MEMORANDUM

To: City Council

From: Gregory E. Buckley

City Manager

Date: September 12, 2024

Subject: Plan Commission Recommendation on Application to Re-Zone Property at 1509 19th

Street from B-1 Business to R-3 One and Two Family Residential

The Plan Commission at its September 9 meeting considered the above application, which was tabled from the August meeting.

The property in question was formerly the location of a dental office, on the south side of 19th Street. It is located just west of the former Evans Department Store property. The former Evans property and this parcel are zoned B-1, as are all properties in this block on the opposite side of the street. All properties west of the subject parcel on the south side of the street, to Adams Street, are zoned R-3 Residential.

The owner is seeking the zoning change to make use of the existing building as a two-unit residence. First floor residential uses are not allowed in the current B-1 zoning district.

The Plan Commission struggled with this decision, as there are plausible arguments for either maintaining the current business zoning or re-zoning to residential. The property is shown on the Future Land Use map in the Comprehensive Plan as "Governmental/Institutional/Utilities," along with the abutting U.S. Post Office property, through the block to the south.

After extensive discussion of this request, the Plan Commission voted to recommend approval of the request by the City Council, with the condition that the property owner replace the concrete-paved front yard and adjacent concrete-paved terrace with turfgrass. The rationale for that proposed condition was to make the property more residential in appearance, and thus more compatible with the neighboring residential uses to the west.

While the Plan Commission's proposed condition for the re-zoning may have merit, a subsequent discussion with the City Attorney identified a potential concern that this would be

considered "contract zoning." That is, the zoning decision would be conditioned upon the property owner doing certain things with the property that are not otherwise required by the Zoning Code. This could create problems in trying to enforce that condition in the future.

Based on this concern, I believe it would be appropriate for the Council to refer this matter back to the Plan Commission, for further consideration. Other alternatives available to the Council would be to schedule this matter for public hearing and then decide to either:

- --Approve the rezoning with the condition recommended by the Plan Commission;
- --Approve the rezoning without condition; or
- -- Deny the rezoning

If the matter is returned to the Plan Commission, there are other alternatives that might be pursued to address a residential use of the subject property, including:

- --An ordinance amendment to allow some residential conversions of the first floors of B-1 zoned properties as a conditional use, provided certain requirements are met
- --Consideration of a rezoning of the property with self-imposed conditions offered by owner, in the form of a covenant running with the land
- --Re-zoning the property as Planned Unit Development, and considering redevelopment as a residential use under that section of the ordinance

I recommend that this matter be referred back to the Plan Commission for further consideration, for the reasons cited in this memo.



LAND DEVELOPMENT APPLICATION

MAILING ADDRESS (Street) City (City) (State) (Zip) PROPERTY OWNER 1509 Street TELEPHONE MAILING ADDRESS (Street) Comprehensive Plan Amendment City (State) (Zip) MAILING ADDRESS (Street) Comprehensive Plan Amendment City (State) (Zip) REQUEST FOR: Comprehensive Plan Amendment Annexation Request Subdivision Plat or CSM Review Variance/Board of Appeals Subdivision Plat or CSM Review Variance/Board of Appeals Other Variance/Board of Appeals Other STATUS OF APPLICANT: Owner Agent Buyer Other PROJECT LOCATION WA RIVERS AT STATUTYPE OF STRUCTURE Single Stary Bldg. PRESENT ZONING COMMENCIAL (B.1) REQUESTED ZONING Residential B-2 PROPOSED LAND USE DUPLEX PARCEL # 1955 - Built Parcu# 0000-500-309. ACREAGE # 152 - Sq. font Lot LEGAL DESCRIPTION/DRTG PLAT E 45 of Lot 3 BLK 50. 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 Cannot Describe Plan Amendment Story (Property Wunsh) Date 7-31-2024 Plan(S Submittal Date 7-31-2024 Plan(S Submittal Date 8-12-24) Story Variance/Board of Appeals Variance/Board of Appeals Plan Comm Appearance 8-12-24	APPLICANT Joan Marie Johnson	(920) TELEPHONE <u>437-7157</u>	
MAILING ADDRESS JOSH JONNES (City) (State) REQUEST FOR: Comprehensive Plan Amendment Conditional Use Site/Architectural Plan Approval Annexation Request Subdivision Plat or CSM Review Variance/Board of Appeals Variance/Board of Appeals Other STATUS OF APPLICANT: Owner Agent Buyer Other PROJECT LOCATION WA RIVERS WITSTATTYPE OF STRUCTURE Single Story Bldg. PRESENT ZONING COMMERCIAL (B.1) REQUESTED ZONING RESIDENTIAL (B.3) PROPOSED LAND USE DUPLEX PARCEL # 1955 - Built Parcul# 0000-500-309. ACREAGE # 1,52. Sutfort Lot LEGAL DESCRIPTION ORTH FLAT E 45' OF Lot 3 RUK 50. 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 Pan World Plan Amendment Sitold Sito/Architectural Plan Approval (Listed in Sec 1-2-1) Sitold Office Sito Processing Fees Apply) Plan Comm Appearance Plan Comm Appearance Plan Comm Appearance		ivers, WI, 54241	
REQUEST FOR: Comprehensive Plan Amendment Site/Architectural Plan Approval Site/Architectural Plan Approval Annexation Request Subdivision Plat or CSM Review Variance/Board of Appeals Variance/Board	PROPERTY OWNER 1509 1995 Streets	TELEPHONE	
Comprehensive Plan Amendment Site/Architectural Plan Approval Annexation Request Subdivision Plat or CSM Review Variance/Board of Appeals Other STATUS OF APPLICANT: Owner Agent Buyer Other STATUS OF APPLICANT: PROJECT LOCATION WA RIVERS WITSTALL TYPE OF STRUCTURE Single Stary Bldg PRESENT ZONING COMMERCIAL (B1) REQUESTED ZONING RESIDENTIAL (B-3) PROPOSED LAND USE PROPOSED LAND USE DUPLEX PARCEL # 955 - Built Parcut#0000-500-309. ACREAGE # (-152.5g. Foot Lot LEGAL DESCRIPTION ORTG-PLAT E 45' OF Lot 3 BLK 50. 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 Oran Market (Revew (S1) to 1030 min) Subdivision Plat (se to be determined) Schedule Schedule Schedule Schedule Plan (S) Submittal Date Plan(s) Submittal Date		TWO Rivers WT, 54241 (State) (Zip)	
Site/Architectural Plan Approval Subdivision Plat or CSM Review Variance/Board of Appeals Varian		Conditional Har	
Subdivision Plat or CSM Review Zoning District Change Other STATUS OF APPLICANT: X Owner Agent Buyer Other PROJECT LOCATION WERE STRUCTURE PROJECT LOCATION WERE STRUCTURE PROPOSED LAND USE PARCEL # 955 - Built Parcul # 0000 - 500 - 309. ACREAGE # 10, 152 - 50, Foot Lot LEGAL DESCRIPTION ORTG PLAT E 45 of Lot 3 RLx 50. 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 Schedule Schedule Application Submittal Date T - 31 - 2024 Subdivision Plat (fee to be determined) Plan(s) Submittal Date 8 - 12 - 24 Plan Comm Appearance Plan Comm Appearance		•	
STATUS OF APPLICANT: X Owner Agent Buyer Other STATUS OF APPLICANT: X Owner Agent Buyer Other STATUS OF APPLICANT: X Owner Agent Buyer Other PROJECT LOCATION WO RIVERS, WITSTALL TYPE OF STRUCTURE Single Story Bldg PRESENT ZONING COMMERCIAL (B1) REQUESTED ZONING Residential R-3 PROPOSED LAND USE DUPLEX PARCEL # 1955 - Built Parcut 1000-500-309. ACREAGE 16,752 Sq. Foot Lot LEGAL DESCRIPTION ORTG PLAT E 45 of Lot 3 BLK 5D. 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 Pan World Plan Amendment Stiel/Architectural Plan Approval (Listed in Sec 1-2-1) Subdivision Plat (fee to be determined) Plan(s) Submittal Date Plan Comm Appearance 8 -12 - 24		•	
PROJECT LOCATION TWO RIVERS WIT 54.24 TYPE OF STRUCTURE Single Story Bldg PRESENT ZONING Commercial (B1) REQUESTED ZONING Residential (B-3) PROPOSED LAND USE DUPEX PARCEL # 1955 - Built Parcut # 0000-500-309. ACREAGE # 16,752.5q. Toot Lot LEGAL DESCRIPTION ORTG PLAT E 45' of Lot 3 Blk 50. 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 Pan Parcut Plan Amendment (Property Owner) Fee Required \$ 350 Comprehensive Plan Amendment (Stiefe to be determined) \$ 100/10 CSM Review (\$10 lot/\$30 min) Subdivision Plat (fee to be determined) \$ 350 Config District Change (From the continuous plan Appearance) \$ 100/10 Annexation Request (State Processing Fees Apply) \$ 350 Variance/Board of Appeals \$ 100/10 CSM Parcel (State Processing Fees Apply) \$ 350 Variance/Board of Appeals	_X Zoning District Change	• •	
PROPOSED LAND USE DUPLEX PARCEL # 955 - Built / Parcul # 0000-500-309. ACREAGE # 6,752 - Sq. Foot Lot LEGAL DESCRIPTION ORTG PLAT E 45 of Lot 3 BLK 50. 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 Park Property Owner Date T - 31 - 20 24 Fee Required Schedule Schedule Application Submittal Date T - 31 - 20 24 \$350 Comprehensive Plan Amendment Subdivision Plat (fee to be determined) Subdivision Plat (fee to be determined) Plan(s) Submittal Date Plan(s) Submittal Date Plan Comm Appearance	STATUS OF APPLICANT: X Owner Agent	Buyer Other	
PROPOSED LAND USE DUPLEX PARCEL # 955 - Built / Parcul # 0000-500-309. ACREAGE # 6,752 - Sq. Foot Lot LEGAL DESCRIPTION ORTG PLAT E 45 of Lot 3 BLK 50. 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 Park Property Owner Date T - 31 - 20 24 Fee Required Schedule Schedule Application Submittal Date T - 31 - 20 24 \$350 Comprehensive Plan Amendment Subdivision Plat (fee to be determined) Subdivision Plat (fee to be determined) Plan(s) Submittal Date Plan(s) Submittal Date Plan Comm Appearance	PROJECT LOCATION TWO RIVERS, WI 5424 TYPE OF STRUCTURE SIDGLE STORY BLOG		
PARCEL # 955 - Built Parcut 0000-500-309. ACREAGE 6, 152. Sq. Foot Lot LEGAL DESCRIPTION ORTG PLATE 45' of Lot 3 BLX 50. 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 Date 1-31-2024 (Property Owner) Eee Required \$ 350 Comprehensive Plan Amendment (Listed in Sec 1-2-1) Stile/Architectural Plan Approval (Listed in Sec 1-2-1) Date Fee(s) Paid T-31-2024 \$ 1/b/d Sile/Architectural Plan Approval (Listed in Sec 1-2-1) Date Fee(s) Paid T-31-2024 \$ 350 Zoning District Change Plan (State Processing Fees Apply) Plan(s) Submittal Date \$ 350 Conditional Use Plan Comm Appearance Plan Comm Appearance	// La-\		
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 Date 1-31-2024 (Property Owner) Eee Required Schedule \$ 350 Comprehensive Plan Amendment \$ tubid Site/Architectural Plan Approval (Listed in Sec 1-2-1) \$ tubid CSM Review (\$10 lot/\$30 min) Subdivision Plat (fee to be determined) \$ 350 Coning District Change \$ 200 plan (\$ 100 plan (\$			
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 Date 1-31-2024 (Property Owner) Eee Required Schedule \$ 350 Comprehensive Plan Amendment \$ tubid Site/Architectural Plan Approval (Listed in Sec 1-2-1) \$ tubid CSM Review (\$10 lot/\$30 min) Subdivision Plat (fee to be determined) \$ 350 Coning District Change \$ 200 plan (\$ 100 plan (\$	PARCEL # 1955-Built /Parcel # 0000-500-309. ACREAGE #6,752. Sq. Foot hot		
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 Pan Marce Plan Amendment \$ 350 Comprehensive Plan Amendment \$ 1/b/d Site/Architectural Plan Approval (Listed in Sec 1-2-1) \$ 1/b/d CSM Review (\$10 lot/\$30 min) \$ Subdivision Plat (fee to be determined) \$ 350 Zoning District Change \$ 350 Conditional Use \$ 350 Variance/Board of Appeals \$ 1/b/d Other \$ 1/b/d Comm Appearance			
This application. The undersigned further hereby certifies that the information contained in this application is true and correct. Signed	NOTE: Attach a one-page written description of your proposal or request.		
Signed (Property Owner) Fee Required \$ 350	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.		
\$ 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 Conditional Use \$ 1/b/d Annexation Request (State Processing Fees Apply) \$ 1/b/d Other Application Submittal Date 1 - 3 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2024 1 - 2	Signed Jan Mories onnson	7 21 62 61	
\$ 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 Conditional Use Annexation Request (State Processing Fees Apply) \$ 1/b/d Cother Cothe	Fee Required	Schedule	
\$ 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 Other Subdivision Plat (fee to be determined) Plan(s) Submittal Date Plan Comm Appearance Plan Comm Appearance	\$ 350 Comprehensive Plan Amendment	Application Submittal Date $\frac{7-31-2024}{}$	
\$ 350 Zoning District Change \$ 350 Conditional Use \$ t/b/d Annexation Request (State Processing Fees Apply) \$ 350 Variance/Board of Appeals Other Solution District Change Conditional Use Annexation Request (State Processing Fees Apply) Variance/Board of Appeals Other	\$ t/b/d CSM Review (\$10 lot/\$30 min)	Date Fee(s) Paid 7-3 -2024	
\$ t/b/d Annexation Request (State Processing Fees Apply) \$ 350 Variance/Board of Appeals Other Plan Comm Appearance 8 - 12 - 24	\$ 350 Zoning District Change	Plan(s) Submittal Date	
\$ 550 TOTAL FEE BAID	\$ t/b/d Annexation Request (State Processing Fees Apply) \$ 350 Variance/Board of Appeals	Plan Comm Appearance 8-12-24	
TOTAL FEE PAID APPLICATION, PLANS & FEE RECEIVED BY	\$ TOTAL FEE PAID APPLICATION, PLANS & FE	EE RECEIVED BY	

11/22/16, 03/25/13, 01/01/06, 12/16/20 Land Development Application.docx

RE: Adam



1717 E. Park Street P.O. BOX 87 Two Rivers, WI 54241-0087

PLAN COMMISSION

Action: Rezoning Request from Business (B-1) to Residential (R-3)

Location: 1509 – 19th Street

Current Zoning: Business B-1

Date: September 9, 2024

The owner of this property is requesting a rezoning of this property from Business (B-1) to Residential (R-3) to allow for residential use. The existing business zone allows for residential use to be only on the 2^{nd} floor.

This property was previously a dental office use. Since closing, the current owner would like to change to a residential primary use.

The building is currently located within the front yard setback. The adjacent properties are also setback closer than the 25' requirement, however they are setback farther than the building in question (see aerial view).

At the previous Plan Commission meeting, there were concerns regarding the green space requirement. This lot has 2 driveways that extend into the rear yard parking lot. There is a barrier/fence located between this lot and the Post Office lot. The lot currently has not green space, however the City's ordinance does not have a requirement for green space or impervious areas. The code states regulations on the percentage a building can take up on a lot, which in turn allows for green space. Below is an example for detached structures in rear yards:

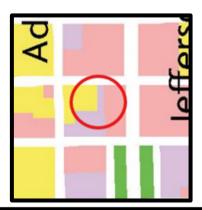
- (c) In rear yards:
- [1] Open fire escapes, open porches, decks, patios or terraces, including those with roofs but not walls, projecting six feet or less into the required rear yard.
- [2] Overhanging eaves, bay windows and gutters projecting three feet or less into the required rear yard.
- [3] Detached accessory buildings and structures such as storage buildings, garages, swimming pools, heating and air-conditioning equipment, wind and solar energy conversion equipment antenna structures, including those mounted on towers or masts or those employing parabolic or similar reflectors, provided such buildings, structures or equipment:
- [a] In the aggregate shall not occupy more than 30 percent of any required rear yard nor more than 50 percent of non-required rear yard areas.

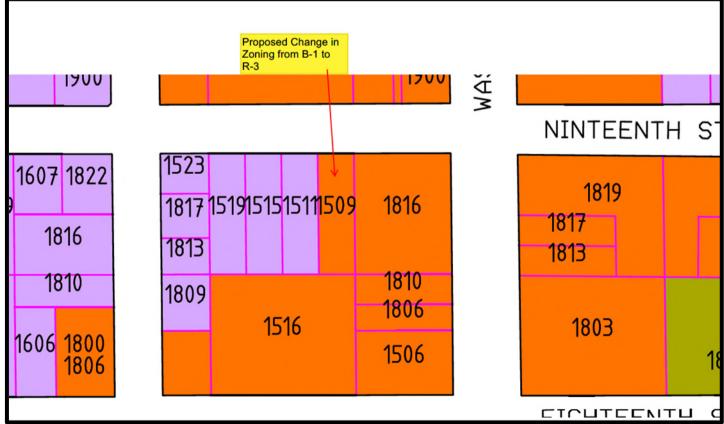


1717 E. Park Street P.O. BOX 87 Two Rivers, WI 54241-0087

- [b] Shall be located no closer than three feet from any part of any other building, structure or property line, except swimming pools as described in subsection H.
- [c] Shall comply with all applicable municipal and state code provisions.
- [d] Driveways not exceeding 35 percent of the lot width or 35 feet, whichever is less.

The comprehensive plan shows this lot as Government/Institutional/Utilities (purple) (see below map). Yellow color = Residential. Pink color = Business.





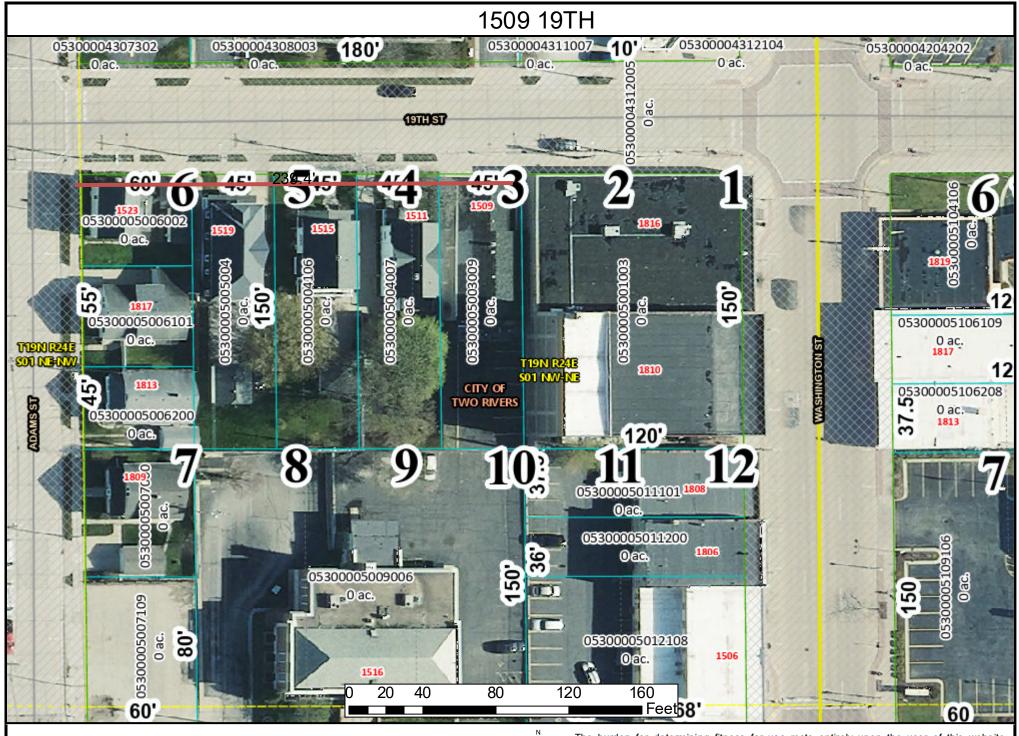












Author: Public

Date Printed: 9/9/2024



The burden for determining fitness for use rests entirely upon the user of this website. Manitowoc County and its co-producers will not be liable in any way for accuracy of the data and they assume no responsibility for direct, indirect, consequential, or other damages.



