



LAND DEVELOPMENT APPLICATION

APPLICANT NSH 1 Hamilton Drive LLC TELEPHONE 414-962-5250

MAILING ADDRESS 640 N Vel R Phillips Ave #200 Milwaukee WI 53203
 (Street) (City) (State) (Zip)

PROPERTY OWNER NSH 1 Hamilton Drive LLC TELEPHONE 414-962-5250

MAILING ADDRESS 640 N Vel R Phillips Ave #200 Milwaukee WI 53203
 (Street) (City) (State) (Zip)

REQUEST FOR:

- | | |
|-----------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Site/Architectural Plan Approval | <input type="checkbox"/> Annexation Request |
| <input type="checkbox"/> Subdivision Plat or CSM Review | <input type="checkbox"/> Variance/Board of Appeals |
| <input type="checkbox"/> Zoning District Change | <input type="checkbox"/> Other |

STATUS OF APPLICANT: Owner Agent Buyer Other

PROJECT LOCATION 2500 Garfield St. Two Rivers, WI 54241 TYPE OF STRUCTURE Existing

PRESENT ZONING IPF REQUESTED ZONING IPF-CUP

PROPOSED LAND USE Continued use as an assisted living facility

PARCEL # 147-011-005-6 ACREAGE _____

LEGAL DESCRIPTION PICNIC HILL ADD 2ND PORTION ALL OF BLK K & PT OF W 1/2 OF SW 1/4 S31 T20N R25E REC V 825 P 666 & V 1015 P 629 EXC V 1015 P 641 & V 1103 P 218

NOTE: Attach a one-page written description of your proposal or request.

The undersigned certifies that he/she has familiarized himself/herself with the state and local codes and procedures pertaining to this application. The undersigned further hereby certifies that the information contained in this application is true and correct.

Signed Brian Purtell Brian Purtell, General Counsel Date 11/23/24
 (Property Owner)

Fee Required

- \$ 350 Comprehensive Plan Amendment
- \$ t/b/d Site/Architectural Plan Approval (Listed in Sec 1-2-1)
- \$ t/b/d CSM Review (\$10 lot/\$30 min)
- Subdivision Plat (fee to be determined)
- \$ 350 Zoning District Change
- \$ 350 Conditional Use
- \$ t/b/d Annexation Request (State Processing Fees Apply)
- \$ 350 Variance/Board of Appeals
- \$ t/b/d Other

Schedule

- Application Submittal Date _____
- Date Fee(s) Paid _____
- Plan(s) Submittal Date _____
- Plan Comm Appearance _____

\$ _____ TOTAL FEE PAID APPLICATION, PLANS & FEE RECEIVED BY _____

**Supplemental Page to
Conditional Use Permit Application
2500 Garfield Street, Two Rivers, WI**

The property owner NSH 1 Hamilton Drive LLC (“Applicant”) makes this application for the purposes of obtaining a conditional use permit (“CUP”) for the use of the property located at 2500 Garfield (tax parcel # 147-011-005-6) (the “Property”) for assisted living for the elderly, congregate housing for the elderly and/or residential care facility for the elderly. The property is zoned Institutional Public Facilities District (IPF). A skilled nursing facility is operated by NSH Two Rivers LLC under the name of Hamilton Health Services on the tax parcel and as a nursing home is a permitted use under Section 10-1-32 of the Two Rivers Ordinances.

An assisted living facility/residential care facility (RCAC) is also operated on the parcel by NSH Two Rivers Northland LLC under the name of Northland Lodge Assisted Living. These uses seemingly require a conditional use permit as assisted living facilities for the elderly, congregate housing for the elderly, and residential care facilities for the elderly under the ordinance. In conjunction with a zoning inquiry for an upcoming refinancing, the Applicant discovered that the CUP issued to a prior owner of the real estate (TR Real Estate LLC) on July 7, 2003, included a condition that the CUP would lapse upon a change in ownership. The Applicant acquired the Property in 2019 as part of a financially distressed sale via a receivership action, and as the 2019 transaction involved Applicant taking assignment of the prior term loan credit and security agreement with the existing lender, this was not discovered until the current zoning inquiry.

Operations have not significantly changed since the Applicant’s acquisition. The Northland Lodge facility has up to 39 residents and 12-15 employees. The intensity of use is consistent with the prior usage and there have been no significant changes to the buildings or ground since the 2019 application, nor are any anticipated in connection with this application. The Applicant believes that it is otherwise in compliance with all applicable zoning and site requirements.

Applicant and the two operators in the facilities are part of the North Shore Healthcare (NSH) group. Based in Milwaukee, NSH operates 70 nursing and assisted living facilities in Wisconsin, Minnesota, Michigan and North Dakota.



948188	CONDITIONAL USE PERMIT City of Two Rivers
Document Number	Permit No. 2003-05

COPY

Before the City Council of the City of Two Rivers, Manitowoc County, Wisconsin, in regard to premises at 2500 Garfield Street in the City of Two Rivers, Manitowoc County, State of Wisconsin, further described as follows:

Picnic Hill Addition 2nd Portion, All of Block K and part of West 1/2 of Southwest 1/4 In Section 31, Town 20 North, Range 25 East as recorded in Volume 825, Page 666 and Volume 1015, Page 629, except as recorded in Volume 1015, Page 641.

Property Address: 2500 Garfield Street, Two Rivers, WI 54241.

Property is zoned Institutional Public Facilities District (IPF) with conditional uses for Assisted Living for the Elderly, Congregate Housing for the Elderly and/or Residential Care Facility for the Elderly.

STATE OF WISCONSIN
MANITOWOC COUNTY
PRESTON JONES
REGISTER OF DEEDS
RECEIVED FOR RECORD

21 AUG 2003 9:05:20 AM

Name and Return Address
 Inspections Department
 City of Two Rivers
 PO Box 87
 Two Rivers, WI 54241-0087

Parcel Identification Number 147-011-005-6

Mailing Address of the Premises is c/o TR Real Estate LLC, 1726 North Ballard Road, Appleton, WI 54911

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statute, provide that the premises may not be used by right for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the City Council of the City of Two Rivers having determined that by reason of the particular nature, character and circumstances of the proposed use, permit of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, it is permitted, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of Assisted Living for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly, and an enclosed pedestrian walkway connecting the nursing home with the assisted living facility.

Permitted by action of the City Council of the City of Two Rivers on July 7, 2003.

Attest:



 Kim M. Graves, Deputy City Clerk



 William P. Glandt, Council President

Original filed in the office of the City Clerk of the City of Two Rivers, Wisconsin

The **CONDITIONS** of this Permit are:

1. This Permit shall become effective upon the execution and recording by the Owners of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This Permit shall be void unless proper application, pursuant to the building and zoning codes of the municipality, for appropriate Building and Zoning Use Permits in conformity to this Permit, is made within 12 months of the date hereof.
3. This Permit is subject to amendment and termination in accordance with the provisions of the Zoning Code of this municipality.
4. Construction and operation of the use permitted shall be in strict conformity to the approved site, building and operation plans filed in connection with the Petition for this Permit and such plans are incorporated herein by reference as if set forth in detail herein.
5. Any of the conditions of this Permit which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the Owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof as may be necessary to carry out the provisions.
6. Any substantial change or expansion of the facilities permitted by the initial issuance of this Conditional Use Permit would require approval by the Plan Commission and City Council as an amendment to this Conditional Use Permit.
7. This permit is granted specifically to TR Real Estate, LLC. If there is a change in ownership of the subject premises, this permit shall lapse upon such change in ownership. This permit may be reissued only after proper application is made to the City as if this permit were being issued anew.

8. Conditions on the Operation

- a. Hours of operation: No conditions.
- b. Performance standards relating to noise, vibration, odor, smoke or dust: As required in City Zoning Code and other applicable laws and regulations.
- c. Water supply requirements: No conditions.
- d. Provisions for sewage disposal: No conditions.
- e. Other: None.

9. Conditions on the Buildings

- a. Facade material of each building side: As shown on the approved Site and/or Architectural Plans.
- b. Entrances, Design and Location: As shown on the approved Site and/or Architectural Plans.
- c. Signs attached to the Building, Location, Size, Design (including lighting): As required in the City Sign Code.
- d. Exterior Lighting of the Building: As shown on the approved Lighting Plan.
- e. Other: None.

10. Conditions on the Site

- a. Street Access (number, location, design): As shown on the approved Site and/or Architectural Plans.
- b. Off-Street Parking (location and design including screening thereof): As shown on the approved Site and/or Architectural Plans.
- c. Loading and Service Areas (location and design): As shown on the approved Site and/or Architectural Plans.
- d. Outside Storage of Materials, Products or Refuse (location and screening thereof): As shown on the approved Site and/or Architectural Plans.
- e. Finished topography and building grades, retaining walls, storm water run-off: As shown on the approved Site and/or Architectural Plans.
- f. Landscaping of the Site and Buildings (including plant types, size, spacing): As shown on the approved Landscaping Plan.
- g. Pedestrian walkways, terraces, malls (location and design): As shown on the approved Site and/or Architectural Plans.
- h. Signs (free standing) location, size, design (including lighting): As required in the City Sign Code.
- i. Exterior Lighting of the Site, location design and power: As shown on the approved Lighting Plan.
- j. Other: Any expansion of the facilities permitted by the initial issuance of this Conditional Use Permit would require approval by the Plan Commission and City Council as an amendment to this Conditional Use Permit.

Receipt of a True Copy of this instrument on behalf of the
petitioner acknowledged on 7/12/03 VA.

LAND COVENANT

Document Number

Relates to Conditional Use Permit No. 2003-05

Acceptance of Conditions of Conditional Use Permit.

THIS COVENANT, made on August 4, 2003 by TR Real Estate LLC, GRANTORS, for the use and benefit of all persons from time to time resident or owning property within the boundaries of the City of Two Rivers, Manitowoc County, Wisconsin, and for the use and benefit of the said City of Two Rivers, in its own right and as agent for the purpose of enforcing this document on behalf of the above described class of persons, GRANTEES.

The premises affected by this document are the following described lands in the City of Two Rivers, County of Manitowoc, State of Wisconsin, to-wit:

Picnic Hill Addition 2nd Portion, All of Block K and part of West 1/2 of Southwest 1/4 in Section 31, Town 20 North, Range 25 East as recorded in Volume 825, Page 666 and Volume 1015, Page 629, except as recorded in Volume 1015, Page 641.

Property Address: 2500 Garfield Street, Two Rivers, WI 54241

Property is zoned Institutional Public Facilities District (IPF) with conditional uses for Assisted Living for the Elderly, congregate Housing for the Elderly, and/or Residential Care Facility for th Elderly.

Name and Return Address
Inspections Department
City of Two Rivers
P. O. Box 87
Two Rivers, WI 54241-0087

Parcel Identification Number 147-011-005-6

Mailing Address of the Premises is c/o TR Real Estate LLC, 1726 North Ballard Road, Appleton, WI 54911

Grantors warrant and covenant that at the time of the ensembling and delivery of this document they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

Grantors represent that petition on their behalf was made to the City of Two Rivers, pursuant to the Zoning Code of the said City of Two Rivers for grant of permission to erect and/or conduct on the premises a use there permissible not by right but only by Conditional Use; that in connection therewith Grantors made certain representations and agreements as to site, building and operation plans which were incorporated into the Conditional Use Permit; that based thereon Conditional Use Permit No. 2003-05 was issued on July 7, 2003 and that a true copy thereof is on file with the City Clerk of the City of Two Rivers.

NOW, THEREFORE, Grantors hereby accept the said Conditional Use Permit and covenant strictly to comply with all of the terms and conditions thereof. This covenant shall run with the land and shall be binding on the Grantors and on all persons claiming any estate or interest in the Premises by, through or under the Grantors, as long as the said Premises are used as described in the Conditional Use Permit for the purpose of Assisted Living Facilities for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.

In Witness Whereof, Grantors have hereunto set their hands and seals on August 4, 2003 (date)

By: [Signature]
Name/Title Larry D. Rice, Partner
Rice Enterprises, sole member

By:
Name/Title

INDIVIDUAL
STATE OF WISCONSIN,
outagamie County, ss
Personally came before me this 4th day of August, 2003, the above named Larry L. Rice

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.
[Signature]
Thomas H. Suther

Notary Public, State of Wisconsin
My Commission expires to permanent.

THIS INSTRUMENT WAS DRAFTED BY
Martin R. Marchek, AICP, City Planner

CONDITIONAL USE
PERMIT
City of Two Rivers

Document Number

Permit No. 12-1-2024

Before the City Council of the City of Two Rivers, Manitowoc County, Wisconsin, regarding the premises at 2500 Garfield Street in the City of Two Rivers, Manitowoc County, State of Wisconsin, further described as:

PICNIC HILL ADD 2ND PORTION ALL OF BLK K & PT OF W 1/2 OF SW 1/4 S31 T20N R25E REC V 825 P 666 & V 1015 P 629 EXC V 1015 P 641 & V 1103 P 218

Inspections Department
City of Two Rivers
PO Box 87
Two Rivers, WI 54241-0087

Parcel ID Number: 053-147-011-005.06

Zoning Classification of the Premises is: IPF Institutional/Public Facilities District with conditional uses for Assisted Living for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.
Mailing Address of the Premises Operator: 2500 Garfield Street, Two Rivers WI 54241

WHEREAS, the Zoning Code and Zoning District Map of the above named municipality, pursuant to State Statute, state that the premises may not be used for the purpose hereinafter described but that upon petition such use may be approved by the municipality as a Conditional Use in particular circumstances as defined by the standards in the Zoning Ordinance; and

Petition therefore having been made, and public hearing held thereon, and the City Council of the City of Two Rivers having determined that by reason of the nature, character and circumstances of the proposed use, and of the specific and contemporary conditions, permit of such use upon the terms and conditions hereinafter prescribed would be consistent with the requirements of the Zoning Ordinance.

Now, therefore, it is permitted, subject to compliance with the terms and conditions hereinafter stated, that the Premises may be used for the purpose of Assisted Living for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly, and an enclosed pedestrian walkway connecting the nursing home with the assisted living facility.

Permitted by action of the City Council of the City of Two Rivers on December 23, 2024.
Original filed in the office of the City Clerk of the City of Two Rivers, Wisconsin

The Conditions of this Permit are:

1. This Permit shall become effective upon the execution and recording by the Owner of the Premises of an acceptance hereof in such form as to constitute an effective covenant running with the land.
2. This Permit is subject to the conditions herein and is subject to amendment and termination in accordance with the provisions of the Zoning Code of this Municipality.
3. The operation of the use permitted shall be in strict conformity to the approved conditions identified with this Petition for this Permit and such plans are incorporated herein by reference as if set forth in detail herein.
4. Any of the conditions of this Permit which would normally be the responsibility of tenants of the premises shall be made a part of their lease by the owner, which lease shall contain provisions for posting of the pertinent conditions to notify employees thereof as may be necessary to carry out the provisions.
5. Any substantial change to the use or site as the conditions permitted by the issuance of this Permit would require approval by the Plan Commission and City Council as an amendment to this Permit.
6. This Permit is specifically issued to NSH 1 Hamilton Drive LLC and shall lapse upon a change in ownership of the business, tenancy of the subject premises or if the land uses ceases operation for more than 12 months. This permit may be reissued only after a proper application is made to the City as if this permit were being newly issued.
7. Conditions of Operations:
 - a. Hours of operation: No conditions
 - b. Performance standards relating to noise, vibration, odor, smoke or dust: As required in City Zoning Code and other applicable laws and regulations.
 - c. Water supply requirements: No conditions.
 - d. Provisions for sewage disposal: No conditions.
 - e. Other: None.

(CONTINUED ON THE FOLLOWING PAGE)

8. Conditions on the Buildings
 - a. Façade material of each building side: As shown on the approved Site and/or Architectural Plans.
 - b. Entrances, Design and Location: As shown on the approved Site and/or Architectural Plans.
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 - h. Signs (free standing) location, size, design, (including lighting): As required in the City Sign Code.
 - i. Exterior Lighting of the Site, location design, and power: As shown on the approved Lighting Plan.
 - j. Other: Any expansion of the facilities permitted by the initial issuance of this Conditional Use Permit would require approval by the Plan Commission and City Council as an amendment to this Conditional Use Permit.

SIGNATURES OF PROPERTY OWNER(S) AND PERMITEE(S):

As Owner(s) of the Subject Property, I/we accept and understand the above-described conditions.

 Printed Name: _____ Printed Name: _____

STATE OF WISCONSIN
 MANITOWOC COUNTY

Personally came before me this _____ day of _____, 2024, the above named _____ and to be the person(s) who executed the foregoing instrument and acknowledge the same.

 Notary Public

 Printed Name
 _____ County, Wisconsin
 My commission expires: _____

SIGNATURES - CITY OF TWO RIVERS

 Greg Buckley, City Manager

 Amanda Baryenbruch, City Clerk

STATE OF WISCONSIN
 MANITOWOC COUNTY

Personally, came before me this _____ day of _____ 2024, the above-named Greg Buckley and Amanda Baryenbruch known to be the person(s) who executed the foregoing instrument and acknowledge the same.

 Printed Name: _____
 Notary Public, Manitowoc County, Wisconsin
 My commission expires: _____

THIS INSTRUMENT WAS DRAFTED BY:
 Adam Taylor, Zoning Administrator

LAND COVENANT

Document Number

Relates to Conditional Use Permit No. 12-1-2024

Acceptance of Conditions of Conditional Use Permit.

THIS COVENANT, made on by **GRANTORS**

for the use and benefit of all persons from time to time resident or owning property within the boundaries of the City of Two Rivers, Manitowoc County, Wisconsin, and for the use and benefit of the said City of Two Rivers, in its own right and as agent for the purpose of enforcing this document on behalf of the above described class of persons, **GRANTEES**.

The premises affected by this document are the following described lands in the City of Two Rivers, County of Manitowoc, State of Wisconsin, to-wit:

PICNIC HILL ADD 2ND PORTION ALL OF BLK K & PT OF W 1/2 OF SW 1/4 S31 T20N R25E REC V 825 P 666 & V 1015 P 629 EXC V 1015 P 641 & V 1103 P 218

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Name and Return Address

Inspections Department
City of Two Rivers
P. O. Box 87
Two Rivers, WI 54241-0087

Parcel Identification Number: 053-147-011-005.06

Mailing Address of the Premises is c/o NSH 1 Hamilton Drive LLC, 640 N Vel R Phillips Ave #200

Grantors warrant and covenant that at the time of the ensembling and delivery of this document they are all of the owners of the Premises and that no other person has any estate or interest therein except by reason of easements for public utilities, building restrictions, dedications to the public or public bodies, instruments not of record, and mortgages to banks, savings and loan associations or insurance companies.

Grantors represent that petition on their behalf was made to the City of Two Rivers, pursuant to the Zoning Code of the said City of Two Rivers for grant of permission to erect and/or conduct on the premises a use there permissible not by right but only by Conditional Use; that in connection therewith Grantors made certain representations and agreements as to site, building and operation plans which were incorporated into the Conditional Use Permit; that based thereon Conditional Use Permit No. 12-1-2024 was issued on December 23, 2024 and that a true copy thereof is on file with the City Clerk of the City of Two Rivers.

NOW, THEREFORE, Grantors hereby accept the said Conditional Use Permit and covenant strictly to comply with all of the terms and conditions thereof. This covenant shall run with the land and shall be binding on the Grantors and on all persons claiming any estate or interest in the Premises by, through or under the Grantors, as long as the said Premises are used as described in the Conditional Use Permit for the purpose of Assisted Living Facilities for the Elderly, Congregate Housing for the Elderly, and/or Residential Care Facility for the Elderly.

In Witness Whereof, Grantors have hereunto set their hands and seals on (date)

By:

Name/Title _____

By:

Name/Title _____

INDIVIDUAL
STATE OF WISCONSIN,)
) ss
....., County) Personally came before
me this day of,
the above named
.....
to me known to be the person(s) who executed the
foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission expires _____

THIS INSTRUMENT WAS DRAFTED BY
Adam Taylor, Zoning Administrator