

ONEIDA COUNTY PLANNING & ZONING

June 15, 2011

12:30 pm – Closed Session

1:00 PM – Regular Meeting

2:00 PM – Public Hearing

COMMITTEE ROOM #2

ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

Members present: Scott Holewinski
Gary Baier
Billy Fried
Mike Timmons
Dave Hintz

Department staff present: Karl Jennrich, Zoning Director
Lila Dumar, Secretary III
Nadine Wilson, Land Use Specialist

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Robert Berna
Shelli Brandenburg, A-1 Septic, Inc.
Mark Hartzheim, Minocqua Town Chair
Cynthia Louis
Pam Cook
Neil Cook
Chet Andrews
Dennis Herman
Tom Lawrence
DW Jones

Call to order.

Scott Holewinski, Chairman, called the meeting to order at 12:30 p.m. in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted. All members are present.

Approve the agenda.

Motion by Dave Hintz, second by Billy Fried, 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.

a. Oneida County V Douglas McCoy and PICS, Inc., D/B/A Professionals in Concrete Stamping; Case 2010AP367

b. Conditional Use Permit violation in the Town of Minocqua.

12:31 pm - Motion by Billy Fried, second by Mike Timmons, to go into closed session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye", Dave Hintz "aye." The motion carried.

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

1:05pm – Motion by Mike Timmons, second by Billy Fried to go into open session. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye," Dave Hintz "aye." The motion carried.

Scott Holewinski, Chairman, stated that while in closed session, the Committee discussed the following:

(a) Oneida County V Douglas McCoy and PICS, Inc., D/B/A Professionals in Concrete Stamping; Case 2010AP367

Chairman Holewinski stated that a motion made while in closed session. The secretary read the motion into the record.

Motion by Mike Timmons, second by Dave Hintz, not to appeal to the State Supreme Court, the decision of the Court of Appeals, District III, dated and filed June 14, 2011, Appeal #2010AP367, Oneida County V Douglas McCoy and PICS Inc. On roll call vote, the motion carried unanimously.

(b) Conditional Use Permit violation in the Town of Minocqua.

Chairman Holewinski stated that a motion made while in closed session. The secretary read the motion into the record.

Motion by Scott Holewinski, second by Dave Hintz, to schedule a public hearing to review the conditions of approval set by the Board of Adjustment for Scott's Northwoods Diesel, Appeal # 10-005. On a roll call vote, the motion carried unanimously.

Public comments.

There were no public comments.

Approve meeting minutes of April 6, 2011.

Motion by Mike Timmons, second by Billy Fried, to approve the meeting minutes of April 6, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of April 7, 2011.

Motion by Gary Baier, second by Dave Hintz, to approve the meeting minutes of April 7, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of April 27, 2011.

Motion by Billy Fried, second by Mike Timmons, to approve the meeting minutes of April 27, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of May 4, 2011.

Motion by Billy Fried, second by Gary Baier, to approve the meeting minutes of May 4, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of May 11, 2011.

Motion by Scott Holewinski, second by Billy Fried, to approve the meeting minutes of May 11, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of May 18, 2011.

Motion by Dave Hintz, second by Gary Baier, to approve the meeting minutes of May 18, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of June 8, 2011

Motion by Mike Timmons, second by Dave Hintz, to approve the meeting minutes of June 8, 2011 as presented. With all members voting “aye” the motion carried.

Second Addendum to the Northwoods Sunset Bay Condominium described as being part of SW NE, Section 25, T37N, R8E, to modify the location of the unit 4 dwelling, proposed garage and seepage cell (septic field), PIN PL 1294, Town of Pine Lake.

Nadine Wilson, Land Use Specialist, reviewed the Second Addendum to the Northwoods Sunset Bay Condominium with the Committee. Ms. Wilson noted that Unit 4 will be angled and the garage will be moved to the south. The septic will be relocated as well. The Town of Pine Lake

and the Condominium Association have approved the request. Ms. Wilson recommended approval subject to the following:

1. Statement on plat: *Approval of Zoning Permits are not implied nor guaranteed with approval of this condominium plat. Zoning Permits may be required for any improvements, expansions, and/or additions and shall comply with the current Oneida County Zoning and Shoreland Protection Ordinance Structures depicted on the plat that are situated less than 75 feet from the OHWM may be subject to stricter zoning regulations/restrictions by the County and/or Town.*
2. Zoning Permit required for the relocation of Unit #4; and garage.
3. Sanitary Permit required.

Motion by Gary Baier, second by Billy Fried, to approve the Second Addendum to the Northwoods Sunset Bay Condominium to modify the location of the unit 4 dwelling, proposed garage and seepage cell (septic field) subject to staff recommendations. With all members voting “aye” the motion carried.

Combination of parcels to place a garage in District #2, Single Family Residential on properties described as Part Gov't Lot 2, Section 25, T37N, R8E, PL 153-12 and Part Gov't Lots 2 & 3, Section 25, T37N, R8E, PL 154-7, Town of Pine Lake.

Karl Jennrich, Zoning Director, reviewed this request with the Committee. The property owner, Robert Berna, is also present. Mr. Jennrich stated that the property is zoned District #02 Single Family. In order to have a garage on a vacant parcel in single family zoning, the garage is permitted only if it is 1008 square feet or less; or if there is a principal dwelling on the property. Mr. Berna would like to combine the parcels so that in the future he could build a larger garage. The parcels are not immediately adjacent to one another, resulting in the property owner seeking the Committee's approval.

Motion by Billy Fried, second by Gary Baier to allow combination of the two parcels with a Certified Survey Map as presented. With all members voting “aye” the motion carried.

Sanitary Maintenance Cards.

Karl Jennrich, Zoning Director, stated that Billy Fried asked this to be put on the agenda. Mr. Fried stated that there are multiple cards being sent to property owners by septic pumpers and some of the pumper's cards are misleading because it appears that the cards are being sent from the County.

Shelli Brandenburg, from A-1 Septic, is present and noted difficulties that A-1 Septic has with the County's maintenance program and suggested ways in which it could be improved if the County could input pumping information when received from the pumper and update the property owners pumping record to prevent a maintenance card from being sent out unnecessarily.

Karl Jennrich, Zoning Director, discussed computer programs that would allow the pumpers data to be used to update the County pumping records. Mr. Jennrich noted that in the future there will be a barcode on the maintenance cards, and the data will be scanned-in rather than inputted manually, which will be a time saver for staff.

Ms. Brandenburg asked if the computer printouts that she sends to the Department that do not match a County sanitary permit record could be used to add the property to the maintenance program. Denise Hoppe, Office Manager, stated that this is something that the County has not done in past. Ms. Hoppe noted that the computer printouts from the pumpers are very time consuming for staff to identify the property, site address, parcel identification number and permit number prior to entering the data. The pumping cards that the county sends to property owners has all of this information on the card.

Billy Fried discussed the confusion for property owners when cards are sent out by the County, and several pumpers. Denise Hoppe, Office Manager, stated that property owners don't like receiving so many cards and many times they may have multiple septic systems on one parcel, and with condominiums, the problem multiples even more; but it is the property owner's responsibility to keep records of their septic systems and to know what permit number is for each system on their property.

There was discussion relating to the County having the capability to run the program off of the last pumping date rather than the permit number, which would prevent cards from being sent out if the septic had been serviced in the last three years. Ms. Hoppe stated that right now the County does not have the capabilities to do this. The Department would have to work with ITS to see what could be done.

Motion by Scott Holewinski, second by Billy Fried to direct staff to research the maintenance program; use today's discussion and to work with ITS to develop a more efficient maintenance program. With all members voting "aye" the motion carried.

2:00 pm - Conduct Public Hearings.

Rezone Petition #2-2011 authored by the Town of Minocqua for Gerald Kozey property to rezone from District #1A, Forestry to District 15, Rural Residential on property described as NW SE, NE SE, Section 17, T39N, R6E, and SW NE, NW SE, NE SE, Section 18, T39N, R6E, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for rezone petition #2-2011 authored by the Town of Minocqua for Gerald Kozey to rezone from District #1A, Forestry to District 15, Rural Residential.

The notice was published in the Northwoods River News on May 31, 2011 and June 7, 2011; and the Lakeland Times the week of May 30, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 26, 2011. The mailing list was also read into the record.

Correspondence in file: None.

Karl Jennrich, Zoning Director, reviewed Rezone Petition #2-2011 and the General Standards for approval of a rezone petition with the Committee. The purpose of the

rezone is to develop the land into residential lots of 5 acres each in size for single family residences.

Mark Hartzheim, Minocqua Town Chair is present. Mr. Hartzheim indicated that even though this rezone petition is authored by the Town of Minocqua, the Town Board cannot officially approve it, until it goes to the Town Board a 2nd time. It is the practice of the Town Board to take rezone petitions to the Town Board twice, to ensure that the public has ample opportunity to consider the rezone petition. Mr. Hartzheim suggested that the Committee could proceed with the public hearing and if approved, to do so subject to the Town of Minocqua approval.

2:10 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for or against Rezone Petition #2-2011. No one came forward.

Scott Holewinski, Chairman, asked again if there was anyone present to speak for or against Rezone Petition #2-2011. No one came forward.

2:11 pm - Scott Holewinski, Chairman, closed the public hearing for deliberation.

Motion by Billy Fried, second by Mike Timmons to approve Rezone Petition #02-2011 authored by the Town of Minocqua for the Gerald Kozey property to rezone from District #1A, Forestry to District 15, Rural Residential being that the General Standards for reviewing a rezone petition have been met, and subject to the Town of Minocqua approval. With all members voting “aye” the motion carried.

Rezone Petition #5-2011 of Rynders Realty/D.W. Jones, owner and James Rein, agent to rezone part of Lot 1 of Certified Survey Map recorded in Vol. 11 page 2683 from District #2, Single Family Residential to District #07, Business further described as part of Gov't Lot2 5 & 6, Section 10, T39N, R6E, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for rezone petition #05-2011 of Rynders Realty/D.W. Jones, owner and James Rein, agent to rezone lands from District #2, Single Family Residential to District #07, Town of Minocqua.

The notice was published in the Northwoods River News on May 31, 2011 and June 7, 2011; and the Lakeland Times the week of May 30, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 26, 2011. The mailing list was also read into the record.

Correspondence in File: Letter received on June 14, 2011 from Cindee Louis in opposition to the re-zone petition. The letter is part of the record of today's public hearing and contained in the rezone file.

Karl Jennrich, Zoning Director, stated that the intent of the rezone petition is to subdivide the land and create one major lot (15 acres) along with several single family lots. The only parcel subject to the rezone petition is the major lot, which will be sold to DW Jones for an assisted care

facility. Mr. Jennrich informed the Committee that what they are reviewing today is a rezone petition. Although it is anticipated that an assisted care facility will be built on this lot, the Committee must look at the General Standards of Approval for a Rezone Petition.

Karl Jennrich, Zoning Director, reviewed Rezone Petition #5-2011 and the General Standards for approval of a rezone petition with the Committee. The purpose of the rezone request is to develop an assisted care facility on the property. Currently the property is zoned District #2 Single Family, which does not allow this type of development.

Mark Hartzeim, Minocqua Town Chair, stated that the Town of Minocqua would like to bring this type of development to the town which will increase the tax base and create jobs. At the same time, the Town is concerned in the event the development would not go through, and the property would now be zoned Business. Mr. Hartzeim discussed an agreement between the buyer and seller, contract zoning or placing deed restrictions on the property to protect the Town's interest.

Brian Desmond, Corporation Counsel, stated that if the Committee approves the rezone petition prior to the Town's Land Use Plan being amended, the County would be going against its own policy. Mr. Desmond also noted that for the zoning district to revert back to Single Family Residential District #02 if the assisted living facility is not developed, is contract zoning and is illegal in the State of Wisconsin. Mr. Desmond told the Committee that they should not consider the Town's proposal on deed restrictions, because if the property is zoned Business, even though there may be a deed restriction on the type of development that would be permitted, the County would not enforce that. Mr. Desmond instructed the Committee to look at the County requirements, General Standards of Approval and conformance with the Town Land Use Plan.

2:33 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for or against Rezone Petition #5-2011.

Cynthia Louis, 9917 Rivers Edge Drive, stated her opposition. Ms. Louis stated that most of the property surrounding the property is residential and once the property is zone Business, it will be hard to take it back to single family.

Pam Cook, 9907 Old Hwy 70, stated her opposition. Ms. Cook's home will be adjacent to the parking lot and the part of their lot where they do most of their living faces the proposed parking lot. Ms. Cook also stated that wildlife will be affected.

Neil Cook, 9907 Old Hwy 70 stated his opposition. Lighting from the parking lot is an issue. Mr. Cook is concerned that the lighting will be directed toward his home. There should be a buffer from the lighting, possibly substantial trees.

Chet Andrews, 9965 Rivers Edge Drive, stated his opposition to Business B-2 zoning district. Mr. Andrews stated that there are other places that it could go, not on the highway.

Nancy Zalewski, 9953 Rivers Edge Drive, stated her opposition to Business B-2 zoning district.

Dennis Herman stated that other locations were looked at, but in some locations, it would require a three-story building, which was not preferred for this type of development. Mr. Herman added that there will be a lot of trees that could be moved on site to provide a buffer on the east side. On the south side, there are 3 lots that will provide a buffer to Rivers Edge. Mr. Herman stated that the wetland areas will be enhanced to attract wildlife for the residents of the facility. There will be trails through the woods for the residents to walk.

Scott Holewinski, Chairman, asked again if there was anyone present to speak for or against Rezone Petition #5-2011. No one came forward.

2:45 pm - Scott Holewinski, Chairman, closed the public hearing for deliberation.

There was discussion regarding the rezone request not being consistent with the Town's Land Use Plan. Brian Desmond, Corporation Counsel, cautioned the committee on approving the rezone request contrary to the Town's Land Use Plan.

Motion by Mike Timmons, second by Gary Baier to table Rezone Petition #05-2011 until the Planning and Zoning Department and the Town of Minocqua are in agreement as to how to proceed. With all members voting "aye" the motion carried.

Conditional Use Permit application of Sun Cloud Partnership, LLP for a portable food stand on property described as Block 7, Lots 11, 12 and 13, Section 14, T39N, R6E, PIN MI 3319, 212 W Chicago St., Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application of Sun Cloud Partnership LLP for a portable food stand, PIN MI 3319, Town of Minocqua.

The notice was published in the Northwoods River News on May 31, 2011 and June 7, 2011; and the Lakeland Times the week of May 30, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 26, 2011. The mailing list was also read into the record.

Correspondence in file: Letter from the Town of Minocqua with approval with conditions: Garbage receptacle available for waste and cleaned daily; potted plantings to enhance appearance; trailer to be skirted and sided for a neat appearance; all State, County and Department of Health requirements to be met.

Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. The project is commenced within 3 years from date of issuance.
2. The nature and extent of the conditional use shall not change from that described and approved in the Conditional Use Permit.
3. Subject to Town review and recommendations.

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4. Signage to conform to 9.78 Sign Regulations Oneida County Zoning and Shoreland Protection Ordinance.
 5. Subject to Oneida County Dept of Health review and approval.

3:20 pm - Scott Holewinski, Chairman, asked if there was anyone present to speak for or against the Conditional Use Permit of Sun Cloud Partnership LLP for a portable food stand. No one came forward.

Scott Holewinski, Chairman, asked again if there was anyone present to speak for or against the Conditional Use Permit of Sun Cloud Partnership LLP for a portable food stand. No one came forward.

3:21 pm – The public hearing was closed for deliberation.

Motion by Billy Fried, second by Mike Timmons to approve the conditional use permit application of Sun Cloud Partnership LLP for a portable food stand, PIN MI 3319, Town of Minocqua, with the General Standards having been met and subject to staff concerns. In addition, \$250.00 of the permit fee will be refunded to the applicants. With all members voting “aye” the motion carried.

Conditional Use Permit application of David Pucci for a canoe, kayak, rafting and tubing rental business on property described as MA Ebert’s Block 1 Lots 5&6, Section 3, T38N, R7E, PIN LT 624 at 7205 Bradley St., Town of Lake Tomahawk

Karl Jennrich, Zoning Director, read the notice of public hearing for the conditional use permit application of David Pucci for a canoe, kayak, rafting and tubing rental business , PIN LT 624, Town of Lake Tomahawk.

The notice was published in the Northwoods River News on May 31, 2011 and June 7, 2011; and the Lakeland Times the week of May 30, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on May 26, 2011. The mailing list was also read into the record.

Correspondence in file: Email from Mary Zimmerman, Lake Tomahawk Town Clerk, with notice of approval by the Town Board for the Conditional Use Permit Application of David Pucci for a canoe, kayak, rafting and tubing rental business.

Kathy Ray, Land Use Specialist, recommended approval subject to the following conditions:

1. Project is commenced within 3 years from date of issuance.
2. The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.
3. Subject to Town approval/recommendations.
4. Parking is limited for group events so the 11 spaces on site are to be used for company vehicles, employee vehicles and customer inquiries. All other customers to park in Town public parking areas or at drop-off areas.

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5. The business vans and trailers are to be parked on site.
 6. Sign permits to be obtained, as required, prior to placement.
 7. May be subject to DOT requirements.
 8. Dumpster(s), if used, to be screened from view (applicant to recycle waste material as required).

3:30 pm - Scott Holewinski, Chairman, asked if there was anyone present to speak for or against the Conditional Use Permit of David Pucci for a canoe, kayak, rafting and tubing rental business. No one came forward.

3:32 pm: Scott Holewinski, Chairman, asked again if there was anyone present to speak for or against the Conditional Use Permit of David Pucci for a canoe, kayak, rafting and tubing rental business. No one came forward.

3:33 pm – The public hearing was closed for deliberation.

Motion by Gary Baier, second by Mike Timmons to approve the conditional use permit application of David Pucci for a canoe, kayak, rafting and tubing rental business , PIN LT 624, Town of Lake Tomahawk, Oneida County. In addition, \$250.00 of the permit fee will be refunded to the applicant. With all members voting “aye” the motion carried.

Line item transfers, purchase orders and bills.

Bills submitted for payment - \$137.00

Purchase Orders submitted for payment - \$973.42

Motion by Billy Fried, second by Mike Timmons to approve the purchase orders and bills. With all members voting “aye” the motion carried.

Refunds.

There is a refund request of Karen Franks, for a shoreland alteration permit that was withdrawn.

Motion by Gary Baier, second by Billy Fried, to deny the refund request of Karen Franks. With all members voting “aye” the motion carried.

Approve future meeting dates: July 6 and July 20, 2011.

July 6 & 20, 2011

June 29, 2011 – NR 115 Revisions

Public comments.

There were no public comments

Future agenda items.

- Lake Classifications to public hearing.
- Signs
- Meeting with Cathy Stepp, DNR Secretary

4:11 pm – Motion by Gary Baier, second by Billy Fried to adjourn. The motion carried unanimously.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director