

ONEIDA COUNTY PLANNING & ZONING
July 20, 2011
12:30 pm – Closed Session
1:00 PM – Regular Meeting
2:00 PM – Public Hearing
MINOCQUA CENTER BOARD ROOM (3RD FLOOR)
415 MENOMINEE ST., MINOCQUA, WI.

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

Department staff present: Karl Jennrich, Zoning Director
Peter S. Wegner, Assistant Zoning Director
Lila Dumar, Secretary III

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Dick Miller
Edward R Wendt
Julie Backenkeller
Don Gauger
Tim Melms, Hogan & Melms LLC
Kirsten Margitan
Bonnie Margitan
Kay Edwards
Terri Lutz
Jeanne Sully
Lynn Trapp
Bob Rynders
Ken Wiesendanger
Alexey Kustov
Pat Winger
Bob Howard
Keith Hoffman
Greg Howard
Gary Robinson
Mark Hartzheim, Town of Minocqua
Shawn & Sally Litscher
John Margitan

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 Gary Baier, 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. Wetland fill, land disturbance within vegetation protection area. Placement of accessory structures less than 75 feet and failure to complete mitigation requirements in the Town of Schoepke.

B. Pier violation in the Town of Minocqua.

C. Rental violation in District #2, Single Family Residential 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 Gary Baier 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.

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

(A) Wetland fill, land disturbance within vegetation protection area. Placement of accessory structures less than 75 feet and failure to complete mitigation requirements in the Town of Schoepke.

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

Motion by Dave Hintz, second by Billy Fried, for Corporation Counsel to file a long form complaint against Patrick Buckley. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye," Dave Hintz "aye." The motion carried.

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

Chairman Holewinski stated that while in closed session there was no action taken. Only discussion was held.

(C) Rental violation in District #2, Single Family Residential in the Town of Minocqua.

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

Motion by Dave Hintz, second by Mike Timmons, for Corporation Counsel to file a long form complaint against Patrick Spohn. Roll call vote: Scott Holewinski: "aye", Gary Baier "aye", Mike Timmons "aye", Billy Fried "aye," Dave Hintz "aye." The motion carried.

Public comments.

There were no public comments.

Approve meeting minutes of July 6, 2011.

Motion by Billy Fried, second by Dave Hintz to approve the meeting minutes of July 6, 2011. With all members voting "aye" the motion carried.

Discuss Stormwater runoff concerns on property located at 8257 Bassett Rd. in the Town of Minocqua owned by Julie Backenkeller, PIN MI 3633.

Julie Backenkeller is present. Ms. Backenkeller has concerns regarding stormwater runoff from her adjoining property owner and also the 5 ft setback for a driveway from a lot line, which the County does not enforce. Ms. Backenkeller stated that the problem begins with the Town Road. The neighbor claims it's an issue for the Town and he will not fix it and the Town will not correct it either. Mr. Wegner stated that the County also plans to require property owners to handle their own stormwater on their property as part of NR 115.

Peter Wegner, Assistant Zoning Director, stated that the County has always allowed a driveway to be up to the lot line. Mr. Wegner stated that the County plans to change the ordinance to allow a zero setback for a driveway. Ms. Backenkeller objected, stating

that the five feet is needed for property owners to handle their own stormwater runoff and for snow.

There was discussion relating to the County enforcing the ordinance as written, regardless of past Department policy. Mr. Wegner stated that he would need a survey that shows the encroachment, which Ms. Backenkeller stated she would provide.

Discussion only. No action taken.

Meeting with Secretary Stepp July 27, 2011.

Peter S. Wegner, Assistant Zoning Director, reviewed the draft outline of the proposed presentation for the meeting with Secretary Stepp with the Committee. There was general discussion. The meeting will be held in the County Board room at 1:00 pm.

Discussion only. No action taken.

Line item transfers, purchase orders and bills.

Bills submitted are \$1,410.18

Purchase orders submitted are \$313.35

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

Refunds.

Karl Jennrich stated that there is a refund request of Marjorie Wykowski, who applied for a non-metallic mine permit and a reclamation permit and then withdrew. The notice was published and there was staff time involved. Mr. Jennrich recommended a refund of \$250.00, which is ½ of the fees paid.

Motion by Billy Fried, second by Dave Hintz, to approve the refund request of Marjorie Wykowski in the amount of \$250.00 as recommended by the Zoning Director. With all members voting "aye" the motion carried.

Approve future meeting dates: July 26, July 27, and August 3, 2011.

The Committee confirmed the meeting dates of July 26 & 27, 2011. There was discussion on the August 3, 2011 meeting date. This was changed to August 2, 2011.

Public comments.

There were no public comments.

Future agenda items.

Nothing was discussed.

1:55 pm – The Committee recessed.

2:00 pm – The Committee reconvened to conduct the public hearings.

Conditional Use Permit #766-10, Scott's Northwoods Diesel for property described as Lots 6, 7 and 8, Ranchwood business Park, being part of NE NE, Section 8, T39N, R6E, PIN MI 2123-7, Town of Minocqua. The Committee will be reviewing the conditions of approval dated November 8, 2010. Furthermore, they may amend, suspend or revoke the permit pursuant to Section 9.42 D of the Oneida County Zoning and Shoreland Protection Ordinance.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application #766-10, Scott's Northwoods Diesel, PIN #MI 2123-7, Town of Minocqua.

The notice was published in the Northwoods River News on July 5 & July 12, 2011; and the Lakeland Times the week of July 4, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on June 30, 2011. The mailing list was also read into the record.

The Planning and Zoning Committee and County staff introduced themselves to the persons in attendance.

Karl Jennrich, Zoning Director, stated that this public hearing is being held to review the conditions placed on the CUP by the Board of Adjustment on November 8, 2010. The public hearing is being held in accordance with the Oneida County Zoning and Shoreland Protection Ordinance Section 9.82 D – Revocation of Permits.

9.82 D. *Revocation of Permits*

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The Committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the permit. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Committee of an alleged violation of any permit, in its sole discretion, the Committee may hold a public hearing

to consider amending, suspending or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department a minimum of 72 hours prior to conducting the public hearing. The notice shall contain the date, time and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Committee at its sole discretion may hold additional public hearings. If the Committee finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.

Mr. Jennrich stated that Section 9.42 was also reviewed for the purposes of this public hearing. Section 9.42 also provides that a conditional use permit can only be amended is through a public hearing.

Mr. Jennrich stated that any party that is aggrieved by the Committee's decision may appeal the decision to the Oneida County Board of Adjustment within 30 days of the written notification of the Committee's decision to the applicant.

Correspondence in file:

Karl Jennrich, Zoning Director, read the following correspondence into the record:

- 7/07/11 Letter via email from Henry J C Schwartz MD in opposition to CUP.
- 7/12/11 Letter via email from James & Therese Sgarlata-Lutz in opposition to CUP.
- 7/16/11 Letter via email from Kirsten Margitan in opposition to CUP.
- 7/15/11 Letter Fredrick A Petters in opposition to CUP.
- 7/18/11 Letter via email from Jon and Roxanne Zuleger in opposition to CUP.
- 7/20/11 Letter from Richelle Kohl in opposition to CUP.

Other documents in file and provided to the Committee:

- Copy of CUP 766-10 issued 9-8-10
- Copy of Approval Letter dated 9-8-10
- Copy Minutes from the Board of Adjustment Public Hearing
- Copy of Board of Adjustment Decision

The Committee reviewed the conditions that were set by the Board of Adjustment and discussed the following:

Condition #13 to make the permit automatically null and void for failure to comply with the conditions set.

“These conditions apply only to apply only to the new site unless otherwise indicated. Failure to comply with these conditions shall make this permit automatically null and void in its entirety.”

Karl Jennrich, Zoning Director, stated that he does not have the authority to enforce Condition #13. Only the Planning and Zoning Committee has that ability under Section 9.82 D to revoke a conditional use permit following a public hearing.

Brian Desmond, Corporation Counsel, stated that Condition #13 also violates the Board of Adjustment’s Rules of Procedure, Section 17.07 (5): *“Permits issued or variances approved under a conditional approval by the Board shall be valid only so long as the conditions are observed. Any violation of conditions specified may result in revocation of a permit or other privilege granted by the Board after notice and an opportunity to be heard.”* In accordance with both the zoning ordinance and the Board of Adjustment Rules of Procedure, a hearing is required before a permit can be revoked. Mr. Desmond advised the Committee that condition #13 should be deleted.

Decibel readings.

Condition (#10) states*“vehicles or equipment emitting sound at any time in excess of 90 dba measured 50 feet away shall not be started nor run earlier than 8:00 a.m. during allowable operating hours.”*

Karl Jennrich, Zoning Director, stated that zoning staff has no mechanism or training to determine decibels readings. Mr. Jennrich noted that he is unsure if law enforcement could determine decibel readings either.

Hours of operation.

Karl Jennrich, Zoning Director, stated that this is unclear to what “hours of operation” are and that is why we are here to talk to the Committee. Some think it is when the public is allowed on the premise and that there should be no activity at all after those hours that are set by the Committee.

Impermeable surfaces.

Karl Jennrich, Zoning Director, stated that follow up on hazardous spills or contamination of soil falls under the jurisdiction of the WDNR. The WDNR was on the property on Hwy 51 and found no violations there. The WDNR prefers a gravel surface to black top.

Authority of the Board of Adjustment.

Brian Desmond, Corporation Counsel, stated that the Board of Adjustment has the same authority/power as the Planning and Zoning Committee and Department staff. Under 17.04 (2): *"In exercising the foregoing powers, and consistent with statutes and case law, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or committee from whom the appeal is taken, and may issue or direct the issuance of a permit, or authorize a privilege, subject to conditions and limitations where deemed appropriate by the Board."*

2:24 pm. Chairman Scott Holewinski asked if there was anyone present that wished to speak for or against the issue at hand.

1. Sally Litscher, 10279 Norway Court. Ms. Litscher provided photos of the property in the winter time to the Committee.
2. Dennis Herman, Rynders Development. Condition #5 "...all compliances to be met within 3 years." The way it reads, the Negri's should be allowed 3 years to comply with all of the conditions. Vehicle locations on Lots 7 & 8 are for vehicles for sale. Lot 6 was to be dedicated to vehicles that are in need of repair, inoperable or waiting to be picked up by a salvage yard. Hours of operation needs to be cleaned up. Don't be too restrictive and it isn't best for the neighbors or the business. 152 trees were planted in the buffer along with seedlings since. Impervious area. Scraping the soil was to bring in more gravel where trucks park.
3. Terri Lutz, 10267 Norway Court. 50 foot buffer zone. This is related to the rezone from a few years ago, it does not have anything to do with the CUP. The vegetative barrier needs to stand on its own. The intention was for thick dense coverage to prevent vision and noise. Timeline. There was a general 3 year stipulation, but there were also specific time frames that are mentioned in the CUP. Business hours. Need to be in place now to avoid noise that is otherwise peaceful in a residential neighborhood. Incompatible with a residential neighborhood. Need to maintain conditions set by the Board of Adjustment and enforce them.
4. Shawn C Litscher, 10279 Norway Court. Everyone knew that this was going to be difficult, this type of business so close to a single family residences. The conditions need to be enforced.
5. Bob Rynders, Rynders Development. The property was zoned residential & farming, rural residential or business prior to most of the residents purchasing their property. When property was subdivided, the Town required a 50 ft buffer on the

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- south and east side. The property has been for sale for 20 years. Anyone could have bought it. Businesses are needed in the area.
6. John Margitan, 8230 Mercer Lake Road. Subdivision was done in 1994, prior to any rezoning. The zoning was changed from Residential and Farming to Rural Residential in 1996; changed from Rural Residential to Residential Retail in 1997; and from Residential Retail to Business in 1997. So the people that have lake front property were there before any rezoning. Condition # 6 refers to a buffer with trees averaging 15 feet wide at the base. The only tree that can do that is a spruce.
 7. Kirsten Margitan, 10287 Norway Court. Concerned with the hours of operation; salvage materials and salvage vehicles being on Lot 6; vehicles parked on sand, not on impervious surfaces; vehicles parked on first 2 lots instead of Lot 6. At night the doors are open, the noise goes right down Norway Court. Everything can be seen, heard and smelled. The conditions should protect the landowners.
 8. Gary Robinson, 10264 Hwy 70. Many meetings on this. The rules have been set and they should be met.
 9. Attorney Tim Melms, on behalf of Scott and Cathy Negri. This CUP was approved by the Town and the County as well as the Board of Adjustment. The people that are here are a minimal representation of the citizens in the Town of Minocqua and Oneida County. The Negri's are the victims and are being harassed. This is a Business zoned property, it is not residential. Need to clarify this CUP. To return to the original CUP conditions, which were much clearer and some of the conditions set by the Board of Adjustment were illegal or non-enforceable. The Negri's would be agreeable to go back to the conditions set by the Planning and Zoning with some modifications. The Negri's suggested hours of operation 6am – 7pm Monday – Saturday. With cleaning, deliveries times and work completely done inside to be allowed outside of those hours. Also clarification on the 6-month time frame to be for inoperable vehicles only, not vehicles that are for sale.

Chairman Scott Holewinski if there was any further public comment for or against the issue at hand. No one came forward.

Chairman Scott Holewinski asked again if there was any further public comment for or against the issue at hand. No one came forward.

3:03 PM – The public hearing was closed. No further public comment will be taken.

Motion by Billy Fried, second by Gary Baier to work from the Planning and Zoning Committee's original CUP approval and conditions.

Discussion on the Motion. Brian Desmond, Corporation Counsel, advised the Committee to use the Board of Adjustment's Conditions as a starting point, because that is what is being violated and is the basis of the public hearing. The Committee could interpret the conditions and determine how the conditions should be changed or clarified; or the

Committee could also compare each set of conditions as set by the Committee and the Board of Adjustment. Billy Fried stated that he was concerned with doing so due to the fact that the Committee may not interpret the conditions as they were intended by the Board of Adjustment. Mr. Hintz stated that the Committee will make the conditions very clear so that there is no misunderstanding on what the conditions are. Mr. Baier stated that the Committee should go back to the original, which met the general standards, and make modifications so there are no misunderstandings.

Mr. Desmond advised the Committee to go back to the Board of Adjustment's conditions because these are the standards that the Negri's have been working with for a year. Scott Holewinski stated it would be bad to throw out the Board of Adjustment's conditions, it wouldn't look good. Mr. Baier stated that the Committee could incorporate some of the Board of Adjustment's conditions into final conditions set today.

Chairman Holewinski called for a vote on the motion. The motion failed on a vote of 3:2 (aye: Fried, Baier; nay: Timmons, Hintz, Holewinski.

The Committee reviewed the revised conditions approved by the Board of Adjustment on 11-8-10.

Condition #1. The Committee concluded that condition #1 may need to be changed depending on the other changes that are made today.

Conditions #2 – Remain unchanged.

Condition #3 – Remain unchanged.

Condition #4 - Remain unchanged.

Condition #5 - Discussion on term "completed" within 3 years. Should read "commenced" to be in accordance with the zoning ordinance.

Motion by Billy Fried, second by Dave Hintz, on Condition #5 change the word "completed" to "commenced". The motion carried unanimously.

Condition #6 – Buffer Zone. Department staff stated that the Negri's are not in compliance with this condition due to the requirement for trees with 15 ft wide at the base. This is a very large tree, difficult to have planted due to the equipment that would be needed and disturbance of existing vegetation. Department staff recommended that this be reduced to 5 – 6 feet in width. Karl Jennrich, Zoning Director, recommended a fence instead of trees, it would be easier to work with and would completely block the property from view.

Scott Holewinski asked the Committee if the Negri's are in compliance; should the buffer be thicker or should they put up a fence. Gary Baier stated that Negri's are in compliance with this condition due to the number of trees planted. Dave Hintz stated that the condition should be amended to get rid of the width and height requirements and with Town deleted for approving the buffer plantings.

Motion by Dave Hintz, second by Scott Holewinski to amend Condition #6, by eliminating the sentence, "The buffer shall include a visually and audibly dense vegetative barrier....." And eliminating the sentence, "The vegetation shall be on average at least five feet high by September 1, 2011..." And in the last sentence delete "by the Town" giving the County responsibility of approving the buffer plantings.

Discussion on motion. Scott Negri stated that there is a 50-ft buffer (South) that was platted prior to he purchased the property. He has added 12 more trees to it. This is not the buffer zone that is conditioned with the CUP. The Committee concurred with Mr. Negri.

The first and the second amended the motion to apply to the east property line only.

Karl Jennrich, Zoning Director, read the revised condition. *"The owner shall maintain a continuous 50 foot wide buffer zone immediately adjacent to all contiguous east neighboring private property line. No machinery or vehicles shall be operated in the buffer area. The buffer plantings shall be subject to approval by the Oneida County Planning and Zoning staff."*

Kirsten Margitan asked the Committee to require a fence. Ms. Margitan suggested a fence because it would work for everyone. There was discussion on the fence option. The Committee was opposed to requiring a fence; it would require a 600-700 ft fence; the buffer zone is adequate.

Chairman Holewinski called for a vote on the motion. With all members voting "aye" the motion carried.

Discussion on the berm on the south lot line.

Billy Fried stated that he would like to ensure that the southern berm is maintained.

Motion by Billy Fried, second by Mike Timmons, to add to Condition #6, "the berm on the south lot line shall be maintained." With all members voting "aye" the motion carried.

Condition #7 - The Committee discussed tires. Mr. Negri stated that he is trying to get rid of them, but it would be an on-going thing. They are good tires. They are not junk

tires. The condition states that such items will not be visible within 5 feet above ground to an observer outside the site. Mr. Holewinski suggested a fenced in area that no one can see. Mike Timmons suggested "must be screened from view." Mr. Wegner suggested that they go back to the Planning & Zoning Committee's approval, condition #5.

Motion by Billy Fried, second by Dave Hintz, to amend condition #7 as follows: "No salvage material/items/inventory or non-operable/non-repairable items to be stored on the property for a period longer than 6 months. Any inventory stored on the property shall be screened from view." With all members voting "aye" the motion carried.

Condition #8. The Committee concluded that this condition is addressed in #7. Deleted.

Motion by Billy Fried, second by Mike Timmons to delete Condition #8 as it was addressed in Condition #7. With all members voting "aye" the motion carried.

Condition #9 (new #8). To remain unchanged.

Motion by Billy Fried, second by Mike Timmons to re-number #9 to #8 and each subsequent condition thereafter. No changes made to Condition #9. With all members voting "aye" the motion carried.

Condition #10 (new #9). Hours of operation. It is important to protect the neighbors from the noise and visual activities. Also need to protect the rights of the Negri's to operate their business. The Committee discussed the alternatives with the Negri's. Running trucks outside after 6:00 pm are a problem. The majority of the work is done from 7:00 am – 6:00 pm. These are the hours where the employees are working. Sometimes there are emergencies that occur. There are also sales customers who come in on Saturdays because they cannot come Monday-Friday. And there are deliveries on Saturdays. There is one employee that works Saturday mornings. There would be no mechanical work done after 12 noon on Saturday, but there would be sales and deliveries.

Motion by Billy Fried, second by to amend #10 to read: Business hours of operation shall be from 7 a.m. to 6 p.m., Monday-Friday and 8 a.m. to 12 Noon on Saturdays. However, sales will be allowed outside these hours as long as no truck, other mechanical equipment or mechanical operations are conducted. No truck shall run for more than ½ hour and any work outside of these times will be in an enclosed building. The motion died for lack of a second.

4:40 pm - Mike Timmons was excused from the meeting.

Scott Holewinski stated that normal hours of operation are from 7 am – 6 pm, Monday – Friday. Normal hours of operation are when employees are working; the doors can be open; vehicles can be moved and mechanical work can be done; there is activity on the outside of the building. Chairman Holewinski asked for comment. Mr. Negri was concerned with an employee coming to work before 7 am and not being able to open the door so they can get to work.

Peter S. Wegner, Assistant Zoning Director, read the condition that the Planning & Zoning Committee had approved: “Hours of operation to be 7:00 am – 6:00 pm Mon-Fri and 7 am – 12 pm Sat.”

Billy Fried stated that there needs to be allowance for what goes on outside those hours (sales, deliveries, some mechanical work). Mr. Fried stated that there needs to be some consideration for work being done outside those hours must be in a closed building. There also needs to be allowance for sales or delivery under certain circumstances.

Peter S. Wegner, Assistant Zoning Director, suggested, “No truck or other heavy piece of equipment shall be operated continuously in excess of ½ hour. Mechanical work shall not be done outside an enclosed building.” Billy Fried stated that he needs to be able to open his door, work outside. Normally, the conditions don’t need to be so literal. Mr. Holewinski stated that an occasional delivery or occasional pick up of a truck outside of the normal hours of operation is expected.

Scott Holewinski stated that he is in favor of “Normal Hours of operation to be 7:00 am – 6:00 pm Mon-Fri and 8 am – 12 pm Sat “and not to get into sales activities or delivery after normal hours of operation. Billy Fried stated that everything has to be covered so let that be at the discretion of staff. The Committee understands that there may be activities outside of normal hours of operation; and expect staff to use discretion to enforce with the understanding of what would exceed reasonableness. Peter S. Wegner, Assistant Zoning Director, objected. Kathy Ray, Land Use Specialist, stated that it should be made clear what would kind of activity would be acceptable outside of normal business hours and the time frame.

Mark Hartzheim, Minocqua Town Chair, stated that it would be good to limit it to X number of deliveries or test driving of vehicles may occur outside normal business hours. It would not be fair to have a hard and fast rule that nothing can occur outside of the normal business hours.

The Committee discussed the normal business hours of operation being 7am – 6 pm on weekdays, and 8:00 am to noon on Saturday. Outside of normal business hours, machinery or trucks shall not be run more than 30 minutes; nor shall any mechanical or salvage work be performed outside of normal business hours or outside an enclosed building.

[Recorder malfunctioned. Side B, Tape 3 is inaudible.]

Motion by Billy Fried, second by Scott Holewinski, that the normal business hours of operation are 7am – 6 pm on weekdays, and 8:00 am to noon on Saturday. Outside of normal business hours, machinery or trucks shall not be run more than 30 minutes; nor shall any mechanical or salvage work be performed outside of normal business hours outside an enclosed building. With all members voting “aye” the motion carried.

Condition #11 (new #10). To remain unchanged.

Condition #12 (new #11). County zoning staff shall be allowed access to the site at times as reasonably necessary to ensure compliance with these conditions.

Motion by Billy Fried, second by Dave Hintz to amend new #11 to exclude the Town and to read: “County zoning staff shall be allowed access to the site at times as reasonably necessary to ensure compliance with these conditions.”

Condition #13. Removed.

Motion by Dave Hintz, second by Billy Fried, to approve the amendments made to the conditions today; and direct staff to bring the revised conditions back to the Committee for 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 #3, Multiple Family further described as part of Gov't Lot 2, 5 and 6, Section 10, T39N, R6E, Town of Minocqua. A Public Hearing was held on June 15, 2011. The request at that time was to rezone from District #2, Single Family Residential to District #7, Business B-2. The Committee tabled the request at that time.

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 July 5, 2011 and July 12, 2011; and the Lakeland Times the week of July 4, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board. The mailing list was also read into the record.

Correspondence in file:

Letter from the Town of Minocqua dated June 22, 2011 in support of the rezone petition.

Letter received on July 20, 2011 from Cindy Louis in opposition to the rezone petition.

Karl Jennrich, Zoning Director, stated that there was a public hearing held on June 15, 2011 requesting a rezone from District #02 Single Family to District #07 Business. The Committee tabled the request at that time. The rezone request was amended to rezone the property from District #02 Single Family to District #03 Multi-family, which is before the Committee today. The Town's Land Use Plan has also been amended to be consistent with the request. Future plans for the property are for an assisted living facility.

5:20 pm - Scott Holewinski asked if anyone was present to speak for or against the issue at hand.

Kirstin Margitan, Norway Lane, Minocqua, stated this is interesting how this was handled, with foresight on the zoning issues and neighboring properties.

Scott Holewinski asked again if anyone was present to speak for or against the issue at hand. No one came forward.

5:23 pm – the public hearing was closed.

Motion by Dave Hintz, second by Billy Fried, to approve rezone petition #5-2011 of Rynders Realty/D.W. Jones, owner and James Rein, agent in the Town of Minocqua, with the general standards having been met, staff recommendations and Town concerns. With all members voting “aye” the motion carried.

Rezone Petition #6-2011 of Donald Anderson, owner, authored by the Town of Piehl to rezone property from District #08, Manufacturing & Industrial to District 1-B, Forestry on property described as NE SW, Section 20, T37N, R11E, Town of Piehl.

Karl Jennrich, Zoning Director, read the notice of public hearing for rezone petition #6-2011 of Donald Anderson, owner & the Town of Piehl to rezone lands from District #8, Manufacturing and Industrial to District 1-B Forestry in the Town of Piehl.

The notice was published in the Northwoods River News on July 5, 2011 and July 12, 2011; and the Lakeland Times the week of July 4, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board. The mailing list was also read into the record.

Karl Jennrich, Zoning Director, stated that this rezone request is sponsored by the Town of Piehl. The property owner intends to place a year round dwelling on the east ½ of the NE SW, which is not allowed in the current zoning district, Manufacturing and Industrial. The rezone request is consistent with the Town of Piehl's Land Use Plan.

5:28 pm - Scott Holewinski asked if anyone was present to speak for or against the issue at hand. No one came forward.

Scott Holewinski asked again if anyone was present to speak for or against the issue at hand. No one came forward.

5:30 pm – The public hearing was closed.

Motion by Gary Baier, second by Dave Hintz, to approve rezone petition #6-2011 of Donald Anderson, owner and the Town of Piehl, with the general standards having been met, staff recommendations and Town concerns. With all members voting “aye” the motion carried.

5:31 pm – Motion by Billy Fried, second by Dave Hintz to adjourn the meeting. With all members voting “aye” the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director