

ONEIDA COUNTY PLANNING & ZONING
JANUARY 2, 2008
12:30 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Chairman Bob Metropulos
Scott Holewinski
Larry Greschner
Frank Greb
Ted Cushing

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kim Gauthier, Secretary

Other County Staff: (None)

Guests Present: Kevin Jenkins, Ben Loma, Russ Cavins, Jim Rein, Bob Att, Marjorie Ehlers,
Lawrence Ehlers, James Green, Jerilyn Green

Call to order

Chairman Bob Metropulos called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law.

Discussion/decision to approve the agenda

Motion by Ted Cushing, second by Larry Greschner to approve the agenda. With all members present voting "ayes", the motion carried.

It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

Motion by Scott Holewinski, second by Frank Greb to go into closed session. With all members present voting "aye", the motion carried.

A roll call vote will be taken to return to open session.

Motion by Larry Greschner, second by Ted Cushing to return to open session. Frank Greb "aye", Scott Holewinski "aye", Bob Metropulos "aye", Ted Cushing "aye", Larry Greschner "aye". The motion carried.

The Committee conferred with legal counsel during closed session regarding litigation, no decisions were made.

Discussion/decision involving approving regular meeting minutes of November 28, 2007.

Motion by Frank Greb, second by Ted Cushing to approve the regular meeting minutes of November 28, 2007. With all members present voting "aye", the motion carried.

Discussion/decision involving approving Public Hearing meeting minutes of November 28, 2007.

Motion by Larry Greschner, second by Ted Cushing to approve the public hearing meeting minutes of November 28, 2007. With all members present voting “aye”, the motion carried.

Discussion/decision involving holding a Public Hearing in the Town of Three Lakes for Clearwater Lake Club Condominium.

Karl Jennrich noted both Tony Hallman and Junior Stebbeds agree to hold a public hearing regarding the Clearwater Lake Club Condominium at a mutually agreed upon date.

Motion by Ted Cushing, second by Frank Greb to direct staff to work with the town of Three Lakes and staff to hold a public hearing in the town of Three Lakes regarding the Clearwater Lake Club Condominium project. With all members present voting “aye”, the motion carried.

Frank Greb discussed his disagreement with land use condominiums.

Mr. Jennrich described the current situation along with density regulations and other examples of land use condos in Oneida County.

Further discussion on density limitations and what is allowed.

Discussion/decision involving Section 9.73, Dwelling Overlay Districts. The Committee may be making Amendments to Section 9.73.

Mr. Jennrich referred to memo dated 12/27/07 and draft language (Exhibit #1). Mr. Jennrich commented that 9.73(A)(4), the word “dwellings” will be replaced with “dwelling units”.

Mr. Holewinski asked if the changes presented today were what were submitted to the County Board on August 21st.

Mr. Jennrich commented that at the October 3, 2007 Planning and Zoning meeting the committee agreed to send the “dwellings and dwelling units” language to the next public hearing along with striking sub (F) and (G). Mr. Jennrich noted the ordinance has a definition of both terms and the change would keep uniformity in all ordinance language.

Mr. Holewinski recommends submitting the changes previously made to the County Board. Mr. Holewinski commented that the public was not against the changes when discussed at the last public hearing. Mr. Holewinski recommends submitting the changes and not elimination to the County Board for their decision.

Mr. Jennrich commented that the dwelling unit changes need to be made prior to submitting the proposed language change to the County Board.

Motion by Scott Holewinski, second by Larry Greschner to instruct staff to submit the amendments made to 9.73 at the August 21, 2007 County Board meeting and bring back to the Zoning Committee for approval prior to submitting to the County Board. Frank Greb “aye”, Scott Holewinski “aye”, Bob Metropulos “nay”, Ted Cushing “aye”, Larry Greschner “aye”.

Mr. Jennrich agreed to supply the Committee with the August 21, 2007 meeting minutes.

Mr. Holewinski asked that the changes be brought to the Committee on January 30, 2008, as he will not be available for the next meeting.

Discussion/decision involving 9.42 (H) Lapse of a Conditional Use Permit. The Committee may extend the time frame to substantially commence a Conditional Use Permit.

Mr. Jennrich referred to the memo dated December 27, 2007 and attachments provided to the Committee (Exhibit #2). Mr. Jennrich noted legal counsel was consulted and other counties were reviewed as examples and the Committee must decide which direction they would like to go on this matter.

Committee asked Jim Rein to comment on the issues he is dealing with. Mr. Rein explained examples in Minocqua and the Town of Newbold and request that the conditional use permit be allowed to be extended.

Committee discussion on the meaning of "substantially commenced".

Mr. Greschner and Mr. Cushing agree that they like how Manitowoc County is dealing with the issue and would recommend an extension if justified.

Mr. Jennrich commented that an extension may not be allowed if there are substantial ordinance changes that would affect the permit.

Motion by Larry Greschner, second by Ted Cushing to direct staff to write language similar to Manitowoc County regarding conditional use permit extensions and bring before the Committee rather than the Zoning Administrator. With all members present voting "aye", the motion carried.

Discussion/decision involving withdrawn Zoning Permit Application of James Bourne on property described as S 2/3 of Lot 4 of 1st Addition to Glenco, Section 33, T39N, R7E, PIN# WR 776-1, Town of Woodruff.

Motion by Larry Greschner, second by Scott Holewinski to uphold staff's ruling regarding the permit for Mr. James Bourne, Town of Woodruff, agenda item number ten, based on legal counsel recommendation. With all members present voting "aye", the motion carried.

Discussion/decision involving October 29, 2007 letter from Wisconsin Department of Natural Resources concerning Little Rice Resort Compliance.

Mr. Jennrich referred to the DNR memo distributed to the Committee (Exhibit #3) regarding Little Rice Resort non-compliance. Mr. Jennrich noted the DNR is requesting that the department work with the resort and bring it into compliance with the floodplain ordinance. Mr. Jennrich requested that he and Tom Bablitch work with the resort and the town assessor.

Motion by Ted Cushing, second by Scott Holewinski instructing staff to meet with the Town of Little Rice Assessor and Tom Bablitch to gather further information to determine when the recreation vehicles were placed on the property. With all members present voting "aye", the motion carried.

Discussion/decision involving forwarding Rezone Petition #15-2007, a rezone in the Town of Minocqua, to the Oneida County Board of Supervisors.

Committee reviewed rezone petition #15-2007 (Exhibit #4).

Motion by Larry Greschner, second by Ted Cushing to forward rezone petition #15-2007, Town of Minocqua to the County Board for consideration. With all members present voting "aye", the motion carried.

Discussion/decision involving forwarding Rezone Petition #20-2007, a rezone in the Town of Nokomis.

Committee reviewed rezone petition #20-2007 (Exhibit #5).

Motion by Ted Cushing, second by Frank Greb to forward rezone petition #20-2007, Town of Nokomis to the County Board for approval. With all members present voting "aye", the motion carried.

Discussion/decision of line item transfers, refunds, purchase orders and bills

Mr. Jennrich presented bills, refunds and purchase orders in the amount of \$434.09 and \$189.00 (Exhibit #6 and #7).

Motion by Scott Holewinski, second by Ted Cushing to approve the one refund as presented. With all members present voting "aye", the motion carried.

Motion by Frank Greb, second by Larry Greschner to approve the bills and purchase orders as presented. With all members present voting "aye", the motion carried.

Discussion/decision to approve future meeting dates

The following meetings are scheduled: January 16th, January 30th

Public comments

Chairman Metropulos asked if there were any public comments.

Russ Cavins commented regarding Section 9.73, that the Committee asked at the public hearing that for the sake of time the public show by raising their hands if they are for elimination. Mr. Cavins commented that he specifically asked if he would be able to comment on the amendments at a later time and the Committee told him "yes". Mr. Cavins commented he believes Mr. Holewinski's comment that the public was able to speak on the amendments is an error, as he was not able to at the public hearing.

Dave Schmitz commented that he agrees with Mr. Cavins comment that the public did not get to speak on the amendments. Mr. Schmitz also commented that he believes the county's legal counsel told the Committee that there was a conflict with Section 9.50, regarding non-conforming structure expansion and/or replacement.

Mr. Jennrich commented that another opinion will be obtained from legal counsel.

Mr. Schmitz also commented that he is waiting for an answer regarding the question he posed to the Committee approximately one month ago. Mr. Jennrich will look into this further.

Ben Loma commented on the public hearing regarding Section 9.73, noting he listened to the tapes of the public hearing several times and it is clear that public comment was regarding elimination. Mr. Loma also commented that when he read his letter at the public hearing, he noted there was an issue with 9.50, as indicated earlier by Mr. Schmitz.

Mr. Holewinski asked that the department research the public hearing minutes of the 9.73 meeting and forward to all Committee members.

No other comments. Public comment closed.

Discussion/decision regarding future agenda items.

Mr. Cushing asked about the progress on the Adult Oriented Business ordinance. Mr. Jennrich indicated the department is waiting for a response from the Department of Natural Resources and legal counsel.

Mr. Jennrich commented that staff is also working on revisions to the subdivision ordinance.

Adjourn

1:52 p.m. Adjourn meeting.

Motion by Frank Greb, second by Ted Cushing to adjourn. With all members present voting "aye", the motion carried.

Chairman Bob Metropulos

Karl Jennrich, Zoning Director