

PLAN COMMISSION
MEETING MINUTES – September 24 2019

- 1) Call to Order: The meeting was called to order in the Harrison Municipal Building by Chairman Hietpas at 6pm.
- 2) Pledge of Allegiance: The Pledge was recited.
- 3) Roll Call: Members present were: Jim Fochs, Jim Lincoln, Buddy Lisowe, Kevin Hietpas, Pat Hennessey, and Dennis Reed. Darlene Bartlein was excused.

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

- 4) Public Participation: None.
- 5) Approve Minutes: Motion (Lisowe/Fochs) to approve the minutes of August 27 2019. Motion carried 6-0.
- 6) Convene Meeting and Enter Public Hearing at 6:02pm
 - a) Conditional Use Permit – Uecker Investments – W4954 Highline Road: Planner Mommaerts introduced the item stating the applicant is proposing an 8-building, multi-tenant development for the property at W4954 Highline Road. The applicant currently operates a construction business out of the existing buildings on the site in the southwest corner of the property. The proposal calls for up to 8-buildings in 2 phases. Phase 1 is proposed to include 5-buildings on surrounding the existing buildings on the western portion of the property. Phase 2 includes 3-buildings on the eastern portion of the property along Hwy 55.

Each new building is proposed to be 60-feet by 200-feet, 12,000-square feet in area. Each building has the potential for 1-8 units, depending on the size needs of the tenant. The middle 2 buildings are proposed to be pull throughs, with overhead doors on each side. Access is proposed off Highline Road. Stormwater management is proposed along Highline Road. An extension of the existing vegetative buffer is proposed along the north side for screening. The applicant is proposing hours of operation from 7am-7pm Monday through Friday and 7am-3pm on Saturdays. The applicant is also requesting outside storage of licensed vehicles and trailers and outside storage of materials if they are screen from public view.

Currently, the site operates on a private sanitary system. The area is within the Darboy Sanitary District sewer service area, but public sewer and water is not currently adjacent to the property. Sewer and water are approximately 1,500 feet away near the Little Chicago restaurant. There is a development under consideration on Parcel Nos 38988 & 39024 that will bring sewer & water closer to this site. Additionally, Darboy Sanitary District has been working with property owners in the area to extend sewer & water to this site.

The applicant is requesting a zoning map amendment (rezoning) for this property so that light manufacturing uses can be permitted.

Findings of Fact:

According to Section 117-319 of the Harrison Zoning Ordinance, no Conditional Use Permit shall be recommended by the Plan Commission, or approved by the Village Board, unless it shall find all of the following criteria have been met. The applicant's failure to satisfy the criteria, or any other applicable requirement, shall be deemed grounds to deny the Conditional Use Permit.

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 the zoning ordinance. *Staff finds that the proposal conforms to the BP zoning district being requested by the applicant via the zoning map amendment process.*
2. Plans. The proposed use conforms to the Harrison Comprehensive Plan and any other officially adopted town plan. *Staff finds that the proposed development of a mix of retail, trade and contractor offices, and light manufacturing uses comply with the commercial designation of the Comprehensive Plan's future land use map.*
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. *Staff finds that all road access is from Highline Road and the number of driveways is minimized. Combining the existing driveway with the proposed driveway will further limit the number of access points. Highway 55 access is limited and controlled by WisDOT.*
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 of the zoning ordinance. *Staff finds that the plans illustrate a landscape buffer and appropriate green space. A berm with plantings may be more appropriate than the existing vegetative buffer.*
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. *Staff finds that the proposed development complies with the commercial designation of the Comprehensive Plan's future land use map. The proposed development is similar in nature to other developments in the area. There are existing homes adjacent to the property so adequate buffer and screening needs to be provided.*
6. Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided. *Staff finds that stormwater management facilities and roadway access are provided. Consideration of combining the existing driveway with the proposed access should be reviewed. Staff does not have information on sanitary sewer & water facilities. It is unknown if private systems will be installed or if the application will be working with the Darboy Sanitary District to extend public sewer and water facilities. If private systems are installed, approval of the conditional use permit shall be conditioned on all buildings/units hooking up to public sewer & water within 1 year of when available to the site.*

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

Recommended Action:

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

1. A detailed site plan review, pursuant to Article XIII of the zoning ordinance, shall be completed prior to issuance of a zoning permit.
 2. Building materials and design shall be as required in the applicable zoning district as part of the Zoning Ordinance. Deviations from the approved elevations shall require review and approval by the Plan Commission.
 3. No outside storage, including but not limited to materials, equipment, or products, shall be allowed for any business within the development.
 4. A planting landscape buffer, or berm, shall be provided to screen the development from adjacent properties.
 5. All mechanical equipment (ground or roof-mounted) shall be screened from view from a public road.
 6. Access to the development shall be from Highline Road. The existing driveway should be combined with the proposed access or abandoned once the proposed access is built.
 7. The hours of operation for any business within the development shall be limited to 7:00am to 7:00pm Monday through Friday and 7:00am and 3:00pm on Saturdays. The Plan Commission may approve alternate hours upon request from the business.
 8. Only those uses permitted in the applicable zoning district shall be allowed within the development.
 9. A Zoning Certificate of Occupancy shall be required for initial occupancy of a unit or a change of occupancy for each unit to ensure compliance with the zoning ordinance.
 10. Light manufacturing uses may be allowed after a map amendment (rezoning) to an appropriate zoning district has been approved.
 11. All exterior lighting shall be direct cut-off fixtures.
 12. All buildings and all units shall connect to public sewer & water within one year of public sewer & water being available to the site. Connections shall be in accordance with Darboy Sanitary District standards.
 13. All applicable local, County, and State rules, regulations, and ordinances shall be met.
- b) Zoning Map Amendment – Uecker Investments – W4954 Highline Road: Planner Mommaerts introduced the item stating that the applicant is requesting a zoning map amendment (rezoning) to rezone their property from Office & Retail Commercial [COR] to Business Park [BP]. The proposed rezoning complies with the Comprehensive Plan and the future land use map designation of commercial. The purpose of the rezoning is to allow for light manufacturing and trade/contractor storage offices.

Findings of Fact:

Staff finds that the proposed rezoning complies with the Comprehensive Plan Future Land Use Map designation of commercial.

Recommended Action:

Staff recommends approval of the zoning map amendment from Office & Retail Commercial [COR] to Business Park [BP] for the property described in the public hearing notice.

A few area residents spoke regarding concerns about stormwater management, the design of the structures, sewer/water, timeline, mixed use and light pollution.

- 7) Close Public Hearing and Reconvene Regular Meeting at 6:26pm

- 8) Items for Discussion and Possible Action:
 - a) Conditional Use Permit – Uecker Investments – W4954 Highline Road
Motion (Lisowe/Fochs) to approve the Conditional Use Permit for Uecker Investments to allow trade & contractor multi-tenant buildings with all conditions including an additional #14 Sewer/Water easements for Darboy Sanitary maintenance purposes.
Motion carried 6-0.
 - b) Zoning Map Amendment – Uecker Investments – W4954 Highline Road
Motion (Fochs/Lisowe) to approve the Zoning Map Amendment for Uecker Investments to rezone from Office & Retail Commercial [COR] to Business Park [BP].
Motion carried 6-0.
 - c) Certified Survey Map – Hopfensperger – W4958 Schmidt Rd
Motion (Lisowe/Lincoln) Postpone action to next meeting to allow for staff to reach out to applicant.
Motion carried 6-0.

- 9) Items for Discussion:
 - a) Concept Plan for Southtowne Place – Lamers Realty – W6359 Manitowoc Rd: Planner Mommaerts introduced the item stating that the applicant is proposing a new residential subdivision for the property located at W6359 Manitowoc Road, Tax ID 33412. The property is 10-acres in size and is currently zoned General Agricultural [AG]. A zoning map amendment (rezone) will be required as part of the new subdivision review process. There is an existing house and accessory building on the property. The existing house is planned to be kept and will be developed into a saleable lot. The existing accessory building will be removed. The proposed subdivision is adjacent to the new Hidden Pines subdivision currently under construction. Public sewer and water is available.

The concept plan identifies a road access from Manitowoc Road south then curving to the east to align with the extension of Kimberly Trail. Roadway access to the west to the Hidden Pines subdivision is also proposed. The applicant is proposing a mix of housing types within the subdivision. Lot 1 and Lots 10-21 are proposed to be single-family detached lots (typical subdivision lots). Lots 2-9 and Lots 22-31 are proposed to be two-

family lots (either single-family attached townhomes or zero lot line buildings). This section (area north of Wildflower Trail) is intended to be a mix of 1- & 2-family buildings, similar to the development on Spring Valley Road. However, the 1-family lots will have to be a min of 65-feet wide and 7,500-square feet in area. The 2-family lots can be 50-feet and 6,000-square feet per unit. This section will have to be rezoned to Two-family Residential [RT] while the south section, Lots 10-21, will be rezoned to Single-Family Residential [RS-1].

The Plan Commission is asked to comment on the proposed residential uses and whether a mix of single-family and two-family buildings are appropriate in this area. The Comprehensive Plan identifies this area as Single-Family Residential.

Al Lamers spoke regarding the concept plan stating that:

- 1) The development proposal includes 2 phases.
- 2) The “Southtowne Place” is a preliminary name.
- 3) The lots will be zero lot line/attached single family homes (which allow each person to own their own individual lots) and smaller single-family homes.
- 4) The market research shows no age barrier to this type of ownership with the advantage for a more affordable brand-new home.
- 5) There is a possibility of a snow/grass association.
- 6) The existing house will stay with half an acre of land.

Commissioner Lincoln stated that he likes the plan and that it is affordable and utilizes space. He commented that Al Lamers has done his research.

Commissioner Hennessey believes in this plan and has seen the coming trend.

Commissioner Fochs said it makes a lot of sense, is a trend we recognize and is a good fit for those looking for a lower cost option in the Kimberly School District.

Planner Mommaerts stated that the comp plan amendment is the next step.

- b) Zoning Ordinance – Fence in Drainage Easement Requirements: Planner Mommaerts introduced the item stating that currently an applicant wishing to construct a fence within a drainage easement must get written permission from the easement holder prior to issuance of a permit. If it is a utility easement, then an “encroachment letter” from We Energies is typically all that is required. If it is a larger utility easement, then approval from ATC is required. These approvals are relatively quick, We Energies can respond within a few days.

Drainage easements require approval from the Village. Currently, a request is made to the Village Board and is placed on the agenda for the Board to review. The Board has developed a “Permission to Occupy Drainage Easement” form that states that the fence may be removed if drainage issues occur. This form is recorded as part of the deed for future property owners. This issue with this process is time. Many times the applicant must wait 2-3 weeks for approval, or more depending on Board meeting schedule.

At the last meeting the Plan Commission recommended the following changes highlighted in red text...

The zoning ordinance language is as follows:

Sec. 117-54. - Accessory uses, buildings and structures.

- (a) *General regulations for accessory uses, buildings and structures. All accessory uses, buildings and/or structures shall abide by the following general regulations:*
- (1) *No accessory use, building and/or structure shall be constructed or established on a lot prior to the principal use or building being present or under construction, except temporary construction trailers.*
 - (2) *When attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the principal building, unless otherwise stated, including, but not limited to setback requirements, building height limits, and maximum lot coverage standards.*
 - (3) *When not attached to the principal building, accessory buildings and/or structures shall comply with all requirements of this chapter applicable to the accessory buildings and/or structures in the zoning district including, but not limited to setback requirements, building height limits, and maximum lot coverage standards.*
 - (4) *Accessory buildings or structures in the RS-1, RS-2, and RT zoning districts shall not be located closer to the front lot line than is the principal structure, except those properties located adjacent to the shoreline of Lake Winnebago.*
 - (5) *Accessory buildings or structures shall not be located within any recorded easement (utility, drainage, or other) without written consent of the entity controlling the easement. **The Zoning Administrator may authorize fences provided all the following are met:***
 - a. The fence does not restrict stormwater runoff flow, as determined by the Zoning Administrator.*
 - b. The fence is not located within a storm sewer easement or drainage easement with storm sewer pipe, inlets, or other infrastructure improvements.*

c. The property owner signs a “Permission to Occupy Drainage Easement Agreement” document.

- (6) *The following, including but not limited to, truck, truck tractor, truck trailer, canopy or bus, or portion thereof, shall not be used for, storage purposes, as a principal use and/or structure or an accessory use and/or structure in any zoning district, unless otherwise stated in this chapter.*
- (7) *Any detached accessory use, building and/or structure with a water closet (toilet facility) shall require a conditional use permit, pursuant to article XI, Conditional Use Permits.*
- (8) *Accessory uses, buildings and/or structures shall be located on the same lot as the principal use, structure or building.*
- (9) *Detached accessory buildings shall not be used as a secondary dwelling.*

All Commissioners agree that the changes listed look good.

- c) Zoning Ordinance – Driveway Opening Requirements: Planner Mommaerts introduced the item stating that a property owner on Sumac Lane spoke to the Board about a driveway to their shed. The property owner constructed a shed with permit approval. The permit applicant did not include any information for a driveway. Staff was notified that a driveway out to Handle Drive was in the process of being constructed. Staff contacted the property owner to inform them that a second driveway was in violation of the zoning ordinance. The property owner decided to stop the paving at the property line. The property is on the southeast corner of Sumac Lane and Handle Drive. The house has an existing driveway out to Sumac Lane.

The Village Board has interest in amending the ordinance to allow for a second driveway. The Board is asking the Plan Commission to review the ordinance and make a recommendation to the Board for proposed changes, if any.

At the last meeting, the Plan Commission recommend the following changes highlighted in red text...

The zoning ordinance language is as follows:

Sec. 117-157. - Access.

All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements.

- (1) *Openings. Openings for vehicular ingress and egress shall not exceed 36 feet for single-family and two-family developments and 42 feet for agricultural, multiple-family, commercial, and industrial developments as measured at the street right-of-way line unless a greater distance is approved by the plan commission.*

- (2) *Location. Vehicular entrance or exit shall not be less than 50 feet from a street intersection. Commercial and industrial vehicular entrances and exits shall not be less than 150 feet from any adjoining residential district.*
 - (3) *Number. Only one vehicular opening is permitted per lot for single-family lots. **The Plan Commission may authorize a second opening for a corner lot on a case by case basis determined by the size of the corner lot.** Two vehicular openings may be permitted per lot for two-family lots. Multiple-family, commercial, and industrial developments are permitted one vehicular opening per lot frontage unless a greater number is approved by the plan commission.*
 - (4) *When roadways exit to adjacent property rather than directly to a public street, permanent cross easement agreements shall be recorded which adequately guarantee that such exit may not be closed and that such roadways will not become a future liability for the town.*
- (Ord. No. 10-147, § 6.0(2), 7-27-2010; Ord. No. 11-162, 11-29-2011)*

d) Report: Zoning Permits: No Current Report

10) Next Meeting Date: Tentative October 29 2019 at 6:00pm.

11) Adjourn: Motion (Lisowe/Fochs) to adjourn the meeting at 6:59pm.

Motion carried 6-0.

Prepared by: Carie Krause, Deputy Clerk – Treasurer
Dated: September 30 2019