

ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
October 18, 2023
COUNTY BOARD ROOM – 2ND FLOOR
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501

Members present: Scott Holewinski, Mike Timmons, Tommy Ryden, Mike Roach

Members absent: Bob Almekinder

Department staff present: Karl Jennrich, Director; Todd Troskey, Assistant Director; Scott Ridderbusch, Land Use Specialist; Carla Blankenship, Land Use Specialist; Monique Taylor, Administrative Support

Other county staff present: Linnaea Newman

Guests present: See sign in sheet.

Call to order.

Chair Holewinski called the meeting to order at 1:00 p.m. in accordance with the Wisconsin Open Meeting Law.

Approve the agenda. Motion by Tommy Ryden, second by Mike Roach, to approve the agenda. With all members present voting “Aye,” the motion carried.

CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit application by Brit Bromann, applicant and owner, to operate the existing racetrack for motorsports racing on the following described property: Lot 1, CSM 3790, being part of SW ¼ of the NE ¼, Section 5, T37N, R11E, PIN PI 64, 5435 Highway 45, Town of Piehl.

Mr. Jennrich read the Notice of Public Hearing into the record. The Notice of Public Hearing was posted in the Northwoods River News on October 3 and 10, 2023, and the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on September 28, 2023. An Affidavit of Mailing and mailing list is contained within the file. A letter from the Town of Piehl was received, read into the record, and contained in the file. No other public comments were received. Mr. Jennrich further discussed details of the history of the property and the proposal request. Mr. Ridderbusch read the Report into the record.

If the applicant has met or agrees to meet all of the requirements and conditions of permit issuance, staff would suggest the following conditions be placed on the CUP:

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 Oneida County Health Department requirements and licensing.
3. Parking to comply with 9.77 Oneida County Zoning & Shoreland Protection Ordinance.
4. Signage to comply with 9.78 Sign Regulations Oneida County Zoning & Shoreland Protection Ordinance. Proper sign permits to be obtained prior to placement.
5. If additional exterior lighting is installed, it must be downcast and shielded from above.

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6. Dumpster be screened from view. Applicant to recycle waste materials as required.
7. ~~Race events to go no later than 12:00 AM (midnight).~~
8. Hours of operation 7:00 AM to 12:00 AM (midnight).

Chair Holewinski opened the public portion of the public hearing.

No one spoke.

Chair Holewinski closed the public portion of the public hearing.

The committee conferred with the property owner, Mr. Ridderbusch, and Mr. Jennrich. The committee would like Condition #7 to be specific with the hours of operation to be from 7:00 a.m. to 12:00 a.m. (midnight).

Motion by Mike Timmons, second by Mike Roach, to approve the Conditional Use Permit as presented, with the amendment as discussed to Condition #7 concerning the hours of operation to be from 7:00 a.m. to 12:00 a.m. (midnight), subject to all conditions being met. With all members present voting "Aye," the motion passed.

Conditional Use Permit application by Daniel Stehl, applicant and owner, to add outdoor seating, a mobile food service, and outdoor music at the existing beverage establishment on the following described property: Lot 3, Block 7, Village of Three Lakes, being part of the NW-NW, Section 7, T38N, R11E, PIN TL 2497, 1803 Superior Street, Town of Three Lakes.

Mr. Jennrich read the Notice of Public Hearing into the record. The Notice of Public Hearing was posted in the Northwoods River News on October 3 and 10, 2023, and the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on September 28, 2023. An Affidavit of Mailing and mailing list is contained within the file. A letter was received from the Town of Three Lakes, read into the record, and contained in the file. Chair Holewinski requested for the Towns to state in their letters to the Department to no longer state that they "approve" a Conditional Use Permit (CUP) but to send their recommendations and any concerns they may have. The only public correspondence received was an informational inquiry, but no other letters were received in favor or opposition to the CUP. Mr. Ridderbusch read the Report and the details of the proposal request.

If the applicant has met or agrees to meet all of the requirements and conditions of permit issuance, staff would suggest the following conditions be placed on the CUP:

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. License for operation of the food service must be approved by the Oneida County Health Department prior to operations. Town of Three Lakes approval, if required.
3. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance.
4. Parking to comply with 9.77 Off-Street Parking & Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance and the Town of Three Lakes.
5. Dumpsters to be screened from view, applicant to recycle waste materials as required.
6. Proper zoning permits be obtained prior to construction of proposed structures as applicable.
7. Lighting if installed, be downcast and shielded from above.
8. Operations of outdoor seating and food vendors must not interfere/obstruct areas of shared traveled area.
9. Committee has approved parking exemption pursuant to 9.77 (F) of the Oneida County Zoning & Shoreland Protection Ordinance.
10. Hours of operation between 12:00 PM and 9:00 PM.

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11. No outdoor music approved with this Conditional Use Permit.

The committee would like the Town of Three Lakes included in Condition #2 for approval, if needed. The committee would also like the parking exemptions and the hours of operation to be specified as additional conditions. The committee conferred with Mr. Ridderbusch and the property owner to clarify the outdoor music as contained within the application. It is a plan for the future, but at this time, it was not presented to the Town Board as an option. The committee would like to add a condition prohibiting outdoor music with this CUP.

Chair Holewinski opened the public portion of the public hearing.

Daniel Stehl spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion made by Tommy Ryden, second by Mike Roach, to approve the Conditional Use Permit as presented, adding the Town of Three Lakes to Condition #2, Condition #9 concerning parking exemption specifications, Condition #10 relating to the specified hours of operation, and Condition #11 prohibiting outdoor music with this CUP, and subject to all conditions being met. With all members voting "Aye," the motion carried.

Conditional Use Permit application by Kristin Lenz, applicant, and WAH Properties LLC, owner, to operate a twice monthly outdoor vendor market with a food truck and fire pit on the following described property: Lot 2, CSM 1638, Being Part of the NE ¼ and SW ¼, Section 26, T39N, R6E, PIN MI 2380-1B, Town of Minocqua.

Mr. Jennrich read the Notice of Public Hearing into the record. The Notice of Public Hearing was posted in the Northwoods River News on October 3 and 18, 2023, and the Proof of Publication is contained within the file. The Notice was posted on the Oneida County Courthouse Bulletin Board on September 28, 2023. An Affidavit of Mailing and mailing list is contained within the file. A letter was received from the Town of Minocqua, read into the record, and contained in the file. No other public correspondence was received. Ms. Blankenship read the Report and the details of the proposal.

If the applicant has met or agrees to meet all of the requirements and conditions of permit issuance, staff would suggest the following conditions be placed on the CUP:

1. The project to be substantially commenced within three (3) years of issuance date.
2. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
3. Signage to comply with 9.78 Sign Regulations of the Oneida County Zoning and Shoreland Protection Ordinance.
4. Parking to comply with 9.77 Off Street Parking and Loading Space of the Oneida County Zoning and Shoreland Protection Ordinance.
5. Subject to Oneida County Health Department requirements.
- ~~6. Outdoor vendor to obtain Transient Merchant Permit from the Town of Minocqua.~~
7. Outdoor vendor/food truck to obtain Transient Merchant Permit from the Town of Minocqua.
8. Dumpster(s) if used, must be screened from view. Applicant to recycle waste materials as required.
9. The hours of the twice monthly market will coincide with the hours of White Arrow Home (Monday-Saturday 10:00 AM to 3:00 PM and Thursday 10:00 AM to 6:00 PM).

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The committee would like a condition added specifying the hours of operation. The committee would also like to amend Condition #6 to reflect “outdoor vendors/food trucks.”

Chair Holewinski opened the public portion of the public hearing.

No one spoke.

Chair Holewinski closed the public portion of the public hearing.

Motion by Mike Timmons, second by Tommy Ryden, to approve the Conditional Use Permit as presented, adding Condition #8 to reflect the hours of operation and amending Condition #6 to reflect outdoor vendors/food trucks, subject to all conditions being met. Will all members voting “Aye,” the motion carried.

Public comments (limited to 3 minutes per person).

Tom Burrell spoke concerning Chapter 26 of the Oneida County Comprehensive Land Use Plan Ordinance.

Approve meeting minutes of September 20, 2023. Mr. Jennrich stated on the record that the amended meeting minutes of August 9, 2023, needed a signature, and that a motion was previously made to approve them at the October 4, 2023 meeting. Motion by Tommy Ryden, second by Mike Roach, to approve the meeting minutes of September 20, 2023. With all members present voting “Aye,” the motion carried.

Discussion/decision concerning amending Chapter 26 of the Oneida County Comprehensive Land Use Plan Ordinance. The committee will be reviewing Chapters 1, 2, and 3 of the Public Participation Plan. Sam Wessel and Christian Boulanger from the North Central Wisconsin Region Planning Commission (NCWRPC) were present to discuss Chapters 1, 2, and 3 of the Public Participation Plan. Mr. Wessel went through Chapters 1 and 2 with the committee and Mr. Jennrich. The incorporated changes presented included comments from the committee from previous discussions and grammatical updates from department staff. The committee conferred with Mr. Jennrich and Mr. Wessel concerning the Towns that have updated their Plans as well. The committee would like a complete updated list of all of the Towns that have updated their Plans. Some changes were discussed and requested to be implemented and presented at a future meeting date. Chapter 3 was not discussed. The committee and the NCWRPC plan to meet monthly to review and discuss updates to the Chapters. The committee would like staff to bring information as discussed to a future meeting to review and discuss.

Discussion/decision concerning Rezone Petition #04-2023 by Robert Rynders, owner, to rezone from District #02 Single Family to District #03 Multiple Family Residential for property described as: Lots 2, 3 and 4, CSM 3954, being part of Government Lots 5 and 6, Section 10, T39N, R6E, PIN MI 2163-2, MI 2163-11, and MI 2163-12, Town of Minocqua. The committee will be discussing updates concerning the Rezone Petition subsequent to the public hearing held on May 3, 2023. The committee conferred with Mr. Troskey and Mr. Ridderbusch to recap the public hearing held on May 3, 2023. The motion was read into the record and stated as follows:

“Motion by Mike Timmons, second by Bob Almekinder to request the owner to return to the Town for further deliberations and bring back to committee subsequent to this action. With all members present voting “aye”, the motion carried.”

The committee asked Mr. Rynders if he went to the Town for further discussion concerning the rezone. Chair Holewinski stated that if the Town of Minocqua opposes the rezone and the County

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Board passes it, the Town would have 30 days to reverse it. Chair Holewinski also stated that it would only pay to proceed with the rezoning process if the Town Board is not against it. Mr. Troskey read the correspondence between Mr. Jennrich and the Town of Minocqua concerning the rezone being placed on the Town's agenda. In the correspondence, Mr. Jennrich inquired about the rezone being placed on the Town's meeting agenda. The Town's response stated that the matter was initially requested to be placed on the agenda. However, Mr. Rynders asked that it not be placed on the meeting agenda. The Town Board's recommendation for denial still stands. Mr. Rynders spoke and stated that he believes that the Town and residents are considering a Conditional Use Permit process before focusing on the rezone. He further stated that some of the concerns were due to the citizens and increased traffic on the road but that he would agree not to use the road and could build a berm. Chair Holewinski stated that he can only proceed if Mr. Rynders can present to the Town Board that the CUP application is separate and that the rezone is needed first to get to the CUP process. If the Town Board will say no to the rezone, the committee will not force the matter onto the County Board, anticipating an appeal from the Town.

Discussion/decision concerning Preliminary four (4) Lot Certified Survey Map of lands owned by the West Group LLC, and submitted by Genisot & Associates, Jon Bandow, surveyor for property located at 4475 County P, further described as: Lot 1, CSM 2739, being part of the SW SE, NW SE, Section 10, T36N, R9E, PIN PE 121-1, Town of Pelican. The committee will be discussing the owner's proposal for consideration for approval subsequent to the meeting discussions at the meeting of October 4, 2023. Mr. Ridderbusch spoke concerning updates and access proposal changes after the meeting of October 4, 2023, in which a decision was postponed at the committee's request for staff to obtain recommendations concerning access from Oneida County Highway Commissioner Alex Hegeman and for the property owner to provide reasons for approval for committee's review for consideration for approval. A letter was received from Mr. Hegeman, read into the record, and contained within the file. Mr. Hegeman recommended that moving the third access point further south would be acceptable and, if that were to occur, the existing access point should be removed. If a new access point would be an option, an access permit from the Oneida County Highway Department would be required. If the existing access point would be removed, the ditch line would need to be restored. Jon Bandow at Genisot & Associates provided two options to the Department. The committee conferred with Mr. Ridderbusch, Mr. Jennrich, Jon Bandow, and the property owner concerning the access points, emergency vehicle services access and turnaround, lot sizing, and utilities.

The committee conferred concerning the property owner's options and further reasoning to grant the proposal request for the subdivision. The letter received from the property owner was referenced and believed to have provided reasonable indications for consideration to be able to approve.

Motion by Chair Holewinski, second by Mike Timmons, to approve the four-lot subdivision subject to the third driveway being moved to the south end of the property on Lot 4 off County Highway P as discussed and reflected on "Option Preliminary #2", the reduction of Lot 4 on the square footing based on the letter submitted by the property owner, and the location of the existing septic system and the driveway making the lot smaller.

The committee conferred with Mr. Jennrich about concerns with the frequency of approvals for similar proposals. To explain, Mr. Jennrich read into the record Section 15.31, Modifications and Appeals, of the Oneida County Subdivision Control Ordinance, which states as follows:

§ 15.31 Fees, Enforcement, Variances and Appeals.

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(2) *Modifications and Appeals.*

- (a) *Modification. Where in the judgment of the Committee it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Committee may waive or modify any requirement to the extent deemed just and proper.*

Such relief shall be granted without impairing the intent and purpose of this chapter or the desirable general development of the County. A majority vote of the entire membership of the Committee shall be required to grant any modification of this chapter, and the reason shall be entered in the committee minutes, a copy of which shall be attached to the plat.

The committee conferred with Mr. Ridderbusch, Jon Bandow, and the property owner concerning the lot sizes and density requirements, hardships per Section 15.31, easements, access points, safety benefits, and existing buildings. Other options were discussed, but it was determined that the alternatives would not work with the proposal because of density requirements and acreage sizes. No further discussion was had. The committee voted on the motion made.

Motion by Chair Holewinski, second by Mike Timmons, to approve the four-lot subdivision subject to the third driveway being moved to the south end of the property on Lot 4 off County Highway P as discussed and reflected on “Option Preliminary #2”, the reduction of Lot 4 on the square footing based on the letter submitted by the property owner, and the location of the existing septic system and the driveway making the lot smaller. With all members present voting “Aye,” the motion carried.

Discussion/decision – Planning & Zoning Department permit activity/revenue. No discussion.

Refunds. None.

Approve future meeting dates. November 1 and 15, 2023

Future agenda items. As discussed.

Adjourn.

3:24 p.m. There being no further matters to lawfully come before the committee, Chair Holewinski adjourned the meeting.

Scott Holewinski, Chair

Karl Jennrich, Planning & Zoning Director