

**ONEIDA COUNTY PLANNING & ZONING**  
**June 16, 2010**  
**1:00 P.M. REGULAR SESSION**  
**2:00 P.M. PUBLIC HEARING**  
**COMMITTEE ROOM #2, SECOND FLOOR COURTHOUSE**  
**2<sup>ND</sup> FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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Members present: Larry Greschner, Vice Chair  
Dave Hintz  
Billy Fried  
Gary Baier

Members excused: Chairman Scott Holewinski

Department staff present: Karl Jennrich, Zoning Director  
Pete Wegner, Assistant Zoning Director  
Steve Osterman, Planning Manager  
Nadine Wilson, Land Use Specialist  
Kathy Ray, Land Use Specialist  
Lila Dumar, Secretary

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: Kent Petersen, Bob Winat, Joe Handrick, Sue Heil, Dick Heil, Jason Burns, Ryan Wolfe, Adam Alesakas, Ann Alesakas

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Call to order.

Larry Greschner, Vice Chairman, called the meeting to order at 1:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Greschner noted the agenda was properly posted. Chairman Scott Holewinski is excused from today's meeting.

Approve the agenda.

**Motion by Dave Hintz, second by Gary Baier to approve the amended agenda as posted. With all members present voting "aye", the motion carried.**

Approve meeting minutes of April 21, 2010.

**Motion by Billy Fried, second by Gary Baier to approve the meeting minutes of April 21, 2010 as presented. With all members present voting "aye", the motion carried.**

Approve meeting minutes of May 5, 2010.

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**Motion by Gary Baier, second by Dave Hintz to approve the meeting minutes of May 5, 2010 as presented. With all members present voting “aye”, the motion carried.**

Preliminary 14-lot County Plat of Petersen Commercial Park for Kent Petersen on property described as part SE NE (Lot 1 Blk 3 Plat of Sprucewood) Section 34 and all of SW NW, Section 35, all in T39N, R6E, PIN’s MI 3948 and MI 2512, Town of Minocqua.

Nadine Wilson, Land Use Specialist, reviewed this project. Stu Foltz, Stu Foltz & Associates, is present. This is a full forty that is zoned commercial. The minimum lot requirements have been met. Soil borings were conducted on all lots, which show all conventional septic systems. There are no slopes or wetlands. This subdivision has been approved by the Minocqua Plan Commission and the Minocqua Town Board with no concerns. This subdivision was reviewed by the Department of Transportation and is subject to DOT 82.10 and DOT 236.40. The developer has been informed of what the DOT is requiring and to contact Mr. Rady or Mr. Winat at the DOT.

Nadine Wilson, Land Use Specialist, recommended approval subject to the following:

1. Fire numbers are obtained from LIO.
2. Lots 1&4 access the new town road.
3. Lots 6 & 14 are not allowed to use the easement road.

Stu Foltz stated that the review fee for this subdivision is excessive (\$1400). The subdivision is relatively simple, with no complications and the time spent on it by the Department was minimal.

**Motion by Billy Fried, second by Dave Hintz, to approve the 14-lot County Plat of Petersen Commercial Park, subject to staff and town concerns and the review fee being reduced to \$1,000.00. With all members voting “aye” the motion carried.**

2009 Wisconsin Act 392 Information.

Karl Jennrich, Zoning Director, gave a brief summary of 2009 Wisconsin Act 392. The three year time frame to complete the inventory has been superseded by a statutory deadline of October 1, 2013. The five year time frame to develop and implement a maintenance program has been superseded by a statutory deadline of October 1, 2015. This means that the deadline has been changed from three years to five years. Oneida County plans to stay within the original three year deadline, but will have the extra time if needed. The Committee reviewed the 2010 County Maintenance Reporting Capability Survey. The estimate of POWTS in Oneida County is approximately 26,000, with approximately 13,000 on the maintenance system.

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John Hahn property located at 1997 The Point Road West, being described as Point 'O Pines Subdivision, Lot 6, Block 3, Section 33, T36N, R6E, PIN NO 725, Town of Nokomis. The Committee will discuss possibly scheduling an onsite to review structures located on this property.

Peter S. Wegner, Assistant Zoning Director, stated that this is an active enforcement case. Scott Holewinski asked that this be on the agenda so the Committee could discuss whether or not to visit the site.

Gary Baier stated that this situation was the result of the owner, John Hahn, trying to comply with the zoning ordinance. The outcome being negative storm water runoff with erosion.

**Motion by Dave Hintz, second by Billy Fried for the committee to visit the site, tentatively on July 7, 2010. With all members voting "aye" the motion carried.**

Conditional Use Permit #172-07 and 2010-16 of Al Bromann, owner Brit Bromann, agent for property described as NE SE, Section 24, T37N, R6E, PIN CA 366, Town of Cassian. The Committee will be discussing the addition of a second race track.

Steven R. Osterman, Planning Manager, reviewed Mr. Bromann's request. Brit Bromann is also present. Mr. Osterman stated that Mr. Bromann would like to add a second race track.

Karl Jennrich, Zoning Director, provided a letter from Chip Bromann, who has concerns with the addition of another track and its affect on the golf course operation.

Brit Bromann stated that this would be strictly limited to the winter months and would not impact the operation of the golf course. The second racetrack is needed as an alternate track to allow for maintenance of the 1<sup>st</sup> racetrack.

**Motion by Gary Baier, second by Dave Hintz to approve the addition of a racetrack, subject to the conditions of CUP 172-07 and CUP 16-10; No new CUP will be required for the addition of a second racetrack. It is understood that some latitude be given if a race runs over for a few minutes. With all members voting "aye" the motion carried.**

Purchase orders and bills.

Bills to be approved are \$10, 852.00.  
Purchase orders are \$758.77

**Motion by Gary Baier, second by Dave Hintz, to approve the purchase orders and bills. With all members voting "aye" the motion carried.**

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Line items transfers, refunds

Refund to Dave Havel - \$250.00 (CUP/ARP)

Refund to Paul Oppman - \$150.00 (SAP)

Line items - \$140.00

**Motion by Gary Baier, second by Billy Fried to approve the refunds and line items as presented. With all members voting "aye" the motion carried.**

Approve future meeting dates: July 7 and July 21, 2010.

It was the consensus of the committee to schedule the meeting dates for July.

Public comments.

There were no public comments.

Future agenda items.

Nothing was discussed.

1:53 PM - The committee recessed.

**2:00 PM - CONDUCT PUBLIC HEARING ON THE FOLLOWING:**

Conditional Use Permit Application of R&K Investments LLC, d/b/a The Junkyard Pub and Eatery, Bub Klasinski, agent to construct an outdoor patio seating area for dining, stereo sound and possible live entertainment on property described as Village of Woodruff, W1/2 of Lot 2 Block 3, Section 2, T39N, R6E, 1021 1<sup>st</sup> Avenue, PIN WR 478-1, Town of Woodruff.

Mr. Jennrich read the notice of public hearing for the conditional use permit application for R&K Investments LLC, d/b/a The Junkyard Pub and Eatery. The notice was published in the Rhinelander Daily News on June 1, 2010 and June 8, 2010; the Lakeland Times the week of May 30, 2010 and posted on the Oneida County Courthouse bulletin board on May 27, 2010. The mailing list was also read into the record.

The following correspondence was received:

1. Letter from the Town of Woodruff dated May 25, 2010, approving of the CUP with a change for live entertainment not to last past 9:00 PM.
2. Letter from Richard Zelm, Wisconsin House LLC Apartment Complex. Mr. Zelm objects to the outdoor entertainment and music would result in a noise problem.

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3. Letter from the Lakeland Sanitary District with approval for connection to the Lakeland Sanitary District.

Steven R. Osterman, Planning Manager, read the report provided. The general standards of approval were supplied and the department recommends approval with the following conditions being placed on the CUP:

1. The project is commences within 3 years from date of issuance.
2. The nature and extent of the conditional use permit shall not change from that described and approved in the conditional use permit.
3. Subject to Town review/recommendation
4. Proper permits to be obtained prior to construction (Town/County/State)
5. Live entertainment to be no later than 9:00 pm.
6. Fence to be constructed prior to use of outdoor patio seating area.

Vice Chair Larry Greschner asked if anyone wished to speak for or against the conditional use permit. No one came forward.

Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

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2:10 PM – the public hearing was closed.

**Motion by Gary Baier, second by Dave Hintz, to approve the conditional use permit of R&K Investments LLC, d/b/a The Junkyard Pub and Eatery, with the general standards being met, and the conditions recommended by staff. With all members voting “aye” the motion carried.**

Conditional Use Permit Application of HIGA LLC, owner, Gerald Inman, agent to outdoor display area on property described as part SE NE, Lot 9 and part Lot 10, Block 4, Sprucewood Div. 2, n/k/a Lot 2 CSM V16 P3700, Section 34, T39N, R6E, 9796 Lee Rd., PIN MI 2493-5, Town of Minocqua.

Mr. Jennrich read the notice of public hearing for the conditional use permit application for HIGA LLC. The notice was published in the Rhinelander Daily News on June 1, 2010 and June 8, 2010; the Lakeland Times the week of May 30, 2010 and posted on the Oneida County Courthouse bulletin board on May 27, 2010. The mailing list was also read into the record.

The following correspondence was received. Karl Jennrich, Zoning Director read the letters into the record.

1. Letter from the Town of Minocqua dated June 9, 2010 recommending denial of the conditional use permit of HIGA LLC.
2. Letter from Mark & Karen Geier recommending denial of the conditional use permit of HIGA LLC.

Steven R. Osterman, Planning Manager, reviewed the project with the committee and read the CUP report (Exhibit #3). Mr. Osterman provided examples of similar CUPS that have been approved by the Committee. Mr. Osterman also discussed the need for a minimum of two parking spaces. Mr. Osterman noted that the general standards of approval were supplied and the department recommends approval with the following conditions being placed on the CUP:

1. Project must be commenced within three years of the date of issuance.
2. The nature and extent of the CUP shall not change from that described and approved.
3. Subject to Town Review.
4. Display and sign to stay within the designated area.
5. Sign Permit Required.
6. Two parking spaces to be provided.

Vice Chair Larry Greschner asked if anyone wished to speak for or against the conditional use permit. No one came forward.

Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

2:26 PM – The public hearing was closed.

Discussion was held by the committee regarding the Town of Minocqua's recommendations. It was the consensus of the committee to incorporate the Town of Minocqua's recommendations into the conditions of approval.

**Motion by Billy Fried, second by Dave Hintz to approve the conditional use permit of HIGA LLC, with the general standards being met, with the conditions recommended by staff and the recommendations of the Town of Minocqua. With all members voting "aye" the motion carried.**

Conditional Use Permit application of William and Patricia Bonack d/b/a Patty's Place, owners to add a drive-thru to existing restaurant at 6990 Winkler Rd. being part NW NE, Section 7, T38N, R11E, PIN TL 448-6, Town of Three Lakes.

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Mr. Jennrich read the notice of public hearing for the conditional use permit application for William and Patricia Bonack d/b/a Patty's Place. The notice was published in the Rhinelander Daily News on June 1, 2010 and June 8, 2010; and the Vilas County News the week of May 30, 2010; and posted on the Oneida County Courthouse bulletin board on May 27, 2010. The mailing list was also read into the record.

A letter from the Town of Three Lakes was received recommending approval of the conditional use permit of William and Patricia Bonack d/b/a Patty's Place. Karl Jennrich, Zoning Director read the letter into the record.

Nadine Wilson, Land Use Specialist reviewed the project with the committee. Ms. Wilson stated that the property is zoned Business. The restaurant has been in operation since 2003. The drive-thru window was added in 2009. Since the drive-window was installed without a CUP, the Bonack's discontinued its use until now and wishes operate the drive-thru window again.

Ms. Wilson noted that the general standards of approval were supplied and the department recommends approval with the following conditions being placed on the CUP:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. The following conditions of administrative use permit (ARP) #02-1153 in full force and effect.
  - a. Vegetated screening or fencing to be installed on the south lot line that is adjacent to residential dwelling.
  - b. Outdoor lighting to be directed downward and shielded from above.
  - c. Garbage dumpsters/bins shall be screened from view.
  - d. Signage shall comply with the Oneida County Zoning and Shoreland Protection Ordinance.
  - e. Ingress and egress limited to Winkler Road. No access to and from Hwy 45/32.
3. This permit does not authorize any outdoor operations or storage other than drive-thru component for restaurant.
4. Parking to accommodate 16 vehicles onsite.
5. Town of Three Lakes concerns, if any.

Vice Chair Larry Greschner asked if anyone wished to speak for or against the conditional use permit. No one came forward.

Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

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Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

2:38 pm – The public hearing was closed.

**Motion by Dave Hintz, second by Billy Fried, to approve the conditional use permit of Patricia Bonack d/b/a Patty's Place with the general standards being met and subject to staff concerns and conditions. With all members voting "aye" the motion carried.**

Conditional Use Permit Application of the Town of Minocqua, owner, Joe Handrick, Chairman to erect a 180' tall communication tower which will provide a wireless internet service to residents, businesses and visitors to the area. The project location is in part NE SE, Section 11, T39N, R5E, PIN MI 1722. The general location is on Kilawee Road approximately .5 mile south of Hwy 70 in the Town of Minocqua.

Conditional Use Permit Application of the Town of Minocqua, owner, Joe Handrick, Chairman, to erect a 180' tall communication tower which will provide a wireless internet service to residents, businesses and visitors to the area. The project location is in part NE SE, Section 12, T39N, R4E, PIN MI 688. The general location of this proposal is near the intersection of N. Bo Di Lac Drive and Great Bass Lake Rd. Town of Minocqua.

Conditional Use Permit Application of the Town of Minocqua, owner, Joe Handrick, Chairman to erect a 180' tall communication tower which will provide a wireless internet service to residents, businesses and visitors to the area. The project location is located in the SW SW, Section 23, T39N, R6E PIN MI 2366, Town of Minocqua. The general location is off of Old Hwy 51 near the Lakeland Hawks Ice Arena.

Mr. Jennrich read the notice of public hearing for the conditional use permit application for the Town of Minocqua, owner, Joe Handrick, Chairman. The notice was published in the Rhinelander Daily News on June 1, 2010 and June 8, 2010; the Lakeland Times and the Vilas County News the week of May 30, 2010; and posted on the Oneida County Courthouse bulletin board on May 27, 2010. The mailing list was also read into the record.

Joe Handrick, Minocqua Town Chairman is present. Jeff Collins, Sonic Net, is also present. The purpose of the tower is to provide wireless internet service to the area residents, businesses and visitors. Mr. Handrick stated that the tower is situated on Town owned property and will be paid for by the Town. The property is heavily wooded and will be secured by gated entrance(s). Sonic Net will provide technical assistance in developing the internet service. The towers are pivotal to service other portions of Oneida County.

Steven R Osterman, Planning Manager, reviewed the project with the Committee. Mr. Osterman noted that the general standards of approval have been provided and the

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department recommends approval with the following conditions being placed on the CUP:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
2. Must comply with all Federal regulations, specifically FAA & FCC.
3. Placement of additional towers and or antennae will require additional approval(s).
4. Must obtain approved zoning permits for the tower and equipment cabinet.
5. Security fencing to be installed for the tower and guy wired anchor points.

Vice Chair Larry Greschner asked if anyone wished to speak for or against the conditional use permit.

Sue Heil, representing the Minocqua Area Resort Association, emphasized that the internet service will help the resort industry and area businesses in general. It is a big draw for visitors to the area and is being highly supported by area residents.

Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

Vice Chair Larry Greschner asked again if anyone wished to speak for or against the conditional use permit. No one came forward.

2:52 pm – The public hearing was closed.

**Motion by Gary Baier, second by Dave Hintz to approve the conditional use permit applications for the Town of Minocqua, Joe Handrick, Town Chairman for communication towers (internet only), items 15, 16 & 17 on today's agenda, with the general standards being met and subject to staff concerns and conditions. With all members voting "aye" the motion carried.**

Notice of prehearing conference June 24, 2010 from Public Service Commission regarding American Transmission Company to construct a 138 kV Transmission Line between the Existing Clear Lake Substation and a new Woodmin Substation.

Brian Desmond, Corporation Counsel, is present. Mr. Desmond informed the Committee that the County has been notified of a prehearing conference for the construction of a transmission line between the existing Clear Lake Substations and the new Woodmin Substation in Oneida and Vilas Counties.

Mr. Desmond advised the Committee that the County can testify at the hearing without participating as a party. There was discussion by the Committee. It was the consensus

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of the Committee not to participate as a party and to look at the question of attendance at the hearing at a later date.

Adjourn

Time: 3:11 p.m.

**Motion by Dave Hintz, second by Gary Baier to adjourn. With all members present voting “aye”, the motion carried.**

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Scott Holewinski, Chair

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Karl Jennrich, Zoning Director