

ONEIDA COUNTY PLANNING & ZONING
March 18, 2009 2:00 P.M.
PUBLIC HEARING – COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski
Ted Cushing
Larry Greschner
Charles Wickman
Frank Greb

Department staff present: Karl Jennrich, Zoning Director
Kathy Ray, Land Use Specialist
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (None)

Guests present: Jim Rein, Ed Cottingham

Call To Order:

Chair, Scott Holewinski called the meeting to order at 2:00 p.m., in Committee Room #2, 2nd Floor Oneida County Courthouse, Rhinelander, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda

Motion by Frank Greb, second by Ted Cushing to approve the agenda. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Joe Ritchie of Ritchie Lakeland Oil Co. Inc., for expansion of the existing business on property described as part of the NE NE and Gov't Lot 1, Lots 1, 2 & 3 of CSM V3 P688 of Section 11 and part NW NW and Gov't Lot 1 of Section 12, all in T39N, R6E at 8783 Hansen Road, PIN#'s MI 2169-5, 2169-6, 2169-7 & 2169-10, Town of Minocqua.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on March 3, 2009 and March 10, 2009, along with the Lakeland Times the week of March 2, 2009. The notice was posted on the Oneida County courthouse bulletin board February 26, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the following correspondence was received:

- Letter from the Town of Minocqua who recommended approval with contingencies as read.
- Letter from Richard Rhode opposing the permit, as read.

Mr. Jennrich indicated staff attended various town meetings regarding this issue.

Jim Rein, agent commented described the history of this property and the department involvement, noting a portion of the property is zoned Business and the lake front area is zoned Single Family.

Kathy Ray, Land Use Specialist provided a report (PH Exhibit #1) of the request. Ms. Ray commented that all four of Mr. Ritchie's parcels will be affected by the proposed expansion. Ms. Ray described the department's involvement and previous on-site visits. Ms. Ray indicated the general standards were supplied and the following conditions apply:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Subject to Town conditions as outlined in attached letter dated March 9, 2009 excluding the fire protection condition.
3. Proper permit for screening fence to be obtained prior to construction.
4. All screening projects to be completed by July 1, 2009 (including berms and fencing) see exhibit #2.
5. Must maintain proper screening around dumpster(s). Applicant to recycle waste material as required.
6. The storage of propane tanks to be limited to the storage areas indicated on the attached map stamped received February 24, 2009.
7. Storage area to maintain proper screening and to be located in the areas as indicated on attached map stamped received February 24, 2009.
8. ~~North parking lot near intersection of Hansen Road and County Hwy J limited to seasonal trucks during fuel delivery "peak" season or for service trucks during "off" season. (out)~~
9. No salvage material/items/inventory (including vehicles) shall be stored on the property. The property is not to be used for a disposal site (CUP #17-05).
10. Staff on-site inspection quarterly to verify compliance of all aspects of this conditional use permit.
11. Failure by applicant to abide by all conditions of the CUP may lead to revocation of said permit.

Mr. Holewinski questioned the screening on the property and recommended the condition include screening to be non-visible as described by the pump area to the south of the property line and easement road (PH Exhibit #2).

Committee recommended that the conditions be reviewed by staff and inspected more often until the project is complete. Committee asked that condition number eight be taken out and number ten include inspections to be done "quarterly". The Committee also recommended condition number two exclude the requirement of fire protection as this can not be monitored by the department. Mr. Greschner commented that he does not understand why the department has taken so long to address this issue and why the original conditions were not enforced.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times). No comment was made.

Motion by Ted Cushing, second by Frank Greb to approve the after the fact conditional use permit of Joe Ritchie of Ritchie Lakeland Oil, agenda item number three, with the general standards having been met, staff concerns and conditions as changed, along with town conditions excluding fire protection and that the Director issue a letter to Joe

Handrick regarding fire codes. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Lawrence Bacon, owner to operate an outdoor storage yard for personal equipment and building materials at 8015 Hwy 45 & 32, being described as part NE SW, Section 24, T39N, R10E, PIN# TL 279, Town of Three Lakes.

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhinelander Daily News, published on March 3, 2009 and March 10, 2009, along with the Vilas County News Review the week of March 2, 2009. The notice was posted on the Oneida County courthouse bulletin board February 26, 2009. The certified and first class mailing list was read into the record. Mr. Jennrich noted the notice recipient list was part of the record and available for review.

Mr. Jennrich indicated the certified letter send to Mr. Bacon came back to the office “unclaimed”. Mr. Jennrich recommended postponing a decision, but to take any public comment on the matter since it was published.

Motion by Larry Greschner to table until Mr. Bacon is contacted. Motion was withdrawn by Mr. Greschner.

Mr. Jennrich indicated the following correspondence was received:

- Letter from the Town of Three Lakes recommending denial as indicated in the 2/20/09 letter.

Ms. Wilson referred to the report provided (PH Exhibit #3) and map supplied. Ms. Wilson indicated the application is somewhat incomplete and the storage items are already on the property. Ms. Wilson noted the department is not recommending approval based on the nine general standards that are not met (see report).

Mr. Holewinski asked if there was any public comment for or against the issue at hand.

Ed Cottingham, Three Lakes Town Board, commented that after review of the application the town did not recommend approval. Mr. Cottingham commented that this is an environmental disaster which will create hazards. Mr. Cottingham commented that the applicant has demonstrated great irresponsibility and an inability over the years and would recommend denial of the application.

Mr. Jennrich commented that when an applicant submits a CUP application he/she does not have to be present for the public hearing. Mr. Jennrich commented that the committee can choose to act today with out the applicant present. Mr. Jennrich commented on the reasons the department can not recommend approval.

Motion by Larry Greschner, second by Charles Wickman to deny the conditional use permit of Lawrence Bacon based on town and staff recommendations and that the general standards were not met, neither does the Director recommend approval. With all members present voting “aye”, the motion carried.

Adjourn

3:10 p.m. Motion made by Charles Wickman, second by Ted Cushing to adjourn the public hearing. With all members present voting “aye”, the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director