

**City of Portage  
Plan Commission Meeting  
Monday, May 18, 2015, 6:30 p.m.  
City Municipal Building, 115 West Pleasant Street  
Conference Room Two**

Members present: Mayor Bill Tierney, Chairperson; Robert Redelings, City Engineer, Jan Bauman, Mike Charles, Carolyn Hamre, Brian Zirbes and Peter Tofson

Others present: Administrator Murphy, Director Sobiek; Bill Welsh, Craig Sauer, Jared Pearson, Tim Raimer, Suzanne Clark, Mark McClung, Mark H. Bennett, Dick Oehlhot, Jeron Scanlon, Dan Huebner, Marcia Huebner, Joseph Schesny, Susan Schesny, Michael L. Gladem, Brad Veith, Tracy Veith, Travis Teuber, Brenda Yarkal, Dick Shlep, Tim Cleary, Debbie Larson, Leroy Swiecichowski, Elizabeth Bellmore, Linda Riggs, Peggy Joyce, and Callie Schneiderwind.

**Public Hearing - 6:20pm**

To consider issuing a conditional use permit (CUP) to Activate Church.tv for a church or ministry facility on parcel 1603 at 324 West Franklin Street, Portage, Wisconsin.

Mayor Tierney read the public hearing notice aloud and the Director of Business Development and Planning provided the staff report. The City received six inquiries by phone and in person. Four were opposed, one was unsure, and one indicated they would organize the neighborhood. Additional written comments addressed to the Plan Commission and Alder Mike Charles were received and distributed opposing the CUP from Richard and Doreen Wentland, Susan and Joseph Schesny, and Brad Veith.

Mayor Tierney asked if there was anyone present who wished to speak in favor of the petition.

Callie Schneiderwind expressed support for approving the CUP indicating Activate Church provides needed support for those individuals experiencing domestic violence.

Linda Riggs, a neighbor, spoke in favor of granting the CUP.

Elizabeth Bellmore expressed support for approving the CUP as she supports and has attended Activate Church.

Mayor Tierney asked 2 more times if there was anyone else present who wished to speak in favor of the petition. Hearing none, he asked if there was any one present who wished to speak against the petition.

Mark Bennett, Attorney, representing neighbor Dick Oehlhot, spoke and urged denial of the CUP application, citing alley parking issues caused by Activate Church that negatively impact Mr. Oehlhot who is handicapped.

Susan Schesny spoke and expressed opposition to the CUP application.

Tim Raimer spoke and urged denial of the CUP application, citing parking and traffic issues.

Tim Cleary, a neighbor, spoke against CUP approval citing negative impacts on the neighborhood.

Dan Huebner, owner of a neighboring home, spoke against approving the CUP application, citing several code violations he noted in a memo to the Commission. He also handed out Police reports attributed to 324 W. Franklin Street. He stated also noted several Code violations at 324 W. Franklin Street, including no handrail on the third floor stairway, no second egress to grade from the third floor if there is a bedroom. He also stated that other City Code requirements are not being met, including an off street loading zone for church activities where children make up the majority of attendees, and a minimum of six parking spaces be provided. He further noted there is no ADA handicapped accessibility to the structure. He also noted that Church services are held in an accessory building, the garage, another violation of City Code. In addition, he noted that City Code requires a minimum of 50 feet between the church's structure and a residentially zoned property line. The distances between the home and garage and the residential property lines **are only about 12 feet.**

Peggy Joyce, a neighbor, spoke against approval indicating allowing Activate Church to operate would hurt neighbors' ability to sell their homes, including hers. She also took issue with the church's effort to have the property designated as property tax exempt.

Suzanne Clark, spoke against, citing a potential drop in property values that might result in difficulty selling her home in the future.

Travis Teubert, a neighbor, spoke against CUP approval noting traffic issues.

Mayor Tierney asked 2 more times if there was anyone present who wished to speak against the petition. Hearing none, he asked if the applicant, Mr. Pearson, would like to speak and respond to any of the previous statements made regarding the petition.

Jared Pierson indicated he would and said he knew nothing about the Police reports attributed to 324 W. Franklin Street, questioning their accuracy. He indicated he thought he was following proper procedure and doing the right thing in order to operate a church in the home and property he purchased.

Mayor Tierney declared the Public Hearing closed at 7:20pm.

### **Regular Meeting - 7:20pm**

#### **1. Roll call**

#### **2. Approval of minutes from previous meeting.**

Motion by Charles, second by Tofson to approve the minutes. Motion passed 6 to 0 on call of the roll. Bauman abstained.

#### **3. Discussion and possible action on a conditional use permit to Activate Church.tv to operate a church or ministry facility on parcel 1603 at 324 West Franklin Street, Portage, Wisconsin.**

Jared Pierson outlined the activities of Activate Church, indicating they are greatly benefiting the community. The mentoring and other activities his ministry provides individuals are not being provided by any other organization, thereby benefitting the city by putting challenged and previously unemployed individuals back to work to pay taxes and be productive.

He indicated he initially met with a City staff person at City Hall in late 2014 prior to purchasing the home, and that that staff person indicated that he could fill out and submit 'the paperwork' required after the home was purchased. He stated he thought he was following the right procedure outlined by City staff.

After Mr. Pearson bought the home at 324 W. Franklin he indicated he was told by the Police to consult the City on any permitting that was required. Shortly after that, Mr. Pearson indicated he met with the City's Director of Business Development and Planning who informed him that he needed to have an approved conditional use permit to operate a church on the parcel.

Mr. Pearson asked the Commission to grant Activate Church's application for a conditional use permit.

Mayor Tierney indicated his concern that City staff may have given the applicant erroneous information regarding City requirement to legally operate a Church according to City Code.

Mr. Pearson indicated he would be happy to share the individual's name that he initially spoke with at City Hall after the meeting.

Mayor Tierney indicated he would look into this to determine, if, in fact, City staff had given the applicant erroneous advice.

Callie Schneiderwind urged support for the conditional use permit approval, citing her personal experience as a domestic violence victim in need for support and shelter.

Director Redelings indicated that he met with Mr. Huebner and that he shared a number of City Code requirements that were not being met relative to a Church operation at 324 W. Franklin Street, including a 50 foot separation between structures and adjoining residentially zoned property lines, an off street loading zone for children, and one parking space for every five seats at maximum capacity.

Director Redelings subsequently visited 324 W. Franklin and noted that there was 23 feet of separation between neighboring houses on the east and west. Section 90-57 states a minimum of 50'. He also noted there is no off street parking from Franklin St., but there are two double garage doors off the alley with two spaces between the garage doors and the alley. One could argue there's a total of 6 off street parking spaces. He indicated it is doubtful that any of these spaces would be available for church functions since they were built to serve the residence(s) prior to any other use being considered.

Hamre indicated that while Activate Church is doing great things for the community, the detrimental impact on property values and the neighborhood, as well as parking and traffic, argue against approving the CUP application.

Bauman noted that the applicant's statement of justification contained in the CUP application notes lots of usage nearly every day that will impact the neighborhood.

Zirbes stated that it would appear that Activate Church's activity would classify the use as a community living arrangement.

Mayor Tierney indicated that he visited the premises and was surprised at the number of individuals living in the home and that he was opposed to approving the CUP application due to the numerous Code violations noted during the hearing and meeting.

Tofson expressed concern that City staff may have given Mr. Pearson incorrect information regarding operating a church/ministry facility on the parcel before he purchased it. He also indicated he is a former neighbor of Mr. Pierson and has seen the church's positive work benefitting the community, firsthand.

Motion by Charles, second by Redelings to deny the Conditional Use Permit for Activate Church.tv. Motion passed 7 to 0 on call of the roll.

Mayor Tierney asked Mr. Pierson what timetable would be needed to comply with City Code and move the Church's meetings to another facility and the home's non-related residents to other living arrangements.

Mr. Pierson indicated he was unable to give the Mayor an answer.

Mayor Tierney directed staff, including the Director of Business Development and Planning, to work with the applicant in finding an alternative meeting place and assist in relocating the home's non-related residents, and report back at the July meeting.

#### **4. Discussion and possible action on revisions to sign ordinance**

Mayor Tierney indicated there would be an opportunity for public comment and input on the proposed sign ordinance revisions at the June Plan Commission meeting.

Director Sobiek reviewed the latest sign ordinance revision draft, including the addition of a mural definition; exempting murals from permitting if not containing advertising; reducing maximum commercial sign size in the interchange business overlay district within 500 feet of a residential zoning district to the base 300 square feet in area, from the previous 500 square feet, plus lot frontage formula; and allowing four signs totaling no more than 65 square feet for construction signs.

Hamre urged removal of the new draft provision that would not allow signs on vehicles, commenting that residents would not be allowed to show support for school athletics or sports teams, other sports teams, or political candidates.

Tofson suggested a provision allowing existing non-conforming signs a ten year window before Code compliance is required.

Mayor Tierney urged common sense treatment of language that might limit flying of flags to flag poles and suggested inclusion of a requirement to follow flag etiquette when flying or displaying flags.

Tofson requested that future sign revision drafts include page and line numbering to make it easier to review and identify sign revisions.

Tofson urged inclusion of design standards in the sign ordinance revision.

Administrator Murphy indicated it would be appropriate to incorporate design standards into a new sign ordinance as a next generation sign revision effort within the next several years.

It was the consensus to have Staff draft design standard revisions to the sign ordinance in two years.

Tofson questioned the new wind load requirements that exceed State standards.

Staff will review this new wind load language and report back at the next meeting regarding the rationale for exceeding the State standard in this regard.

Director Sobiek indicated it was a reflection of new industry safety standards, coupled with State wind maps showing increased wind flow and wind shear in this region of the state.

It was the consensus to schedule a public information meeting on the sign ordinance revision. The Plan Commission can then schedule further review and consider action of the sign ordinance revision in either June or July.

## **5. Discussion and possible action on Pflanz Funeral Home parking lot plan**

Engineer Redelings indicated this parking lot plan was initially reviewed by the Commission in October and the applicant subsequently submitted the required site plan information requested at that meeting, including landscaping, lighting plan with photometrics, grading plan and drainage patterns, for approval.

Redelings also indicated that due to the lack of space and because this is a redevelopment, he recommends a fee in lieu of storm water detention.

Tofson commented that the handicapped parking space on the site plan did not meet code requirement.

Zirbes indicated that he would like to see better internal flow of traffic in the parking lot.

Commissioners discussed the concept of eliminating vehicle egress onto Wisconsin Street and allowing cars to exit through the alley, as well as allowing vehicle circulation on the northern end of the parking lot. Also discussed was the concept of limiting egress onto Wisconsin Street to only right turns and no left turns allowed. Closing both ingress and egress to the parking lot from Wisconsin Street with ingress and egress allowed through the alley was also discussed.

Director Sobiek stated that the landscaping plan met Code requirements and lighting photometrics provided safe lighting for the parking lot.

Tofson expressed his concern that the clay cap installed during the environmental cleanup of the site not be disturbed by the project.

Motion by Zirbes, second by Redelings to deny approval of the parking lot expansion plan submitted by Pflanz Funeral Home. Motion passed 5-2 on a call of the roll with Redeling, Charles, Tofson, Hamre, Zirbes voting yes, and Tierney and Bauman voting no.

The applicant was directed to work with staff to address concerns and resubmit the parking lot plan for action at a future meeting.

**6. Old Business**

**Update on Mueller's State Road 33 Zoning Amendment.**

Director Redelings reported on the recent meeting that he and Administrator Murphy had with the applicant.

**Traffic Study for New Pinery Road and Hiawatha Intersection.**

Director Redelings indicated that the traffic study requested by the Commission needs to be budgeted for before moving ahead.

**7. Adjournment.**

Motion by Charles, second by Tofson to adjourn. Motion passed 7 to 0 on call of the roll. The meeting concluded at 9:07 p.m.

Respectfully submitted

Steven Sobiek,  
Director, Business Development and Planning