

PLAN COMMISSION
MEETING MINUTES – January 28 2020

- 1) The meeting was called to order in the Harrison Municipal Building by Chairman Hietpas at 6pm.
- 2) The Pledge of Allegiance 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) Motion (Lisowe/Lincoln) to approve the minutes of November 26 2019.
Motion carried 6-0.
- 6) Convene Meeting and Enter Public Hearing 6:04pm
 - a) Conditional Use Permit – Driscoll Properties, LLC – N. Coop Rd: Planner Mommaerts introduced the item stating that the applicant is proposing a multi-family residential development on property located along N Coop Road between Manitowoc Road and Midway Road. The development consists of 31 8-unit buildings (248-units) and 6 10-unit buildings (60-units) for a total of 308-units, all three-bedroom, two-bathroom units with attached garages. The developer is planned to complete the development in 5 phases. Phase 1 will consist of 5 8-unit buildings and 1 10-unit building (50-units total), entrance off Manitowoc Road and entrance off N Coop Road, associated driveways and garages, and a wet detention pond. Subsequent phases to have a varying number of units in each phase. A landscape buffer is proposed along N Coop Road and Manitowoc Road. A Comprehensive Plan Amendment and Zoning Map Amendment were approved for this development in October 2019.

Conditional Use Permit:

The zoning ordinance requires a Conditional Use Permit for any multiple-family development greater than 3-buildings or greater than 24-units. The applicant is proposing a total of 308-units. Landscaping and buffering are proposed along the single-family residential uses to the east and south. Access is planned from Manitowoc Road and N Coop Road at two locations, Nettie Drive and Dahlia Drive. Staff suggests that future access to future Eisenhower Drive be planned.

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. The proposed multi-family development is an allowable use in the MF zoning district.

2. *Plans. The proposed use conforms to the comprehensive plan and any other officially adopted plan.* The proposed multi-family development conforms to the Comprehensive Plan.
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.* Entrances are proposed onto Manitowoc Road and N Coop Road. East Central Wisconsin Regional Planning Commission identifies both Manitowoc Road and N Coop Road as ‘Urban Collector’ streets. Two-lane roads can often time handle daily traffic counts up to 8000-10,000. N Coop Road has average daily traffic counts around 1,800 and Manitowoc Road is around 2,200-2,700 (based on WisDOT TCMAP data). The level of service may decrease during peak traffic times, especially during school drop-off/pick-up. Staff suggest access point(s) to future Eisenhower Drive.
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.* The development plans indicate a line of plantings along the south and east sides. The development proposes attached 2-car garages and minimal outdoor parking areas so any parking or lighting impacts from vehicles will be similar to a typical subdivision development.
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.* The multi-family residential proposed will be a buffer between the commercial development along future Eisenhower Drive and the single-family homes to the east. Landscape screening and buffering should be utilized to further reduce potential conflicts. The development is mostly residential which is the predominant land use to the east.
6. *Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided.* Sanitary sewer and water can be provided to the site. Stormwater management is proposed on-site.

Findings of Fact:

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

Recommended Action:

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

1. Development shall receive Site Plan Review, Harrison Utility, Stormwater Management & Erosion Control, Zoning Permit, and Building Permit approvals prior to starting any construction.
2. Public sewer and water easements will be required through the development. Please work with the Public Works Department and Harrison Utilities to meet all utility specifications.
3. The water looping main shall be 10-inch water mains. Please work with the Public Works Department and Harrison Utilities to meet all utility specifications.

4. All exterior parking area lighting shall be direct cut-off fixtures to reduce/eliminate any glare.
5. Any dumpster enclosures shall be review and approved in accordance with zoning provisions (no dumpster enclosures are anticipated; single cart refuse is proposed).
6. Access to future Eisenhower Drive shall be planned. Upon construction of Eisenhower Drive, development owner agrees to construct access point(s) as approved by the Village within 1-year of Eisenhower Drive completion.
7. Additional landscape screening along Midway Road shall be provided.
8. Landscape berms shall be constructed as indicated on plan set and to be built according to phasing schedule, or sooner.
9. Please note that a Notice of Intent (NOI) shall be filed with the Wisconsin Department of Natural Resources. A permit application and the Certificate of Coverage will be required before site plan approval is granted.
10. It appears that some wetlands are to be filled/graded as a part of construction. Wetland fill permits may be required with the WDNR. Please provide approvals when they are received, if required.
11. Please ensure that a Storm Water Management Report is provided that will outline how the Post-Construction Storm Water Requirements for the development will be met. If not all detention facilities are to be installed as a part of the first phase, please ensure that each phase will meet the requirements as the site develops.
12. An Erosion Control Plan and site details (structures, detention basins, etc.) will be required for review. Please ensure that all information is provided for review.
13. Insets may be required for certain plan sheets for visibility; specifically the Drainage Plan and the Utility Plan.
14. All provisions of the zoning ordinance and all other Village ordinances shall be met.
15. Any comments or revisions from Village staff during the site plan review process shall be incorporated as conditions of approval.
16. All necessary permits shall be obtained prior to construction.
17. The Developer and Engineer will work with the Village of Harrison Public Works Dept and Harrison Utilities on the Sanitary and Sewer through the development.

John Davel, Davel Engineering representing Driscoll Properties posted a site plan and discussed the ideal clients being young professionals, single people or older couples which will generate less traffic than a subdivision. A resident voiced some concern about standing water causing his sump pump to run continually but also that he thinks it looks like a nice facility and would be good addition. Rod Hamilton W6051 Dahlia voiced concerns about the traffic on Coop Rd and that when he moved into his house he looked at future zoning maps which had this area zoned residential. Jada VanArk-Miller, W6087 Cornflower Dr. spoke regarding traffic issues, the condition of the roads and a concern of a decline in property value. John Davel replied that the Village will have time to address traffic/road concerns because this project will be done in phases over 5 years and that a reduction in property value might be the opinion of a realtor, but studies show there is none.

- 7) Close Public Hearing and Reconvene Regular Meeting 6:31pm.
- 8) Items for Discussion and Possible Action

- a. Conditional Use Permit – Driscoll Properties, LLC – N. Coop Rd.: Commissioner Lisowe stated the need to take emotion out of this decision and instead look 20-30 years out. He referenced data from the article “Overcoming Opposition to Multifamily Rental Housing” by Mark Obrinsky and Debra Stein, March 2007, RR07-14 Harvard University’s Joint Center for Housing Studies. Commissioner Fochs added that the Plan Commission has been evaluating properties over the last 3-5 years trying to find areas for more multifamily housing.
Motion (Lisowe/Fochs) to approve the Conditional Use Permit with all 16 Staff Recommendations with the addition of #17 The Developer and Engineer will work with the Public Works Dept and Harrison Utilities on the Sanitary and Sewer through the development.
Motion carried 6-0.

- b. Certified Survey Map – Driscoll Properties, LLC – N. Coop Road: Planner Mommaerts introduced the item stating that the applicant is proposing a 2-lot Certified Survey Map (CSM) as part of the multi-family residential development on property located along N Coop Road between Manitowoc Road and Midway Road. Lot 1 will be the commercial portion of the site and Lot 2 will be the multi-family residential development being proposed. The commercial area is adjacent to future Eisenhower Drive. The CSM dedicates portions of N Coop Road, Manitowoc Road, and future Eisenhower Drive to the public.
Motion (Fochs/Lincoln) to approve the CSM as submitted for Driscoll Properties.
Motion carried 6-0.

- c. Certified Survey Map – Bella – N6906 Ertl Road: Planner Mommaerts introduced the item stating that the applicant is proposing a 1-lot Certified Survey Map (CSM) in order to combine 2 properties into 1. The applicant owns parcels 38418 & 38408. Both parcels are currently zoned General Agricultural [AG]. The CSM will dedicate the right-of-way (ROW) for Ertl Road.
Motion (Lincoln/Hennessey) to approve the CSM as submitted.
Motion carried 6-0.

- d. Driveway Opening – Welch – W5581 Sumac Lane: Planner Mommaerts introduced the item stating that the property owner at W5581 Sumac Lane is requesting a second driveway on Handel Drive in accordance with the new driveway ordinance adopted several months ago. The ordinance reads as follows:
 - (3) *Number.*
 - a. *Single Family Lots. Only one vehicular opening is permitted per lot for single-family lots. The Plan Commission may authorize a second opening for a corner lot as provided:*
 - i. *The driveway does not encroach into a drainage easement.*
 - ii. *The street with the second driveway opening has curb and gutter.*
 - iii. *The driveway opening is located at least 100-feet from a street intersection.*
 - iv. *The driveway opening is to service an accessory building.*
 - v. *The pavement material of the second driveway shall be the same pavement material as the original driveway.*

The property is currently zoned Single-Family Residential [RS-1] and is a corner lot with frontage on Sumac Lane and Handel Drive. The property owner has an accessory building that was permitted and approved. The aerial map indicates curb & gutter on the street where the second driveway is proposed. The proposed second driveway will be approximately 140-feet from the intersection.

Motion (Fochs/Lisowe) to approve the request for the second driveway with the following conditions:

1. A Right-of-Way (ROW) Permit be applied for and approved, by the Public Works Department, for work to occur within the Village ROW.
2. The pavement material for the driveway on Handel drive shall match the pavement material for the existing driveway on Sumac Lane.

Motion carried 6-0.

- e. Conditional Use Permit – Cell Tower – Tillman Infrastructure LLC – Hwy 10: Planner Mommaerts introduced the item stating that this item was postponed from the November 26, 2019 meeting in order to allow the applicant an opportunity to submit additional information regarding the lease costs on the current cell tower. Attached to this memo is correspondence from Attorney Jake Remington, representing Tillmann Infrastructure, agreeing to extend the 90-day review period to February 14, 2020. Also included is a letter from Michael Cosentino regarding the economic burden of the existing tower. If copies of previous correspondence or plans are needed, please contact the Village Planner.

Previous background information from the November 26, 2019 meeting:

Tillmann Infrastructure is requesting a Conditional Use Permit (CUP) in order to construct a wireless communications facility on the property located along Hwy 10, between Hwy 114 and County N, Location ID 33536. The proposed wireless communications facility will consist of a 180-foot tall self support lattice tower with a 9-foot lightning rod for a total height of 189-feet. It will be located within a 100-foot by 100-foot lease area on the property. The proposed tower will be constructed, owned, and managed by Tillmann Infrastructure. Upon construction, Verizon Wireless will install equipment on the tower at the 170-foot level. The tower will be unstaffed and will only require service technicians periodically, about once a month. Typical service vehicles will be pick-up truck/van sized.

The property is currently zoned General Agricultural [AG]. Wireless communication facilities are a conditional use in the AG zoning district. The zoning ordinance has a special provisions section for wireless communication facilities, which is attached. State Statutes also cover mobile tower siting regulations, SS 66.0404, which is attached. With some provisions, State Statutes preempt Harrison's zoning, including tower height and financial guarantee amount. In these instances, State Statutes will prevail and Harrison's provisions are not applicable.

One of the provisions of Harrison's is in regards to co-locations, Section 117-132(f)(4). The codes states that no new tower shall be permitted unless the applicant can demonstrate that no existing tower can accommodate the applicant's proposed antenna by meeting any one of the six criteria listed (Harrison Zoning Ord attachment page 4&5). The applicant is stating that criteria #5 pertaining to fees, costs, or contractual provisions of an existing

tower apply. The applicant has a sworn statement from Verizon Wireless regarding fees and contractual provisions that are 30%-40% higher at the existing tower than the proposed new tower. The sworn statement also states that the existing tower (SBA) is no longer viable from an economic standpoint. The sworn statement is also a requirement of State Statute 66.0404(2)(b)6.

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. Wireless Communication Towers are a conditional use in the AG Zoning District.*
2. *Plans. The proposed use conforms to the comprehensive plan and any other officially adopted plan. The Comprehensive Plan includes a goal to promote services and community facilities in order to meet the growing demand for such services.*
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. There is limited traffic accessing the site and the proposed use should not negatively affect the traffic on Hwy 10.*
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. The applicant is proposing a 6-foot wide landscape buffer strip surrounding the lease area.*
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. Currently there is limited development around the proposed lease area. The proposed use will have limited nuisance due to noise, odor, or dust, mostly during the construction process.*
6. *Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided. Roadway access must be granted by WisDOT. Stormwater Management must be reviewed and approved by the Village.*

Findings of Fact:

Staff finds that the Conditional Use Permit request will comply with the Harrison Zoning Ordinance with the below conditions.

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 for a new wireless communications tower request with the following conditions:

1. Please provide a site data table on the plans that outlines the total site area, disturbed area and the impervious area after construction. If the disturbed area is greater than one acre; a Notice of Intent shall be filed with the Wisconsin Department of Natural Resources. Please provide a copy of the application as well as the Certificate of

Coverage when it is received, if required. Plans will not be approved until the Certificate of Coverage is received. If the proposed impervious area exceeds 20,000 square-feet, storm water treatment will be required as outlined in the Post-Construction Storm Water Management Ordinance Section 07 (3)(a)1, and Section 07(3)(b)1 that state, “For post-construction sites with 20,000 square-feet or more of impervious surface disturbance...” properties shall “reduce the total suspended solids load by 80% for new development” and “the peak post-development discharge rate shall not exceed the pre-development discharge rate for the 2-year, 10-year, and 100-year, 24-hour design storms.”

2. It appears that a new driveway entrance is proposed to the site and a new fiber conduit and handhole are to be installed in the USH 10 Right-of-Way. Please note that a WisDOT Right of Way Permit and a WisDOT Utility Permit are required to be obtained for the proposed work to be performed within the right of way. WisDOT approval shall be supplied to the Village before plans are approved.
3. The site survey appears to indicate that the existing drainage pattern is southwest. The Compound Grading Plan shows proposed corner lot grades at the outer edge of the lease area, but none along the proposed access drive. Please provide proposed grades along the new driveway to ensure that drainage from the neighboring property to the northeast is not blocked with this development. (Sheet A-7)
4. A bond with a corporate surety in the amount of \$20,000.00 shall be provided in accordance with Section 117-132(f)(7) of the Harrison Zoning Ordinance.
5. All appropriate local, state, and federal permits shall be obtained prior to construction. Including but not limited too the following permits for the Village of Harrison: Site Plan Review, Zoning Permit, Building Permit, and Stormwater Management and Erosion Control Permit.
6. All plan/permit review comments and conditions from Village staff shall be included as a condition of approval under the Conditional Use Permit. The Plan Commission may hear appeals from staff review comments and/or condition and either uphold, modify, or eliminate any such comment and/or condition.
7. All applicable provisions of the Harrison Code of Ordinances, State Statutes, and Federal regulations shall be met.

Resident Mike Treu of W6032 Ryford St spoke against the CUP asking how the residents can stop a second tower within 1500 ft of an existing tower. Robert Gagan of Conway, Olejniczak & Jerry S.C. handed out additional information to the Commission, stated that Verizon is a huge company that didn't even try to negotiate and then respectfully asked the Commission to deny this request. John Wallace of LCC Telecom Services stated that SBA won't renegotiate, they are 250% higher, the rent keeps going up and is spiraling out of control.

Motion (Lisowe/Lincoln) to deny the CUP for Tillmann Infrastructure based on the inability to prove economic hardship.

Motion carried 4-2 with Commissioners Fochs & Hietpas opposed.

9) Items for Discussion

- a) Report: Zoning Permits: Due to lack of time, there was no discussion on this item.

10) Next Meeting Date: Tentative February 25, 2020 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: February 5, 2020