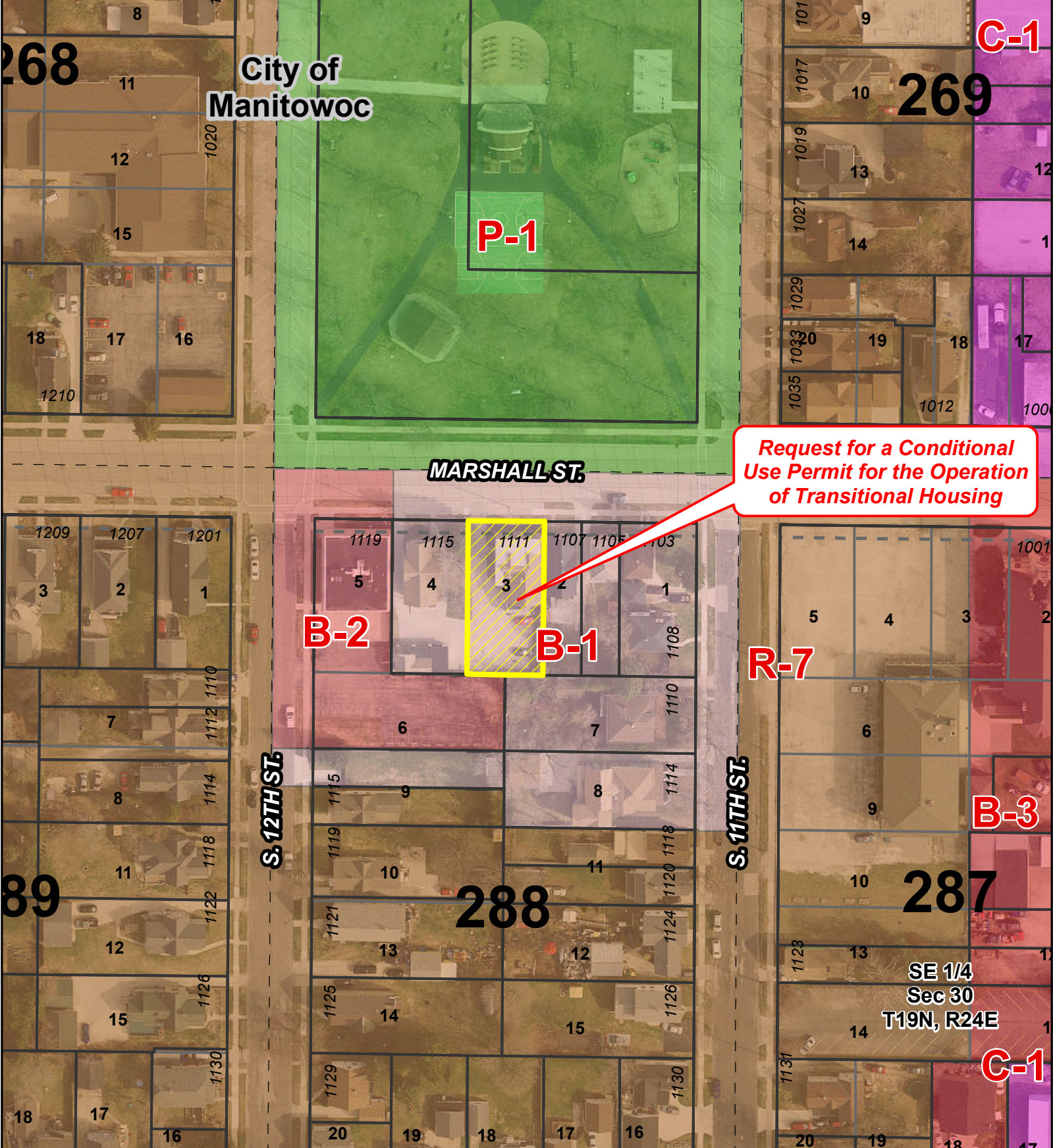
Please contact the Community Development Department at 920-686-6930 if you have any questions.

CONDITIONAL USE PERMIT APPLICATION
FOR 1111 MARSHALL STREET MANITOWOC, WI
BY LOTUS RECOVERY HOMES INC.

Lotus Recovery Homes is a non-profit organization that works with Manitowoc County Drug Court and Human Services to provide safe and secure housing and on-going support services for individuals in drug and/or alcohol recovery programs. The organization's offices are at 1111 Marshall Street in Manitowoc. Lotus currently houses up to nine men in their Marshall Street facility and up to 10 women in their Lake Street facility. Lotus is not a treatment center, but provides transitional housing while residents continue their recovery services. Our residents go through extensive addiction treatment before coming to us; we help them take their next steps. The possession and/or use of drugs or alcohol by residents is strictly forbidden by Lotus. Residents are monitored through regular and random UA's (Urine Analysis) and camera monitoring to help ensure a clean environment and sober residents. The use or possession of drugs or alcohol on the property, although very rare, means an automatic expulsion from our homes (for possession) and reporting of the incidents to the appropriate legal authorities. Discipline for use is on a case-by-case basis but results in expulsion for a second use.

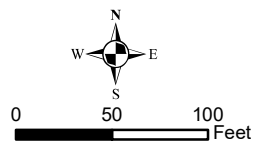
In September, 2023, Lotus applied for a Conditional Use Permit for the property at 419 Park Street. During that process, it was discovered that neither the organization nor its landlord had applied for a Conditional Use Permit for either of its currently leased properties. This application is to correct the error for the Marshall Street property.

Lotus is requesting the ability to house up to 12 adults, along with continuing to maintain its offices at 1111 Marshall Street



CONDITIONAL USE PERMIT

City of Manitowoc, WI



Area of Conditional Use Permit for the Operation of Transitional Housing

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: 10/16/2023
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PC 23-2023
1111 Marshall St.

