

ONEIDA COUNTY PLANNING & ZONING
August 5, 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
Steve Osterman, Planning Manager
Kathy Ray, Land Use Specialist
Kim Gauthier, Secretary

Other County Staff: (None)

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, Rhineland, Wisconsin in accordance with the Wisconsin Open Meeting Law. Mr. Holewinski noted the agenda was properly posted, the media notified.

Approve the agenda

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

Conditional Use Permit application of Scott Jacob d/b/a Jakes Bar and Grill for an outdoor music and entertainment area consisting of five (5) events annually for property described as part of Gov't Lot 6, Section 9, T38N, R11E, PIN# TL 478-2, located at 1002 Hwy 32, Three Lakes, WI

Karl Jennrich, Zoning Director read the notice of public hearing into the record. Mr. Jennrich offered proof of publication from the Rhineland Daily News, published on July 21, 2009 and July 28, 2009, along with the Vilas County News and the Lakeland Times the week of July 20, 2009. The notice was posted on the Oneida County courthouse bulletin board July 16, 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 Three Lakes dated July 8, 2009 waiving off street parking as read. Letter from the Town of Three Lakes also dated June 17, 2009 approving the conditional use permit application.
- Letter from Scott Soder, Three Lakes Zoning, recommending approval on a trial basis with recommendations/conditions as read.

Steve Osterman, Planning Manager read the report provided (PH Exhibit #1) noting the main concern is parking.

Mr. Jennrich indicated the department conducted an on-site visit and noted a trial event has taken place which will be evaluated by the town.

Mr. Osterman indicated the general standards have been supplied and the following conditions are recommended upon approval:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. The events are limited to up to 5 Saturdays annually from 5:00 p.m. to 11:00 p.m. and shall be strictly followed.
3. There shall be no parking allowed along side Hwy 32. Attendees and employees must park alongside Golf Course Loop Road.
4. After each event the outdoors area shall be cleaned and any litter shall be properly disposed of.
5. If noise and or parking complaints are received this matter shall be brought back to the Zoning Committee and or Town Board.
6. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.
7. Portable toilets contents shall be pumped as needed within 24 hours of events.
8. All state and local licensing to be obtained prior to operation.
9. Placement of any signage must be in compliance with the Oneida County Zoning and Shoreland Protection Ordinance.
10. Town of Three Lakes concerns. Town was aware of the parking space shortage.
11. Failure to comply with conditions can result in revocation of this CUP.

Mr. Holewinski asked if there was any public comment for or against this issue.

Don Sodlowski commented that he would like event hours to only last until 11:00 p.m. as the town is more restrictive on this matter and thought that the CUP must be approved prior to an event.

George Linbacker commented that he has no problem with the cleanup and it is usually clean the next morning. Mr. Linbacker indicated there have been three events already; he would like to see parking on one side of the road only. He did report to the town with feedback on the events. Mr. Linbacker also asked how soon porta-potties will be removed after an event and how long a CUP is good for. Mr. Linbacker recommended the events be published in advance for the public's knowledge. Mr. Linbacker noted that noise is a concern; however, he would like to see businesses thrive in the Three Lakes area.

No other comments were made. Public comment portion of the hearing was closed.

Mr. Greschner commented that he is very disturbed that three events have occurred without the committee approving them. Mr. Greschner also expressed his concern of outdoor alcohol beverage distribution.

Mr. Jennrich indicated the town approached the zoning department requesting a trial event. Mr. Jennrich indicated the parking issue is a town and police issue.

Mr. Holewinski commented that if the owner has a liquor license we don't need to be concerned about outdoor beverages.

Mr. Sodlowski commented that the town approved every event prior to them happening and the town is more restrictive than the county.

Motion by Scott Holewinski, second by Ted Cushing to amend condition number four to noon the following day of the event. With all members present voting “aye”, the motion carried.

Motion by Ted Cushing, second by Frank Greb to amend condition number two hours until 11:00 p.m. only. With all members present voting “aye”, the motion carried.

Motion by Frank Greb, second by Ted Cushing that portable toilets be removed within 24 hours of an event. With all members present voting “aye”, the motion carried.

Motion by Ted Cushing, second by Charles Wickman to approve the conditional use permit of Scott Jacob d/b/a Jakes Bar and Grill with conditions as amended. Larry Greschner “nay”, Ted Cushing “aye”, Charles Wickman “aye”, Frank Greb “aye”, Scott Holewinski “aye”. The motion carried.

Conditional Use Permit application of Raven Broadcasting Corp., C/O NRG Media, Jim Cheshire, agent for Cellcom to remove an existing 302' tall communication tower and replace it with a new 345' tall communication tower for property described as part of the NW SE, Section 34, T39N, R6E, PIN#'s MI 2503-1, MI 2503-10, MI 5517, MI 5518. The general location is Highway 51 and Lee Road, 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 July 21, 2009 and July 28, 2009, along with the Vilas County News and the Lakeland Times the week of July 20, 2009. The notice was posted on the Oneida County courthouse bulletin board July 16, 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 July 21, 2009 approving the conditional use permit.

Kathy Ray, Land Use Specialist read the report provided (PH Exhibit #2) describing the permit application. The general standards have been supplied and the following conditions were 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. Must comply with all Federal regulations specifically FAA & FCC.
3. CSM combining the lots for the purpose of zoning must be recorded or keep under single ownership for the life of the CUP prior to issuance of the CUP.
4. Lease agreement for leased areas to be received/reviewed by this department prior to issuance of the CUP.
5. Must obtain approved zoning permits for the tower and equipment cabinet prior to removal/placement.
6. Placement of additional antennae(s) will require additional approval(s).
7. Access agreement to be obtained with NRG and Mr. Mattila (The Carpet Guy).
8. Town guyed wires not to encroach on the 50 foot easement.

Discussion on concern of guyed wire in the easement access.

Jim Cheshire indicated the wire can be moved and relocated.

Jim Weinmann explained that the parties are still working on obtaining authority to access the property.

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

Rick Mattila, owner of The Carpet Guy, commented on his concern of the fall zone and asked where equipment will travel in and out during construction.

Mr. Weinmann indicated that the tower is not physically able to fall on Mr. Mattila's property and that a lease agreement must be worked out yet to access the property.

Mr. Mattila also commented that he would like the site kept clean during construction.

Dan Hess, Oneida County Sheriff's Department commented that he is for the location as the Sheriff's Department will be able to utilize the tower.

There was no other public comment.

Motion by Ted Cushing, second by Larry Greschner to add a condition that access agreement be obtained with NRG and Mr. Mattila (The Carpet Guy). With all members present voting "aye", the motion carried.

Motion by Scott Holewinski, second by Ted Cushing that the tower guyed wires not encroaches on the 50 foot easement. With all members present voting "aye", the motion carried.

Motion by Larry Greschner, Ted Cushing to strike condition number three in this case only. Larry Greschner "nay", Ted Cushing "nay", Charles Wickman "nay", Frank Greb "nay", Scott Holewinski "nay". The motion failed.

Mr. Jennrich read Section 9.41(A), noting if no CSM then the property should not be conveyed.

Motion by Larry Greschner, second by Ted Cushing that all parcels remain under single ownership for the life of the CUP and/or CSM. With all members present voting "aye", the motion carried.

Motion by Larry Greschner, second by Ted Cushing to approve the conditional use permit of Raven Broadcasting Corp., C/O NRG Media, Jim Cheshire agent for Cellcom, agenda item number four with staff conditions and town concerns as presented and the general standards having been met. With all members present voting "aye", the motion carried.

Conditional Use Permit application of Nsighttel Wireless LLC d/b/a Cellcom, Jim Cheshire agent for property owned by Valerie J. Nisk Revocable Living Trust to construct a new 420' tall guyed communication tower and then remove the existing 490' tall guyed communication tower on property described as part of the SW NW, Section 20, T39N, R7E, PIN# WR 275, located at 8743 Mid Lake Road, 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 July 21, 2009 and July 28, 2009, along with the Vilas County News and the Lakeland Times the week of July 20, 2009. The notice was posted on the Oneida County courthouse bulletin board July 16, 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 with conditions as read.

Mr. Jennrich indicated he was at the town meeting and there were no concerns.

Steve Osterman, Planning Manager presented a report (PH Exhibit #3) describing the request to drop and swap towers. The general standards have been supplied and the following conditions apply:

1. The nature and extent of the conditional use shall not change from that described in the application and approved in the CUP.
2. Project must conform to FAA and FCC requirements.
3. A formal "determination of no air hazard" letter must be obtained from the FAA and provided to this department prior to Zoning permit issuance.
4. All state and local licensing to be obtained prior to operation.
5. Old tower to be removed and hauled offsite within 180 days after the new tower is fully functioning. The concrete tower base and anchor points must also be hauled offsite and properly disposed of.
6. Town of Woodruff approval with concerns. ~~Must maintain vegetation screening from Mid Lake Road. The driveway leading into the site must be better maintained than it was previously.~~

Mr. Holewinski indicated there was no public present to make public comment.

Motion by Ted Cushing, second by Larry Greschner to remove the last sentence from condition number six. With all members present voting "aye", the motion carried.

Motion by Ted Cushing, second by Larry Greschner to approve the CUP of Nsighttel Wireless LLC d/b/a Cellcom, to construct a new 420 foot tall tower, agenda item number five, with the general standards of approval and conditions as presented. With all members present voting "aye", the motion carried.

Mr. Greschner asked why the proposed tower is 70 feet less. Mr. Cheshire explained it is more cost affective as explained.

Mr. Holewinski commented that he believes a drop and swap should be limited to the existing size.

Motion by Ted Cushing, second by Larry Greschner to change condition number five to 180 days for removal. With all members present voting "aye", the motion carried.

Adjourn

Time: 3:30 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