

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE**  
**July 15, 2015**  
**THE MINOCQUA CENTER, 415 MENOMINEE STREET, 3<sup>RD</sup> FLOOR, MINOCQUA**  
**ROOM, MINOCQUA, WI**

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Members present: Scott Holewinski, Billy Fried, Mike Timmons, and Dave Hintz

Members absent: Jack Sorensen

Department staff present: Karl Jennrich, Zoning Director; Pete Wegner, Assistant Zoning Director; Kathy Ray, Land Use Specialist and Julie Petraitis, Program Assistant

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: See sign in sheet.

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Call to order.

Chairman Scott Holewinski called the meeting to order at 1:45 P.M., in accordance with the Wisconsin Open Meeting Law.

**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. Long form complaint on 1895 Meta Lake Road.
- b. Vegetation removal, excavating, filling and land disturbing activities within the vegetation protection area contrary to Section 9.95 in the Town of Woodruff.
- c. Approve closed session minutes.
- d. Eagle Cove Camp and Conference Center.

**Motion by Mike Timmons, second by Dave Hintz to enter into closed session. On roll call vote: Billy Fried, “aye”; Dave Hintz, “aye”; Scott Holewinski, “aye” and Mike Timmons, “aye”.**

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

**Motion by Scott Holewinski, second by Billy Fried to return to open session. On roll call vote: Billy Fried, “aye”; Dave Hintz, “aye”; Scott Holewinski, “aye” and Mike Timmons, “aye”.**

Announcement of any action taken in closed session.

- a. Motion by Scott Holewinski, second by Mike Timmons to move forward as previously discussed. With all members voting "aye" on a roll call vote, the motion carried.
- b. Motion by Billy Fried, second by Mike Timmons to no longer pursue litigation and Planning and Zoning to issue after-the-fact permits and inform the owners that it is out of the jurisdiction of the Planning and Zoning Department.
- c. Motion by Dave Hintz, second by Billy Fried to approve the March 4, April 29, and May 20, 2015 closed session meeting minutes. With all members voting "aye" on a roll call vote, the motion carried.
- d. Update only. No action taken.

**Motion by Scott Holewinski, second by Dave Hintz to return to open session. With all members present voting "aye", the motion carried.**

Public Comments: None.

Line item transfers, purchase orders, and bills. **Motion by Billy Fried, second by Dave Hintz to approve the bills with the understanding staff will look into changing the phone service. With all members present voting "aye", the motion carried.**

Refunds: \$225 to Superior Plumbing for an overpayment. **Motion by Mike Timmons, second by Dave Hintz to approve the refund. With all members present voting "aye", the motion carried.**

Approve future meeting dates: July 22 and August 5, 2015.

Public Comments: None

Future agenda items: As discussed. Budget 520 issue.

HOLD PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by H51, LLC to develop 24 new residential multi-family units and a large storage structure on the following described properties: Part of Gov't Lot 5, Section 11, T39N, R6E, 8611, 8583 and 9571 Hwy 51, PINs MI 2178-15, MI 2178-16, MI 2178-17, and MI 2178-20, Town of Minocqua.

Mr. Jennrich read the notice of public hearing into the record. The notice was published in the Northwoods River News on June 16 and 23 (meeting cancelled) and June 30 and July 7, 2015 and was posted on the Oneida County Courthouse Bulletin Board on June 11 and June 26, 2015. The proof of publication is contained in the file.

Correspondence in file:

A letter from the Town of Minocqua dated July 7, 2015, recommending approval with conditions.

A letter from Mr. Church, received June 8, 2015, in opposition.

An e-mail from Mr. & Ms. Schwandt in opposition.

An e-mail from WDOT stating they have no concerns regarding access.

An e-mail from MSA concerning stormwater.

Kathy Ray, Land Use Specialist, read her report into the record. If the committee recommends approval staff would suggest the following conditions:

1. The nature and extent of the use shall not change from that described and approved in the Conditional Use Permi
2. The use must be substantially commenced within three years of the date of issuance.
3. Subject to Town conditions as outlined in their July 7, 2015 letter.
4. Proper permits to be obtained as needed prior to construction.
5. A certified survey map to combine the lots recorded prior to constructing over the lot line.
6. Subject to obtaining and conforming to State approval building codes.
7. If exterior lighting is used it must be downcast and shielded from above.
8. Signage, if any, to comply with Section 9.88 of the OCZ&SPO.
9. Outside dumpsters are not permitted at this site. Individual garbage receptacles to be used and stored inside.
10. Property stormwater management plan to be implemented.
11. Piers and berthing spaces to comply with Section 9.98.
12. No retaining walls allowed within 75' of the OHWM. Earthen walls may be permitted upon submittal and approval of specific landscaping plan.
13. No filling or grading within 35' of the OHWM.
14. Parking to comply with Section 9.77.
15. Applicant is proposing gravel driveways at this time. A variance is required for any structured driveway access closer than 75' of the OHWM.

Mark Hartzheim, Town Chair, stated that there were a number of Planning Commission and Town Board meetings that dealt with this project. The final recommendation to the Town Board was approval with a total of nineteen (19) conditions. Mr. Hartzheim read the Town approval letter into the record.

Discussion was held regarding riparian ownership of the properties involved.

Clarification was made regarding the property that is owned by the condominium, specifically non-contiguous property.

Discussion was held on the garbage facility being proposed.

Discussion was held on parking.

The Minocqua Public Works Director, Mark Pertile, made comments about the stormwater issues.

Discussion was held on the number of piers/berths allowed on the property.

Chairman Holewinski opened the public portion of the public hearing. Everyone was given a chance to speak.

Judy Kern spoke  
Patti Stebbins spoke  
Tom Church spoke  
Lance Krolczyk spoke  
Ray Selk spoke  
Jim Clark spoke  
Mary Kettner spoke  
Don Gauger spoke  
Donald Davis spoke  
Melissa (?)spoke  
Doris Beckweth spoke  
Kristin McCallum spoke  
Mark Miller spoke  
Glenn Schiffman spoke  
Sally Merwin spoke  
Bob Rynders spoke  
Trygve Solberg spoke  
Bill Stengle spoke

Chairman Holewinski closed the public portion of the public hearing.

Mr. Jennrich explained that a four-unit project was submitted to the Department. The Department reviewed it, as did the Town, it met all the requirements and it was approved. There is no guarantee that the rest of the project would be or can be approved. The Developers are aware of that.

General Standards of approval:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Billy Fried: Meets with conditions  
Dave Hintz: Meets with conditions  
Scott Holewinski: Meets with conditions  
Mike Timmons: Meets with conditions

2. The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

Dave Hintz: Meets the standard  
Scott Holewinski: Meets with conditions  
Mike Timmons: Meets with conditions  
Billy Fried: Meets with conditions

3. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.

Scott Holewinski: Meets the standard

Mike Timmons: Meets the standard

Billy Fried: Meets the standard

Dave Hintz: Meets the standard

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Mike Timmons: Meets with conditions

Billy Fried: Meets with conditions

Dave Hintz: Meets with conditions

Scott Holewinski: Meets with conditions

5. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.

Billy Fried: Meets with conditions

Dave Hintz: Meets with conditions

Scott Holewinski: Meets with conditions

Mike Timmons: Meets with conditions

6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

Dave Hintz: Met

Scott Holewinski: Met

Mike Timmons: Met

Billy Fried: Met

7. The conditional use shall conform to all applicable regulations of the district in which it is located.

Scott Holewinski: Met

Mike Timmons: Met

Billy Fried: Met

Dave Hintz: Met

8. The conditional use does not violate shoreland or floodplain regulations governing the site.

Mike Timmons: Met

Billy Fried: Met

Dave Hintz: Met

Scott Holewinski: Met

9. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

Billy Fried: Meets with conditions  
Dave Hintz: Meets with conditions  
Scott Holewinski: Meets with conditions  
Mike Timmons: Meets with conditions

The committee talked about the conditions for the project and made the following changes:

9. If outside dumpster(s) are used, they will be screened from view and location approved by the Town.
10. Add "subject to WI DNR grading permit if greater than 1 acre of land disturbance".

**Motion by Mike Timmons, second by Dave Hintz to approve Conditional Use Permit 15-480 of H51, LLC with the general standards having been met and impose the conditions suggested by staff and the Town of Minocqua. With all members present voting "aye", the motion carried.**

Adjourn.

**4:15 p.m. There being no further matters to lawfully come before the Committee, a motion was made by Mike Timmons second by Dave Hintz to adjourn the meeting. With all members present voting "aye", the motion carried.**

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Chairman Scott Holewinski

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Karl Jennrich  
Planning & Zoning Director