

**VILLAGE OF HARRISON
PLAN COMMISSION MEETING MINUTES
SEPTEMBER 29, 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: Dennis Reed, Jim Lincoln, Pat Hennessey, Kevin Hietpas, Darlene Bartlein, Mark Van Hefty and Kent Gross

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

4. Public Participation: None.
5. Motion (Van Hefty/Lincoln) to approve the minutes of August 25, 2020.
Motion carried 7-0.
6. Enter Public Hearing at 6:02pm for Lexington Homes (a) Comprehensive Plan Amendment, (b) Zoning Map Amendment and (c) Conditional Use Permit. Planner Mommaerts opened the Public Hearing with a statement regarding time limits for anyone wishing to speak, he then introduced the items stating that the applicant is proposing a mix of single-family and multi-family residential development on property located along Midway Road, Tax IDs 43286 & 43288. Parkland is proposed to be reserved and dedicated to Harrison for future development of a park. The development consists of six (6) 10-unit buildings and six (6) 14-unit buildings, all two-bedroom units with attached garages and outside parking area. Total development will be 48 single-family lots and 144 multi-family units. The SF lots are proposed adjacent to the existing SF lots to the south with street connections to Woodendale Way, McKayla Drive, Ethan Drive, and Midway Road. The MF development is proposed to have access only from Midway Road. The Village of Harrison is in discussions with the Calumet County Highway Commissioner regarding this access point. The City of Appleton is suggesting that the MF development not access Midway Road, but rather access the new north/south street from Midway Road. The applicant is requesting a Comprehensive Plan Amendment, Zoning Map Amendment, and a Conditional Use Permit.
Staff has received correspondence in regard to opposition to the land use change and rezoning. There was a petition opposing the rezoning signed by a majority of property owners within 100-feet of the development property. This petition in opposition will cause the rezoning approval by the Village Board to be by $\frac{3}{4}$ majority rather than a simple majority.
(a) Comprehensive Plan Amendment - The applicant is proposing to amend the future land use map in the Comprehensive Plan to reconfigure some of the parkland and single-family areas as well as allow for multiple-family residential. Currently, the future land use map

identifies this area as Parkland and Single-Family Residential. There are single-family uses on the south and west sides of the property. The area to the east is currently zoned for Multi-Family. The petition maintains single-family use and parkland on the boundaries of the property. The multi-family is proposed in the middle of the property.

(b) Zoning Map Amendment - The applicant is proposing to rezone from General Agricultural [AG] to Single-Family Residential (Traditional) [RS-2] and Multiple-Family Residential [RM] the area for the development.

(c) Conditional Use Permit - The zoning ordinance requires a Conditional Use Permit for any multiple-family developer greater than 3-buildings or greater than 24-units. The applicant is proposing a 12-building development with 144-units total. Landscaping and buffering should be provided along the single-family residential uses and Midway Road.

With no spokesperson for the petition in opposition, Village of Harrison and City of Appleton property owners were given a 2-minute time limit to speak individually. Twenty-nine residents were in attendance and spoke in opposition to the multi-family zoning and multi-family development portion of the Lexington Homes project. Speaking in favor of the project were three members of the Renn Family.

7. Close Public Hearing at 6:37pm.

8. Items for Discussion and Possible Action

- a. PC Resolution 2020-02 Comprehensive Plan Amendment – Lexington Homes (Mirrago) – Midway Road
- b. Zoning Map Amendment – Lexington Homes (Mirrago) – Midway Road
- c. Conditional Use Permit – Lexington Homes (Mirrago) – Midway Road
- d. Design Standard Waiver – Lexington Homes (Mirrago) – Midway Road
- e. Certified Survey Map – Lexington Homes (Mirrago) – Midway Road

Discussion among the Plan Commission included past Comprehensive Plans, zoning, drainage, wetlands, traffic, possible need for additional emergency services, future parks, other layout options and future housing trends. Commissioner Reed asked about postponing the decision so Commissioners could go look at examples of other Lexington Homes developments, particularly the Village of Hobart and possibly have the Developer come back with other options. Commissioner's Hennessey and Bartlein verbally agreed with the suggestion to postpone. Commissioner Gross asked if the Plan Commission does not approve it, does that mean it will not go to the Village Board. Planner Mommaerts answered that the Plan Commission advises the Village Board. Commissioner Bartlein asked the Developer if it were turned down, could it be made all single family residential to which the Developer answered if it were a wide open piece of property that would be different but as is, it's a no.

Motion (Bartlein/Reed) to postpone until next month.

Motion carried 6-1. Chairman Hietpas voting against.

- f. Certified Survey Map – Keuer – N7437 Hwy 55 – Planner Mommaerts introduced the item stating that the applicant is proposing to adjust a lot line between 2 properties via Certified Survey Map (CSM). The purpose of the CSM is to move the lot line to swap lands between the

two parcels. Parcel ID 40926 will add property along High Cliff Road from Parcel ID 40924. The properties are currently zoned General Agricultural (AG). Lot 1 is proposed to be 9.718-acres and contains an existing house. Lot 2 is proposed to be 12.560-acres and contains an existing garage with a new house just starting construction. The right-of-way (ROW) for High Cliff Road is proposed to be dedicated to the public for roadway purposes.

Motion (Lincoln/Hennessey) to approve the CSM for Keuer - N7437 Hwy 55.

Motion carried 7-0.

- g. Certified Survey Map - Andrew – N9403 Noe Road – Planner Mommaerts introduced the item stating that the applicant is proposing to adjust a lot line between 2 properties via Certified Survey Map (CSM). The purpose of the CSM is to move the lot line to include all improvements on Lot 1 for N9403 Noe Road. Lot 2 is intended to be used as a new home site. The properties are currently zoned Single-Family Residential (RS-1). Each lot will meet the minimum lot requirements in the RS-1 zoning district.

Motion (Hennessey/Gross) to approve the CSM for Andrew – N9403 Noe Road.

Motion carried 7-0.

- h. Zero Lot Line Certified Survey Map – Roberts – N9021 & N9023 Spring Valley Rd – Planner Mommaerts introduced the item stating that the applicant is proposing to split a parcel into 2-lots by Certified Survey Map (CSM). The purpose of the CSM is to create a zero-lot line unit. The property is located at N9021 & N9023 Spring Valley Road. The property is zoned Two-Family Residential (RT) which is appropriate for zero lot line developments. Setback and lot area requirements have been met. The Building Inspector has verified the wall construction between the units is per code.

Motion (Van Hefty/Bartlein) to approve the Zero Lot Line CSM for Roberts with the following staff recommended action: Private/restrictive covenants shall be recorded at the Calumet County Register of Deeds in accordance with the zero lot line provisions in the zoning ordinance. A copy of such recorded document shall be provided to the Village Planner.

Motion carried 7-0.

- i. Affidavit of Correction – Lot 57 Oakwood Estates – Planner Mommaerts introduced the item stating that when Oakwood Estates was platted, there was a small area of wetlands located on Lots 57 & 58. Overtime, these wetland areas expanded causing the lots to be undesirable for home sites. The developer petitioned the Army Corps of Engineers and WI DNR to release the wetlands under the artificial wetlands exemption determination. Both the Army Corps and DNR agreed that the wetlands are nonfederal and exempt from wetland permitting. The Affidavit of Correction document will remove the wetlands from the Final Plat of Oakwood Estates making the lots more desirable for new home sites.

Motion (Lincoln/Bartlein) to approve the Affidavit of Correction for Lot 57 Oakwood Estates.

Motion carried 7-0.

- j. Affidavit of Correction – Lot 58 Oakwood Estates – Planner Mommaerts introduced the item stating that when Oakwood Estates was platted, there was a small area of wetlands located on Lots 57 & 58. Overtime, these wetland areas expanded causing the lots to be undesirable for

home sites. The developer petitioned the Army Corps of Engineers and WI DNR to release the wetlands under the artificial wetlands exemption determination. Both the Army Corps and DNR agreed that the wetlands are nonfederal and exempt from wetland permitting. The Affidavit of Correction document will remove the wetlands from the Final Plat of Oakwood Estates making the lots more desirable for new home sites.

Motion (Gross/Hennessey) to approve the Affidavit of Correction for Lot 58 Oakwood Estates.
Motion carried 7-0.

9. Items for Discussion – At the request of Planner Mommaerts, due to the time constraint, the following items will be held until the next meeting.
 - a. Concept Plan Review – Mini Warehousing Development – Atlas Development
 - b. Report: Zoning Permits
10. Next Meeting Date: Tentatively October 27, 2020 at 6:00pm.
11. Adjourn: Motion (Bartlein/Reed) to adjourn at 7:21.
Motion carried 6-1. Believing there was time to discuss item 9a, Commissioner Gross voted against adjourning.

Prepared by: Carie Krause, Deputy Clerk-Treasurer

Dated: September 30, 2020