

ONEIDA COUNTY PLANNING AND DEVELOPMENT COMMITTEE

December 4, 2013

12:30 p.m. Closed Session

1:00 p.m. Regular Meeting

2:00 pm Public Hearing

Committee Room #2, Oneida County Courthouse

Rhineland WI 54501

Members present: Scott Holewinski
Dave Hintz
Jack Sorensen
Mike Timmons

Department staff present: Peter S Wegner, Assistant Zoning Director
Lila Dumar, Secretary III
Kathy Ray, Land Use Specialist
Nadine Wilson, Land Use Specialist

Other Staff: Brian Desmond, Corporation Counsel

Guests present: Matthew Seeger, NWAR
Jim Rein, DLC

Chairman Scott Holewinski called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. All members are present, except for Gary Baier, who is excused.

Approve the agenda.

Motion by Jack Sorensen, second by Mike Timmons to approve the amended agenda as posted. With all members 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. Operating a contractors storage yard and business in a Rural Residential Zoning District (#15) in the Town of Minocqua.
- b. Vegetation removal, excavating, filling/land disturbing activities and placement of structures within 35' of the Ordinary High Water Mark in the Town of Nokomis.
- c. Vegetation removal, excavating, filling and land disturbing activities within 35' of the

Ordinary High Water Mark in the Town of Crescent.

- d. Vegetation removal, excavating, filling/land disturbing activities and placement of structures within 35' of the Ordinary High Water Mark in the Town of Minocqua.
- e. Vegetation removal, excavating, filling/land disturbing activities and placement of structures within 35' of the Ordinary High Water Mark, and less than 5' from the adjoining lot lines in the Town of Woodruff.

12:31 pm - Motion by Jack Sorensen, second by Mike Timmons, to go into closed session. On roll call vote: Mike Timmons: "aye", Dave Hintz: "aye", Jack Sorensen: "aye", Scott Holewinski: "aye"

12:58 pm - Motion by Dave Hintz, second by Jack Sorensen to go into open session. On roll call vote: Scott Holewinski: "aye", Mike Timmons: "aye", Dave Hintz: "aye", Jack Sorensen: "aye".

12:58 pm – Recess

1:00 pm Reconvene

Announcement of any action taken in closed session.

Announcement by Peter S Wegner, Assistant Zoning Director: While in closed session there was discussion regarding the closed session items a-e as listed on the agenda. There was no action taken. Discussion and information only.

Reconsideration of a motion made directing staff to amend the language pertaining to Section 9.78 C, Off Premise Signs.

Peter S Wegner, Assistant Zoning Director, read the motion that is being reconsidered. Brian Desmond, Corporation provided his legal opinion to the Committee at the last meeting. The Committee had concluded that any consideration given to RE For Sale signs would also have to be given to any other signage in any zoning district. Mr. Wegner noted that 9 towns responded to the County's inquiry to obtain opinions from the Towns on the matter and 8 towns were opposed and 1 was in favor.

Jack Sorensen stated that approval would mean a sign could be allowed on every parcel of property in any zoning district in the County; and to hold a public hearing is a waste of time, since the Committee knows how it will end up. Scott Holewinski & Dave Hintz were in favor of holding a public hearing to gather public comment regardless. Mike Timmons suggested a letter to the towns. Jack Sorensen expanded on sending a letter to the towns, to include what has been proposed; that any type of sign would be allowed on any property in all zoning districts.

It was the Committee's consensus that the Department will contact the Towns again to gather their input, to inform them of the right-of-way issue; and to make sure that the towns understands what is

involved, the size of the signs, and that signage would be allowed on private property in every zoning district. Staff will work on the proposed language in the meantime.

Discussion only. No action was taken.

Approve meeting minutes of July 3, 2013.

Motion by Mike Timmons, second by Jack Sorensen, to approve the meeting minutes of July 3, 2013 as presented. With all members voting “aye”, the motion carried.

Approve meeting minutes of October 16, 2013.

Motion by Mike Timmons, second by Jack Sorensen, to approve the meeting minutes of October 16, 2013 as presented. With all members voting “aye”, the motion carried.

Approve meeting minutes of November 6, 2013.

Motion by Mike Timmons, second by Jack Sorensen, to approve the meeting minutes of November 6, 2013 as presented. With all members voting “aye”, the motion carried.

Preliminary two lot certified survey map of Peoples State Bank and Kenneth M. Liebnitz, owner to reconfigure lots because of garage encroachment on properties described as Lots 6, 7, 8 and 12 and portion of vacated alley in Block 1 of Plat of Old Colony Gardens (Pt Gov't Lot 7, Section 8, T36N, R9E), PIN's PE 972 and PE 977, pursuant to modification/appeal under Section 15.31 (2) of the Oneida County Subdivision Control Ordinance.

Nadine Wilson, Land Use Specialist, reviewed the modification/reconfiguration of lot lines with the Committee. There is a garage encroachment to the adjoining lot lines. Staff recommended that the reconfiguration be approved.

Motion by Scott Holewinski second by Mike Timmons, to approve the reconfiguration/modification as presented. With all members voting “aye”, the motion carried.

Planning and Zoning Long Range Plan.

Peter S Wegner, Assistant Zoning Director, reviewed the Long Range Plan with the Committee. (Copy attached).

Motion by Scott Holewinski, second by Jack Sorensen, to approve the Planning and Zoning Long Range Plan and forward on. With all members voting “aye”, the motion carried.

Line item transfers, purchase orders and bills.

Bills	\$1512.18
Purchase Orders	\$1117.42

Motion by Scott Holewinski, second by Jack Sorensen to pay the bills and purchase order. With all members voting “aye”, the motion carried.

Refunds.

Michael Janitch – refund for petition withdrawn	\$350.00
MAPLRIJ Farms – refund for overpayment	\$ 75.00

Motion by Dave Hintz, second by Scott Holewinski to approve the refunds as presented. With all members voting “aye”, the motion carried.

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

Conditional Use Permit Application by Minocqua Properties LLC, d/b/a Home Expressions to allow an outdoor display area on property described as part of the NW SE, SM B6081, Section 23, T39N, R6E, 7967 Hwy 51, PIN MI 2339-1, Town of Minocqua.

Peter S. Wegner, Assistant Zoning Director, read the notice of public hearing for the conditional use permit application of Home Expressions to allow an outdoor display area on property described as part of the NW SE, SM B6081, Section 23, T39N, R6E, 7967 Hwy 51, PIN MI 2339-1, Town of Minocqua.

The notice was published in the Northwoods River News on November 19th & 26th, 2013 and posted on the Oneida County Courthouse Bulletin Board on November 14, 2013. The proof of publication is contained in the file. The mailing list is a part of the record of this public hearing.

Correspondence in file: Correspondence from the Town of Minocqua, in support of the Conditional Use Permit application provided that the outdoor displays only consist of items sold in the store.

Kathy Ray, Land Use Specialist (Minocqua Zoning Office), reviewed the conditional use permit application with the Committee. Jim Rein, DLC, is also present. The property is zoned business. The neighboring properties are zoned business and Manufacturing and Industry. The CUP was received by the Department on August 1, 2013. It was determined to be an after-the-fact application as the display had been viewed by zoning staff earlier in the day.

The applicant did submit the “General Standards for Approval of the CUP and the Committee was supplied a copy. Staff recommended the following conditions be placed on the CUP.

1. After-the-fact fee of \$1,000.00 to be paid prior to issuance.
2. Subject to all other conditions of approval for CUP 04-1295
3. Display items are not permitted in the road right-of-way.
4. Subject to Town review and recommendation.

Jim Rein stated for the record that he had been having conversations with Karl Jennrich, Zoning Director, regarding this project for a month prior to submitting the application. He had been waiting for an answer from Mr. Jennrich. Mr. Rein does not feel that ATF fees are appropriate.

2:10 pm – Scott Holewinski asked if anyone wanted to speak for or against the CUP application of Minocqua Properties LLC, d/b/a Home Expressions to allow an outdoor display area on property located at 7967 Hwy 51, Town of Minocqua.

There was no one in the room.

Motion by Jack Sorensen, second by Mike Timmons to approve the conditional use permit of Minocqua Properties LLC, d/b/a Home Expressions as the General Standards for the approval of a CUP have been met; and subject to Town and Staff concerns except that the ATF fee will be waived. With all members present voting aye, the motion carried.

Approve future meeting dates.

December 18, 2013 is the next scheduled meeting date.

Public Comment.

None.

2:18 pm. Motion by Mike Timmons, second by Dave Hintz, to adjourn. With all members voting “aye”, the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director