



## PLAN COMMISSION AGENDA

TOWN OF HARRISON & VILLAGE OF HARRISON  
COUNTIES OF CALUMET & OUTAGAMIE, WI  
W5298 HWY 114  
MENASHA, WI 54952  
[www.harrison-wi.org](http://www.harrison-wi.org) (920) 989-1062

**Tuesday, May 24, 2016  
7:00 PM**

- 1) Call to Order following the Comprehensive Plan Update & Village Center Plan Public Open House from 5:30-7:00pm.
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Public Participation (Non-Agenda Harrison Related Items)  
*Please be advised per State Statute Section 19.84(2), information will be received from the public; be further advised that there may be limited discussion on the information received; however, no action will be taken under public comments.*
- 5) Approve Minutes
  - April 19, 2016
- 6) Convene Meeting and Enter Public Hearing
  - a. Conditional Use Permit – Troy & Molly Mueller – Pigeon Road
  - b. Zoning Text Amendments
- 7) Close Public Hearing and Reconvene Regular Meeting
- 8) Items for Discussion and Possible Action
  - a. Conditional Use Permit – Troy & Molly Mueller – Pigeon Road
  - b. Zoning Text Amendments
- 9) Items for Discussion
  - a. Update on Comprehensive Plan Update & Village Center Plan
  - b. Report: Zoning Permits
- 10) Set Next Meeting Date
  - Tentatively June 21, 2016 at 6:00pm
- 11) Adjourn

Any person with hearing disabilities or requiring special accommodations to participate in the meeting should contact the Clerk's Office (920-989-1062) at least 24-hours prior to the meeting. This is a public meeting. As such, a quorum of the Town Board, Village Board, Zoning Board of Appeals, or Committee of the Whole may be in attendance. However, the only business to be conducted is for the Plan Commission.

PLAN COMMISSION

MEETING MINUTES – April 19, 2016

- 1) Call to Order: The meeting was called to order in the Harrison Municipal Building by Chair Darlene Bartlein at 5:30pm
- 2) Pledge of Allegiance: The Pledge was recited.
- 3) Roll Call: Members present were: Jim Fochs, Kevin Hietpas, Karmen Jones, Darlene Bartlein. Dennis Reed and Jim Lincoln were excused. One vacant spot.

Staff Present: Planner Mark Mommaerts, AICP; Deputy Clerk-Treasurer Carie Krause

- 4) Public Participation: None.
- 5) Approve Minutes: Motion (Fochs/Hietpas) to approve the minutes of March 22, 2016  
Motion Carried 4-0.
- 6) Items for Discussion
  - a. Zoning Ordinance Text Amendments: Planner Mommaerts presented the Commission with text amendments to Mini-Warehousing (Sec. 117-81, 117-86, 117-90), Private Parks & Boathouse (Sec. 117-428), Fences (Sec. 117-219), Signs (Sec. 117-182, 117-184), Parking (Sec. 117-158, 117-258), Boathouse (Sec. 117-94) and Accessory Buildings (Sec. 117-81, 117-82). The Commission was in favor of the text amendments for the above zoning ordinance updates. Planner Mommaerts stated that the next step is for the Town & Village Boards to adopt an ordinance for the final changes.
  - b. Comprehensive Plan & Village Center Plan Update: Planner Mommaerts stated that 14 paper surveys and 130 online surveys have been received. The Steering committee will meet in May. The Open House on May 24<sup>th</sup> from 5:30-7pm will focus more on the Village Center idea.
  - c. Planner's Report: Zoning Permits: Planner Mommaerts stated that there were 7 single family permits in March – slightly ahead of where we were last year.

- 7) Next Meeting Date: May 24, 2016 at 7pm (Comprehensive Plan Open House from 5:30-7pm)
- 8) Adjourn: Motion (Bartlein/Hietpas) to adjourn the meeting at 6:03p.m. Motion carried 4-0.

Prepared by: Carie Krause, Deputy Clerk-Treasurer

Dated: April 20, 2016

# Memo

Date: May 17, 2016

To: Plan Commission Members

From: Mark J. Mommaerts, AICP, Planner

Re: Agenda Item 8a: CUP – Troy & Molly Mueller

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## Overview:

The applicant, Troy & Molly Mueller, are requesting a Conditional Use Permit (CUP) in order to operate a contractor business on the property located on the east side of Pigeon Road north of the railroad tracks (parcel ID 40180). The applicant is proposing to purchase approximately 9-acres of the parcel in order to construct a home, riding arena, and shop for their construction business.

The shop building is proposed to be 30' x 45' with 15' walls. It would contain an office and restroom for the owners and 4 employees. The other portion of the building would contain storage for equipment, tools, and materials for the construction business. The applicant is proposing some outdoor storage for a dumpster, job trailer, and flatbed trailer.

Access to the property would be from Pigeon Road. Access to the remnant parcel, approximately 4-acres on the east end, is unknown at this time. There could be an easement through the 9-acre parcel the applicant is looking to purchase, or there could be a flag lot created.

## Attachments:

- CUP Application
- Narrative
- Site Plan
- Building Plan & Rendering

## Findings of Fact:

- Property owners within 300-feet of the subject property have been notified via first-class mail.

## Basis for Approval: (from the Zoning Ordinance Section 117-319)

1. *Zoning. The proposed use conforms to the underlying zoning district intent and design standards and is in harmony with the general purpose and intent of this chapter. Where there is an existing nonconforming structure, the design standards of the underlying zoning district may be waived by the plan commission and town board. Contractor offices and storage are a conditional use in the AG zoning district.*
2. *Plans. The proposed use conforms to the town comprehensive plan and any other officially adopted town plan. The Comprehensive Plan identifies this property as*

- agricultural/undeveloped. The business is a secondary use to the applicant's home and horse barn on the property.
3. *Traffic. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.* The proposed use should not negatively affect the traffic on Pigeon Road.
  4. *Landscaping and screening. Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use as established in article VI, Access, Parking, and Loading and article IX, Landscaping and Screening Standards.* There is an existing tree line on the south property lines. Additional landscaping may be required along the north property line.
  5. *Neighborhood compatibility. The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development and whether the proposed use creates a nuisance due to noise, odor, or dust.* All materials and equipment are planned to be stored inside and there will be limited construction activity on site as the business operation typically occur off site.
  6. *Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided.* There is no sanitary sewer or water service in this area. Roadway access is permissible through a culvert permit from the Village.

**Staff Recommendation:**

Staff recommends approval of the Conditional Use Permit request with the following conditions:

1. All equipment, materials, and other items related to the business shall be stored inside. No outside storage of business related items shall be allowed. Vehicles stored outside of the building shall be screened from view from the roadway by a fence, plantings, or a combination thereof.
2. Zoning permits, which meet the requirements of the zoning ordinance, shall be obtained for all building construction.
3. An erosion control permit shall be obtained.
4. The Building Inspector shall be consulted regarding building permits, including state permits if needed.
5. The Calumet County Planning Department shall be consulted regarding sanitary permits.
6. All signage shall require a separate permit and shall meet the requirements of the zoning ordinance.
7. Screening of all parking and loading areas from adjacent properties shall be provided either through a solid fence (wood, vinyl or other similar aesthetic material) or plantings.
8. A dumpster enclosure shall be provided that meets, or exceeds, the requirements of the zoning ordinance.
9. The home and horse barn/agricultural building shall be built within 3-years of the shop building in order to be consistent with the Comprehensive Plan.
10. Failure to comply with these conditions may cause for the Conditional Use Permit to be revoked.

# Town/Village of Harrison

W5298 Hwy 114  
Menasha, WI 54952  
Phone: 920.989.1062

# CONDITIONAL USE PERMIT APPLICATION

Applicant Information			
Applicant Name (Indiv., Org. or Entity) <i>Tracy &amp; Molly Mueller</i>		Authorized Representative	
Mailing Address <i>118331 State Park Rd</i>		City <i>Menasha</i>	State <i>WI</i>
E-mail Address <i>findingtime@tds.net</i>		Telephone (include area code) <i>920-716-7007</i>	Postal Code <i>54952</i>
Fax (include area code)			
Landowner Information (if different than Applicant)			
Name (Organization or Entity) <i>Don Mielke *we have written an offer to purchase*</i>		Contact Person	
Mailing Address <i>118127 State Park Rd</i>		City <i>Menasha</i>	State <i>WI</i>
E-mail Address		Telephone (include area code)	Postal Code <i>54952</i>
Fax (include area code)			
Project or Site Location			
Site Name (Project): <i>Pigeon Rd</i>		Location ID(s): <i>40180 (6466)</i>	
Site Address / Location: <i>(See Attached)</i>		Plat / CSM / Lot No.:	
Quarter: <input type="checkbox"/> NW <input type="checkbox"/> NE <input type="checkbox"/> SW <input type="checkbox"/> SE	Section:	Township: <i>Harrison N</i>	Range: <i>E</i>
Legal Description:			
Current Zoning: <i>A9</i>		Proposed Zoning: <i>A9</i>	
Current Uses: <i>Crops</i>		Proposed Uses: <i>Horse farm w/ a small shop</i>	
Lot Dimensions:	Front:	Side:	Rear:
		Side:	Lot Area: <i>9</i> <input checked="" type="checkbox"/> acres or <input type="checkbox"/> square feet
Description of the Proposed Use for the Property (attach separate document if needed)			
<i>Home, riding arena and a shop for our construction business to store tools, materials and house an office. The shop would not be open to the public. We have 4 employees.</i>			
Development Plan			
<input checked="" type="checkbox"/> See reverse side for complete application submittal requirements.			
Fees			
<input type="checkbox"/> \$350.00			
Certification & Permission			
<p><b>Certification:</b> I hereby certify that I am the landowner of the property which is the subject of this Application. I certify that the information contained in this form and attachments is true and accurate. I understand that failure to comply with any or all of the provisions of the ordinances and/or permit may result in notices, fines / forfeitures, stop work orders, permit revocation, and cease &amp; desist orders.</p> <p><b>Permission:</b> As landowner of the property, I hereby give the permit authority permission to enter and inspect the property to evaluate this application, to determine compliance with the ordinances, and to perform corrective actions after issuing proper notice to the landowner.</p>			
Applicant Signature <i>[Signature]</i>		Date Signed <i>5-2-16</i>	
Landowner Signature (required)		Date Signed	

LEAVE BLANK - FOR MUNICIPAL USE ONLY			
Date Complete Application Received:	<div style="border: 2px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>   <b>MAY 03 2016</b>   HARRISON PLANNING </div>	Fee Received \$ <i>350.<sup>00</sup></i>	Receipt No: <i>5914</i>
		Date Paid: <i>5-3-16</i>	Taken By: <i>ym</i>

## Conditional Use Application Narrative

The building we propose would be 30 x 45 with 15' walls. It would be insulated and have a concrete floor.

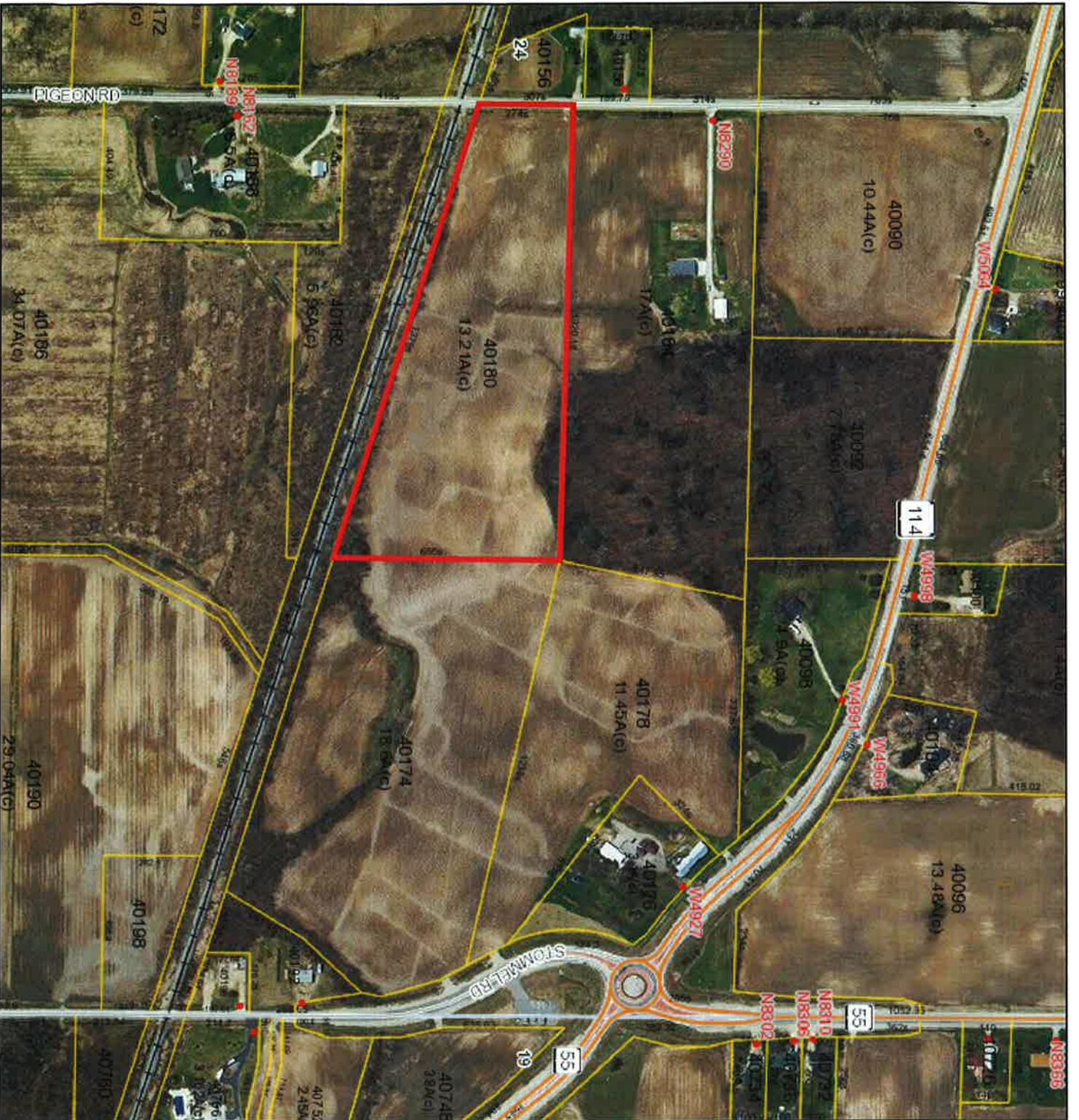
Inside the building we would have a single office to be used by the owners for administrative purposes only; as well as a restroom.

The remainder of the building would strictly be used to house the equipment, tools and materials for the construction business. It would also be where the 4 employees would clock in and have employee meetings. This shop would not be open to the public.

Outside (and behind the building to the east) we would have a dumpster, job trailer and flatbed trailer.

We will also be building a house and horse barn on the property when our current farm sells.

# Calumet County, WI



## Legend

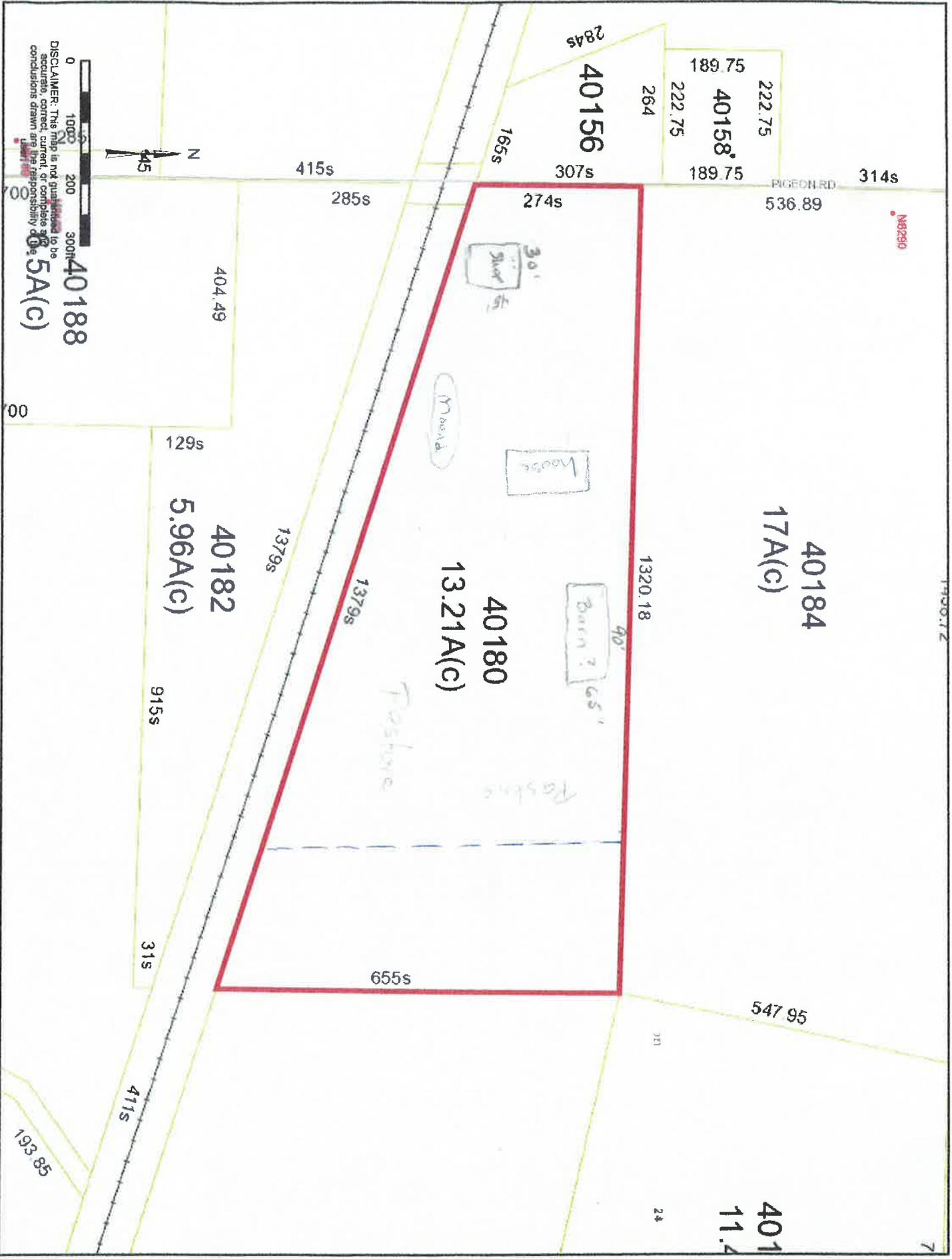
- Address Point
- County Boundary
- Wisconsin Water
- Unincorporated Community
- Town Boundary
- Point of Interest
- Parcel Boundary
- Property Hook
- PLSS Section
- State Parks
- County Parks
- Lake
- River and Stream
- Major Roads
- Local Roads
- Municipal Streets
- Trail
- Railroad
- Color-2014
  - Red-Band\_1
  - Green-Band\_2
  - Blue-Band\_3



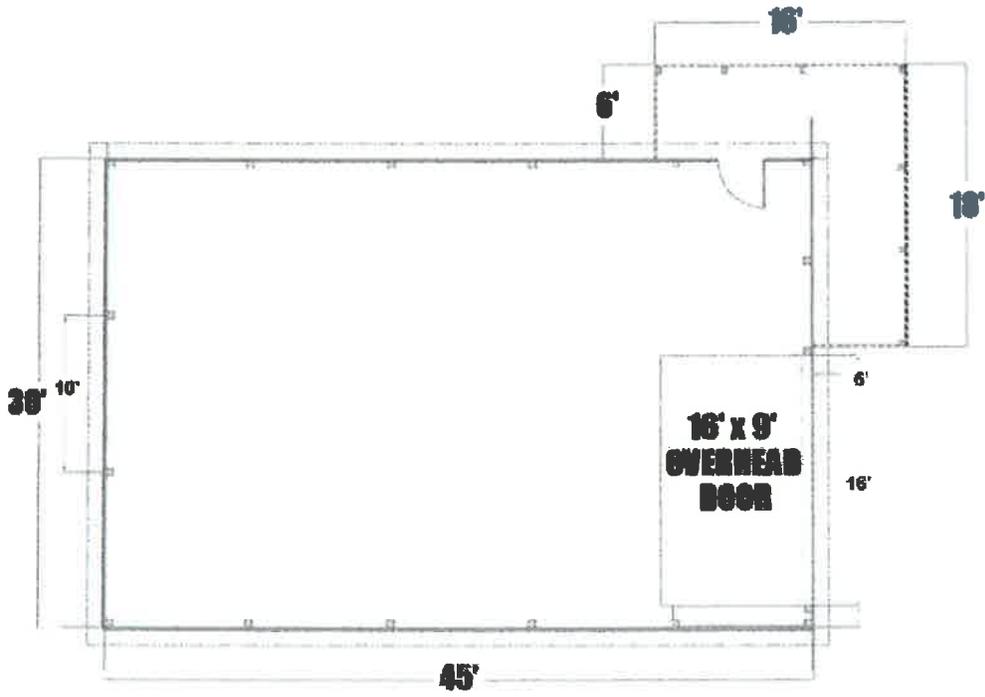
**DISCLAIMER:** This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

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NB290



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



# Memo

Date: May 17, 2016

To: Plan Commission Members

From: Mark J. Mommaerts, AICP, Planner

Re: Agenda Item 8b: Zoning Text Amendments

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**Overview:**

Staff is proposing several text amendments to the zoning ordinance to address changes to state statutes and other issues that come up during the administration of the code. The draft amendments are the same as what was discussed at the April meeting. There is a slight modification to the boathouse section due to a bill that was signed into law several week ago.

**Attachments:**

- Draft Amendments

**Staff Recommendation:**

Staff recommends approval of the zoning text amendments.

[Topic: Mini-Warehousing]

[Amend]

**Sec. 117-79. Application of regulations.**

**Table 1. Table of Uses**

Use/Activity	Zoning Districts										
	AG	RS-1	RS-2	RT	RM	CN	COR	CC	BP	IM	NC
<b>Industrial &amp; Manufacturing Uses.</b>											
Mini-Warehousing.	C					€				P C	

[Amend]

**Sec. 117-81. – General agricultural district (AG).**

(d) Conditional uses and structures. (See article XI, Conditional Use Permits, for the conditional use review requirements.)

(17) Mini-warehousing; provided the site is located outside the limits of the Planning Area Boundary for sewer service.

[Delete and renumber]

**Sec. 117-86. – Neighborhood commercial district (CN).**

(d) Conditional uses and structures. (See article XI, Conditional Use Permits, for the conditional use review requirements.)

~~(16) Mini-warehousing; provided that another permitted or conditional use is present on the same site.~~

[Amend and renumber]

**Sec. 117-90. - Industrial and manufacturing district (IM).**

(b) Permitted uses and structures.

~~(12) Mini-warehousing.~~

(d) Conditional uses and structures. (See article XI, Conditional Use Permits, for the conditional use review requirements.)

(21) Mini-warehousing.

[Topic: Private Parks & Boathouse]

[Amend]

**Sec. 117-428. – Words and terms defined.**

*Park or playground.* The use of any land or open space for passive or active recreation purposes. Private parks or playgrounds are those owned or controlled by a private or for profit entity while public parks or playgrounds are those owned or controlled by a governmental entity. Private parks or private playgrounds as defined in this chapter are not intended to be single lots, or grouping of lots, located in a platted subdivision.

Boathouse: An accessory building or accessory structure, which is accessible by boats from navigable water, is designed, constructed, and used solely for the purpose of storing or protecting

boats and other water related recreational materials, and is used in conjunction with a principal use on a property.

[Topic: Fences]

[Amend]

## **ARTICLE VIII. - FENCES AND WALLS**

### **Sec. 117-219. - Materials.**

(a) Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited, except in the Agricultural (AG) and industrial and manufacturing (IM) districts.

(b) For all zoning districts other than AG, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the zoning administrator. Chain link fence slats are subject to provisions of this chapter for solid-type fences. Chain link fence slats shall not be allowed in areas adjacent to residential zoning districts.

(c) Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl or stone.

(d) The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

(e) No fence or wall shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, railroad ties, utility poles or other similar items.

[Topic: Signs]

[Amend]

### **Sec. 117-182. - Prohibited signs.**

The following signs are expressly prohibited, unless otherwise stated in these regulations.

(4) *Message and flashing signs.* Any signs that include lights or messages which change, flash, blink, or turn on and off intermittently except those approved by the ~~plan commission~~ zoning administrator or planner. The ~~plan commission~~ zoning administrator or planner may approve message signs with the following conditions:

- a. Such signs may be used only to advertise activities conducted on the premises or to present public services such as time, date, temperature or weather.
- b. Traveling message may travel no slower than 16 light columns per second and no faster than 32 light columns per second.
- c. No message may be displayed for less than one-half of a second and no message may be repeated at interval of less than two seconds.
- d. An electronic message sign shall not be located in a residential district.

**Sec. 117-184. - On-premises signs.**

(1) Ground signs. A premises may display one ground graphic on each street or highway on which it has frontage in commercial or industrial zoning districts. Size, setback and height regulations are listed under the zoning districts where they apply.

a. *Neighborhood commercial (CN) zoning district.*

1. Size regulations. Freestanding signs or displays shall not exceed 50 square feet, per side, all areas combined. Signs shall not have more than two sides.
2. Sign location. All freestanding signs or displays shall be erected at least ten feet from any property line or right-of-way, and shall be located outside all vision clearance triangles. Signs shall also be located a minimum of ten feet from the edge of a driveway. Such distance shall be measured to the nearest portion of the sign whether it is the sign face, sign edge, or sign base.
3. Height regulations. No portion of any freestanding on-premises sign or display shall be more than 20 feet above the natural grade immediately adjacent to the sign.

b. *Office and retail commercial (COR), community commercial (CC), business park (BP), and industrial and manufacturing (IM) zoning districts.*

1. Size regulations. Freestanding signs or displays shall not exceed 100 square feet, per side, all areas combined. Signs shall not have more than two sides. Size may be increased to 150 square feet, per side, all areas combined, for a corner lot if the owner agrees to limit the number of signs to one.
2. Sign location. All freestanding signs or displays shall be erected at least ten feet from any property line or right-of-way, and shall be located outside all vision clearance triangles. Signs shall also be located a minimum of ten feet from the edge of a driveway. Such distance shall be measured to the nearest portion of the sign whether it is the sign face, sign edge, or sign base.
3. Height regulations. No portion of any freestanding on-premises sign or display shall be more than 35 feet above the natural grade immediately adjacent to the sign.
4. Landscaping. A landscaped area located around the base of the ground sign equal to one half of a square foot for each square foot of ground graphic area is required for all ground signs. The landscaped area shall contain living landscape material consisting of shrubs and/or perennial ground cover plants placed throughout the required landscape area having a spacing of not greater than four feet on center.

c. *General agricultural (AG) zoning district.*

1. Size regulations. Freestanding signs or displays shall not exceed 100 square feet, per side, all areas combined. Signs shall not have more than two sides.
2. Sign location. All freestanding signs or displays shall be erected at least ten feet from any property line or right-of-way line, or officially mapped street line and shall be located outside all vision clearance triangles. Signs shall also be located at least ten feet from the edge of a driveway. Such distance shall be measured to the nearest portion of the sign whether it is the sign face, sign edge, or sign base.
3. Height regulations. No portion of any freestanding sign or display shall be more than 20 feet above the natural grade immediately adjacent to the sign.

[Topic: Parking]

[Amend]

**Sec. 117-158. - Off-street parking.**

h. *Bicycle parking.* The ~~required~~ *suggested* bicycle parking may be provided through spaces or bicycle storage racks. Bicycle spaces shall be at least 2.5 feet in width and six feet in length. Racks and other fixtures used to provide parking shall be securely affixed to the ground and allow for the bicycle to be locked and chained. The design of the bicycle racks and fixtures shall be included in final site plans.

(9) *Required spaces for specific uses.* All vehicles connected with the following uses shall be accommodated for on the property in addition to the requirements stated below. Additional parking as determined by the zoning administrator may be required to meet these standards. Table 16, Parking Ratios, on the following pages identifies the minimum ~~and maximum~~ number of spaces to be provided.

- a. GFA = gross floor area
- b. UFA = usable floor area
- c. Employee = employee per shift for the largest shift
- d. DU = dwelling unit

*[Amend to remove all maximum vehicle spaces requirement and amend bicycle requirement to a suggested provision]*

**Table 16. Parking Ratios**

Use/Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	<del>Minimum</del> <i>Suggested</i> Bicycle Spaces
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**ARTICLE IX. – LANDSCAPING AND SCREENING**

**Sec. 117-258. – Standards.**

(7) *Parking lot landscaping.* Landscaping shall be provided within all parking lots. Parking lot plantings shall provide screening and shade, and are intended to reduce glare and heat from pavement surfaces, by meeting the following standards:

- a. Each parking row, regardless of its length, shall begin and end with a landscape island ~~with barrier type curbs.~~
- b. Parking lot landscape areas shall have a minimum width of eight feet, ~~measured from back of curb to back of curb~~ and a depth equal to the depth of the parking stall.
- c. Landscape islands shall include ~~at least one~~ *a combination of* two-inch deciduous caliper tree(s). ~~They shall also include at least four~~ *and* shrubs. *Shrubs to be* maintained at a height not to exceed three feet.

[Topic: Boathouse]

[Amend to Add]

**Sec. 117-94. – Shoreland zoning overlay district (SHO).**

(d) Shoreland Zoning Overlay (SHO) Provisions: The following provisions apply to all shorelands within the jurisdiction of the shoreland zoning overlay district (SHO):

- a. Shoreland Setback Area. There shall be a minimum shoreland setback area of at least fifty feet (50') from the ordinary high water mark, except as follows:
- b. Principal Buildings. Construction or placement of a principal building within the shoreland setback area may be allowed if all the following apply:
  1. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
  2. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or thirty-five feet (35') from the ordinary high-water mark, whichever distance is greater.
- c. Accessory Buildings and Accessory Structures. Construction or placement of an accessory building within the shoreland setback area may be allowed if all the following apply:
  1. The accessory building and/or accessory structure is constructed or placed no closer than thirty-five feet (35') from the ordinary high-water mark.
- d. Exemptions. The following structures are permitted within the required setback from navigable water provided they do not violate any other provision of this chapter:*
  - 1. Boathouses. Boathouses shall be permitted in all districts except the Natural and Conservancy (NC) and Shoreland-Wetland Zoning Overlay (SHO) districts. Boathouses are permitted in all other districts provided:*
    - a. Frontage Required. Boathouses must be located on a lot that has shore frontage.*
    - b. Habitation. No portion of the boathouse shall be used for human habitation.*
    - c. Plumbing. Other than plumbing for an exterior sink, there shall be no plumbing supplied to the building.*
    - d. Size. Boathouses shall be considered an accessory structure and shall be calculated in the number of buildings and size limitations of the underlying or base zoning district.*
    - e. Floor Area. The boathouse shall not exceed 700 square feet in area.*
    - f. Levels. Boathouses shall not exceed one story. Multiple level boathouses shall be prohibited.*
    - g. Height. The vertical distance measured from finished floor surface to the peak of the exterior of the roof shall not exceed 15 feet.*
    - h. Roofs. Boathouse roofs shall not be designed or used as decks, observation platforms, or other similar uses shall be allowed provided the roof has no side walls or screens. The roof shall not contain railings or open fences unless the railing or open fence is at least 36" in height, as measured from the top of the roof surface to the top of the railing, and surrounds the entire perimeter of the roof platform and has no gate or other mechanism to allow access to the roof platform. The roof may contain a railed provided the railing is consistent with the standards under the applicable local and state building codes.*

*i. Land Disturbance. The land altered or disturbed to erect the boathouse shall be disturbed in the least invasive manner, and, after construction shall be restored to its preconstruction state, or, re-vegetated in compliance with Sec. 117-94(2), Vegetation.*