

ONEIDA COUNTY PLANNING & ZONING
May 20, 2009 2:00 P.M.
PUBLIC HEARING – COMMITTEE ROOM #2
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
Pete Wegner, Assistant Zoning Director
Steve Osterman, Planning Manager
Kathy Ray, Land Use Specialist
Nadine Wilson, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: John Potters, County Coordinator

Guests present: (See sign-in sheet)

Call To Order:

Chair, Scott Holewinski called the meeting to order at 2:00 p.m., in Committee Room #2, 2nd Floor Oneida County Courthouse, Rhinelander, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda

Motion by Charles Wickman, second by Ted Cushing to approve the agenda. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Jim and Diane Mullen (JDKK, LLC), owner of Premier Physical Medicine and Wellness Clinic for outdoor use of physical therapy hill, an agility challenge course and a sand area for potential volleyball or soccer use on property described as part NE SW and SE SW, Section 1, T39N, R6E, at 1446 1st Avenue, PIN# WR 4-6, Town of Woodruff.

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 May 5, 2009 and May 12, 2009, along with the Lakeland Times the week of May 4, 2009. The notice was posted on the Oneida County courthouse bulletin board April 30, 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 Woodruff approving of the permit.

Kathy Ray, Land Use Specialist indicated the therapy hill was approved under CUP #08-1078, however, there was concern by the town of the types of materials used for therapy and so this CUP application is to further clarify the types of materials along with the addition of the agility

area and sand volleyball. The town reviewed the application and has no concerns. Ms. Ray provided a report of the proposal (PH Exhibit #1). Drawn plans of the addition were also presented (PH Exhibit #2). Ms. Ray indicated the general standards were supplied and the following conditions will be placed on the CUP if approved by the committee:

1. Subject to conditions of subsequent approval of ARP #07-1243 and CUP #08-1078.
2. The nature and extent of outdoor activities shall not change from that described and approved in this Conditional Use Permit.

Mr. Holewinski asked if there was any public comment for or against the issue at hand (two times). No public comment received.

Motion by Larry Greschner, second by Scott Holewinski that triple after the fact fees be charged to Jim and Diane Mullen. Frank Greb “nay”, Charles Wickman “nay”, Ted Cushing “nay”, Scott Holewinski “aye”, Larry Greschner “aye”. The motion failed.

Motion by Ted Cushing, second by Charles Wickman to approve the conditional use permit of Jim and Diane Mullen as presented with the general standards having been met and the conditions set forth by the department. With all members present voting “aye”, the motion carried.

Conditional Use Permit Application of Scott Rautio, owner of The Vine to add outdoor seating and entertainment for customers of The Vine on property described as Lot 18 Blk 2 Village of Minocqua, Section 14, T39N, R6E at 203 Front Street, PIN# MI 3234, 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 May 5, 2009 and May 12, 2009, along with the Lakeland Times the week of May 4, 2009. The notice was posted on the Oneida County courthouse bulletin board April 30, 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 May 13, 2009 approving of the conditional use permit and waiving the parking requirement and if noise becomes a problem the town will review.

Kathy Ray, Land Use Specialist presented a report of the proposal (PH Exhibit #3). This CUP will expand on ARP #07-520, which was approved on June 13, 2007. The request is to expand The Vine to allow for outside seating. Ms. Ray indicated the general standards have been supplied and the following conditions apply if approved:

1. The nature and extent of the use shall not change from that described in the application 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. Live music and comedy acts outdoors to be no later than 9 pm Monday through Thursday, Midnight (12 am) Friday and Saturday, Closed Sunday.

Joe Handrick, Town of Minocqua indicated the town has concerns that issues may arise as did with another outdoor restaurant and would like a condition imposed to keep the hours limited to 10:00 p.m. during week days and 12:00 a.m. on weekends, along with requiring the music be that of soft music and not rock music.

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

Delores Correy, Lake Shore Drive Minocqua, commented that she is a neighbor and has concern for the noise and affect on the apartment tenants. Ms. Correy asked that the hours be limited to 9:00 p.m. and would like this application to not be approved.

Kathy Jolin, 9751 Old Highway 70 West, commented that she approves of the proposal as this will increase opportunities for the public/tourists. Ms. Jolin commented that there will be soft music and some laughter would be welcomed. Ms. Jolin indicated she envisions guitar music and a very nice place to go to enjoy a nice wine.

Jim Louis asked if the county has a definition of a nuisance noise level.

Joe Handrick commented that noise and nuisance is a vague ordinance.

Ms. Correy commented that she agrees this is nice but believes it should be kept inside.

Mr. Holewinski asked if there was any other comment. Hearing none, the public comment portion of the hearing was closed.

Committee discussion on limiting the hours of the outdoor music. Town official commented on previous problems with outdoor music.

Motion by Scott Holewinski, second by Charles Wickman to add a condition that outdoor entertainment be limited until 9:00 p.m. during weekdays and until midnight on Friday and Saturday nights. Ted Cushing “aye”, Larry Greschner “nay”, Frank Greb “aye”, Charles Wickman “aye”, Scott Holewinski “aye”. The motion carried.

The committee discussed how to address the type of music being played as discussed by the town representative.

Motion by Larry Greschner, (no second) to table further discussion until questions of the type of music can be answered. No second, this motion failed.

Ms. Ray indicated the owner is not present to answer this question, however, acoustic music was mentioned as in one individual playing and not a live band.

Motion by Larry Greschner, second by Scott Holewinski to table until the next meeting when staff will have researched language pertaining to volume. Ted Cushing “aye”, Larry Greschner “aye”, Charles Wickman “nay”, Scott Holewinski “aye”, Frank Greb “nay”. The motion carried.

Conditional Use Permit Application of Rynders Development, Dennis Herman, agent for a 22 duplex home (44 unit) development on property described as part of Gov't Lot 2 and NW SE, Parcel B of SM C1489, Section 10, T39N, R6E, Old Hwy 70 Road, PIN# MI 2166 (includes MI 2167), 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 May 5, 2009 and May 12, 2009, along with the Lakeland Times the week of May 4, 2009. The notice was posted on the Oneida County courthouse bulletin board April 30, 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 Planning Commission and town board dated May 13, 2009 recommending approval along with easement roads and spec and bond, as read.
- Letter dated May 11, 2009 from Richard and Kathy Jolin along with several other signatures (see letter PH Exhibit #5) objecting to the application based on incomplete CUP, safety issues and value of neighboring property, as read.

Kathy Ray provided a report with the conditional use permit information (PH Exhibit #4). Ms. Ray indicated this report was completed prior to receiving the oppositional concerns. Ms. Ray indicated the general standards were supplied 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 CUP.
2. Subject to Town review and recommendations.
3. All applicable permits to be obtained prior to construction (Town/County/State).
4. Sign permit, if applicable, to be obtained prior to placement.
5. If dumpster(s) are used they must be screened from view. Applicant to recycle waste material as required.

Joe Handrick, Town of Minocqua, commented that he spoke to some of the people in objection and they are present. Mr. Handrick indicated he agrees with the concern of traffic safety, however, previously the town considered a nursing home in this area. Mr. Handrick indicated there is a plan for a future bike trail. Mr. Handrick indicated the marketing concern is not an issue to consider.

Dennis Herman, commented that he owns the easement and it will be blacktopped and maintained up to the development. The development of the road is in phase three.

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

Michael Teske, Old Highway 70 Minocqua, commented that he accesses his home from the easement road. Mr. Teske indicated he received a notification of the public hearing on May 2, 2009 and missed the planning commission meeting, so then discussed the proposal with Kathy in the Minocqua office. Mr. Teske indicated he submitted a letter that was read which expressed his concern of the value of homes in the area due to the proposed development, along with concern that kids will access the road, concern that the road is very narrow. Mr. Teske asked that the facts be presented. Mr. Teske also recommended that the siding be that of a natural material and not vinyl.

Kathy Jolin, Minocqua, commented on her concern for the elderly people who walk this road, children and those walking dogs, as she believes the increase in traffic will be hazardous. Ms. Jolin also expressed concern for the high school students in the area who may be walking this area. Ms. Jolin expressed concern that trees have been cleared and there is a large cement

platform not being utilized along with pipes sticking out of the ground. Ms. Jolin asked when there was a change to allow multi-family zoning.

Dave Sell, Minocqua, commented on his concern of the aesthetics and asked that since this is a Northwood's development that the siding be that of wood. Mr. Sell also indicated that he understands staff did not find a CUP for Island Estates however; the development is being marketed for seniors but not advertised as such.

Rick Jolin, Minocqua, commented that he has a big concern for the financing of the development and that this project may be started but not finished. Mr. Jolin also indicated he is concerned about the road and traffic increase along with property value decrease.

Carol Sell, Minocqua, asked what the parameters of the original CUP and commented that he wonders what will be deviated from the CUP.

Dennis Herman, agent, commented on the public concerns mentioned and indicated that Mr. Teske works for Ellison Realty and may have a personal issue regarding this project. Mr. Herman noted the development will not pack in residence, he can not predict the market, the value of all homes has decreased and it is not zonings job to regulate the type of siding. Mr. Herman commented that he believes the project will beautify the town and the area residence knew this was zoned multi-family.

Mr. Holewinski asked if there was any other public comment. No other comments were made and the public comment portion of the hearing was closed.

Mr. Holewinski asked for clarification on the patio sized, easement road, and setbacks from the wetland, tree buffer and financing. Mr. Herman addressed all in his proposal.

Mr. Herman indicated in phase one the road will be put in first before utilities are installed and the same with phase two.

Mr. Greschner asked for staff comment regarding the original CUP that was issued.

Mr. Jennrich indicated the department recently received a complaint regarding Island City Estates and staff is looking into that complaint.

Ms. Ray indicated staff is recommending approval with conditions.

Mr. Jennrich indicated this is an allowed use per the ordinance and if the general standards can be met the department would recommend approval.

Mr. Holewinski recommended this discussion be tabled so that the committee may conduct an on-site inspection of the property.

Motion by Larry Greschner, second by Charles Wickman to table discussion and schedule an onsite visit and clarify setbacks to the lot line and building position. Ted Cushing "aye", Charles Wickman "aye", Scott Holewinski "aye", Larry Greschner "aye", Frank Greb "nay". The motion carried.

Mr. Jennrich commented that staff did not make a comment on public welfare as this was done by the applicant.

Mr. Holewinski commented that any one from the public who would like notice of the onsite inspection to place an "X" by there name on the sign-in sheet.

Conditional Use Permit Application of Gary Hildebrand to operate a small used car lot on property owned by Scott Storey described as N 50' of Lots 1, 2 and 3 and Lot 4 Blk 5 Village of Woodruff, Parcels 1 and 2 of SM B6537, Section 2, T39N, R6E, at 821 1st Avenue, PIN#'s WR 502 and WR 505, Town of Woodruff.

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 May 5, 2009 and May 12, 2009, along with the Lakeland Times the week of May 4, 2009. The notice was posted on the Oneida County courthouse bulletin board April 30, 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 Woodruff approving the conditional use permit.

Ms. Ray described the proposed use and read the report provided (PH Exhibit #6). Ms. Ray indicated the general standards have been supplied and the department would recommend 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 approval.
3. May be subject to DOT requirements.
4. Sign permit(s) to be obtained, as required, prior to placement.
5. Non-operable/Non-repairable vehicles not permitted under this approval.
6. No accumulation of junk or debris allowed.

Gary Hildebrand was present and described the location of the proposed use.

Mr. Holewinski asked if there was any public comment for the issue at hand. There was no public comment; therefore this portion of the hearing was closed.

Motion by Larry Greschner, second by Charles Wickman to approve the conditional use permit of Gary Hildebrand with the town and county concerns and the general standards having been met. With all members present voting "aye", the motion carried.

Conditional Use Permit Application of the Wisconsin Department of Natural Resources, owner: Tom Shockley, agent to establish a carry-in canoe and kayak landing on the Tomahawk River including a gravel access driveway, gravel parking lot and graveled pathway to the river on property located off Swamp Creek Rd. near the Tomahawk River Bridge crossing, being described as part of Gov't Lot 6, Section 34, T37N, R6E, PIN#'s CA 530-10 and CA 530-11, Town of Cassian.

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 May 5, 2009 and May 12, 2009, along with the Lakeland Times the week of May 4, 2009. The notice was posted on the Oneida County courthouse bulletin board April 30, 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 Cassian approving of the conditional use permit.

Nadine Wilson, Land Use Specialist indicated Tom Shockley was unable to attend this meeting. Ms. Wilson described the canoe landing proposed along with a small parking lot. The general standards for approval have been supplied and the following conditions recommended:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Time is of the essence to stabilize disturbed soils.
3. New parking area to be located 75 feet or more from the ordinary high water mark.

Mr. Holewinski asked if there was any public comment for or against the issue at hand. There was no public comment; therefore this portion of the hearing was closed.

Motion by Ted Cushing, second by Charles Wickman to approve the conditional use permit of the Wisconsin DNR, owner; Tom Shockley agenda item number seven with staff and town conditions and the general standards having been met. With all members present voting "aye", the motion carried.

Conditional Use Permit Application of the Town of Minocqua, purchaser, Rynders Realty, Owner to establish a Town park and festival grounds on property described as Lot 1 CSM Vol 16 Page 3690 Document #676028 on property described as part of Gov't Lots 1 & 4 and part lying outside the original meander (NW SW) Section 9, T39N, R6E, PIN# MI 2148, Town of Minocqua. Said property is the former Circle M property and is situated at the intersection of Hwy 70 West and Camp Pinemere Road.

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 May 5, 2009 and May 12, 2009, along with the Lakeland Times the week of May 4, 2009. The notice was posted on the Oneida County courthouse bulletin board April 30, 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 there was no correspondence.

Joe Handrick, Town of Minocqua indicated the town has authored and approved the permit application.

Mr. Jennrich indicated the rezone for this property was just approved yesterday by the County Board.

Steve Osterman, Planning Manager read the report provided (PH Exhibit #8) and noted the only access is off of Pinemere Road.

Joe Handrick described the proposal of the recreational facility with kitchen facility, ball area, dream park, soccer field, volleyball pit, festival area that will allow for car shows or craft bazaars, picnics or class reunions.

Mr. Osterman indicated the following conditions will apply if this CUP is approved:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. All state and local licensing to be obtained prior to operation.
3. Signage in accordance with the Oneida County Zoning and Shoreland Protection Ordinance.
4. No overflow parking is permitted on Hwy 70.
5. Direct Hwy 70 access to the park prohibited. Must use Pinemere Road access.
6. Zoning permit approvals required for structures and improvements.
7. All future expansion as discussed will be included in the CUP (i.e.: soccer fields, field lighting).

Mr. Holewinski noted there was no public present therefore the public comment was closed.

Motion by Ted Cushing, second by Larry Greschner to approve the CUP of the Town of Minocqua, agenda item number eight, with staff and town concerns and conditions and the general standards having been met. With all members present voting “aye”, the motion carried.

Adjourn

4:29 p.m. Motion made by Ted Cushing, second by Larry Greschner to adjourn the public hearing. With all members present voting “aye”, the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director