

ONEIDA COUNTY PLANNING & ZONING
October 5, 2009
12:30 P.M. CLOSED SESSION – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2:00 P.M. PUBLIC HEARING – COMMITTEE ROOM #2
2ND FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

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

Department staff present: Karl Jennrich, Zoning Director
Kim Gauthier, Secretary

Other County Staff: (None)

Guests Present: Joe Handrick, Jon Wicke, Dean Bettinger, Rod Steif,
Dennis Herman.

ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION/DECISION.

Call to order.

Chair, Scott Holewinski called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda has been properly posted, the media notified.

Approve the agenda.

Motion by Ted Cushing, second by Frank Greb to approve the agenda. With all members present voting "aye", 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.

1. Second dwelling issue in the Town of Woodruff.
2. Excavation issue in the Town of Wooboro.

Motion by Ted Cushing, second by Frank Greb to go into closed session pursuant to Section 19.85(1) (g). Ted Cushing "aye", Larry Greschner "aye", Frank Greb "aye", Charles Wickman "aye", Scott Holewinski "aye". The motion carried.

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

Motion by Ted Cushing, second by Larry Greschner to return to open session. Roll Call Vote: Frank Greb “aye”; Scott Holewinski “aye”; Charles Wickman “aye”; Ted Cushing “aye”; Larry Greschner “aye”. The motion carried.

Approve regular and public hearing meeting minutes of June 17, 2009.

Approve regular and public hearing meeting minutes of July 15, 2009.

Motion by Ted Cushing, second Frank Greb to approve the regular, public hearing minutes of June 17, 2009 and July 15, 2009. With all members present voting “aye”, the motion carried.

Issues related to proposed Almon Park access for persons with disabilities

Motion by Ted Cushing, second by Scott Holewinski to table this agenda item until the next meeting. With all members present voting “aye”, the motion carried.

Section 9.42 E, General Standards for approval of CUP.

Mr. Jennrich distributed a copy of Section 9.42(E) with the changes as presented (Exhibit #1).

Motion by Ted Cushing, second by Frank Greb to approve the draft language of Section 9.42(E) and prepare the language for county board approval. With all members present voting “aye”, the motion carried.

Section 9.52, Mobile Homes, Manufactured Homes and House Trailer Parks. The Committee may be amending Section 9.52 (B)(2) and Section 9.52 (H) and (I).

Mr. Jennrich distributed a memo and draft of Section 9.52 (Exhibit #2) as described. Discussion on keeping the term “mobile homes”, as they are no longer called this. Mr. Jennrich explained that this term will apply to those already in existence.

Motion by Larry Greschner, second by Frank Greb to amend Section 9.52(B) (2) and (H) (I) as presented. With all members present voting “aye”, the motion carried.

Ordinance Amendment #8-2009, a rezone in the Town of Newbold. The Committee will be forwarding to the Oneida County Board of Supervisors.

Mr. Jennrich distributed rezone petition #8-2009 (Exhibit #3) for signature. This rezone was approved by the committee at the last public hearing.

Motion by Ted Cushing, second by Charles Wickman to approve ordinance amendment #8-2009, Town of Newbold and forward onto the county board. With all members present voting “aye”, the motion carried.

Ordinance Amendment #1-2009. The Committee will be forwarding to the Oneida County Board of Supervisors on behalf of the Board of Adjustment, Chapter 17.

Mr. Jennrich provided a copy of amendment #1-2009, pertaining to Chapter 17 changes (Exhibit #4). Mr. Jennrich noted this was authored by Corporation Counsel and the Board of Adjustment.

Motion by Larry Greschner, second by Charles Wickman to approve ordinance amendment #1-2009 and forward onto the county board for consideration. With all members present voting “aye”, the motion carried.

Line item transfers, refunds, purchase orders and bills

Mr. Jennrich presented bills and purchase orders and a refund in the amount of \$2190.36 and 324.58 (Exhibits #5, #6).

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

Motion by Ted Cushing, second by Frank Greb to approve bills and vouchers as presented. With all members present voting “aye”, the motion carried.

Approve future meeting dates: October 21, 2009 and November 4, 2009.

Mr. Holewinski noted he will be absent for the October 21st meeting and Vice Chair, Ted Cushing will cover the meeting.

Public Comments

No public comment was made.

Future agenda items.

- Almon Park access.
- Subdivision at the 11/4/09 meeting.

Time: 1:18 p.m. Recess for public hearing

Ted Cushing excused himself from the meeting.

2:00 P.M. – CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit Application of James McCoy to open a bakery with a drive-up window and outdoor seating in a 10-unit multi-tenant building on property owned by Eagle Pointe Properties, LLC described as part of NW NE, Lot 10, CSM V16 P3561, Suite A, Section 10, T39, R6E, 9832 Plaza Drive, PIN# MI 2155-6, 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 September 21, 2009 and September 28, 2009. The Lakeland Times the week of September 21, 2009. The notice was posted on the Oneida County courthouse bulletin board September 16, 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 dated September 15, 2009 approving of the conditional use permit.

Kathy Ray, Land Use Specialist referred to the report provided (Exhibit #7) and indicated the CUP is required due to the addition of the drive thru and outdoor seating area. The general standards have been supplied and the department recommends approval with the following conditions:

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. Subject to Town review and recommendation.
3. Sign permits to be obtained prior to placement.
4. Subject to approvals/licenses form Department of health prior to opening.

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

Denis Herman, agent commented that he is for approval.

There was no other public comment and therefore, public comment was closed.

Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit of Jim McCoy, Town of Minocqua, agenda item number sixteen with general standards of approval and conditions of approval. With all members present voting "aye", the motion carried.

Conditional Use Permit Application of Jon Wicke to establish a hardware store to include a U-Haul rental service and small engine repair shop on property owned by OPCO Ltd. Described as Lot 1 CSM V15 P3442 and being part of the NW SE, Section 34, T39N, R6E, 9783 Rylee Lane, PIN# MI 2503-7, 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 September 21, 2009 and September 28, 2009. The Lakeland Times the week of September 21, 2009. The notice was posted on the Oneida County courthouse bulletin board September 16, 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.

The following correspondence was received:

- Letter from the Town of Minocqua dated September 15, 2009 approving of the permit with acceptable landscaping.

Ms. Ray, Land Use Specialist referred to the report provided (Exhibit #8) and noted the changes include Jon Wicke is now the owner and agent, the retail space is 5440 square feet and twenty-nine parking spaces are required.

Joe Handrick, Town of Minocqua commented that the town just signed off on the landscaping. The town believes the landscaping was done well and is satisfied with the results.

Ms. Ray indicated the general standards were supplied. The department recommends approval subject to the following conditions:

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. Subject to Town review.
3. Sign permits to be obtained as required prior to placement.
4. If exterior lighting is installed, it must be downcast and shielded from above.
5. If exterior dumpsters are used, they must be screened from view. Applicant to recycle waste material as required.

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

Jon Wicke commented he is for approval.

There were no other public comments; therefore, public comment was closed.

Motion by Frank Greb, second by Charles Wickman to approve the CUP of Jon Wicke with conditions of approval and the general standards having been met, agenda item number seventeen. With all members present voting "aye", the motion carried.

Conditional Use Permit Application and Preliminary 14-unit Condominium Plat Darrin Zimmermann, owner of property described as Lots 1 and 2 CSM 3640 and being part of Gov't Lot2, Section 23, T39N,R 6E, Northern Road and Old "51" Road, PIN#'s MI 2332-11 and MI 2332-13, 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 September 21, 2009 and September 28, 2009. The Lakeland Times the week of September 21, 2009. The notice was posted on the Oneida County courthouse bulletin board September 16, 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.

The following correspondence was received:

- Letter from the Town of Minocqua dated September 15, 2009 approving of the conditional use permit.

Steve Osterman, Planning Manager discussed the report provided (Exhibit #9) along with the proposal for the property described.

Jim Rein, agent indicated the existing service access will be eliminated after construction and the sewer and water will be allowed in the common area.

Mr. Osterman indicated the general standards of approval have been supplied and the following conditions are recommended by the department:

1. The nature and extent of the Conditional Use Permit shall not change from that described in the application and approved in the Conditional Use Permit.
2. The conditions of approval for previously approved Administrative Review Permit #08-1141 to remain in force.
- ~~3. Complete soil testing to be completed prior to final sign off of plat.~~
4. Lots 1 and 2 shall be combined into just one (1) lot. Jim Rein indicated that he would file a new Certified Survey Map combining (2) two parcels into (1) one and filing same with the Oneida County Register of Deeds. Of course the Condominium Plat would follow that. Jim Rein indicated the easement created as part of creating Lot 1 & 2 Certified Survey Map will be officially terminated in this process also.
5. Storm water plans identified in the REI Storm water Management Plans to be fully implemented and satisfied.
6. If dwellings are to be rented out on a short term basis an annual State license must be obtained, county permit approval will also need to be obtained.
7. Any exterior lighting shall be downcast and shielded from above to prevent light pollution.
8. No business use is authorized by this permit approval.
9. ~~Well locations, septic systems and~~ parking spaces to be identified as limited common elements and designated on the final Condominium Plat.
10. Subsequent changes to the declaration of restrictive covenants must be reviewed and approved by this Department prior to recording.
11. Must abandon driveway near intersection of Old Hwy 51 Rd. and Northern Rd. upon completion. It is acceptable to use this during construction but upon completion the driveway must be discontinued.
12. Town of Minocqua approval contingent upon meeting all State and County requirements and landscaping bond to be furnished to cover 80% of costs. Prior to County sign-off of Condominium Plat you must furnish us with a receipt of payment from the Town of Minocqua Treasurer.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. No public comment was made; therefore, public comment was closed.

Discussion if soil boring is needed (condition #3). Mr. Jennrich indicated this is a mute issue as a sanitary permit is required.

Motion by Larry Greschner, second by Frank Greb to strike condition number three. With all members present voting “aye”, the motion carried.

Motion by Scott Holewinski, second by Frank Greb to strike “well locations, septic systems” from condition number nine. With all members present voting “aye”, the motion carried.

Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit of Darrin Zimmerman, Town of Minocqua, agenda item eighteen, with the general standards having been met and the conditions as established. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Paul Singh, Paramjeet Arora, owner to re-open gas station or credit card “drive-thru” service only on property described as M.A. Ebert’s 1st Addition Lots 5 & 6 Blk 1, Section 3, T38N, R7E, 7205 Bradley Street, PIN#’s LT 623 and LT 524, Town of Lake Tomahawk

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 September 21, 2009 and September 28, 2009. The Lakeland Times the week of September 21, 2009. The notice was posted on the Oneida County courthouse bulletin board September 16, 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.

The following correspondence was received:

- Letter from the Town of Lake Tomahawk approving the permit.

Mr. Osterman referred to the report provided (Exhibit #10) and indicated the need for a CUP due to the drive-up request. The general standards have been supplied and the following conditions are recommended by the department:

1. The nature and scope of the conditional use shall not change from that described in the application and approved in the CUP.
2. Any hazardous materials/chemicals shall be used, stored and/or disposed of in accordance with State and Federal regulations.
3. Outdoor lighting shall be directed downward and shielded from above. Care shall be taken to prevent light pollution.
4. Placement of signage must conform to the Oneida County Zoning and Shorelands Protection Ordinance.
5. Garbage cans must be on-site at each pump and garbage properly disposed of and checked daily.

The committee discussed their concerns of the un-manned store and past hazardous material spill that took place. Mr. Jennrich indicated the owner also owns the building to the north.

Motion by Scott Holewinski, second by Larry Greschner to change condition number five to read “garbage cans must be on-site at each pump, properly disposed of and checked daily”. With all members present voting “aye”, the motion carried.

Motion by Frank Greb, second by Charles Wickman to issue the conditional use permit for Paul Singh, agenda item number eighteen with committee and staff concerns and the general standards having been met. With all members present voting “nay”. The motion failed.

Motion by Larry Greschner, second by Frank Greb to table this agenda item and obtain information regarding the hazardous material spill at this location. With all members present voting “aye”, the motion carried.

Mr. Greschner will look into the hazardous material spill situation and how it was remedied.

Conditional Use Permit Application of Dean Bettinger to establish a contractor equipment storage, office and yard at 2709 Highway 17 South, further described as part of the NE NE, Section 23, T36N, R8E, PIN# CR 289-2, Town of Crescent.

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 September 21, 2009 and September 28, 2009. The Lakeland Times the week of September 21, 2009. The notice was posted on the Oneida County courthouse bulletin board September 16, 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.

The following correspondence was received:

- Letter from the Town of Crescent approving the permit, as read.

Mr. Osterman referred to the report provided (Exhibit #11) and noted the owner, Dean Bettinger is also present. Mr. Osterman indicated the general standards have been supplied and the department would recommend approval contingent on the following conditions:

1. The nature and extent of the Conditional Use shall not change from that described on the application and approved in the Conditional Use Permit.
2. Any hazardous materials / chemicals shall be used, stored and /or disposed of in accordance with State and Federal regulations.
3. Storage of inoperative / salvage vehicles not permitted with this permit approval.
4. Maintenance of vehicles will occur offsite. There shall be no accumulation of discarded parts on site.
5. Outdoor lighting shall be directed downward and shielded from above. Care shall be taken to prevent light pollution.
6. All State and local licensing to be obtained prior to operation.
7. Signage must comply with the Oneida County Zoning and Shoreland Protection Ordinance.

Mr. Holewinski asked the owner if he will be covering the salt and sand piles. Mr. Bettinger indicated he would be tarp the piles.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. There was no public comment made.

Motion by Charles Wickman, second by Larry Greschner to approve the conditional use permit of Dean Bettinger to establish a highway maintenance company, agenda item number twenty with the concerns met along with general standards and conditions as set. With all members present voting "aye", the motion carried.

After-the-Fact Conditional Use Permit Application of Paul J. Cahak d/b/a P&B construction Services, Inc. to establish a roofing and construction headquarters and storage yard for property described as part of Gov't Lot 2, Section 19, T36N, R10E, PIN# PE 664-1, 3670 Rivers End Road, Town of Pelican.

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 September 21, 2009 and September 28, 2009. The Lakeland Times the week of September 21, 2009. The notice was posted on the Oneida County courthouse bulletin board September 16, 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.

The following correspondence was received:

- Letter from the Town of Pelican dated September 25, 2009 approving the conditional use and storage yard.

Mr. Osterman referred to the report provided (Exhibit #12) and described the reason for the after the fact permit. Mr. Cahak was present and explained the move of his business. The following conditions have been set by the department:

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. Outside storage areas and equipment areas limited to specified areas, this will need to be depicted on the applicants map. Changing or expanding the outside display areas will require additional formal approval.
3. Property cannot turn into a "junk heap". Annually or at least every two years require off-site removal and proper disposal of scrap iron material.
4. Scrap wood pile to be burned at least once annually. May need DNR burning permits.
5. Exterior or property to be kept neat and tidy as viewed from Rivers End Rd. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.
6. Signage must be placed pursuant to the Oneida County Zoning and Shoreland Protection Ordinance.

There were no members of the public present; therefore no public comment was made.

Motion by Larry Greschner, second by Frank Greb to approve the after the fact conditional use permit of Paul Cahak with the general standards having been met and the conditions of approval established. With all members present voting "aye", the motion carried.

Adjourn

Time: 3:06 p.m.

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

The committee thanked Mr. Greb for his years of service on the Zoning Committee.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director