

## Report to the Manitowoc Plan Commission

**Meeting Date:** Wednesday, February 23, 2022

**Request:** PC 7-2022: Merrill: Rezone from B-1 Office Residential District to B-3 General Business District for property located at 435 N 8th Street.

**Existing Land Use for Subject Property:** Current residence former Anshe Poale Zedek Synagogue

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

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, West	Residence	B-1 Office-Residential
South	Retail, Commercial	B-1 Office-Residential, B-3 General Business
East	Residential	R-4 Single and Two Family Residential

**Comprehensive Plan:** The 20-year future land use map shows the lot as Central Business District which is the same category for the remainder of the downtown.

### Consistency Analysis

The amendment to the Zoning Map is consistent with other zoning in the downtown area but the Central Business District category recommends B-4 Central Business District

**Report:** The Merrill's currently live at 435 N. 8<sup>th</sup> Street which is the former synagogue located at the southeast corner of N. 8<sup>th</sup> and State Streets. They are requesting to rezone their property from B-1 Office-Residential to B-3 General Business with the intention of leasing their building for retail uses. The building was constructed in 1954 as a synagogue but was purchased by the Merrill's in October 2018 and converted to their personal residence.

The Merrill's were approached by some vendors with the idea of rezoning the building to allow for the establishment of a retail sales use which is not allowed in the B-1 Office-Residential. The Merrill's are aware that if the property is rezoned to B-3, residential uses are not permitted. Mr. Merrill stated that he approached the property owner to the south (425 N. 8<sup>th</sup> St. New Dimensions Salon, LLC) to see if they were interested in participating in the rezoning and at this time they were not interested in rezoning their property.

The proposed zone change is an extension of the downtown core which is zoned primarily B-3, B-4 and C-1 which all allow retail, office and commercial uses. The future land use map depicts the lot as Central Business.

Currently on the east side of the building there are two or four off-street parking spaces available depending if the cars are double parked. Following is the Off-Street parking requirements for retail uses from the zoning code.

*15.430(4)d(9) "General Business and Commercial (for "B" and "C" Zoning District Uses Not Listed in This Chapter). A minimum of five parking spaces, plus one space for each 200 square feet of gross floor area over 800 square feet, plus one space for each two staff members working the same hours, plus such additional parking space as shall be required for customers or users, directly or indirectly, in the conduct of the enterprise."*

Based on the parking formula there would need to be approximately 21 off-street parking spaces provided. When the building was used as a synagogue there were no off-street parking spaces provided. On 8<sup>th</sup> Street between Chicago and Park Streets there are 56 marked on-street spaces and on State Street between 7<sup>th</sup> and 9<sup>th</sup> Streets there are 25 un-marked on-street spaces; all of the spaces are within 500 feet of the subject parcel.

The parking on 8<sup>th</sup> Street is signed "2 Hour Parking with Snow Emergency Regulations"; the parking on State Street has no parking restrictions other than Snow Emergency Regulations. If in the future there is a need for off-street parking a small lot could be constructed on-site, south of the building in a grass area.

The B-4 Central Business zoning district, which is just south of the subject property does not require any off-street parking because of the historic design and layout of typical downtown buildings and lots.

The Section 15.430(5)a of the Zoning Code authorizes the Plan Commission the ability to approve less off-street parking based on any special circumstances of the new use.

*"15.430(5)(a) Notwithstanding the amount of off-street parking required under this section and in response to increased flexibility with minimum parking requirements to reflect typical daily demand and allow innovative parking provisions, the City Plan Commission may approve less off-street parking than required under this section when:*

- 1. The proponent of a use demonstrates that, because of special circumstances including bicycle and motorcycle parking arrangements under subsections (14) and (15) of this section involved with a particular use, it is evident that the off-street parking required by this section exceeds any reasonable likely need; or*
- 2. The use of a building is changed in such a manner that the new use would require fewer spaces.*

*(b) The applicant shall bear the burden of proof to demonstrate to the City Plan Commission that each of the following conditions are satisfied:*

- 1. The applicant shall demonstrate, using existing and projected (five years) employment, customer, or other relevant data, that the reduction in off-street parking spaces to be initially developed as required by this section is warranted.*

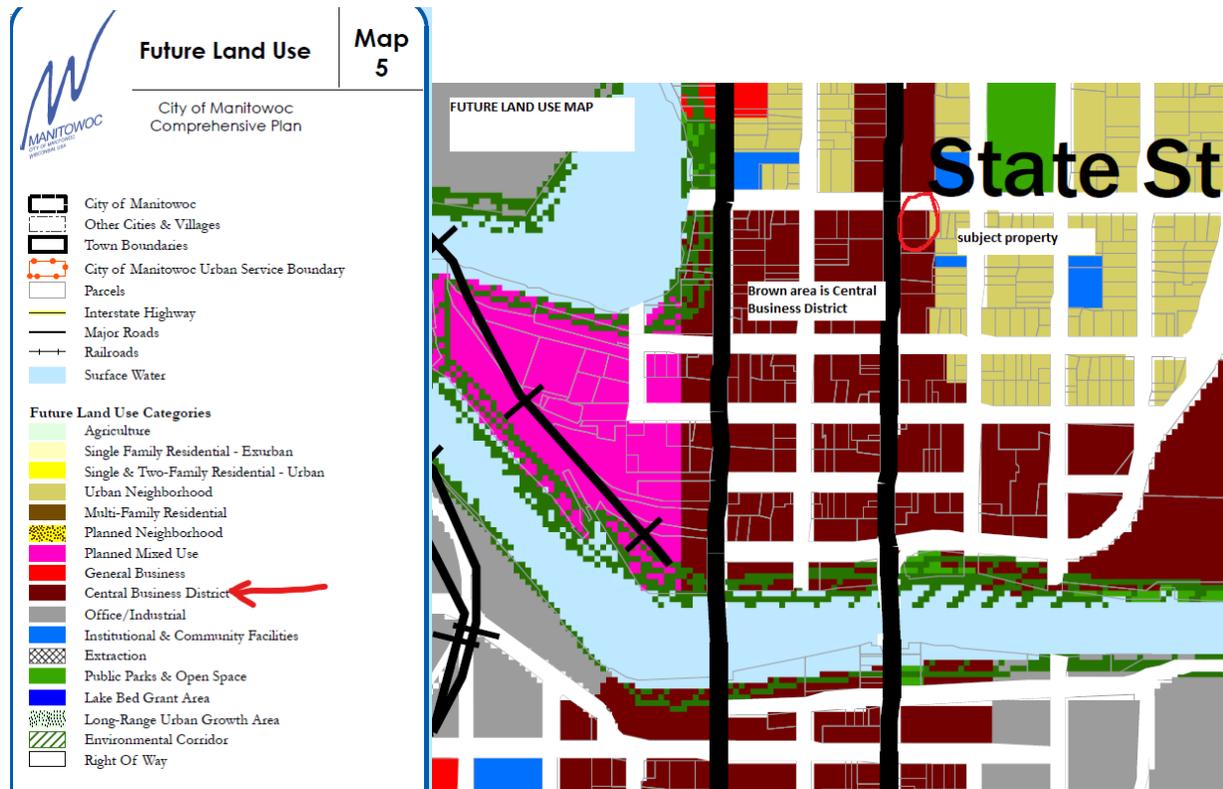
*A. The applicant shall submit plans of the parking lot which designate a layout for the total number of parking spaces needed to comply with the parking requirements contained herein;*

*B. The plans shall clearly designate which of these parking spaces are proposed to be conditionally reserved for potential future use;*

*C. The portion of the required parking spaces conditionally reserved for future use shall not be within areas for required buffer yards, setbacks, or areas which would otherwise be unsuitable for parking due to the physical characteristics of the land or other requirements of this chapter; and*

*D. Areas conditionally reserved for potential future use shall be attractively landscaped, remain in open space, and shall not be used for any structure or building, or for material storage."*

Another option is to rezone the property to B-4 Central Business rather than B-3 General Business. The uses in each district are identical with the main differences being B-4 does not require any off-street parking and it allows higher building heights. On the 20 Year Future Land Use map (below) the property is located in the Central Business District land use category which recommends properties to be zoned B-4 Central Business. If the property is zoned B-4 it would not be contiguous to other B-4 districts which is not unique because the Riverpoint District and the Wharf properties are B-4 and not contiguous. The B-4 district is located in the same block as the subject property.

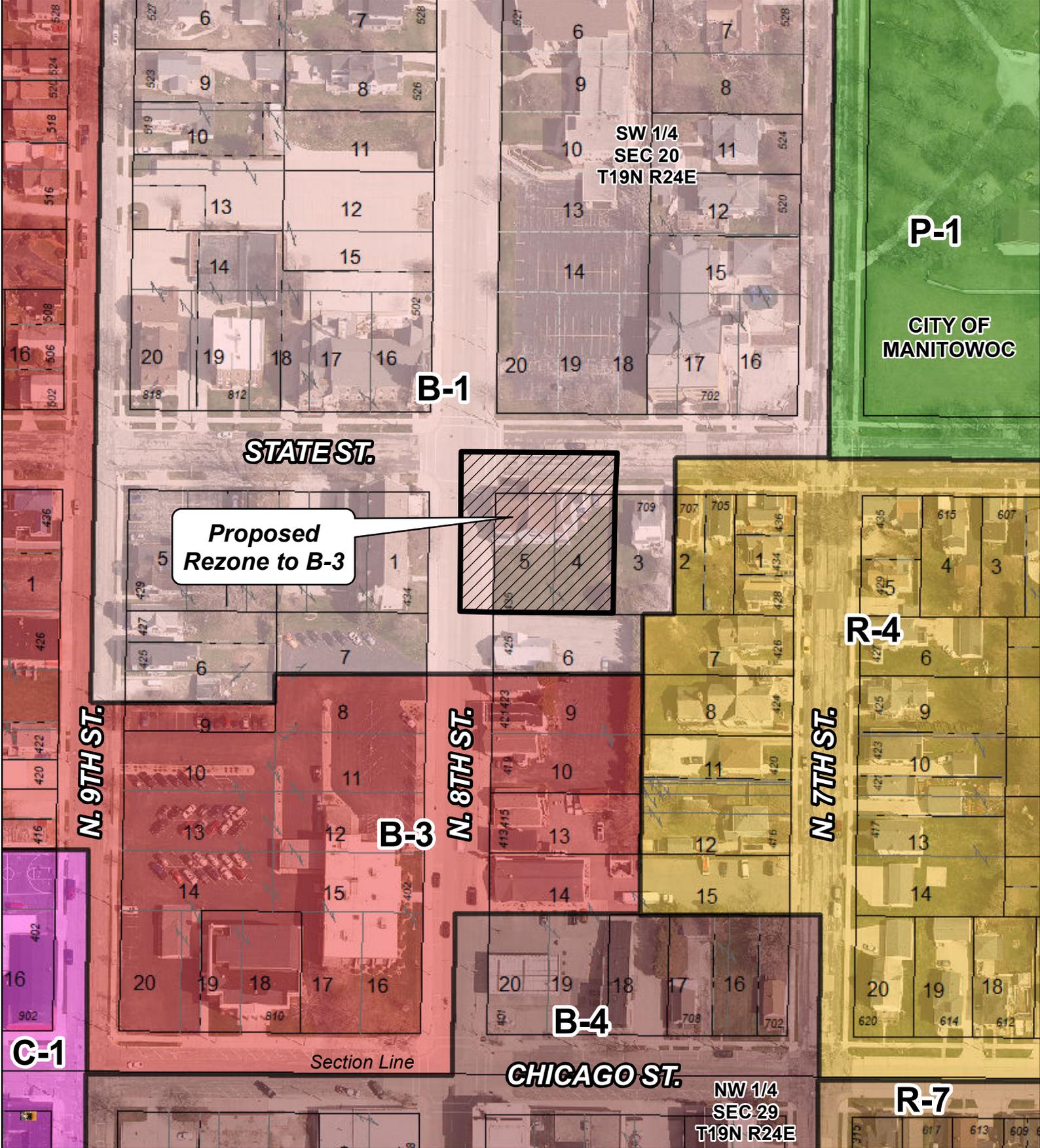


**Public Comments:** Informational Meeting Notices were mailed out to property owners within 200' of the subject property on February 16<sup>th</sup>, no comments have been received at the time of this writing.

**Timeline**

- Application Received: January 31, 2021
- Notification Sent: February 16, 2022
- Common Council public hearing scheduled for March 21<sup>st</sup>.

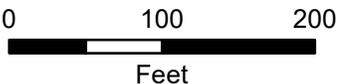
**Recommendation:** Approve the request to rezone the property at 435 N. 8<sup>th</sup> Street from B-1 Office-Residential to B-3 General Business and pursuant to authority granted in Section 15.430(5) of the Zoning Code the Plan Commission reduces the number of off-street parking spaces to 2.



**Proposed  
Rezone to B-3**

**Proposed Rezone Property from B-1 Office-Residential District  
to B-3 General Business District**

PC 7-2022  
435 N. 8th St.

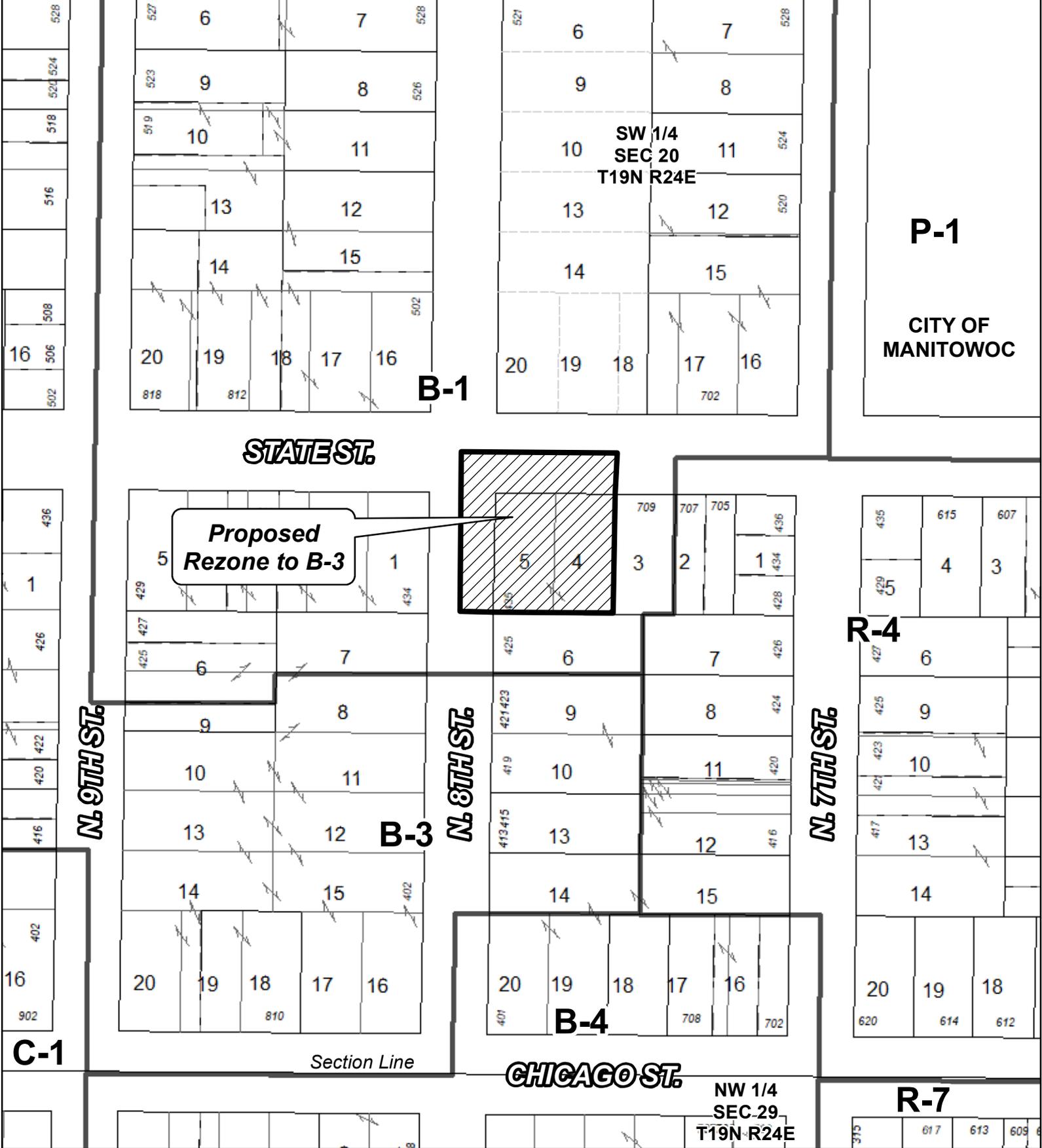


**Legend**

**Proposed Rezone**

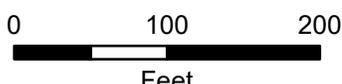
DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc  
Community Development Department  
www.manitowoc.org  
Map Plotted: 2/14/2022  
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Proposed Rezone Property from B-1 Office-Residential District  
to B-3 General Business District

PC 7-2022  
435 N. 8th St.



**Legend**

 Proposed Rezone

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Prepared by City of Manitowoc  
Community Development Department  
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Map Plotted: 2/15/2022  
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# LAND USE APPLICATION

APPLICANT Michael & Mariuxi Merrill PHONE 913-742-3107

MAILING ADDRESS 435 N 8th St Manitowoc WI 54220 EMAIL navainmike@hotmail.com

PROPERTY OWNER Michael & Mariuxi Merrill PHONE 913-742-3107

MAILING ADDRESS 435 N 8th St Manitowoc WI 54220 EMAIL navainmike@hotmail.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 435 N 8th St Manitowoc WI 54220

PARCEL ID# 052-000117050 CURRENT ZONING B-1

CURRENT USE OF PROPERTY Residence

PROPOSED USE OF PROPERTY Retail - Antique Mall

**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.*

We, request our residence be rezoned from B-1 to B-3 for the purpose of opening a business - Antique Mall.

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

Signed Michael Merrill Mariuxi L Merrill Date 1/31/22  
*(Property Owner)*

<b>For Office Use Only</b>	
Date Received: _____	PC #: _____
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.

As you may well know the I-43 J J Antique Mall is closing its doors on the 31<sup>st</sup> of January this year. I have been asked by one of the vendors if we would consider using our property as a new antique mall. After discussing this with my family, we have agreed to pursue this course of action. We and will relocate to a new residence if and when it is approved by the City of Manitowoc.

We would like you to kindly consider rezoning our unique property from B-1 to B-3 allowing us to convert our property into an antique mall, "Manitowoc Antique Mall, LLC".

Our unique property is the former Anshe Poale Zedek Synagogue, located on the corner of N 8<sup>th</sup> and State St.. We are nestled between the Rahr-West Art Museum and Pizza Garden, Kwik Trip and Bank First businesses.

The building is visually and structurally beautiful both on the interior and exterior. It contains approximately 6,000 sqft of interior space with 4,500 sqft of that space being suitable for operation of an antique mall with individual retail booths. The remaining 1,500 sqft contains; two bathrooms, kitchen, boiler room, balcony and stairwells.

We believe that rezoning our property to an Antique Mall will contribute to the overall quality of life for Manitowoc's downtown residents, workers, and visitors. Along with other unique businesses, it will help to play a critical role in drawing people and creating a vibrant place to live and spend their limited recreation time and dollars.

On a more personal note, I am a retired military disabled veteran. Rezoning our property to B-3 and allowing us to own and operate an antique mall will help to provide us with additional income, a new sense of pride and well-being for my family.

We sincerely appreciate your time and consideration of this matter.