

ONEIDA COUNTY PLANNING & ZONING

May 18, 2011

1:00 pm – Regular Meeting

2:00 pm – Public Hearing

COMMITTEE ROOM #2

ONEIDA COUNTY COURTHOUSE, RHINELANDER WI 54501

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

Department staff present: Karl Jennrich, Zoning Director
Peter S. Wegner, Assistant Zoning Director
Kathy Ray, Land Use Specialist
Lila Dumar, Secretary III

Other County Staff present: Brian Desmond, Corporation Counsel

Guests: Attorney William Doerr
Gordon Magee
Bob Williams
Jim Gauden

Call to order.

Scott Holewinski, Chairman, called the meeting to order at 1:00 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 Mike Timmons, to approve the agenda as posted. With all members present voting “aye” the motion carried.

Public Comments.

There were no public comments.

Approve meeting minutes of April 20, 2011

Motion by Gary Baier, second by Billy Fried, to approve the meeting minutes of April 20, 2011 at presented. The motion carried unanimously.

Request to amend district #6, Business B-1 and district #7, Business b-2 from Attorney Bill Doerr.

Karl Jennrich, Zoning Director, stated that this request was brought forward by Attorney William Doerr, who is present today. Mr. Doerr stated that his client is interested in purchasing property that was used as a church, but has been unoccupied for years. The property is currently zoned B-2 (District 7). The zoning ordinance does not include a church as a permitted use, administrative use or conditional use in Section 9.26 Business B-1 and B-1 of the Oneida County Zoning and Shoreland Protection Ordinance. Mr. Jennrich stated that it is incorporated into the business zoning district(s) through the piggy backing of the uses in the Single Family and Multiple Family zoning districts and is also included in Appendix A, but is not specifically listed in Section 9.26. Mr. Jennrich noted that this is inconsistent and for clarity it should be corrected. Mr. Jennrich noted that it would be a simple change but it would require a public hearing.

The Committee discussed the issue and concluded that churches should be listed as an administrative review use in the Business District(s) which would require an administrative review permit (ARP).

Motion by Dave Hintz, second by Gary Baier, to proceed with an ordinance amendment and public hearing to amend Section 9.26 Business B-1 & B-2 of the Oneida County Zoning and Shoreland Protection Ordinance as discussed today. The motion carried unanimously.

Chapter 15, Subdivision Ordinance. The Committee will be discussing subdivisions of land greater than 40 acres or greater.

Karl Jennrich, Zoning Director, stated that this was brought forward by Lakeland Land Company. There is an issue with Section 15.13 of the Subdivision Ordinance and the access and utility review process which requires any division of land resulting in a parcel greater than ten (10) acres in size to be reviewed for access to a town, county, state or federal road or highway as well as applicable utilities.

Motion by Scott Holewinski, second by Mike Timmons, for staff to clarify/amend the subdivision ordinance so that this provision will only affect subdivisions of land less than 40 acres. The motion carried unanimously.

Sanitary Maintenance cards. Onsite inspections for vacant parcels with a Private Onsite Wastewater Treatment System (POWTS).

Karl Jennrich, Zoning Director, stated that since the Department has placed more of the older septic systems on the maintenance program. More instances have arisen where the house/dwelling has been removed and the septic system has not been in use. In such cases, the Department has been conducting onsite inspections to verify these situations so the septic system can then be removed from the maintenance program. In the event that a new house/dwelling would be built, it will trigger a reconnect permit and septic inspection to reconnect the existing septic system to the new house/dwelling. There are other unique situations that occur as well with old structures, no electricity, uninhabitable. Mr. Jennrich added that the onsite inspections are done on a “when in the area” basis.

Motion by Mike Timmons, second by Dave Hintz to allow staff to use their best judgment in verifying situations that arise involving the maintenance program. The motion carried.

Update Committee on May 12, 2011 meeting with the WDNR.

Karl Jennrich, Zoning Director, stated that he and Peter S Wegner, Assistant Zoning Director met with Tom Jerow, Northern Regional Water Leader, regarding the NR 115 ordinance revisions.

Peter S. Wegner, Assistant Zoning Director, stated that the meeting went well. Topics of discussion included extra costs that will occur due to NR 115; Impervious surfaces concerns and nonconforming concerns.

Mr. Wegner stated the following resulted from the meeting:

1. The Committee’s “move back” provision will not be approved by the DNR. That language will have to be re-worked.
2. A dwelling located less than 35 feet from the OHWM cannot be rebuilt, only ordinary maintenance and repair can be allowed.
3. The proposed policy on impervious surfaces will not be approved by the DNR. An impervious surface with a treatment system is still an impervious surface and cannot be exempted from the impervious surface calculations

The Committee discussed the ordinance revisions and progress so far. This is a set back for the Committee with the DNR’s non-acceptance of the “move back” provision and the proposed impervious surface with treatment system exemption. The Committee would like to see the DNR’s opinion on the “move back” provision in writing.

The Committee discussed whether the date for compliance (February 1, 2012) will be extended by the DNR; or whether the revised NR 115 may be repealed.

This discussion will be continued following today’s public hearing.

2:00 pm – Conduct Public Hearing on the following:

Conditional Use Permit application by Save More Food Markets for an outdoor operations leased area on the existing parking lot and a 3-unit multi-tenant space in an existing building on property described as part of Gov't Lot 6, Unrecorded MINOC-WOOD, Section 11, T39N, R6E, 8522 Hwy 51, PIN's MI 2179-44, MI 2179-45, MI 2179-47 and MI 2179-49, Town of Minocqua.

Karl Jennrich, Zoning Director, read the notice of public hearing for the Conditional Use Permit Application of Save More Food Markets for an outdoor operations & leased area on the existing parking lot and a 3-unit multi-tenant space in an existing building on property identified as MI 2179-44, MI 2179-45, MI 2179-47 and MI 2179-49, Town of Minocqua, Oneida County.

The notice was published in the Northwoods River News on May 3 & 10, 2011; and the Lakeland Times the week of May 2, 2011. The proof of publication is contained in the file. The notice was posted on the Oneida County Courthouse bulletin board on April 28, 2011. The mailing list was also read into the record.

Correspondence in file: Letter from the Town of Minocqua dated May 2, 2011 approving the conditional use permit with the following conditions:

- Limit greenhouse to 30 x 60.
- Save More products and staff to be used for any other use of the area.
- Space may be used for fundraising by non-profit organizations.
- Allow Save More to re-locate greenhouse site with county approval if current site does not work out.

Jim Gauden, agent for Save More Foods, is present. Kathy Ray, Land Use Specialist, reviewed the conditional use permit application with the Committee. This project involves a request for outdoor operations. Save More is proposing to designate a 30' x 60' area in their parking lot to conduct outdoor sales. This is mainly for a joint venture with JJ Acres to erect a greenhouse to sell flowers, shrubs, plants, etc. The space will also be used exclusively for Save More tent sales and non-profit organization fundraisers. In addition, the request includes the addition of a 3-unit multi-tenant space between the Save More store and Slumberland Furniture store. This space is currently vacant space and they are requesting to lease the unit space to no more than 3 tenants. The floor plan will be designed based on tenant needs.

Ms. Ray read the CUP report noting the general standards were supplied by the applicant and if the Committee agrees that the general standards have been met, staff recommends approval with the following conditions.

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1. The nature and extent of the use shall not change from that described and approved in this Conditional Use Permit.
 2. Subject to Town review and recommendations as stated in their May 2, 2011 correspondence attached to this report.
 3. Outdoor sales area for single tenant use only.
 4. May be subject to DOT requirements.
 5. Placement of signage to comply with 9.78 Oneida County Zoning & Shoreland Protection Ordinance.
 6. Proper permits to be obtained prior to placement/construction of any structures.
 7. Tenants for multi-tenant building space to apply for ARP/CUP as required prior to occupancy.
 8. Subject to RESTATED AGREEMENT OF EASEMENTS, CONVENANTS, RESTRICTIONS AND PARTY WALL RIGHTS Document No. 695698 recorded October 22, 2010.
 9. Additional review/approval required if multi-tenant building is converted to a condominium form of ownership.

2:10 pm – Scott Holewinski, Chairman, asked if there was any public comment for or against the issue at hand. There was none.

2:11 pm - Scott Holewinski, Chairman, asked again if there was any public comment for or against the issue at hand. There was none.

2:12 pm – The public hearing was closed for deliberation.

Motion by Mike Timmons, second by Gary Baier to approve the conditional use permit of Save More Food Markets for an outdoor operations & leased area on the existing parking lot and a 3-unit multi-tenant space in an existing building on property identified as MI 2179-44, MI 2179-45, MI 2179-47 and MI 2179-49, Town of Minocqua, Oneida County, subject to staff concerns and conditions; Town of Minocqua concerns and conditions and the general standards having been met. With all members voting “aye” the motion carried.

The Committee continued its discussion on agenda item #10 – Update Committee on May 12, 2011 meeting with the WDNR.

Karl Jennrich, Zoning Director, noted that the letter to Secretary Stepp and the State Legislative Officials asking for a meeting has been mailed. Senator Holperin and Representatives Tiffany and Meyer have responded.

The Committee discussed the issue and talked about continued work on the revisions and to do what the Committee feels is right, try to get an extension and continue to pursue the legislators to change NR 115. Mr. Wegner informed the Committee that NR 115 does include a provision for a six month extension if the Committee needs it. There is a process to follow.

The Committee discussed other counties and sending a letter to other Planning and Zoning Chairman from Scott Holewinski to get other counties to join Oneida County in its efforts. The Committee concluded that such a letter would be a positive way to proceed.

Line item transfers, purchase orders and bills.

Purchase Orders submitted for payment - \$525.62

Bills submitted for payment - \$869.08.

Motion by Dave Hintz, second by Gary Baier to pay the bills and purchase orders. With all members voting “aye” the motion carried.

Refunds.

There were no refunds.

Approve future meeting dates: June 1 & 15, 2011.

The Committee confirmed meetings dates of June 1 & 15, 2011.

Public comments.

Bob Williams stated that OCLRA’s 2011 Annual Meeting will be held on June 11, 2011 in the Learning Resource Center of Nicolet College in Rhinelander, Wisconsin.

Future agenda items.

Tour of lakes to be scheduled after the ordinance revisions are completed.

2:27 pm – Motion by Billy Fried, second by Mike Timmons to adjourn. The motion carried unanimously.

Scott Holewinski, Chairman

Karl Jennrich, Zoning Director