

Conditional Use Permit Request by Connections Church.

Alder Reckelberg (Dist. 10) remarks:

June 14, 2021:

To the honorable Manitowoc City Council Members:

On a tie 3 - 3 vote, the Planning Commission recommended to deny issuing a conditional use permit to Connection Church for their proposed Pickle ball / multi use building.

The area in question is assigned R-2 single family residential property. When you review the zoning and building codes along with the history of this area, you'll find that two issues come up with the Church's current request. One, a conditional use permit is needed to build a church in an R-2 area. According to City Planner Paul Braun, he was able to locate an approved Planning Commission request for a Conditional Use Permit (CUP) for the original church, however, no documentation has been found that the City Council acted on it. This would place the current Church in a state of legal non-conforming use.

Item 2. The Church's current CUP request for a Pickle ball / multi use building. Had the Church located this proposed building at the rear of their current building a CUP would not have been necessary. The reason for a CUP has to do with the location of the building on their property and the height of the sidewalls exceeding that allowed by our code. In round numbers where they want to locate the building, a wall height of 18 feet is the maximum. The building calls for sidewalls of 24 feet. If the building were attached to the rear of their current facility, they could have 34 foot sidewalls without needing a CUP.

Depending upon the outcome of item 2, I would recommend the City Planner and City's legal Counsel put together any needed paperwork for the City Council to correct for this apparent oversight.

During discussions about the Church's request, a number of things were said or written in the heat of battle in an effort to sway your decision. Here are just a couple items that were said or written that are not factual (I paraphrase). "We were here first, the neighbors should have known that this could happen". Fact – Most of the homes were built prior to the Church being built. The neighbors were aware of the zoning and building codes and would not have had any idea that a church or other facility other than a single family home would be built next to them. Without an approved CUP, a church couldn't even be built in an R-2 designated area. "Pickle ball courts are very noisy". Fact - As most of the proposed courts are indoors, there is no information about noise levels at indoor courts. However, sound engineers recommend outdoor courts be located at least 300 feet from residential areas. If there is only 150 feet from the court to a residential area, they recommend noise reducing curtains, noise reducing court material, noise reducing rackets and balls. There are a number of legal suits taking place in Florida and Arizona over this noise issue, but they all involve outdoor courts.

There has been mention by some about Act 67 and, "... that a CUP must be issued if the applicant meets or agrees to meet standards specified in the local ordinance and that any denial of a CUP must be supported by" "substantial evidence". There were some standards or requirements listed by the Planning Office and talked about at the Planning Commission, however, those standards and requirements were not agreeable to the neighborhood. One could simply point to substantial evidence being the zoning and building codes. Abide by them and you can build.

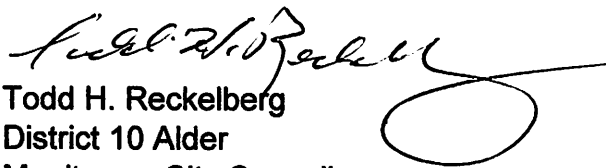
What I set out to accomplish was a compromise between the Church and the neighborhood so that they could build their building and the neighborhood although not ecstatic about it, could live with it. I came to the conclusion that the neighborhood could accept the building if it were attached to the back of their current building, (or within 10 or so feet of it). If that were the case, the Church would not need a CUP. A more realistic list of standards other than just building onto their existing building would be if the time Pickle ball could be played was limited to between 9:00 AM and 8 PM and the garage doors needed to be closed to limit the noise the neighborhood would be exposed to. Also, no outdoor court as there is already plenty of evidence that the noise levels of outdoor courts within 300 feet of a residential neighborhood are causing problems.

Chris Gilbert of Connections Church said they didn't want the building located behind their current facility because it would use up some of their parking. That is true, however his concern that he no longer would have a U-shaped entrance and exit for the bus that delivers kids to the day care next door could be a part of the redesign of their parking lot. There is more than plenty room to accomplish that if it was that important.

If the City Council upholds the Planning Commissions denial of the CUP for the Pickle ball / multi-purpose building, I see the neighborhood taking no action on the CUP for the Church that is needed to rectify the problem in item one. On the other hand, over-ruling the Planning Commissions denial of a CUP for item two and issuing them one, I see item 1 becoming a big problem that could put the Church itself in jeopardy.

It seems to me that upholding the Planning Commissions denial of the CUP for the Pickle ball / multi-purpose building is the fairest way of handling this under the circumstances. The Church could still build their building as long as it would be situated directly behind their current facility.

Respectfully,



Todd H. Reckelberg
District 10 Alder
Manitowoc City Council