

**ONEIDA COUNTY PLANNING & ZONING**

**October 20, 2010**

**12:00 pm Closed Session**

**1:00 pm - Regular Session**

**2:00 pm – 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: Gary Baier, Vice-Chair  
Dave Hintz  
Billy Fried  
Mike Timmons

Department staff present: Karl Jennrich, Zoning Director  
Steven R Osterman, Planning Manager  
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests Who Signed In: Jim Rein, RLS  
Ben Loma  
Eric Johnson  
Robert Winat, DOT  
Thomas Murray

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Call to order.

Vice-Chairman Gary Baier called the meeting to order at 12:00 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Baier noted the agenda was properly posted. For the record, Scott Holewinski is excused from today's meeting.

Approve the agenda.

**Motion by Dave Hintz, second by Mike Timmons 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.

a. Driveway issue in the Town of Minocqua.

Brian Desmond, Corporation Counsel, stated that Ken Krall, WXPB had contacted him with concerns with Item B being discussed in closed session.

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Information to the Committee.

**12:02 pm - Motion by Dave Hintz, second by Billy Fried, to go into closed session. Dave Hintz “aye”, Gary Baier “aye”, Billy Fried “aye”, Mike Timmons “aye.” The motion carried.**

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

**12:55 pm - Motion by Gary Baier, second by Dave Hintz, to go back into open session. Billy Fried “aye”, Gary Baier “aye”, Dave Hintz “aye”, Scott Holewinski “aye”. The motion carried.**

Vice-Chair Gary Baier announced that there was no action taken in closed session. Discussion only.

Public Comments.

Ken Krall, WXPR, stated that he had spoken with Brian Desmond, Corporation Counsel, regarding the Closed Session, item b. Vice Chair Gary Baier informed Mr. Krall that the closed session did involve a legal strategy for the Committee to confer with Corporation Counsel.

Approve on-site meeting minutes of September 1, 2010.

**Motion by Billy Fried, second by Dave Hintz to table the meeting minutes for the onsite meeting on September 1, 2010. With Billy Fried, David Hintz and Gary Baier voting “aye” the motion carried. Mike Timmons abstained.**

Approve the meeting minutes of September 1, 2010.

Billy Fried discussed page 3 – *“Property Values. The committee agreed this type of business may deter those in the area and a better buffer may be needed.”* Mr. Fried asked if this was the Committee’s intention. Mr. Jennrich stated that the Committee had agreed that a better buffer than just one tree was required. Mr. Fried agreed.

Billy Fried discussed page 3 – *“Incomplete Application. The department indicated the application was complete, the owner has conditional use permit #901-88 on file, a holding tank with a catch basin for chemicals is in place and Lakeland Sanitary District is utilized...”* Mr. Jennrich clarified that there is going to be a catch basin going to a holding tank, which will be disposed of at the Lakeland Sanitary District. The holding tank is not part of the Lakeland Sanitary District. The meeting minutes will be corrected as stated above.

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**Motion by Dave Hintz, second by Billy Fried, to approve the meeting minutes of September 1, 2010 as presented and as discussed today. With Billy Fried, David Hintz and Gary Baier voting “aye” the motion carried. Mike Timmons abstained.**

Approve meeting minutes of September 15, 2010.

**Motion by Billy Fried, second by Dave Hintz to approve the meeting minutes of September 15, 2010 as presented. With Billy Fried, David Hintz and Gary Baier voting “aye” the motion carried. Mike Timmons abstained.**

Preliminary 4-unit Condominium Plat for property described as being part of the SW NE and part of the NW NE, Section 23, T39N, R6E, 8130 and 8140 Hwy 51, Town of Minocqua, PIN’s MI 2329-3A and MI 2328-2 respectively.

Kathy Ray, Land Use Specialist and Jimmy Rein, Wilderness Surveying, are present. This is the Clawson Lake Commercial Condominium and is intended for business use. All property in the area is also zoned Business District #07.

Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. Subject to Town review.
2. Condominium Declarations to be reviewed and approved by this Department prior to recording.
3. Maintenance of share parking area to be addressed in declarations including maintenance, repairs, snow plowing, expenses, etc.
4. All future amendments/addendums to be reviewed and approved by this department prior to recording.
5. Proper permits to be obtained prior to construction of proposed Units 2 & 3.
6. OHWM setback to Clawson Lake for Units 2 & 3 subject to Section 9.94(A) Oneida County Zoning Ordinance.
7. Subject to 9.98 Pier Regulations Oneida County Zoning Ordinance.
8. Ownership to be clarified for purpose of joining lots prior to recording final plat.
9. Subject to CUP approval for multi-tenant buildings.
10. This approval does not authorize parking in DOT right-of-way.
11. Final Plat to NOTE: Approval of zoning permits is not implied nor guaranteed with approval of this condominium plat. Zoning permits may be required for any improvements, expansions, and/or additions and shall comply with the current Oneida County Zoning and Shoreland Protection Ordinance. Structures depicted on the plat that are situated less than 75 feet from the OHWM may be subject to stricter zoning regulations/restrictions by the County and/or Town.
12. Subject to DOT requirements as outlined in 19 October 2010 letter.

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**Motion by Dave Hintz, second by Mike Timmons for approval of the Clawson Lake Commercial Condominium as presented, with the general standards being met and subject to the recommendations of staff and town concerns. With all members present voting “aye” the motion carried.**

Preliminary 10-unit Condominium Plat for property described as being part of Gov't Lot 7 and part of Lot 7 Kenwood Terrace Plat n/k/a Lot 3 CSM V13 P3147 and also Lot 8 of the Plat of Kenwood Terrace, Section 9, T39N, R6E, PIN MI 2153-3 and MI 4776, Town of Minocqua.

Kathy Ray, Land Use Specialist and Jimmy Rein, Wilderness Surveying, are present. This is the Kenwood Terrace Condominium Plat. The property is zoned recreational, and is a permitted use.

Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. Subject to Town review and recommendations.
2. Subject to Oneida County pier regulations.
3. Subject to Oneida County ordinary high water mark setback regulations.
4. Ownership to be clarified for purpose of joining lots prior to recording final plat.
5. Units 6-10 for garage/storage use by association unit owners' personal storage only.
6. Condominium Declarations to be reviewed and approved by this Department prior to recording.
7. Maintenance of proposed private road to be addressed in declarations including maintenance, repairs, snow plowing, expenses, etc.
8. All future amendments/addendums to be reviewed and approved by this department prior to recording.
9. Subject to CUP approval prior to recording final plat and prior to the start of construction.
10. Final Plat to NOTE: Approval of zoning permits is not implied nor guaranteed with approval of this condominium plat. Zoning permits may be required for any improvements, expansions, and/or additions and shall comply with the current Oneida County Zoning and Shoreland Protection Ordinance. Structures depicted on the plat that are situated less than 75 feet from the OHWM may be subject to stricter zoning regulations/restrictions by the County and/or Town.

**Motion by Billy Fried, second by Dave Hintz, for approval of the Kenwood Terrace Condominium plat as presented, with general standards being met and subject to the recommendations of staff and town concerns. With all members present voting “aye” the motion carried.**

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Proposed Section 9.56, Chickens. The Committee will be reviewing Ordinance language to allow chickens in District #2, Single Family Residential.

Karl Jennrich, Zoning Director, reviewed the final draft of Section 9.56 Chickens with the Committee and noted the changes that had been made as a result of the October 6, 2010 Committee meeting. Mr. Jennrich presented an email that was received from Steven Petersen, a Woodruff resident that is supportive of the ordinance amendment but feels the required lot size is too large.

**Motion by Dave Hintz, second by Mike Timmons to forward proposed Section 9.56 Chickens/Ducks to a public hearing. With all members present voting "aye" the motion carried.**

Rezone Petition #6-2010, a rezone in the Town of Pine Lake. The Committee will forward to the Oneida County Board of Supervisors.

**Motion by Dave Hintz, second by Billy Fried, to forward Rezone Petition #06-2010 to County Board. With all members present voting "aye" the motion carried.**

Rezone Petition # 4-2010, a rezone in the Town of Minocqua. The Committee will forward to the Oneida County Board of Supervisors.

**Motion by Billy Fried, second by Dave Hintz to forward Rezone Petition #04-2010 to County Board. With all members present voting "aye" the motion carried.**

Refund request of Jeffrey Visner for permit submitted and denied for the property of Judy Nussbaum Trust.

Karl Jennrich, Zoning Director, recommended that no refund be given, based upon staff time and onsite inspections that were conducted during the review of the zoning permit application.

**Motion by Billy Fried, second by Mike Timmons to deny the refund request of Jeffrey Visner as recommended by the Zoning Director. With all members voting "aye" the motion carried.**

Line item transfers, purchase orders and bills.

Bills presented for payment total \$333.77, plus an expense voucher totaling \$81.50.

**Motion by Dave Hintz, second by Billy Fried to pay the bills. With all members present voting "aye" the motion carried.**

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Future meeting dates: November 3 and November 17, 2010.

The upcoming meetings scheduled are October 27, 2010 (NR 115), November 3 & 17, 2010.

Information only. No action taken.

Future agenda items.

Nothing was discussed.

**1:55 pm** – The Committee recessed prior to conducting the scheduled public hearing.

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

Conditional Use Permit Application of Bob Long and Don Walker, owners Jim Rein, agent to provide an outdoor dining patio on property described as part NW NE and SW NE, n/k/a Lot 1 CSM V17 P3787, Section 11, T39N, R6E, 8700 Hwy 51, PIN MI 2170-2A (includes MI 2170-38), Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Bob Long and Don Walker to provide an outdoor dining patio. The notice was published in the Rhinelander Daily News on September 21 & 28, 2010; the Lakeland Times week of September 28, 2010. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on September 16, 2010. The mailing list was also read into the record.

Correspondence in file: (1) Letter of approval from the Town of Minocqua, dated July 24, 2010; (2) letter from Russ Keene dated October 4, 2010 with concerns regarding possible noise, music from the proposed outdoor patio.

Kathy Ray, Land Use Specialist, reviewed the conditional use permit application of Bob Long and Don Walker for an outdoor dining patio with the Committee. Jim Rein, Wilderness Surveying is also present. Ms. Ray read the CUP Review Report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions:

1. The nature and extent of use shall not change from that described and approved in this Conditional Use Permit.
2. Subject to Town review/recommendation.
3. Proper permits to be obtained prior to construction (Town/County/State).
4. Subject to conditions of approval of Administrative Review Permit #120-10.

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2:10 pm - Vice Chairman Gary Baier asked if there was any public comment for or against the issue at hand.

Thomas Murray, 8730 Hwy 51, Minocqua stated concerns regarding noise, parking and garbage disposal. Mr. Murray owns the motel next to the proposed location.

Billy Fried suggested added a condition for staff to review the CUP every six months to monitor any possible concerns, parking, noise or garbage.

**Motion by Dave Hintz, second by Mike Timmons, for approval of the Conditional Use Permit of Bob Long and Don Walker, with the general standards being met, subject to staff recommendations, Town concerns and for staff to review the CUP every six months to monitor any concerns or problems that may arise. With all members present voting "aye" the motion carried.**

Adjourn.

**Motion by Dave Hintz, second by Mike Timmons to adjourn. With all members present voting "aye" the motion carried. The meeting adjourned at 2:20 pm.**