

Lincoln County Planning and Zoning Committee
Thursday, March 8, 2007 at 8:30 a.m.
Lincoln County Zoning Office (tours) &
Health Department Meeting Room (public hearing)

1. Call Meeting to Order - Meeting was called to order by Vice-Chairman Mittelsteadt at 8:30 a.m. in the Lincoln County Zoning Office. Members present: Mittelsteadt, Meyer, Rusch and Short along with Dan Miller; zoning Administrator.
2. Toured sites that will be the subject of the public hearing that will be held at 1:00 p.m
3. Recessed for lunch at 11:20 a.m. to meet at 3's Company, 3201 E. Main, Merrill, WI.
4. 1:00 p.m. Public Hearings (See public hearing notice) – Hearings were held on the items listed in the notice. Mittelsteadt, Rusch and Short along with Dan Miller; Zoning Administrator, June Winters; Program Assistant, Mary Heedrick; Court Reporter and approximately 15 others were present. Meyer arrived at 1:20 p.m. from another appointment.
5. Discussion by the Planning and Zoning Committee and Decision on the Conditional Use and Rezone requests which were the subjects of the Public Hearing

CONDITIONAL USE

1. A request by Daniel & Sandra Petersen to build a garage and workshop that will exceed the 1,500 square foot cap for residential accessory structures. The property is described as lot 6 of the unrecorded plat of Virgin Timbers Subdivision which is located in part of the SE ¼ of the NW ¼ of Section 32, T35N-R7E, in the town of King; having a tax parcel number of 12.323507.008.006.00.00 off of Virgin Timbers Lane. The request is being heard under section 17.3.09(1b) of the Zoning Ordinance.

Sandra Petersen was present to support their request. She reviewed their request and the need for the size of the structure. She presented a 3-D rendering of the structure to the committee.

Curtis Powell, a County Board Supervisor for Ms. Petersen's district and Town of King Supervisor was present and said that the town board will meet next Monday night to consider the request. He said that they had briefly met on it at the last town board meeting and had no problem pending a favorable staff report. They have since received that report and although he could not speak for the entire board he hoped that it would be granted at the meeting Monday. He would request that our committee approves this request pending approval from Town of King. Vice-Chairman Mittelsteadt read into record a letter from an adjoining property owner in favor of the request. Vice-Chairman Mittelsteadt closed the public hearing for the Conditional Use request.

Motion by Rusch, seconded by Short to APPROVE ON CONDITION the Conditional Use request.

CONDITIONS: 1) Committee receives favorable input from the Town of King, 2) This building will not be used as livable area, and 3) This building will not be used for commercial purposes. Motion carried all ayes.

2. An after-the-fact request by Robert & Pamela Galella to allow the garage that was built in excess of the 1,500 square foot cap for residential accessory structures to remain upon the property. The garage was built over the last two years. The property is described as Lot 6 of CSM# 236 located in part of the SE ¼ of the NE ¼ of Section 31, T32N-R7E, in the Town of Merrill; having a tax parcel number of 14.313207.004.007.00.00 off of Prairie Crest Drive. The request is being heard under section 17.3.09(1b) of the Zoning Ordinance.

Robert Galella was present to support his request. Miller asked Galella details regarding when the structure was built, proposed use and size and the setback to the closest lot line. Galella responded that he started it two years ago, it is used for storage of his boat & collector cars, it measures 41'x47' and is 12' from the closest lot line.

They also discussed issues with another existing structure on the property. Miller said that we have not received input from the Town of Merrill as of yet. Galella said that he had been to the town and thought that someone from the town would be attending this meeting. Vice-Chairman Mittelsteadt closed the public hearing for the Conditional Use request.

Motion by Short, seconded by Rusch, to LAY OVER the Condition Use request until the committee receives input from the Town of Merrill on this request in case there are any conditions from the town. Motion carried all ayes.

PETITION FOR REZONING

1. A request by David M. Sheridan to rezone 40 acres from a Forestry district to a RL-4 district to allow for the construction of a year 'round home on the property. The property is located in the SW ¼ of the NE ¼ of Section 21, T35N, R5E, in the Town of Wilson; having a tax parcel number of 32.213505.003.000.00.00 and located off of Somo Lake Drive. The request is being heard under section 17.8.25 of the Zoning Ordinance.

David Sheridan was present to support his request. Miller asked if the parcel was in MFL. Sheridan stated that it is and that it will be removed from MFL January 1, 2008. Miller asked if he intended to build a home there before that and Sheridan stated that he did not. Robert McGinnis was present from the Town of Wilson and also as an adjoining property owner and said that he is in support of this request. Vice-Chairman Mittelsteadt read into record the approval from the Town of Wilson. Vice-Chairman Mittelsteadt closed the public hearing for the rezone request.

Motion by Mittelsteadt, seconded by Short to APPROVE the Rezone request. Motion carried all ayes. The request will go before Lincoln County Board on March 20, 2007.

2. William E. Maki to rezone 3 acres from an RR-3 district to an RR-5 district for the purpose of considering an expanded home occupation (trucking business) as a conditional use. The property is described as the East 626.1 feet of the South 208.7 feet of the SE ¼ of the SE ¼ of Section 22, T35N-R6E, in the Town of Bradley; having a tax parcel number of 04.223506.016.002.00.00 and located off of County Rd A. The request is being heard under section 17.8.25 of the Zoning Ordinance.

William Maki was present to support his request. He explained the reason for his request. His business has gotten too large for his residence on Muskellunge Lake Road and there are several more homes there than when he established his business. He thinks that this County Rd A location is a better area. He has done a lot of work to clean up the site from what was there. Miller asked if he understood that if the rezone is granted he will still have to return before the committee with a Conditional Use request for the business. He said yes that he understood that.

Vice-Chairman Mittelsteadt closed the public hearing for the rezone request. There was discussion that we do not have input from the Bradley Town Board but we do have it from the Bradley Plan Commission.

Motion by Mittelsteadt, seconded by Rusch, to APPROVE the Rezone request pending the outcome of the March 12th Town of Bradley Board meeting. Motion carried all ayes. The request will go before Lincoln County Board on March 20, 2007.

3. A request by Tom & Rebecca Gatzke to rezone 40 acres from an Agriculture district to an RL-4 district to allow the property to be split into 2 twenty acre parcels for a pending sale. The property is described as the SE ¼ of the SW ¼ of Section 20, T32N-R8E in the Town of Schley; having a tax parcel number of 22.203208.012.000.00.00 and located off County Rd C and Polak Rd. The request is being heard under section 17.8.25 of the Zoning Ordinance.

Tom Gatzke was present to support their request. He explained their request and said that he would intend to split the parcel 40 acres eventually a 20 acre and two 10 acre parcels. Miller stated that we had a resolution from the Town of Schley for the rezone. Earl Welker was present from the Town of Schley Planning Commission was present to explain the town's view and their process for reviewing these requests regarding the rural character of their town. Vice-Chairman Mittelsteadt closed the public hearing for the rezone request.

Motion by Meyer, seconded by Short, to APPROVE the Rezone request. Motion carried all ayes. The request will go before Lincoln County Board on March 20, 2007.

6. Old Business: A request by William and Dorothy Wickman to rezone 100 acres from a RL4 district to a RR3 district to allow for a subdivision. The property is located in part of Section 25, T35N, R6E, in the Town of Bradley; having tax parcel numbers of 04.253606.005.000.00.00 & 04.253506.008.000.00.00, 80 acres off of County Rd A and 04.253506.014.001.00.00, 21 acres off of Echo Valley Road. The request is being heard under section 17.8.25 of the zoning ordinance.

Dan Miller explained that the rezone of the 80 acres was opposed by the Town of Bradley but the rezone of the 21 acres was supported by the Town of Bradley. He said that the Wickmans are proposing a rezone request for rezoning the other 80 to RR4 but if they want the 21 acres to go to County Board at this time they need to make the 80 acres a new separate request that will be subject to Township and County approval. Miller stated that if the Wickmans do apply with a new request for rezoning the 80 acres that his concerns remain the same and he would like to see some type of conceptual plan indicating how many lots, size of lots and roads and access for their proposal. Vice-Chairman Mittelsteadt closed the public hearing for the rezone.

Motion by Mittelsteadt, seconded by Rusch to APPROVE the Rezone request for only the 21 acres of the request to a RR3 zoning designation and to DENY the rezone request for the 80 acres. Motion carried all ayes. Both requests will go before the Lincoln County Board on March 20, 2007.

7. Old Business: A request by Bruce Hobright, Midwest Land Company, Debra Obermeier and Raymond Drotos to rezone 65.92 acres from a Rural Lands 2 district to a Rural Lands 4 district to allow for the development of 6 lots. The property is located in part of Section 26, T34N, R6E, in the Town of Bradley: having tax parcel numbers 04.263406.003.001.01.01, 04.263406.003.001.01.02, 04.263406.003.001.01.03, 04.263406.003.001.01.04, 04.263406.014.001.01.03, and 04.263406.014.001.02.03 off of Behling Road and Hillcrest Road. The request is being heard under section 17.8.25 of the zoning ordinance.

Dan Miller explained the activity on the request from our last meeting. There has been a preliminary wetland delineation done and they have created an outlot (by CSM) to provide access and that raises some more issues as the creation of the outlot should have gone through a minor subdivision approval unless it gets attached to Lot #6 of CSM #1913. Bruce Hobright was present to support their request. He explained that they are working on the transfer of ownership for that outlot. Vice-Chairman Mittelsteadt closed the public hearing for the rezone request.

Motion by Meyer, seconded by Mittelsteadt to APPROVE the rezone request contingent upon Midwest Lands having a US Army Corp. of Engineers certified wetland delineation done in the spring along Hillcrest road by the proposed access point AND that deeds are rewritten to incorporate Outlot 1 of CSM #2019 into Lot 6 of CSM #1913 so they may not be sold as separate parcels. Motion carried all ayes. The request will go before the Lincoln County Board on March 20, 2007.

8. Old Business: A request by Gary Yonke and Nokomis Lumber Corporation to rezone a portion of a 61.65 acre parcel from a Forestry district to a Rural Lands 2 district to allow for the lot to be split. The property is located in part of Section 2, T35N, R6E, in the town of Bradley; having a tax parcel number of 04.023506.008.001.00.00 off of Selmer Road. The request is being heard under section 17.8.25 of the zoning ordinance. Miller briefly reviewed the request and said that the Town of Bradley approved it at their February 12th meeting. Vice-Chairman Mittelsteadt closed the public hearing for the rezone.

Motion by Rusch, seconded by Short to APPROVE the Rezone request. Motion carried all ayes. The request will go before the Lincoln County Board on March 20, 2007.

9. Old Business: A request by Larry Hurtis and the Muskellunge Lake Condominium Association to rezone the Muskellunge Lake Condominium, including units 1-11, from a Recreation district to a Rural Residential 2 district to allow for year round homes. The property is located in part of Section 12, T35N, R6E, in the Town of Bradley; off of Dereg Road and Dereg Road East. The request is being heard under section 17.8.25 of the zoning ordinance. Vice-Chairman Mittelsteadt closed the public hearing for the Conditional Use request.

Miller reviewed the new information since the last meeting. We now have Town of Bradley approval and signatures from all of the condo unit owners. Vice-Chairman Mittelsteadt closed the public hearing for the rezone.

Motion by Mittelsteadt, seconded by Meyer to APPROVE the Rezone request. Motion carried all ayes. The request will go before the Lincoln County Board on March 20, 2007. Motion carried all ayes.

Mittelsteadt requested a 10 minute break at 1:50 p.m. Meeting called back to order at 2:00 p.m. and proceeded to item #11 on the agenda

10. Old Business: (Preliminary Plat approval) DeHart – Northern View Estates. Miller reviewed the changes since the last meeting. He discussed the issues still unresolved with the Public recreation requirements for the subdivision. There was discussion of the development potential for other lands in the area, not wanting to create a congested area with safety hazards and the problems involved with possibly having to relocate walking, biking, snowmobile & ATV trails in the area in the future. Miller said that this discussion needs to take place in a meeting with Mr. DeHart to clarify the options and that Mr. Dehart needs to commit to a resolution for the recreational lands issue before we can make a decision on approval of the preliminary plat.

Motion by Mittelsteadt, seconded by Short to LAYOVER the Preliminary Plat of Northern View Estates. Motion carried all ayes. Moved to item #15 on the agenda.

11. Resolution to accept Public Lands dedication in Harrison Lakes Preserve – Dan Miller reviewed and explained the issue of the public access on Lake Mary in Harrison Lakes Preserve subdivision, and the proposed resolution. It has already gone before the Forestry Committee with a favorable vote for the resolution.

Motion by Meyer, seconded by Rusch to APPROVE sending the resolution to the County Board on March 20, 2007. Meyer commented on the fact that she thinks this is a good thing that Lincoln County is providing access to its waterways for the public. Motion carried all ayes.

12. Public Comment Opportunity – No public comment.

13. Approve the February 8, 2007 meeting minutes – Motion by Meyer, seconded by Short to approve the February 8, 2007 meeting minutes. Motion carried all ayes.

14. Administrator's Report - Dan Miller reviewed & discussed the report. Miller mentioned that he had responded to a letter that had been in the Tomahawk Leader. Committee discussed the workshop in Hayward that is scheduled for April 26th. Committee was asked to let the Zoning office know by April 12th if they wish to attend. Brief discussion on the decline of permits. Returned to item # 10 on the agenda.

15. Adjourn - Motion by Mittelsteadt, seconded by Rusch to adjourn at 2:30 p.m. Motion carried all ayes.