

**ONEIDA COUNTY PLANNING & ZONING**  
**June 3, 2009**  
**12:30 P.M. CLOSED SESSION – COMMITTEE ROOM #2**  
**1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2**  
**2<sup>ND</sup> FLOOR ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501**

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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  
Kim Gauthier, Secretary

Other County Staff: (None)

Guests Present: (See sign-in sheet)

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Call to order

Chair, Scott Holewinski called the meeting to order at 12:30 p.m., in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda has been properly posted, the media notified and the courthouse is handicap accessible.

Approve the agenda.

**Motion by Frank Greb, second by Ted Cushing to approve the amended 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.

**Motion by Ted Cushing, second by Frank Greb to go into closed session. Roll call vote: Scott Holewinski "aye", Larry Greschner "aye", Charles Wickman "aye", Ted Cushing "aye", Frank Greb "aye". The motion carried.**

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

**Motion by Ted Cushing, second by Frank Greb to return to open session. Roll call vote: Scott Holewinski "aye", Larry Greschner "aye", Charles Wickman "aye", Ted Cushing "aye", Frank Greb "aye". The motion carried.**

Approve regular meeting minutes of April 15, 2009.

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Approve public hearing meeting minutes of April 15, 2009

**Motion by Ted Cushing, second by Charles Wickman to approve the regular and public hearing minutes of April 15, 2009 as presented. With all members present voting “aye”, 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. There was a public hearing held on this Conditional Use Permit application on May 20, 2009. No decision was made at that time.

Mr. Jennrich noted an onsite visit was conducted at 10:00 a.m. today to look at lot lines, buffers and the easement road. All members of the committee were present except Mr. Cushing. A revised map was supplied (Exhibit #1) which included revised phasing. Also supplied was a copy of a letter of concern from Michael Teska (Exhibit #2). Mr. Jennrich indicated it is up to the Committee to accept this letter, as the public hearing had already taken place.

Committee asked for the reason for the revised map.

Dennis Herman, agent, explained the phases and noted the revision includes less buildings than initially proposed and phase three would begin tree removal and infrastructure for the roads.

Mr. Holewinski noted the public objection was for the East side of the development. Mr. Holewinski asked what the time frame is for the development.

Mr. Herman indicated phase one and two would take place within one year.

Mr. Jennrich noted the public has not had an opportunity to comment on the new phase proposal.

The committee agreed that they need to look at the original proposal. The committee asked if the Town of Minocqua has seen the proposal.

Joe Handrick commented that the phases don't necessarily matter to the town, but there is a concern of a performance bond and bringing the road up to standards.

Mr. Herman commented that he presented four phases to the town; however which phase would come first was not presented.

Mr. Holewinski noted the onsite was to look at the impact and recommended the phases be considered as initially presented.

**Motion by Scott Holewinski, second by Frank Greb regarding the phases presented that the committee will consider the phases as presented at the public hearing as such: phase three is now #1, phase four is now #2, phase two is now**

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**#3, phase one is now #4. With all members present voting “aye”, the motion carried.**

The committee discussed the private road development and agreed it must be paved and black top would go in after phase one buildings are complete. Mr. Herman agreed.

The committee agreed the easement should be brought up to code in the phase number four area. Mr. Herman agreed.

Mr. Herman presented a letter of agreement dated June 3, 2009 (Exhibit #3).

The committee recommended the following conditions be added to the original conditions presented:

- #6 Construction of each phase is complete prior to completing the next phase.
- #7 The existing easement to be maintained by the owner and plowing should not block thru traffic of the easement.
- #8 Ensure that runoff be directed toward the drainage area away from Highway 70.
- #9 The buildings in phase one be moved back away from the buffer and lot line to ensure a 50 foot setback from the lot line to the East, and 50 feet from the West lot line of units six and seven. The buildings on phase four to be 25 feet from the easement road and square up the angled building presented. The buildings in phase three to be moved to the East and North toward the wetland to ensure a bigger buffer on the south lot line.
- #10 A 25 foot setback from the West lot line of units 21 and 22. A 20 foot buffer to the West lot line to save on tree cutting.

Mr. Herman noted a 20 foot yard is not much for buildings in phase four if children are also occupying these developments.

Mr. Holewinski recommended a 20 foot backyard from the back of buildings 6, 7, 15, 17, 21 and 22, with all other having a 30 foot backyard. Mr. Holewinski also recommended that no new phase begin until one phase is completed. Mr. Holewinski also noted that he does not believe a fence is necessary on the south lot line, as a tree buffer is sufficient.

Kathy Ray, Land Use Specialist, read the town letter again with the contingencies and noted the revised map will not be approved and the department will go back to the original phases presented. The general standards were previously supplied and the additional conditions will be added as stated above.

**Motion by Larry Greschner, second by Ted Cushing to approve the conditional use permit of Rynders Development, Dennis Herman, agent for a 22 duplex home, 44 unit development in the Town of Minocqua with town and staff concerns, the general standards having been supplied and the concerns heard by residence have been taken into consideration. Upon final review of the map and maintenance agreement the permit will be approved. 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

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Blk 2 Village of Minocqua, Section 14, T39N, R6E at 203 Front Street, PIN# MI 3234, Town of Minocqua. A public hearing was held on this Conditional Use Permit on May 20, 2009. No decision was made at that time.

Ms. Ray indicated since the last meeting this permit was taken before the town and a letter was received and read. The town reaffirmed their position and has limited the time of operation to address noise concerns and asked that no additional restraints be added to the permit. Ms. Ray indicated she researched noise decibels with law enforcement and there is no way to measure this. Ms. Ray read the conditions as presented.

**Motion by Ted Cushing, second by Frank Greb to strike the language requiring this permit be revisited in the fall. With all members present voting “aye”, the motion carried.**

**Motion by Ted Cushing, second by Ted Cushing, second by Charles Wickman to approve the conditional use permit of Scott Rautio, owner of The Vine with conditions of staff and the town. With all members present voting “aye”, the motion carried.**

Time: 1:58 p.m.          Recess for public hearing.

Time: 2:30 p.m.          Returned to regular meeting.

Preliminary 2-lot Certified Survey Map of Jay Grooters, owner involving property described as part of Gov't Lot 1, Section 14, T39N, R5E on Mercer Lake Town of Minocqua, PIN# MI 1752-4.

Mr. Jennrich commented that the department believes this complies with the ordinance and the concerns as noted.

Ben McMullen described the concrete pad, driveway, septic location and pre-planned septic in place.

Mr. Holewinski recommended a 15 foot setback between lot line and POWTS area.

Mr. Osterman noted the Town of Minocqua approved this last night and a formal maintenance agreement is required, a pre-planned driveway location to be shown on the map, the concrete wall to be removed, town concerns and a 15 foot setback from the POWTS and lot line.

**Motion by Ted Cushing, second by Larry Greschner to approve the two lot CSM of Jay Grooters with town and staff concerns. With all members present voting “aye”, the motion carried.**

Preliminary 16-lot and 1-outlot Certified Survey Map of Nicholas Gohlke, owner for property on North Two Lakes further described as part of Gov't Lot 5, Section 15, T38N, R7E, PIN# LT 181, Town of Lake Tomahawk.

Mr. Jennrich indicated he had a telephone conference with the Town of Lake Tomahawk and the town has met and approved the road. The town concerns will be added as conditions.

Mr. Osterman described the map provided and the final will say 1/16<sup>th</sup> interest and conveyed as such, the home on lot #10 septic must be replaced within one year or upon sale, shared driveways noted, restrictive covenants are ok and the out lots in orange to be placed on all CSM's.

Jimmy Rein commented that he would like to see an 18 foot blacktop surface as long as it's a town road. The town will review next week for final approval.

**Motion by Ted Cushing, second by Charles Wickman to approve the 16 lot and 1 out lot CSM of Nicholas Gohlke agenda item number ten with staff and town concerns. With all members present voting "aye", the motion carried.**

Interpretation of the definition of resort cottage defined as a dwelling (seasonal) or tourist cabin associated with a subdivision submittal in the Town of Newbold on property described as part of Gov't Lot 2, Section 20, T38N, R8E, PIN# N# 674.

Mr. Jennrich described the subdivision on Two Sisters Lake in the Town of Newbold with chart provided (Exhibit #4). The town planning commission reviewed this but took no action.

Jimmy Rein commented that he disagrees with the definition and believes it needs an interpretation. Mr. Rein presented the ordinance definitions, state form and appendix (Exhibit #5-9).

Mr. Jennrich noted the ordinance allows tear down and rebuild under a condo form of ownership. Mr. Jennrich indicated he will take a position based on the riparian width will only allow four units and one with 100 foot of frontage if you look at one building as a dwelling. The resort could follow the condo form of ownership and can't go both ways as a resort and a condo.

The committee agreed this should be an ordinance.

Mr. Wegner will look at this further. Mr. Jennrich indicated the department will take this topic before the towns and ask the committee to make a decision based on Chapter 15. Staff will research discrepancies with the measurements and definitions.

**Motion by Larry Greschner, second by Charles Wickman requesting that staff research this further and bring back to the June 17 or July 1, 2009 meeting. With all members present voting "aye", the motion carried.**

Onsite inspection policy/fees. Staff is requesting direction from the Committee regarding requests for onsite inspections and charging fees.

Mr. Jennrich noted Mr. Greb requested this be put on the agenda.

Discussion on cost of on-site inspections, services versus fee for services.

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Mr. Jennrich commented that he believes Mr. Wegner is using good judgment when an on-site is needed.

Committee agreed the department should continue to use common sense and handle the fees the way they have been.

Section 9.78, Sign Regulations. The Committee is reviewing possible changes to Section 9.78.

Mr. Wegner supplied a memo regarding proposed changes to Section 9.78 (Exhibit #10). Mr. Wegner noted he has not heard from Three Lakes on this issue, only Minocqua and would like to know their position prior to having a public hearing.

Line item transfers, refunds, purchase orders and bills.

Mr. Jennrich indicated there is one refund in the amount of \$75 along with bills and purchase orders in the amount of \$858.76 and \$2013.45 (Exhibit #11 & #12).

**Motion by Ted Cushing, second by Larry Greschner to approve the refund in the amount of \$75. With all members present voting "aye", the motion carried.**

**Motion by Frank Greb, second by Ted Cushing to approve the bills and purchase orders as presented. With all members present voting "aye", the motion carried.**

Approve future meeting dates: June 17 and July 1, 2009.

Mr. Wickman noted he will be absent June 17<sup>th</sup> and Mr. Cushing absent July 1<sup>st</sup>.

Mr. Jennrich noted the Jaros CUP will be scheduled for discussion in June and the committee will be supplied information prior to that meeting.

Public comments.

There was no public comment made.

Future agenda items.

Tent sales at businesses and how long they are allowed.

Adjourn.

Time: 3:40 p.m.

**Motion by Ted Cushing, second by Larry Greschner to adjourn. With all members present voting "aye", the motion carried.**