

**VILLAGE OF HARRISON  
PLAN COMMISSION MEETING MINUTES  
DECEMBER 22, 2020**

1. The meeting was called to order in the Harrison Municipal Building by Chairman Hietpas at 5:30pm.
2. The Pledge of Allegiance was recited.
3. Roll Call: Members present: Dennis Reed, Jim Lincoln (excused at 7:10pm), 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/Hennessey) to approve the minutes of November 17, 2020. Motion carried 7-0.
6. Enter Public Hearing at 5:31pm
  - a. Zoning Text Amendment – Climate Controlled Storage. Planner Mommaerts introduced the item stating that at the last Plan Commission meeting, the Commission heard a proposal regarding an indoor climate-controlled storage facility to be located along County Road KK on property that is currently zoned Office & Retail Commercial [COR]. The current zoning classifies all storage facilities as mini-warehousing, which is only allowed as a conditional use in the General Agricultural [AG] and Industrial & Manufacturing [IM] zoning districts. As part of the discussion, the Plan Commission thought a distinction could be made between indoor access, climate-controlled storage and typical exterior access, non-controlled storage facilities. The Plan Commission asked staff to develop a zoning text amendment to allow for indoor access, climate-controlled storage facilities as a conditional use in the commercial zoning district. Staff reviewed the information regarding the different types of storage facilities (climate-controlled, temperature-controlled, and mini-warehousing). Staff finds that the appropriate zoning district for indoor access, climate- or temperature-controlled storage is the Community Commercial [CC] zoning district which is intended to serve a large consumer population with a wide range of developments. The below language in underline italics is proposed.  
[Topic: Climate/Temperature Controlled Storage Facilities]  
[Add]  
Sec. 117-88. – Community Commercial District (CC).  
(d) Conditional Uses and Structures.  
(22) Storage, Climate Controlled or Temperature Controlled, indoor access only.

[Add]

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

Storage, Climate Controlled. A self-storage facility with indoor storage units with interior access that manages both temperature and humidity levels, with a maintained temperature range of 55 to 80 degrees Fahrenheit with a max relative humidity of 55%.

Storage, Temperature Controlled. A self-storage facility that manages only temperature of storage units. Typically provides heat only. Interior and exterior access.

Storage, mini-warehousing: A self-storage facility with storage space at ambient (outside) temperature with exterior access.

No public comments.

7. Close Public Hearing at 5:34pm.
8. Items for Discussion and Possible Action
  - a. Toonen Companies Zoning Map Amendment (Rezoning) – Manitowoc Road. Planner Mommaerts introduced the item stating that at the November Plan Commission meeting there was an application by Toonen Companies to rezone approximately 40-acres east of County Road N and north of Manitowoc Road from General Agricultural [AG] to Multiple Family Residential [RM]. There was discussion among the Plan Commission about the number of multi-family developments/units approved recently. The Plan Commission approved a motion to postpone action for more information. Under the Harrison Zoning Ordinance, the Plan Commission and Village Board are given review timelines in order to respond to the application, the applicant must agree to postpone action in order to extend the review timeline. In this case, Toonen Companies did not agree to extend the review timeline, so the Village Board had to take action at their meeting on December 8th in order to meet the review timeline. The Village Board made a motion to adopt Ordinance V20-20 approving the rezoning from AG to RM. The motion failed on a 3-4 vote, so the property was not rezoned. Since the Village Board already acted on the item, the Plan Commission recommendation is not needed.

Discussion:

Commissioner Van Hefty stated that this is a very concerning issue, this is the second time in two months where planning commission staff has tried to bypass Planning Commission and go straight to the Board on a major multi-family development. He asked why we have a Plan Commission if the Staff is going to go straight to the Village Board every time, it is unethical and unacceptable. He said the Village Board wanted to table this item but couldn't because state statute says if you table it, it is a yes vote in 9 days, they were forced to vote on this without any additional information. He talked to over 500 constituents in the last 3 months from Ward 3,4,5 & 6; 98% of them are totally opposed to additional multifamily in the heart of Harrison. He knows it is consistent with

the Comprehensive Plan, but that plan was developed 3 years ago by a different Board, different Trustees, and there is a different direction going on in the Village now. Commissioner Van Hefty then gave Planner Mommaerts permission to speak.

Planner Mommaerts stated that ethically he was providing information to the Village Board on what the Harrison ordinance states, the timelines are in the ordinance, the applicant did not agree to the extension, which is also in the ordinance; without action by the Village Board it would have been approved so he made the Village Board aware of that. Regarding the Lexington issue, the Plan Commission met right before the Village Board meeting, it was on the Village Board agenda, the Village Board did not need to take action on that item, but they decided to, that is one of the reasons the Plan Commission meetings were moved to another night. Planner Mommaerts stated that he isn't trying to sneak anything past the Plan Commission, everything comes to the Commission, it's really up to the Plan Commission to make a decision. When it comes to rezoning, those decisions must be made on the Comprehensive Plan, that information was provided at the last meeting.

Commissioner Van Hefty stated, he was told that Planner Mommaerts had knowledge of this Toonen thing 200 days prior to the Village Board having to make a decision.

Planner Mommaerts stated that they did not apply 200 days prior and until the developer makes a formal application, there is nothing for the Plan Commission to review.

Commissioner Van Hefty said he didn't know you could bypass the Plan Commission and force a decision on the entire Village Board, the Board was blindsided by having to make a decision. The Village Board and Plan Commission need to have more conversations with Staff because plans seem to be out of sync.

Planner Mommaerts responded that the plan is the Comprehensive Plan, there was a review, the Village Center with multifamily was approved. If that is not the direction the Village Board wants to go then there is a process for change in the Comprehensive Plan, it can't be discussed as an individual application.

Commissioner Gross stated that in general, he would like to see some clarification on the role of the Plan Commission; are there items that are simply advisory, are there other items that must be approved by Plan Commission.

Planner Mommaerts responded that he will put something together for the next meeting.

Commissioner Hennessey referenced a few times where the Plan Commission advised the Village Board, and the Board took a different direction. If the Village Board does look at changing the Comprehensive Plan, Commissioner Hennessey would hope the Plan Commission would also have input.

Planner Mommaerts answered that under statute when it comes to a Comprehensive Plan, Plan Commission is part of that.

Chairman Hietpas responded that at that meeting there were a few Board Members that felt it was on the agenda, the Board had enough information because they researched it, they are paid to make a decision, so they made a motion.

Commissioner Bartlein shared that she did mention to the Village Board that the Plan Commission was putting it on hold for a month. The Developer was upset and said they had to get started immediately, putting pressure on the Village Board, she believes that is why they voted on it. Commissioner Bartlein did not vote on the item.

Commissioner Hennessey thinks it is an unfortunate situation for all the residents that thought they had a voice.

Commissioner Reed agrees with Commissioner Hennessey.

Planner Mommaerts stated that most of the Village Board members were in attendance of the Plan Commission meeting whether on the Commission or in the audience, they heard the people speak.

Commissioner Gross stated that he would hope that the decisions made at the Plan Commission level would be consistent through to the Village Board decisions but based on the vote, that was not consistent.

Planner Mommaerts stated that looking at some lessons learned, moving forward the Plan Commission may have to be ready to decide and if more information is needed, reach out to him for more information. Development has been fast paced this year, developers have their own timelines. We need to be ready to make hard decisions.

Chairman Hietpas said that he does believe the Village Board has a high value for the considerations and recommendations of the Plan Commission.

Planner Mommaerts stated that essentially, the only thing the Plan Commission has authority over are the design guidelines, everything else is a recommendation to the Village Board. In the past, probably 99% of the time, the recommendation by the Plan Commission was followed by the Village Board but the past couple of months it seems to be an issue at each meeting.

Chairman Hietpas stated that just for closure, even though it is too late to change the Village Board vote, if the Plan Commission had voted what would it have been? It was the consensus of the Plan Commission that enough time had been spent on this item and they would like to move on.

- b. Certified Survey Map – Kimberly Clark Corp. – Old Highway Road. Planner Mommaerts introduced the item stating that the applicant is proposing a 2-outlot Certified Survey Map (CSM) in order to create a parcel to sell to the adjacent property owner. Outlot #1 is proposed to be 5.842-acres and contains a portion of the driving range of the adjacent North Shore Golf Club. The applicant wishes to sell off land in this area and North Shore Golf Club wishes to purchase that portion of the property containing the driving range. North Shore Golf Club currently has an agreement to utilize a portion of the property for the driving range. Outlot #2 is 6.490-acres and will be retained by the applicant and sold with the adjacent properties the applicant owns to the west and north. These properties are being created as outlots as they do not meet public roadway frontage standards. Under state statutes, outlots are unbuildable. The current property configuration does not have public roadway frontage, access is gained through adjacent properties under common ownership.  
Motion (Van Hefty/Lincoln) to approve the CSM for Kimberly Clark Corp.  
Motion carried 7-0.
- c. Affidavit of Correction for Drainage Easement – Lot 15 of Southtowne Place. Planner Mommaerts introduced the item stating that as part of the Southtowne Place subdivision plat, there is a drainage easement that runs along the east and south sides of the plat where Lot 15 is located. There were artificial wetlands along these areas where historic drainage of the property flowed. As part of the plat, the artificial wetlands were going to be filled and the drainage swale relocated within the easement area. During the construction of the plat, it was determined that the drainage swale would be best suited to follow the artificial wetlands, which on the southeast corner of Lot 15 was outside of the drainage easement.  
An Affidavit of Correction is proposed in order to relocate the drainage easement to cover the lands for the drainage swale. Since the drainage easement was part of the subdivision plat, any changes must be approved by the Village Board.  
Motion (Van Hefty/Lincoln) to approve the Affidavit of Correction as submitted.  
Motion carried 6-0-1 with Commissioner Gross abstaining.
- d. Preliminary Plat – Stargazer Estates – Midway Road. Planner Mommaerts introduced the item stating that the applicant is proposing a 48-lot preliminary plat for a new subdivision called Stargazer Estates. The subdivision is located along Midway Road, west of Lake Park Road. The property is currently zoned Single Family Residential (Traditional) [RS-2]. The subdivision is proposed to have roadway access to Midway Road, with connections to Ethan Drive, Mckayla Drive, and Woodendale Way. All roadways are proposed to be dedicated to the public. Lots are generally 10,500-12,000 square feet in area, the corner lots are generally 13,000 square feet. Sewer and water will be extended through the subdivision. Stormwater management will be accommodated in a stormwater pond north of proposed lots 26-30. The pond will be located on Outlot 1 of CSM #3890, which will be deeded to the Village for park and stormwater purposes.

Discussion:

Commissioner Reed questioned the zoning of RS2. Planner Mommaerts stated that the decision for rezoning from AG to RS2 happened in October.

Motion (Gross/Hennessey) to approve the Preliminary Plat with the following conditions:

1. All road right-of-way to be 66-feet in width, with the exception of Ethan & Mckayla (matching the current 60ft) and the addition of Constellation Drive at 66-feet in width.
2. Erosion Control Silt Fence shall be installed, in accordance with State Specifications, along the right-of-way line of all streets prior to roadway acceptance.
3. All lots shall have a storm sewer lateral provided for sump pump discharge.
4. Consider creation of an outlot for the easement area on Lot 26 to be deeded to the Village.
5. All improvements, including but not limited to, utilities, curb & gutter, street paving, sidewalks, shall be installed prior to issuance of building permits or zoning permits, unless the Village Board approves a Subdivision Development Agreement to allow for improvements to be installed at a later date.
6. All comments from the Village engineer and staff shall be included in the Plan Commission discussion and decision.
7. A note shall be added to the plat indicating access control to County AP/Midway Road.
8. A grading/drainage stormwater management plan and erosion control plan shall be reviewed and approved by the Village engineer and Village staff.
9. Final utility and street plans shall be reviewed and approved by the Village Engineer and Village staff prior to approval of the Final Plat and prior to utility and street construction.
10. All environmental corridors shall be clearly identified and setback lines to be indicated.
11. Grading/Drainage Plan shall identify elevations of ground at the foundation.
12. All road names shall be approved by the Appleton Post Office, the Village of Harrison, and Calumet County E911.
13. Sidewalks and laterals shall be indicated on the infrastructure plans.
14. There shall be notes to be added to the face of the final plat in accordance with Section 115-12(d)(1)(f).
15. The final plat and final grading/drainage plans shall include benchmarks for all fire hydrants. Benchmarks shall refer to hydrant tag bolts.
16. Plans shall be sent to the appropriate utility entities for review (ie phone, cable, gas/electric, sewer/water).
17. Developer to consider RS-1 zoning along the existing RS-1 zoning.

Motion carried 7-0.

- e. Zoning Text Amendment – Climate Controlled Storage. Planner Mommaerts introduced the item in the Public Hearing.

Motion (Lincoln/Van Hefty) to approve recommending the proposed zoning text changes be forwarded to the Village Board for approval and adoption into the zoning ordinance.  
Motion carried 7-0.

9. Items for Discussion

- a. Mini-warehousing Storage – Cameron Butler – Pigeon Road/Hwy 114. Planner Mommaerts introduced the item stating that the developer is interested in developing a mini-warehousing development on a 9-acre parcel on the west side of Pigeon Road, north of the railroad tracks, Tax ID 40154. The property is currently zoned General Agricultural [AG]. Mini-warehousing is a conditional use in the AG zoning district provided the development is outside of the sewer service area. There is currently no access to public sewer & water to the site. There is a stream along the eastern portion of the property. A DNR permit for bridge crossing or disturbance is likely. The developer is seeking input from the Plan Commission prior to property purchase and plan development. The developer is considering 100-units of building storage and 50-spaces for gated outdoor storage.

Items to consider:

1. Is mini-warehousing the best use of land at this location?
2. Any fencing along roadways or adjacent properties should be visually pleasing, wood or vinyl fencing.
3. Landscaping and screening along Roadways and property lines.
4. Lighting implications on surrounding neighborhoods.
5. Wetland/environmental analysis to determine buildable areas and driveway crossing/access.
6. Stormwater Management facilities and discharge.
7. Concern that businesses will be operated out of the storage buildings.
8. Parking and driveway locations, outdoor storage area size.
9. A Conditional Use Permit was granted in October for mini-warehousing and outdoor storage on a parcel on the south side of the railroad tracks on Pigeon Road.

Plan Commission has no interest at this time.

- b. Report: Zoning Permits - Planner Mommaerts stated that the YTD estimated value was approximately \$63 million.

10. Next Meeting Date: Tentatively January 19, 2021 at 5:30pm.

11. Adjourn:

Motion (Bartlein/Van Hefty) to adjourn at 7:24 pm.  
Motion carried 6-0.

Prepared by: Carie Krause, Deputy Clerk-Treasurer  
Dated: December 23, 2020