

ONEIDA COUNTY PLANNING & ZONING
November 2, 2011
12:30 PM – Closed Session
1:00 PM – Regular Meeting
2:00 PM – Public Hearing
Committee Room #2- Oneida County Courthouse
Rhineland WI 54501

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

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

Other County Staff: Brian Desmond, Corporation Counsel

Guests: Jack Young, Oneida County Board Supervisor
Stu Foltz, Foltz & Associates
Robert Rayford
Thomas Knutson

Scott Holewinski, Chairman, called the meeting to order at 12:30 pm 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 Mike Timmons, to approve the agenda as posted. 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.

12:31 pm - Motion by Billy Fried, second by Gary Baier, 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.

**1:00 pm – Motion by Gary Baier, second by Mike Timmons to go into open session.
Roll call vote: Scott Holewinski: “aye”, Gary Baier “aye”, Mike Timmons “aye”, Billy
Fried “aye”, Dave Hintz “aye”.**

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

a. Filling and grading within 35 feet of the Ordinary High Water Mark and placement of structures less than 75 feet from the Ordinary High Water Mark in the Town of Crescent.

Motion by Mike Timmons, second by Dave Hintz, to issue citations to Michael Krohn and order removal of the retaining walls less than 75 feet from the water. The motion carried unanimously.

b. Attached garage addition to an existing principal building less than 10 feet from the adjoining property line without the benefit of a zoning permit in the Town of Crescent.

Motion by Dave Hintz, second by Gary Baier to issue citations to Skip Wright, contractor for commencing construction with no zoning permit (Sue Kirsch property). The motion carried on a 4:1 majority vote.

c. Rental in District #2, Single Family Residential, less than 30 days in the Town of Minocqua.

Motion by Mike Timmons, second by Dave Hintz, to file a long form complaint against Ray Merwin for rentals in District #2 for less than 30-day time periods. The motion carried unanimously.

d. Rental in District #2, Single Family Residential, less than 30 days in the Town of Minocqua.

Motion by Gary Baier, second by Mike Timmons, to file a long form complaint against Paul Bollenbach for rentals in District #2 for less than 30-day time periods. The motion carried unanimously.

Public comments.

None.

Approve meeting minutes of August 17, 2011.

Motion by Gary Baier, second by Dave Hintz to approve the meeting minutes of August 17, 2011 as presented. With all members voting “aye” the motion carried.

Approve meeting minutes of September 7, 2011.

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

Addendum to the Eagles Nest Condominium being part of Gov’t Lots 1 and 2, Section 34, T39N, R7E, to add additional land and limited common element (boat house), PIN’s WR 2172 thru WR 2185, Town of Woodruff.

Nadine Wilson, Land Use Specialist reviewed this request with the Committee. Stu Foltz, Foltz & Associates is present. The owners of Units 1 & 2 wish to add the outlot west of Unit 2 to the condominium and to share the use of the outlot and boathouse located on the outlot. There will be no expansion of units.

1. Nadine Wilson, Land Use Specialist, recommended approval subject to:

Statement on Plat: Approval of zoning permits is not implied or guaranteed with approval of the condominium plat. Zoning Permits may be required for any improvements, expansions and/or additions and shall comply with the zoning ordinance.

Motion by Gary Baier, second by Dave Hintz, to approve the Addendum to the Eagles Nest Condominium to add additional land and limited common element (boat house), PIN’s WR 2172 thru WR 2185, Town of Woodruff, subject to staff recommendations and Town concerns. With all members voting “aye” the motion carried.

Conditional Use Permit #601-09, Raven Broadcasting for property described as NW SE, Section 34, T39N, R6E, PIN MI 2503-10, Town of Minocqua. The Committee will be reviewing Section 9.54 m, charges for co-location

The Committee reviewed Section 9.54 M Charges for Co-location. “The holder of a CUP under this section shall make the structures and sites available for the placement of technologically compatible communication structures, antenna arrays, and associated equipment under contractual provisions which are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the co-location sites and a fair return on investment.”

Karl Jennrich, Zoning Director, stated that he sent a letter to Raven Broadcasting Corporation regarding their rates for co-location and received a response back from them (both letters were provided to the Committee prior to today’s meeting.) Mr. Jennrich stated that after discussions with Corporation Counsel Brian Desmond, he has accepted the explanation from Raven Broadcasting Corporation regarding their rates for co-location and the factors that are involved. Mr. Jennrich told the Committee that he has no

expertise to dispute their explanation and their response appears to be reasonable. Mr. Jennrich advised the Committee that a consultant could also be hired to review this if the Committee wishes.

It was the consensus of the Committee that the explanation Raven Broadcasting/NRG Media provided to the Department regarding the co-location fees was reasonable. The Committee will not revoke Conditional Use Permit #601-09 or order Raven Broadcasting Corporation/NRG Media to adjust its rates in order to accommodate communication antennas for Verizon Wireless. The Committee also concluded that this provision should be removed from the ordinance as the County has no standards for enforcement.

Motion by Dave Hintz, second by Gary Baier, to send a letter to Mr. Schau advising him that the Committee concluded that he has two options. (1) Co-location on the communication tower owned by Raven Broadcasting Corporation/NRG Media or (2) find a new location. The motion carried unanimously.

Curt Ignasio Zoning Permit Application and mitigation for property described as part Gov't Lot 6, Section 26, T39N, R7E, PIN WR 349-13, Town of Woodruff.

Karl Jennrich, Zoning Director explained that this involves a request to enclose a 12 X 5 ft area between Mr. Ignasio's garage and home. The addition is allowed, with mitigation. The mitigation requirements would require removal of Mr. Ignasio's deck, which is located less than 75 feet from the OHWM. Mr. Ignasio has requested that the Committee review the Zoning Department's position on this.

The Committee concluded that Mr. Ignasio would have to meet the requirements of the zoning ordinance and that the Committee cannot grant a variance.

The Committee directed staff to advise Mr. Ignasio of his options:

1. Forget about the addition & keep the deck;
2. If he proceeds with the addition, remove the deck to comply with the mitigation requirements;
3. Appeal to the Board of Adjustment.

Direction to staff. No action taken.

Zoning Director's comp time.

The Committee reviewed the Zoning Director's Comp Time Report. A copy is part of the record of today's meeting.

Information to the Committee. No action taken.

Line item transfers, purchase orders and bills.

Bills submitted for payment - \$1,765.11

Purchase Orders submitted for payment - \$298.22

Motion by Mike Timmons, second by Dave Hintz to pay the bills. With all members voting “aye” the motion carried.

Refunds.

Patricia Christian – over paid \$25.00 for an ATF Zoning Permit.

Motion by Dave Hintz, second by Billy Fried, to approve a \$25.00 refund to Patricia Christian. With all members voting “aye” the motion carried.

Approve future meeting dates: November 16 and December 7, 2011.

The Committee confirmed meeting date of November 16, and December 7, 2011. The Committee will not hold a meeting on December 21, 2011 unless necessary.

Public comments.

None.

Future agenda items.

- Communication Towers Section 9.54 (charges for co-location) (Baier)
- Elimination of some structures (Baier)

2:00 PM - CONDUCT PUBLIC HEARING ON THE FOLLOWING:

Conditional Use Permit Application of Robert Rayford, lessee/agent and Thomas Knutson, owner to operate a small engine repair shop and continue to utilize the building as a display model for Knudson Builders at 7260 Bradley St., legally described as part Block 5 of Village of Lake Tomahawk and part E ½ NE, Section 3, T38N, R7E, PIN LT 30-20, Town of Lake Tomahawk.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Robert Rayford, lessee/agent and Thomas Knutson, owner to operate a small engine repair shop and to continue to utilize the building as a display model for Knudson Builders at 7260 Bradley Street, Town of Lake Tomahawk, LT 30-20.

The notice was published in the Northwoods River News on October 18 & October 25, 2011; the Lakeland Times, the week of October 17, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on October 13, 2011. The mailing list was also read into the record.

Correspondence in File: None.

Nadine Wilson, Land Use Specialist, reviewed the CUP with the Committee, which is a request to operate a small engine repair facility for recreational vehicles. The property is currently used as a display model for Knutson Builders. The building consists of an office area, bathroom and garage. The building will be used as a display model in addition to Rayford's Small Engine Repair. Hours of operation are will be Monday-Friday 8am- 6pm and Saturday 9am – 1 pm. All requirements for parking, sanitary facilities and solid waste have been met.

Ms. Wilson stated that the applicant submitted the "General Standards for Approval of the CUP" and the Committee was supplied a copy. If the Committee finds the standards have been met, and recommends approval of this application, 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. Precautions and containment shall be taken in handling of vehicle fluids, etc. All materials must be properly disposed of.
3. Contact Lake Tomahawk Sanitary District. Also if floor drain exists Rayford/Knutson must notified sanitary district of this and containment options must be made with plans forwarded to this Department.
4. May not block Hwy 47 when delivering or picking up recreational vehicles and watercraft or when parts deliveries are being made.
5. Rental of vehicles is not permitted with this application.
6. No accumulation of non-operable vehicles, equipment or debris permitted on this property.
7. No less than three parking spaces to remain open at all times for employees and customers.
8. Recreational vehicles waiting for service to be kept in areas designated on site plan. Lot is very small in size with only 3,847 sq ft of area.
9. Outdoor vehicle testing may only take place between the hours of 9am and 6pm Monday thru Friday and 9am and 1pm on Saturdays. No outdoor vehicle running or testing to be done on Sundays.
10. Signage in accordance with Oneida County Zoning and Shoreland Protection Ordinance.
11. Driveway to remain open at all times for emergency vehicle access.
12. Conditions of Conditional Use Permit #08-803 as follows:

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- i. Storage of construction equipment and materials not permitted with this permit application. Lot size cannot accommodate said storage.
 - ii. Lot is very small in size with only 3,847 sq ft of area. Applicant/owner to notify department of any changes in operation.
 - iii. Outdoor lighting shall be directed downward and shielded from above. Care should be taken to prevent light pollution.

13. Town of Lake Tomahawk concerns if any.

2:11 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for the matter at hand. For the record, there is no one present in the audience.

2:12 pm – Scott Holewinski, Chairman, closed the public hearing for deliberation.

Motion by Dave Hintz, second by Billy Fried, to approve the Conditional Use Permit Application of Robert Rayford, lessee/agent and Thomas Knutson, owner to operate a small engine repair shop and continue to utilize the building as a display model for Knudson Builders at 7260 Bradley St., Town of Lake Tomahawk being that the General Standards for reviewing a conditional use permit have been met and staff concerns. With all members voting “aye” the motion carried.

Rezone Petition #8-2011 authored by the Town of Pine Lake to rezone from District #2, Single Family Residential to District #5, Recreational on property described as that part of Gov't Lot 1, Section 29, T37N, R9E, South of County Highway W, North of N Birchwood Dr. and West of Short Road, Town of Pine Lake.

Karl Jennrich, Zoning Director, read the notice of public hearing for Rezone Petition #8-2011 authored by the Town of Pine Lake to rezone from District #2, Single Family Residential to District #5, Recreational on property described as that part of Gov't Lot 1, Section 29, T37N, R9E, South of County Highway W, North of N Birchwood Dr. and West of Short Road, Town of Pine Lake.

The notice was published in the Northwoods River News on October 18 & 25, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on October 13, 2011. The mailing list was also read into the record.

Correspondence in File: No public correspondence has been received. The Town of Pine Lake authored this request to correct an error in the Town's 2007 rezone petition. This change will be in compliance with the Pine Lake Land Use Plan.

Karl Jennrich, Zoning Director, reviewed the General Standards for approval of a rezone petition with the Committee. Mr. Jennrich stated that the intent of the rezone petition is to

correct an error in a rezone petition in 2007 that was authored by the Town. This correction will match the Pine Lake Land Use Plan.

2:16 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for or against Rezone Petition #8-2011. No one came forward.

2:17 pm – Scott Holewinski, Chairman, asked if there was anyone present to speak for or against Rezone Petition #8-2011. No one came forward.

2:18 pm - Scott Holewinski, Chairman, closed the public hearing for deliberation.

Motion by Gary Baier, second by Mike Timmons, to approve Rezone Petition #8-2011 authored by the Town of Pine Lake to rezone from District #2, Single Family Residential to District #5, Recreational on property described as that part of Gov't Lot 1, Section 29, T37N, R9E, South of County Highway W, North of N Birchwood Dr. and West of Short Road, Town of Pine Lake; with the General Standards for reviewing a rezone petition being met, and with the approval of the Town . With all members voting "aye" the motion carried.

Adjourn.

2:20 PM – Motion by Billy Fried, second by Mike Timmons to adjourn the meeting. With all members voting "aye" the motion carried.

Scott Holewinski, Chair

Karl Jennrich, Zoning Director