

## 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 19<sup>th</sup> 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 19<sup>th</sup> 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.



**TWO RIVERS**  
WISCONSIN

**LAND DEVELOPMENT APPLICATION**

APPLICANT Joan Marie Johnson TELEPHONE (920) 737-7157

MAILING ADDRESS P.O. Box 540, Two Rivers, WI, 54241  
(Street) (City) (State) (Zip)

PROPERTY OWNER 1509 19th Street TELEPHONE \_\_\_\_\_

MAILING ADDRESS Joan M. Johnson Two Rivers, WI, 54241  
(Street) (City) (State) (Zip)

REQUEST FOR:

- Comprehensive Plan Amendment
- Site/Architectural Plan Approval
- Subdivision Plat or CSM Review
- Zoning District Change
- Conditional Use
- Annexation Request
- Variance/Board of Appeals
- Other

STATUS OF APPLICANT:  Owner  Agent  Buyer  Other

PROJECT LOCATION 1509 19th Street, Two Rivers, WI 54241 TYPE OF STRUCTURE Single Story Bldg.

PRESENT ZONING Commercial (B1) REQUESTED ZONING Residential (R-3)

PROPOSED LAND USE Duplex

PARCEL # 1955-Built/Parcel#0000-500-309. ACREAGE #6,752 Sq. Foot lot

LEGAL DESCRIPTION ORIG 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 Joan Marie Johnson (Property Owner) Date 7-31-2024

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

350

\$ TOTAL FEE PAID

Schedule

- Application Submittal Date 7-31-2024
- Date Fee(s) Paid 7-31-2024
- Plan(s) Submittal Date \_\_\_\_\_
- Plan Comm Appearance 8-12-24

APPLICATION, PLANS & FEE RECEIVED BY A Taylor

RE: Adam



**PLAN COMMISSION**

**Action:** Rezoning Request from Business (B-1) to Residential (R-3)  
**Location:** 1509 – 19<sup>th</sup> 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<sup>nd</sup> 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.



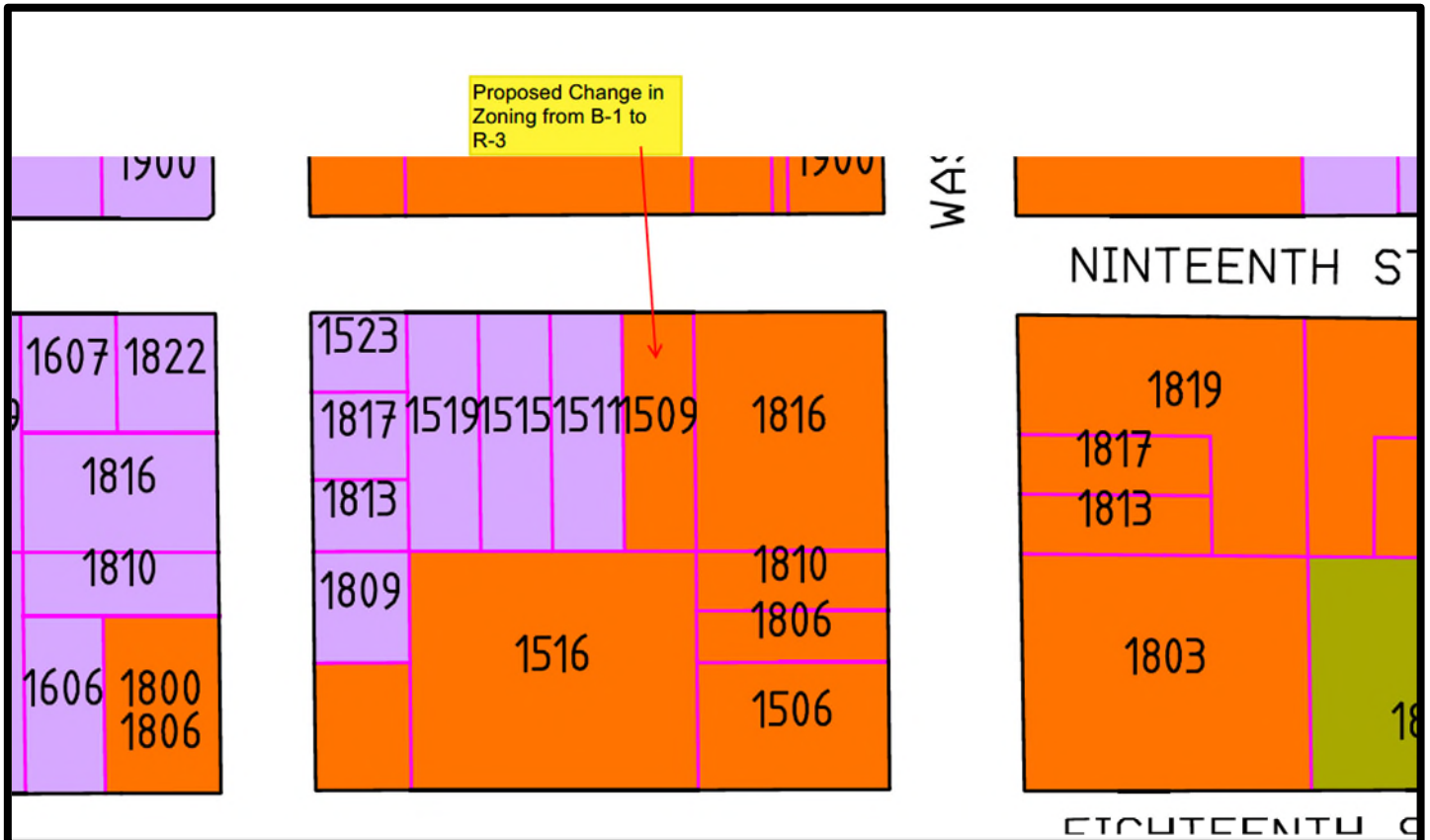
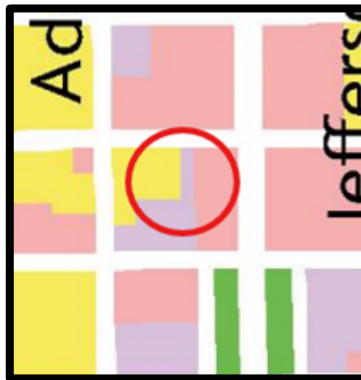


[b] Shall be located no closer than three feet from any part of any other building, structure or property line, except swimming pools as described in subsection H.

[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.





**TWO  
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**COMMUNITY DEVELOPMENT**

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



[www.two-rivers.org](http://www.two-rivers.org)

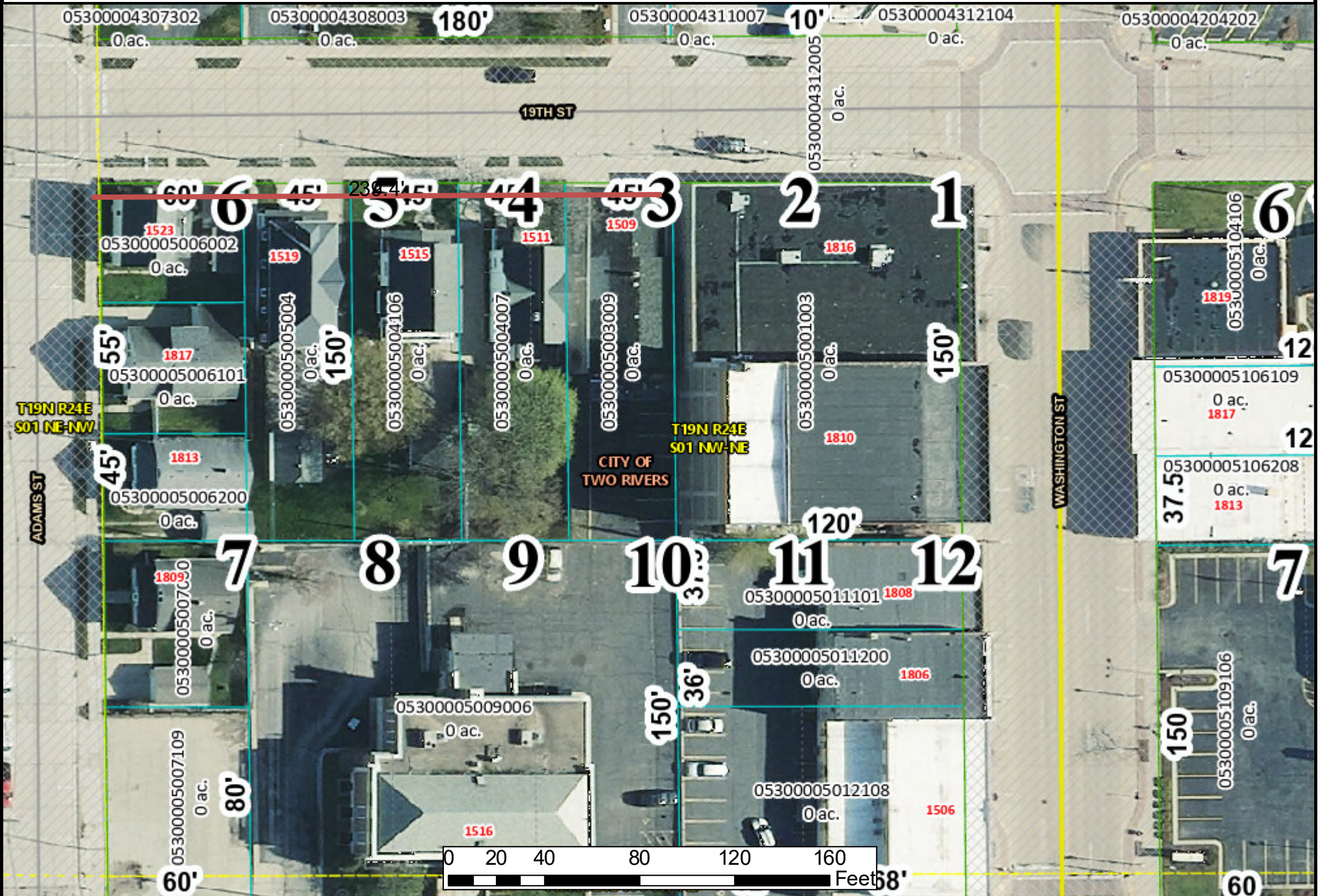


920.793.5564



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# 1509 19TH





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