

VILLAGE OF HARRISON
Plan Commission Meeting Minutes
July 18, 2023

A meeting of the Plan Commission was called to order at 6:00 pm at the W5298 State Hwy 114 Menasha, WI 54952 on Tuesday, July 18, 2023. After the Pledge of Allegiance was recited, roll call was taken.

Present: Darlene Bartlein, Mark Van Hefty, Dennis Reed, Jim Lincoln, President Allison Blackmer, Bob Mayfield, and Scott Chicoine.

Staff: Josh Sherman, Assistant Planner and Meghan Winkler, Deputy Clerk/Treasurer

1. Call to Order
2. Pledge of Allegiance
3. Roll Call of Plan Commission
4. Public Comments

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.

No public comment

5. Approve Minutes
 - June 20, 2023

MOTION: Van Hefty/Bartlein to approve the minutes of June 20, 2023 as printed and circulated. Motion passed 7-0

6. Convene Meeting and Enter Public Hearing

MOTION: Bartlein/Chicoine to convene meeting and enter public hearing at 6:02 pm. Motion passed 7-0

- a. Conditional Use Permit – Bayland Buildings, Inc. – N9695 County N

Letter from Wagner Family Chiropractic – N110 Brux Road, Appleton, WI

Letter from Lexana Rutz N135 Brux Road Appleton WI

Paula Ulmen N9663 Mary Dr – spoke regarding driveway concerns

Kate Laidlaw N9692 Mary Dr – spoke regarding traffic concerns, and car wash hours

Jeff Vandenboogaard W5749 Cty Hwy KK – spoke regarding concerns

Kurt Eastling - N9667 Mary Drive – spoke regarding traffic concerns

Jim Brehmer N9666 mary Drive – spoke regarding traffic concerns

Michael Maigatter N9669 Mary Dr – spoke regarding concerns

Dinesh Tiwari- BP owner – spoke in opposition

MOTION: Mayfield/Van Hefty to reconvene regular meeting at 6:30 pm.

Motion passed 7-0

MOTION: Bartlein/Chicoine to convene meeting and reenter public hearing at 6:32

pm. Motion passed 7-0

- b. Zoning Map Amendment – Dale and Cindy Marx – Schmidt Rd.

No speakers

7. Close Public Hearing and Reconvene Regular Meeting

MOTION: Mayfield/Van Hefty to reconvene regular meeting at 6:34 pm.

Motion passed 7-0

8. New Business for Discussion, Consideration, and/or Action

- a) Conditional Use Permit – Bayland Buildings, Inc. – N9695 County N

The applicant Bayland Builders, Inc. is seeking a Conditional Use Permit (CUP) to construct and operate a Shell Gas Station at N9695 County N, which is the old Darboy Club Site, located on the corner of County KK and County N. The Shell Gas station would consist of a fuel pump station running parallel along County KK, a convenience store—with a Baskin Robbins ice cream shop—and a tunnel car wash directly west of the convenience store.

The property is zoned Community Commercial [CC]. Car washes and Gasoline/fueling stations are both conditional uses under the Community Commercial zoning district. Convenience stores are a permitted use under the current zoning.

This location was under a Development Agreement, dated May 12, 2021, where the Developer agreed to market the property to businesses other than retail fuel for two years. After two years, any use listed within the Zoning District applied to the property may be approved by the Village. It has been over two years since the agreement has been entered.

The convenience store would consist of approximately 5,500 square feet, which includes a Baskin Robbins ice cream shop with a drive thru window. The Baskin Robbins will occupy 1,500 square feet of the store. There will be a tunnel car wash building of approximately 3,200 square feet. The fueling island will have 5 fuel dispensers with 10 fueling positions with 5 grades of Shell branded fuel. The applicant is also obtaining approval for Shell branded electric charging dispensers with up to 4 charging stations.

The proposed hours of operation are:

Convenience Store	5:00 am to 12:00 am daily
Car Wash	5:00 am to 11:00 pm daily
Fuel and charging island	24 hours
Baskin Robbins	10:00 am to 10:00 pm daily

Total employment will be approximately 16 total persons with up to 5 employees on a shift. Occupancy can reach up to 35 customers. The location will not have any outside storage or vehicles – with the exception of an enclosed refuse center.

The exterior of the convenience store and tunnel car wash will consist mostly of brick veneer, with some natural cut stone and metal paneling.

The Calumet County Sheriff's Office had concerns with the hours of the car wash and communicated that limiting the car wash hours may help eliminate complaints from nearby residents.

The Calumet County Highway Commissioner is aware of the proposal and that increased traffic may spill onto County KK and County N. The county envisions it difficult to grant any additional access points. The County is working with the developer to reroute the storm sewer, which had a long standing easement going directly through the property

The Fire Chief has reviewed the concept plan and is okay with the ingress/egress. Should the conditional use be approved the Fire Chief will further review the site plan during the site plan review stage as part of the site plan review committee.

MOTION: Van Hefty/Bartlein to approve the Conditional Use Permit under the current zoning with staff recommendations 1-13 below and updated carwash hours of 6:00 am – 10:00 pm.

- 1. Carwash hours shall be 6:00 am to 10:00 pm rather than 5:00 am to 11:00 pm.*
- 2. A Site Plan Review Application, along with a detailed site plan—pursuant to Article XIII of the zoning ordinance—is required prior to the issuance of zoning and building permits.*
- 3. A Stormwater Management & Erosion Control application is required prior to the issuance of zoning and building permits.*
- 4. All wall-mounted exterior lighting shall be direct cut-off fixtures.*
- 5. Freestanding light fixtures shall have a maximum height of 25 feet.*
- 6. A planting landscape, buffer, or berm, shall be planted on the south side, but west of the entrance on County N.*
- 7. A dumpster enclosure shall be provided that meets, or exceeds, the requirements of the zoning ordinance.*
- 8. All provisions of the Harrison Zoning Ordinance shall be met.*
- 9. A sign permit must be obtained for all new or changed signage.*
- 10. A zoning permit must be obtained for the additions and accessory buildings.*
- 11. A building permit must be obtained for the additions, interior remodel, and accessory buildings.*
- 12. The project shall comply with all other local, state, and federal requirements.*
- 13. The developer shall acknowledge the conditions of approval and agree to abide by all conditions.*

Motion passed 6-1

- b) Certified Survey Map – Dale and Cindy Marx – Schmidt Rd

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 1-lot residential parcel for a new home. The CSM would split 2.973 acres (Lot 1) from existing parcel 40526, which currently is 29.11 acres.

The applicant has applied to rezone the new lot to Rural Residential [RR] from General Agriculture [AG]. There is no controlled access on Schmidt Rd. west of State Hwy 55.

There are established residential lots zoned Rural Residential to the east and north of the proposed new lot. The applicant plans to keep the parent parcel 40526 zoned General Agriculture.

MOTION: Chicoine/Mayfield to approve the Certified Survey Map (CSM) request as submitted.

Motion passed 7-0

c) Zoning Map Amendment – Dale and Cindy Marx – Schmidt Rd

The applicant is proposing to rezone property located on Schmidt Rd from General Agriculture [AG] to Rural Residential [RR]. The proposed location is a new lot, created by a Certified Survey Map, that abuts site address W4495 Schmidt Rd to the West and South.

The purpose of the rezoning is to create a 1-lot residential parcel for a new home. The Comprehensive Plan and Future Land Use Map identifies this property as ‘Ag, Vacant, Undeveloped.’ The Rural Residential [RR] district is intended to be approved in areas identified as Single Family Residential (unsewered), Farmstead Homes and Ag, Vacant, Undeveloped on the future land use map in the Comprehensive Plan. The proposed rezoning is consistent with the Comprehensive Plan.

MOTION: Van Hefty/Lincoln to approve the Zoning Map Amendment from General Agriculture [AG] to Rural Resident [RR] as submitted.

Motion passed 7-0

d) Certified Survey Map – Don Mielke – Mielke Road

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 1-lot residential parcel for a new home. The CSM would split 1.215 acres (Lot 1) from existing parcel 43796, which currently is 19.34 acres of Ag land. The proposed new lot is already zoned Rural Residential [RR]. Parent parcel 43796 would remain zoned General Agriculture [AG].

There are established residential lots zoned Rural Residential to the west of the proposed new lot while the land to the east is zoned General Agricultural.

MOTION: Chicoine./ Van Hefty to approve the Certified Survey Map (CSM) request as submitted.

Motion passed 7-0

d) Report: Zoning Permits

The reports and permits are on file at Village Hall.

9. Set Next Meeting Date

- Tentatively August 22, 2023 at 6:00 pm

10. Adjournment

MOTION: Bartlein/Lincoln to adjourn at 7:02 pm.

Motion passed 7-0

Prepared by: Meghan Winkler, Deputy Clerk/Treasurer
Dated: 07/24/2023