

**ONEIDA COUNTY PLANNING & ZONING
FEBRUARY 27, 2008 1:00 P.M.
PUBLIC HEARING – THREE LAKES COMMUNITY BLDG
6965 W. SCHOOL STREET
THREE LAKES, WI RHINELANDER, WI 54562**

Members present: Chair Bob Metropulos
Scott Holewinski
Frank Greb
(Absent: Ted Cushing and Larry Greschner)

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (none)

Guests present: Steve Favorite, Jeff Anderson, Jim Grafelman, Gary Holtorp,
Caleb Schoeckenthaler, George Leimbacher, Adam Gohlke, Rick
Gohlke, Jim Placek, Herb Stuckart, Karen Cottingham, Gary
Moseman, Kathy Klein, P. Brachard, Ken Klein

Call To Order:

Bob Metropulos called the meeting to order at 1:00 p.m., at the Three Lakes Community Building, Three Lakes, Wisconsin in accordance with the Wisconsin Open Meeting Law.

Discussion/decision to approve the agenda

Motion by Frank Greb, second by Scott Holewinski to approve the Public Hearing agenda. With all "ayes", the motion carried.

Town of Three Lakes Chairman called the Three Lakes Town meeting to order simultaneously.

1:04 p.m. Recess to conduct an on-site inspection at the site location indicated. (See on-site report)

2:05 p.m. Committee returned from the on-site inspection to conduct a public hearing.

Conditional Use Permit Application of Richard and Lawrence Gohlke, owners and Jeff Anderson, Favorite, Anderson, and Maines Surveying, agent to develop a 185 unit private land condominium with a 9 hole private golf course and construct a 4 Span Panel – LAM Bridge over Mosquito Creek on property described as all of Section 23, T39N, R10E, and W ½ of NW ¼ and W ½ of SW ¼, Section 24, T39N, R10E, and part of N ½ NW ¼, Section 25, T39N, R10E and NE ¼ SE ¼, NW ¼ SE ¼, SE ¼, NW ¼ and Gov't Lots 1, 2, 3 and 4, Section 26, T39N, R10E, PIN# TL 258 thru TL 270, TL 275-3A, TL 276-4, TL 277-1, TL 277-2, TL 280-1, TL 280-2, TL 281, TL 281-4, TL 291-1, TL 292, TL 292-1, TL 303 thru 306, TL 309 and TL 315, Town of Three Lakes, Oneida County, Wisconsin. Ten (10) of the land units and portion of the golf course located in Vilas County, Wisconsin.

Preliminary Clearwater Lake Club Condominium consisting of 185 land units on property described as all of Section 23, T39N, R10E, and W ½ of NW ¼ and W ½ of SW ¼, Section 24, T39N, R10E, and part of N ½ NW ¼, Section 25, T39N, R10E and NE ¼ SE ¼, NW ¼ SE ¼, SE ¼, NW ¼ and Gov't Lots 1, 2, 3 and 4, Section 26, T39N, R10E, PIN #TL 258 thru TL 270, TL 275-3A, TL 276-4, TL 277-1, TL 277-2, TL 280-1, TL 280-2, TL 281, TL 281-4, TL 291-1, TL 292, TL 292-1, TL 303 thru 306, TL 309 and TL 315, Town of Three Lakes, Oneida County, Wisconsin, Ten (10) of the land units are located in Vilas County Wisconsin.

Karl Jennrich, Zoning Director read the notice of public hearing into the record and offered proof of publication from the Rhinelander Daily News, published on February 12, 2008 and February 19, 2008. The notice was posted on the Oneida County courthouse bulletin board February 7, 2008. 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 was available for review.

Mr. Jennrich read the following correspondence:

- Letter dated January 3, 2008 from Vilas County Zoning Department approving of the Clearwater Lake Condominium with suggestions as read.

Mr. Jennrich noted the department has not received correspondence from the public or the town of Three Lakes. Mr. Jennrich introduced Steve Favorite and Jeff Anderson, Surveyors and Richard and Adam Gohlke, owners and asked that the surveyors present the proposal.

Steve Favorite, Surveyor, described the property and proposed land condominium use. Mr. Favorite provided a handout of his presentation (Exhibit #1). Mr. Favorite described the efforts he and Mr. Anderson have taken in this project, which include aerial photography, wetland surveying, soil testing, work with zoning staff, the DNR, Army Corp of Engineers, permits obtained for grading, the bridge, shore land alterations, DOT road approval along with approval from the Vilas County Zoning Department for units 45 through 54 which are located in Vilas County. Mr. Favorite described the owner's efforts in reclamation of the boat launch areas. Mr. Favorite described the condominium declarations as more restrictive than the zoning regulations. Mr. Favorite commended the Gohlke's efforts on the declarations and noted they hired an attorney who specializes in condominiums to aide in generating the covenant. Mr. Favorite indicated he and the owners do not have a problem with the conditions submitted by the zoning department.

Mr. Jennrich noted the Committee conducted an onsite inspection today along with the Three Lakes Town Board and described the route of travel as: St. Mary's Road to Memory Lane, to the existing bridge over Mosquito Creek, where the Committee looked at the existing bridge, then to Clearwater Lake Trail, through the old camp area and to Spirit Trail. Mr. Jennrich noted the Committee traveled through all the existing roads around Clearwater Lake.

Steve Osterman presented a colored map of the proposed area and referred to the report prepared by the department (Exhibit #2). Mr. Osterman noted this property was previously rezoned to multiple family zoning and shortly thereafter, proposed the land condominium. Mr. Osterman described the project as outlined in the report provided. Mr. Osterman made note that the existing bike trail will remain and be open to the public. Mr. Osterman read the general standards and conditions as follows:

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 statement to be placed on the face of the final map. The Town of Three Lakes and Oneida County are not responsible for maintenance of the private roads or bridge within the Condominium project.
 3. The following statement shall be placed on the face of the final plat. "Approval of zoning permits is not implied nor guaranteed with approval of the condominium plat. Zoning permits may be required for any improvements, expansions/ and/or additions and shall comply with the current Oneida County Zoning & Shorelands Protection Ordinance."
 4. No short term occupancy rentals permitted with this CUP or condominium plat. Single Family residential use only.
 5. The golf course is exclusively for condominium unit owners and their guests.
 6. Sanitary provisions for golfers & employees must be designated on plat and proper permits obtained. Ample Parking provisions must also be provided.
 7. Prior to final approval of the condominium plat, the applicant must provide written correspondence from the Three Lakes Fire Department that emergency access is suitable for all lots within the proposed condominium development. This shall also include the adequacy of the bridge and the weight restriction limits of the bridge.
 8. Applicant must obtain a Shoreland Alteration Permit and DNR approval for the new proposed boat launch area. Existing boat launch area must be revegetated and stabilized to prevent erosion.
 9. Condominium Declarations to be reviewed and approved by the Department prior to recording in the Register of Deeds office.
 10. Pier placement to be in accordance with Section 9.98 of the Oneida County Zoning and Shoreland Protection ordinance.
 11. Recommend placement of at least one dry fire hydrant for emergency fire protection. One on the north end and one on the south end would be optimal. Will require DNR permit approval.
 12. ~~Lot # 127 access point will require wetland crossing/bridge crossing. Will require a WDNR permit approval and possible Shoreland Alteration Permit.~~ Lot #127 access point will be five (5) feet from the wetland with twelve (12) feet unpaved driveway and twenty-three (23) feet from the lakebed.
 13. Must have a shared driveway for lots 128 & 129 and a shared driveway for lots 130-131.
 14. Wisconsin Best Management Practices to be utilized involving soil disturbance during road construction and improvements.
 15. All access points out to Highway 45 must consistent with WISDOT permit approval.
 16. Possible culvert replacement at unnamed Lake 23-12 may require WDNR permit approval.

17. Placement of elevated walkways/piers must conform to all provisions of the Oneida County Zoning & Shorelands Protection Ordinance.
18. Placement of signage must conform to all provisions of the Oneida County Zoning and Shoreland Protection Ordinance.
19. Sanitary permit approval & Zoning permit approval required for construction of septic systems and other structures.
20. Condominium areas where more than 10,000 sq. ft. is disturbed are required to obtain a Shoreland Alteration Permit from Oneida County and possibly approval from the WDNR.
21. Recommend two cul-de-sacs be dedicated on the plat and improved. One on Clearwater Lake Trail near the mid way point of this road (new boat launch area?) and another one near the mid way point of Memory Lane (Bonita Point intersection?)
22. All Limited Common Elements must remain unchanged & contiguous to the actual condo unit
23. Town of Three Lakes Concerns.

Additional Conditions Added After Discussion/Motions:

24. Private road specifications be brought to compliance with town road specifications and completion, including blacktop by the end of 2009.
25. The bridge to be inspected yearly by a licensed inspector or in conjunction with the Town of Three Lakes bridge inspections and must meet specification for fire trucks/EMS vehicles to utilize. This will be at the expense of the condominium.

(Several people talking at once)

Discussion on condition number twelve regarding bridge or roadway required to access lot #127, along with the limited common element area to this unit. Committee and department staff discussion on possible roadway locations within the setbacks required.

Town of Three Lakes discussion regarding concern if emergency vehicles will be able to access lot #127.

Mr. Osterman continued with discussion of the conditions.

Jim Placek, Town Assessor, asked if the units requiring holding tanks or mound systems were identified on the map. Mr. Osterman indicated they are identified and include approximately ten locations.

Fritz Schwartz, Town of Three Lakes, asked if the department will address how a failed septic system would be handled.

Mr. Jennrich commented that the existing septic system serviced Camp Saint Mary's; however, the owner wanted the option to utilize the system as described.

Mr. Holewinski asked if St. Mary's Road (a town road) ends at the dash line on the map. Mr. Favorite indicated "yes".

Mr. Holewinski also asked how wide the private roadways will be. Mr. Jennrich noted most are twenty-foot wide with the exception of some areas due to wetland/water. Mr. Anderson noted the only exception is in the area of lot #127 to lot #128, as previously discussed. Mr. Favorite noted they will work with whatever the DOT requires.

Town Official commented that the concern would be of the roads accommodating school bus turnarounds.

Mr. Osterman noted the deed restrictions do not allow school busing and any children would need to come to the highway for busing.

Mr. Holewinski asked if the private roads will be brought up to town specifications.

Mr. Osterman commented that they are intended to be paved.

Town Official asked if the cul de sac will be large enough for fire trucks to turn around.

Mr. Osterman noted the county requires a 75 foot radius, which is recommended.

Mr. Anderson commented that the actual blacktop area of the cul de sac is 60 foot diameter actual driving surface.

Town Officials commented that they would like to ask the Fire Chief what diameter is needed for fire trucks (Fire Chief stepped out for pager call).

Mr. Holewinski asked why the 99 year lease on the bike trail is not identified.

Mr. Favorite noted this would be noted on the final plat.

Mr. Holewinski asked for clarification on the bridge maintenance.

Jim Grafelman, DNR, commented that the only requirement is that it be kept and maintained in good operating condition.

Mr. Holewinski asked what the town would like on the cul de sac.

Fritz Schwartz, Town Official, commented that it wouldn't hurt to have the cul de sacs paved seventy-five feet back.

Mr. Metropulos asked if there were any other comments from staff, Committee or the town officials. None.

Mr. Metropulos asked if there were any public comments for or against the issue at hand.

Tony Hallman, Town of Three Lakes, thanked the developer for the continued use of the bike trail and the donation of the playground equipment that was donated to the town. Mr. Hallman commented that the town likes the condo declarations, as they are more restrictive than the county.

Ed Cottingham, Town of Three Lakes, indicated he received a phone call from a citizen who asked if the development changed hands what would happen to the density.

Mr. Osterman indicated the property is not expandable unless the owner would go through this whole process again. Mr. Osterman described any amendments would go through town and county review again, however, this is not being proposed. Mr. Osterman described the process of the condo association taking over after three years, as the developer loses control after selling so many units.

Gary Holtrup, O'Neil Road resident, commented on the road entrance and asked what the DOT requirements are for passing lanes or turning lanes into the road.

Mr. Osterman commented there are minimum width requirements and briefly described the traffic study conducted by the DOT, noting there was no turning lane requirement on this project.

Tom Wesley, Three Lakes, commented that he was involved in the initial development of the bike trail and indicated this is one of the best changes in ownership that has taken place. Mr. Wesley commented that this is no longer the camp for the kids from Chicago, but an opportunity for others to enjoy the property. Mr. Wesley indicated his approval of the general preservation of the community and great appreciation of the high standards the Gohlke's have for the project.

Werner Stebbeds, Town Official, thanked the Gohlke's for coming into the township, the county's work on the project and town efforts. Mr. Stebbeds commented that he does not believe the public needs to fear this development, as this is a quality project. Mr. Stebbeds wished the Gohlke's good luck.

Mr. Metropulos asked if there was any other public comment (three times). No comment, public hearing closed.

Mr. Stebbeds, Town Official, asked that a condition be added that the cul de sacs be paved to a 75 foot radius.

Mr. Holewinski noted this would fall under town recommendations and a letter should be submitted to the Zoning Committee.

Mr. Jennrich commented that the town board should articulate their concerns to the Zoning Committee at which time they can be included in the conditions.

Dave Hapka, Town Official asked the Fire Chief (now present) what size cul de sac is needed to turn a fire truck around.

Herb Stuckart, Fire Chief, commented that a 50 foot radius will accommodate a fire truck. Mr. Stuckart noted he was at the site and reviewed the road and driveway widths with the owner.

Mr. Osterman noted the county recommends (in subdivisions) a 75 foot radius, not paved surface.

Mr. Schwartz commented on the previous discussion and informed the Fire Chief of the conversation that took place in his absence.

Mr. Stuckart indicated the 50 foot radius is standard and he can turn a fire truck around on this size surface.

Mr. Osterman indicated the written correspondence is needed by the town regarding the bridge, etc.

Mr. Stuckart agreed to submit a letter regarding the bridge, hydrants and other items discussed with Mr. Osterman.

Mr. Schwartz commented that most of his concerns were for emergency vehicles and if the fire chief is ok with the proposal, he is also.

Mr. Holewinski asked the town officials what their recommendations are at this time.

Town officials indicated they have no recommendations and agree with the conditions established.

Mr. Jennrich commented that staff listed the conditions and recommend approval.

Motion by Frank Greb, to not make a decision today, as there are only three Zoning Committee members present and would like the decision postponed until the next Zoning Committee meeting.

Discussion on voting unanimously with the members present versus the majority of the whole committee.

Mr. Jennrich and Mr. Wegner commented that there is not a problem with those present voting today, but agreed to call legal counsel.

Town Officials asked that bridge inspection expenses be reimbursed by the condo association.

3:16 p.m. Recess to consult with legal counsel.

3:30 p.m. Out of recess.

Chairman Metropulos addressed the concern of a majority vote by the committee. Mr. Metropulos read the Rules of Lamers (pg. 57) which indicate a vote of those in attendance is the deciding factor.

Mr. Metropulos read the motion again and asked for a second. The motion failed for lack of a second.

Scott Holewinski: "First of all I have a question, timeframe for the completion of the proposed private road, is that within your town road specs that if a private road is built there is a timeframe on it?"

Mr. Stebbeds: "That is what we were just asking about and..."

Mr. Schwartz: "I don't see where we would have any control".

Mr. Holewinski: "Yah, but you're approving it based on he builds a private road up to town road specs some day. What date is that, when the project is complete, or..."

Mr. Schwartz: "I'm trying to think of what we did with the Northern Aire and that was (pause) well of course that is a little bit different because that's a work in progress there. We gave them..."

(Several town people talking at once, inaudible)

Mr. Holewinski: "I mean do you want to drive your fire trucks and that up and down a gravel road back in there back and forth or do you want to set a time frame to have it blacktopped by?"

Unknown Town Official: "Actually I think they are on a time frame for black topping".

Steve Favorite: "Umm, there are variables in finishing a project as you know the permitting process and all that other...the owner would probably have to speak to completion."

Mr. Gohlke: (interrupted) "We want to get everything done this spring. The interest is going on and we have to get things..."

Mr. Holewinski: (interrupted) "So the roads would be blacktopped in 2008?"

Mr. Gohlke: "Aah, it would be this following year (inaudible – can't hear voice and several speaking at once)

Mr. Holewinski: "Two thousand nine?"

Mr. Metropulos: "Two thousand nine?"

Mr. Stebbeds: "I understand what you're getting at to make sure it is done."

Mr. Holewinski: "Well, I've seen a lot of things where they show something and a plan never gets done. So, if we could add that as one of the contingencies, that all the private road specifications be brought up to town road specifications with a completion date of two thou, end of two thousand and nine. And I'll make that ...(interrupted by several people talking at once) because he's probably going to ruff it in this year and settle two thousand and eight, completion of black top by two thousand and nine and I'll make that motion to make that as a condition."

Mr. Metropulos: "I'll second. All in favor?"

Mr. Holewinski, Mr. Greb and Mr. Metropulos: "Aye."

Mr. Metropulos: "Motion carries."

Motion by Scott Holewinski, second by Bob Metropulos to add a condition that all private road specifications be brought up to town road specifications with a completion date of the end of 2009, including completion of black top. With all members present voting “aye”, the motion carried.

Motion by Scott Holewinski, second by Bob Metropulos to add a condition that the bridge be inspected yearly by a licensed inspector or in conjunction with the town of Three Lakes bridge inspections that the bridge meets specifications for emergency vehicles to go over and at the expense of the condominium. With all members present voting “aye”, the motion carried.

Mr. Stebbeds commented that the town needs to vote on the added conditions today before the end of the meeting.

Motion by Scott Holewinski, second by Frank Greb to modify condition number twelve that lot #127 access be five feet from the wetland, with a twelve foot wide unpaved driveway and twenty-three feet from the vegetated lake bed. With all members present voting “aye”, the motion carried.

Mr. Metropulos asked if the Town of Three Lakes had any comments.

Mr. Stebbeds asked the town board to approve the Zoning Committee motions made. The town motion passed unanimously.

Motion by Scott Holewinski, second by Bob Metropulos to approve the conditional use permit of Richard and Lawrence Gohlke to develop a 185 unit private land condominium with a 9 hole private golf course, agenda item number three, with staff conditions and the general standards of approval of a CUP having been met. Frank Greb “nay”, Bob Metropulos “aye”, Scott Holewinski “aye”. Motion carried.

3:40 p.m. - The public hearing was closed.

Adjourn

3:40 p.m. Motion made by Scott Holewinski, second by Bob Metropulos to adjourn. With all members present voting “aye”, the motion carried.

Chair Scott Holewinski

Karl Jennrich Zoning Director