

PLAN COMMISSION AGENDA

Tuesday, February 15, 2022 5:30PM

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Roll Call
- 4) Elect Vice-Chair
- 5) 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.
- 6) Approve Minutes
 - January 18, 2022
- 7) Convene Meeting and Enter Public Hearing
 - a. Comprehensive Plan Amendment Kip Golden W5909, W5925, W5941 Old Highway Rd
 - b. Zoning Map Amendment Kip Golden W5909, W5925, W5941 Old Highway Rd
 - c. Conditional Use Permit Kip Golden W5909, W5925, W5941 Old Highway Rd
 - d. Zoning Text Amendment Village of Harrison Tourist Rooming Houses
- 8) Close Public Hearing and Reconvene Regular Meeting
- 9) Items for Discussion and Possible Action
 - Resolution PC2022-01 Comprehensive Plan Amendment Kip Golden W5909, W5925, W5941 Old Highway Rd
 - b. Zoning Map Amendment Kip Golden W5909, W5925, W5941 Old Highway Rd
 - c. Conditional Use Permit Kip Golden W5909, W5925, W5941 Old Highway Rd
 - d. Zoning Text Amendment Village of Harrison Tourist Rooming Houses
- 10) Items for Discussion
 - a. Report: Zoning Permits
- 11) Set Next Meeting Date
 - Tentatively March 22, 2022 at 5:30pm
- 12) 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 Village Board, Zoning Board of Appeals, or Committees may be in attendance. However, the only business to be conducted is for the Plan Commission.

Posted: February 8, 2022



PLAN COMMISSION MEETING

VILLAGE OF HARRISON

From:

Mark J. Mommaerts, AICP, Assistant Village Manger

Meeting Date: February 15, 2022

Title:

Vice Chair

Issue:

Whom should the Plan Commission elect as vice chair to lead the Plan Commission in the absence of the chair?

Background and Additional Information:

Ordinance V19-09 outlined the duties and powers of the Plan Commission chair and vice chair. The presiding officer of the Plan Commission is the Village President. The Plan Commission is to elect their own vice chair. To my knowledge, this has not occurred.

Recommended Action:

Staff recommends the Plan Commission nominate and elect a vice chair to perform the duties of the chair during an absence of the chair.



PLAN COMMISSION MEETING

VILLAGE OF HARRISON

From

Meeting Date:

Mark J. Mommaerts, AICP, Assistant Village Manager

February 15, 2022

Title:

Comprehensive Plan Amendment – Golden Zoning Map Amendment – Golden Conditional Use Permit – Golden

Issue:

Should the Plan Commission recommend approval of a Comprehensive Plan Amendment from Single Family Residential to Multi-Family Residential, a Zoning Map Amendment from RS-1 to MF, and Conditional Use Permit for a 3-building multi-family development to the Village Board?

Background and Additional Information:

The applicant is proposing a 3 building multi-family development on lots at W5909, W5925 & W5941 Old Highway Road, Tax IDs 42188, 45590 & 45592. The property is currently zoned Single Family Residential (Suburban) [RS-1] and is identified as Single Family Residential (sewered) in the Comprehensive Plan. These were both approved in fall 2020 as a change from commercial to single-family residential. A Comprehensive Plan Amendment, Zoning Map Amendment (Rezoning), and Conditional Use Permit are proposed in order to develop the lots with 4-unit multi-family buildings. The proposed zoning will be Multiple Family Residential [RM].

Comprehensive Plan Amendment:

The applicant is proposing to amend the future land use map in the Comprehensive Plan to change the land use designation from Single Family Residential (sewered) to Multi-Family Residential.

Zoning Map Amendment:

The applicant is proposing to rezone from Single-Family Residential (Suburban) [RS-1] to Multiple Family Residential [RM].

Conditional Use Permit:

The applicant is proposing to construct a single 4-unit building on each lot for a total of 12-units. The buildings are proposed to be 2-story. Access to sewer and water is available along Old Highway Road. Driveway access can be obtained onto Old Highway Road. All current and existing easements on the property will be retained. The developer desires to enhance the conservation easement area with additional plantings for screening. No plans for a walking trail connecting the development to the subdivision to the south is proposed.

Findings of Fact:

- Staff finds that the Rezoning request complies with the Future Land Use Map as part of the Comprehensive Plan if the Comprehensive Plan Amendment is approved.
- Property owners within 300-feet of the subject property have been notified via first-class mail.

CUP Basis for Approval:

- a) 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 Village Board. Staff finds that multi-family developments of 3-buildings or more are a conditional use in the RM zoning district.
- b) Plans. The proposed use conforms to the Village comprehensive plan and any other officially adopted Village plan. Staff finds that if the comprehensive plan amendment and zoning map amendment are approved the development will comply with both plans.
- c) 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 a single driveway per lot is proposed for each building and that the existing street can adequately handle the additional traffic.
- d) 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. Staff finds that maintaining the existing conservation easement will provide landscape screening to the south development. Additional landscaping/planting may be desired.
- e) 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 is residential and may provide a barrier from the highway to the existing subdivision south of the proposed development.
- f) Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided. Staff finds that sewer and water is available to the property.

Recommended Action:

Staff recommends approval of Plan Commission Resolution PC2022-01, recommending the Village Board amend the comprehensive plan.

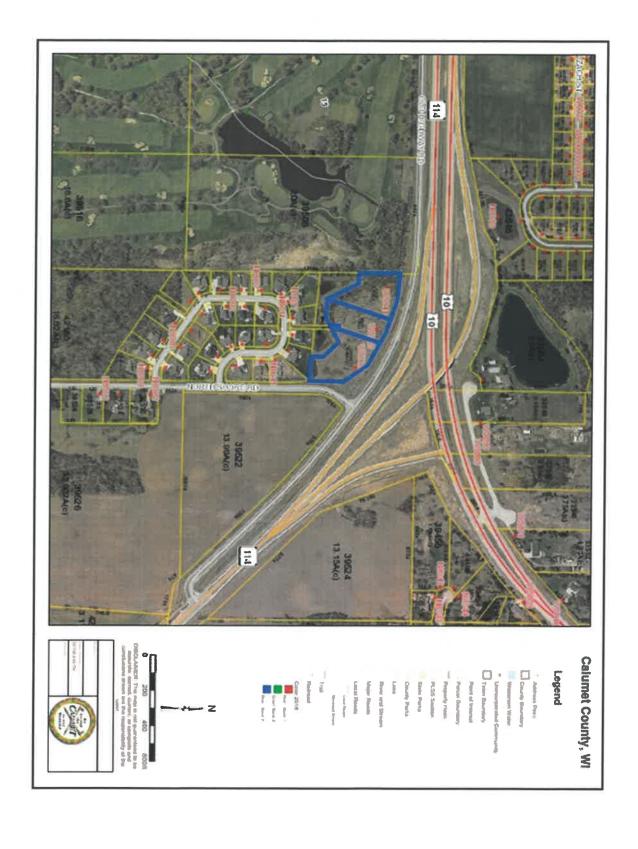
Staff recommends approval of the Zoning Map Amendment from Single-Family Residential (Suburban) [RS-1] to Multiple Family Residential [RM].

Staff recommends approval of the Conditional Use Permit (CUP) with the following conditions:

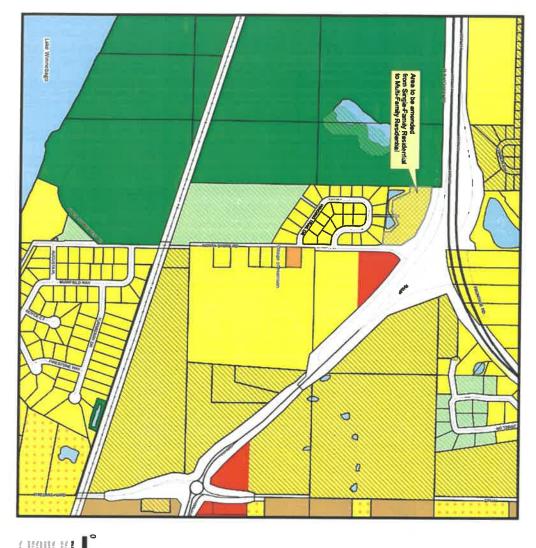
- 1. The conservation easement must remain, and plantings and landscaping must remain within the easement. The developer may add additional plantings or landscaping within the easement area.
- 2. A pedestrian trail between the proposed development and the subdivision to the south shall be prohibited unless specifically approved by the Village of Harrison.
- 3. All building and zoning codes, regulations, and ordinances shall be met, including any exterior building material requirements.
- 4. All necessary utility, building, zoning, and other permits, shall be granted prior to construction.

Attachments:

- Aerial Map
- Future Land Use Map
- Zoning Map
- Plan Commission Resolution PC2022-01
- Building Elevations, Plans, Renderings

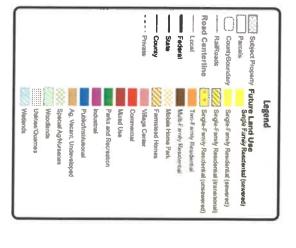


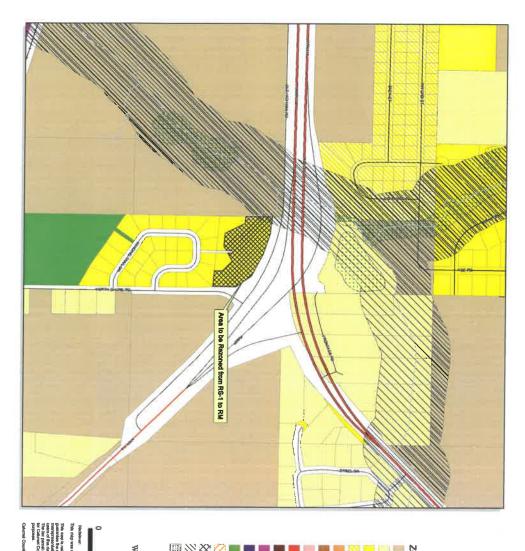
Future Land Use Map



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Harrison Future Land Use Map 2004-2023



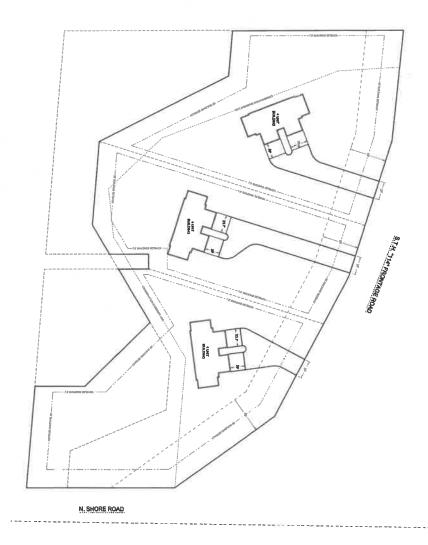


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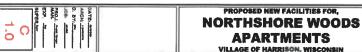
Village of Harrison
Calumet & Outagamie Counties, WI

Legend

Zoning Map



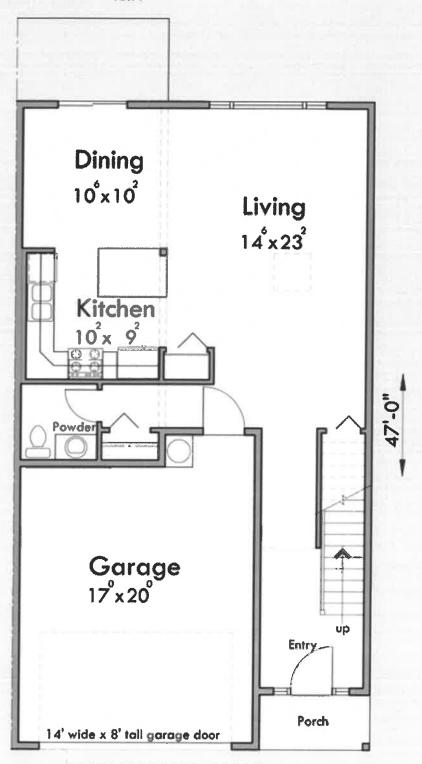




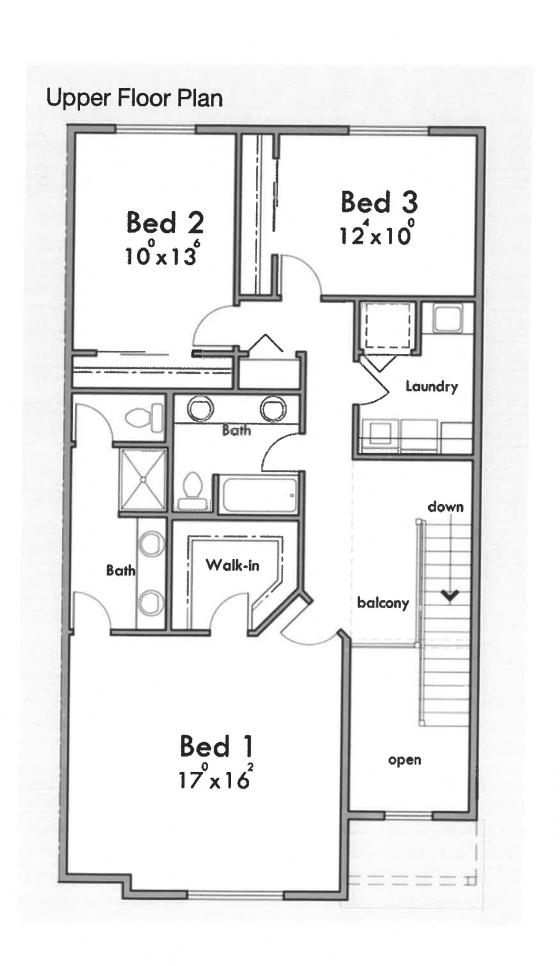


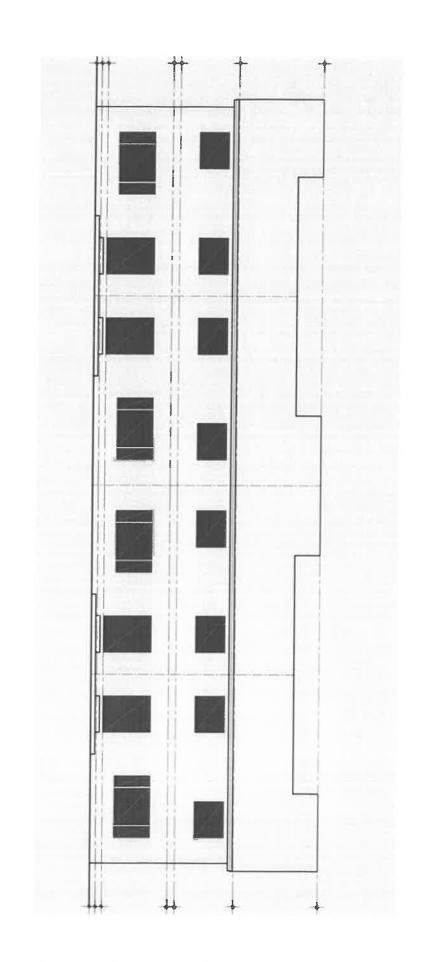


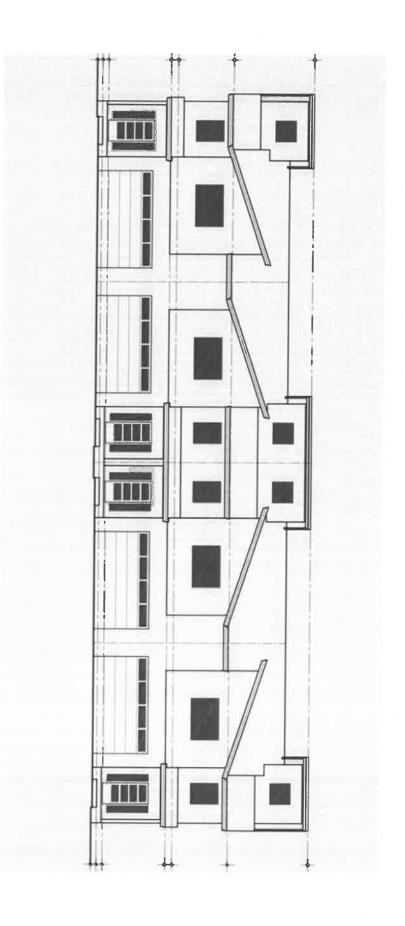
Main Floor Plan



26'-0" each unit 104' four unit total







PLAN COMMISSION RESOLUTION 2022-01

TO RECOMMEND TO THE VILLAGE BOARD AN AMENDMENT TO THE HARRISON COMPREHENSIVE PLAN (Golden)

WHEREAS, the Harrison Plan Commission received an application from Kip Golden to amend the Comprehensive Plan Future Land Use Map from Single Family Residential (sewered) to Multi-Family Residential; and

WHEREAS, a map of the proposed amendment is attached to the Resolution as "Exhibit A"; and

WHEREAS, the amendments have resulted in a Plan that is compliant with the requirements of Section 66.1001(2) Wis. Stats; and

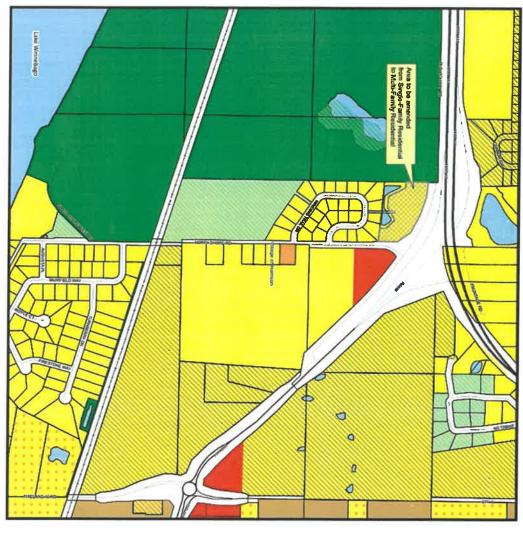
WHEREAS, the Plan Commission has held a least one public hearing on these amendments on February 15, 2022, in compliance with the requirements of Section 66.1001(4)(d) Wis. Stats.

NOW, THEREFORE BE IT RESOLVED, the Harrison Plan Commission recommends to the Village Board the adoption of the amendment from Commercial to Single Family Residential (sewered) for the property described as:

Part Lot 1 North Shore Woods located in the of the Northeast 1/4 of the Southwest 1/4 of Section 15, Township 20 North, Range 18 East, Village of Harrison, Calumet County, Wisconsin, containing 183,970 Square Feet (4.2234 Acres) of land described as follows: Commencing at the West 1/4 corner of Section 15; thence, along the North line of the Southwest 1/4 of said Section 15, S89°11'31"E, 1968.10 feet; thence S00°46'26"W, 98.30 feet to a point on the South right of way line of STH 114 Frontage road, said point being the point of beginning; thence, along said right of way line, S83°28'41"E, 149.47 feet; thence, continuing along said right of way line, S71°38'50"E, 190.70 feet; thence, continuing along said right of way line, S61°16'23"E, 213.57 feet; thence S34°46'45"E, 164.61 feet to the West right of way line of North Shore Road; thence, along said West right of way line, S00°50'52"W, 199.86 feet to the Northeast corner of Lot 5, North Shore Woods; thence, along the North line of said Lot 5 and Lot 6 North Shore Woods, N84°38'26"W, 136.94 feet; thence N01°00'36"E, 67.87 feet; thence N43°27'46"W, 122.88 feet; thence S59°59'12"W, 84.07 feet to the East line Outlot 1, of said North Shore Woods; thence, along said East line, N00°41'10"E, 40.43 feet to the Northeast Corner of said Outlot 1; thence, along the North line of said Outlot 1, N89°18'50"W. 20.00 feet to the Northwest corner of said Outlot 1; thence, along the West line of said Outlot 1, S00°41'10"W, 52.30 feet; thence S59°59'12"W, 46.25 feet; thence N84°26'35"W, 112.29 feet; thence N26°08'43"W, 193.68 feet; thence N84°39'17"W, 60.94 feet to the West line of said North Shore Woods; thence, along said West line, N00°40'26"E 231.30 feet to the point of beginning, subject to all easements, and restrictions of record.

Approved this 15th day of February, 2022.	
Motion for adoption by: Seconded by: Vote Aye: Nay:	
*	Allison Blackmer, Plan Commission Chair

Exhibit A



Future Land Use Map 2004-2023 Legend Subject Property Future Land Use Single Family Residential (sewered) CountyBoundary Road Centerfilme Faddrai Faddrai Mode Hone Park County Single Family Residential (nesewere) Two-Family Residential (nesewere) Forders Mode Hone Park County Parks and Racresion Special Ag-Nacant, Underwelped Special Ag-Nacantas Woodlands Woodlands Special Ag-Nacantas



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PLAN COMMISSION MEETING

VILLAGE OF HARRISON

From:

Meeting Date:

Mark J. Mommaerts, AICP, Assistant Village Manger

February 15, 2022

Title:

Zoning Text Amendment – Tourist Rooming Houses

Issue:

Should the Plan Commission recommend approval of a zoning text amendment related to the section on Tourist Rooming Houses?

Background and Additional Information:

The attorney representing the Village in a claim is recommending the Village amendment some language in the zoning ordinance related to Tourist Rooming Houses (short term rentals). The changes include extending the time from 29 days to 30 days, not requiring a permit if rented less than 10 days a year, and defining "operator" as an authorized agent in charge of the property. Because the language is within the zoning ordinance, the Village must follow the process for zoning text amendments, which includes review and recommendation from the Plan Commission prior to Village Board approval and adoption.

Recommended Action:

Staff recommends approval of the zoning text amendments as requested by the attorney as identified.

Attachments:

- Proposed text amendments
 - o Deletions = strikethrough
 - o Additions = italics underline

REGULATION OF TOURIST ROOMING HOUSES.

- (1) It shall be unlawful for any person to operate a Tourist Rooming House (TRH) in the Village of Harrison *for more than ten (10) nights each year* without a permit issued by the Zoning Administrator.
- (2) Definitions. For the purposes of this section:
 - (a) A "tourist rooming house" is a dwelling unit, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients for stays between one (1) and twenty-nine (29) thirty (30) days. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients.
 - (b) An "operator" is a person who is the owner or lessee <u>or authorized agent in charge</u> of property being used as a Tourist Rooming House (TRH) and who is conducting the TRH business by, among other things, interacting digitally and in person with guests and is identified in TRH listings and advertisements as the TRH "host." An operator may not be a LLC, Trust, Nonprofit, or other corporate entity.
 - (c) A "primary residence" is a dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.
 - (d) A "Bedroom" is any habitable space in a Dwelling Unit other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas, is within the dwelling unit thermal envelope, that is at least seventy (70) square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation according to the Uniform Dwelling Code, Wis. Admin. Code Chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code Ch. SPS 366. A room identified as a den, library, study, office, dining room, or other extra room that satisfies this definition will be considered a bedroom.
 - (e) "Multiple Unassociated Parties" is two (2) or more individuals who separately book accommodations at the same TRH on any shared date.
- (3) Application. Any person wishing to operate a TRH shall submit an application in writing to the Zoning Administrator along with a non-refundable application fee as outlined in the Fee & Penalty Schedule, reference this code section. Any submitted application that is not completed and still pending within one (1) year of the date the application is filed and the application fee is paid shall be administratively closed and the applicant must begin the licensing process anew.
 - (a) All applications shall state each of the following:
 - 1. The name and address of the TRH operator.
 - 2. The address of the proposed TRH.
 - 3. Whether the TRH operator is the owner or lessee of the property.
 - 4. Whether the proposed TRH is the primary residence of the operator.
 - 5. Whether the TRH operator proposes to use the TRH solely for stays of more than six (6) but fewer than twenty-nine (29) thirty (30) consecutive days.

- 6. Whether the proposed TRH is contained in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association.
- 7. Any other information the Zoning Administrator may reasonably require.
- (b) All applications shall be accompanied by documented proof that:
 - 1. The applicant has registered to pay room tax as required;
 - 2. In the case of a renter/applicant, a signed lease explicitly allowing the renter to operate a TRH at the property, a copy of the form used to notify property owner of the TRH operation, acknowledgement from property owner that they have been notified of the TRH operation;
 - 3. In the case of an owner who proposes to operate a TRH in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association, a letter of permission from the condominium association which states that the operation of a TRH in the dwelling unit is allowed by the condominium association's rules, regulations, or bylaws; and
 - 4. Any other information the Zoning Administrator may reasonably require.
- (c) All applications shall be accompanied by the following documentation:
 - 1. Floor plans of the dwelling unit intended for use as tourist rooming house.
 - 2. Contact phone numbers and email addresses of both the property owner and TRH operator.
 - 3. A listing of all websites and places where the TRH operator has advertised and intends to advertise the TRH.
 - 4. A signed and notarized affidavit stipulating that the TRH is the operator's primary residence or that the TRH will be used solely for stays of more than six (6) but fewer than twenty-nine (29) thirty (30) days.
 - 5. Any other information the Zoning Administrator may reasonably require.
- (4) Regulations. Prior to receiving a TRH permit, the operator shall provide the following:
 - (a) Notice to the property owner (unless the property owner is also the operator) and all properties within 200-feet of the property providing a brief description of the proposed TRH and how often the operator intends to rent the property. A copy of such notice as well as a list of addresses the notice was sent shall accompany the application.
 - (b) The owner or operator of the Tourist Rooming House shall register with the appropriate entities and shall pay room tax as required under law.
 - (c) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a TRH in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as TRH if explicitly allowed by the condominium association.
 - (d) If the tourist rooming house is operated for stays of more than six (6) but fewer than twenty-nine (29) thirty (30) consecutive days, the tourist rooming house may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. §66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the TRH operator must give the Zoning Administrator notice of the first rental of any 365-day period.
 - (e) If the tourist rooming house is operated for stays of one (1) to six (6) consecutive days, the tourist rooming house shall be the operator's primary residence.

- (f) If an operator who is operating a TRH pursuant to sub. (e) above occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.
- (g) If an operator who is operating a TRH pursuant to sub. (e) above does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per permitting year; July 1 to June 30th.
- (h) If an operator who is operating a TRH pursuant to sub. (e) above does not occupy the residence at the time of the rental, the TRH may not be rented to Multiple Unassociated Parties at the same time.
- (i) Maximum tourist occupancy shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or ten (10). Children under the age of 12 shall not count toward the maximum tourist occupancy.
- (j) There shall be at least two designated off-street parking spots on the short-term rental property for guests.
- (k) All short-term rental property owners or guests must abide by the noise regulations.
- (1) No recreational vehicles (RVs), campers, tents, or other temporary lodging arrangements shall be permitted on site as a means of providing additional accommodations for paying guests or the owner of the property.
- (m) Providing meals to guests is prohibited.
- (n) Owner to present proof of insurance at time of application.
- (o) A TRH shall be available for inspection by Village staff with at least forty-eight (48) hours prior written notice. However, in the event the Village has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.
- (p) All advertisements of the tourist rooming house, including advertisements on the website of a Lodging Marketplace, must contain a clearly displayed valid TRH permit number issued under this ordinance.
- (5) Inspection. Prior to issuing a permit to operate a TRH or approving the renewal of an existing permit, the Zoning Administrator or designee shall inspect the premises to ensure compliance with this ordinance. At all other times, a TRH shall be available for inspection by Village staff with at least forty-eight (48) hours prior written notice. However, if the Village has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times.
- (6) Permit Issuance. The Zoning Administrator shall grant at TRH permit upon verification of a complete TRH application and compliance with this ordinance, including specifically the regulations contained in Section (4) above related to the operation of a TRH.
- (7) Transferability. Permits issued under this Section shall not be transferrable.
- (8) Permit Fees. The fee for a TRH operator permit shall be as stated in the Fee & Penalty Schedule for new and renewals. Annual permits shall expire on the thirtieth (30) day of June after the granting thereof. Renewal permits shall be obtained on or before June 30 of each year as provided in sub. (9) below or be subject to a late filing fee equal to twice the renewal fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a permit.
- (9) Renewal. TRH operator permits shall be renewed by the thirtieth (30) day of June of each year. Prior to receiving a renewal permit, the TRH operator shall provide the Zoning Administrator with any updates or changes to any of the documentation required in sub. (3)

- & (4) above or submit a statement to the Zoning Administrator stating there have been no changes to the information contained in the documentation. Prior to issuing a renewal permit, the Zoning Administrator may conduct a reinspection as provided in sub. (5) above.
- (10) Enforcement and Violations. The Zoning Administrator or designee shall enforce this ordinance. Any person who operates a TRH without a permit or in violation of this ordinance, upon conviction thereof, shall be fined in accordance with the Fee & Penalty Schedule, reference Section 1.16 General Penalties. Each day or portion thereof such violation continues shall be considered a separate offense. Any fine imposed under this subsection shall be doubled if the violator's permit has been revoked under Sub. (11) below.
- (11) Revocation. The Zoning Administrator or the Village Board may suspend, deny or revoke a permit issued hereunder for failure of a permittee to comply or maintain compliance with, and/or for violation of, any applicable provisions of this ordinance. Any such suspension or revocation is reviewable under Sec. 32.56 of the Harrison Village Code. A revocation shall result in a 6-month prohibition on the issuance of a new permit at the property.
- (12) Initial Compliance Date. This ordinance becomes effective on July 1, 2021. All TRH Operators in the Village of Harrison shall obtain a permit as required by this section no later than July 1, 2021. TRH Operators that applied prior to July 1, 2021 under Ord V20-12 may have the application fee applied to the TRH Application.

EFFECT. This ordinance shall be in force and effect upon passage and publication as provided by law.

Village of Harrison

January-22 Zoning Permit Report

Combined Total		Total Com /Ind	Miscellaneous	Acc. Structures	Additions	New	Com./Ind.	i otal nesidelitidi	Total Posidonai	Microlloppor	Additions	Multi Family (units)	(wo Family (units)	Single Family	Residential					
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