

Lincoln County Planning and Zoning Committee
Thursday, July 8, 2010 at 8:30 a.m.
Lincoln County Service Center, Meeting Room 156

1. Call Meeting to Order - Meeting was called to order by Chairman Saal at 8:30 a.m. in meeting room 156 in the Lincoln County Service Center. Members present: Saal, Mittelstadt, Meyer, Rusch & Eisenman along with Dan Miller, Zoning Administrator.
2. Tour sites that will be the subject of the public hearings that will be held at 1:00 p.m. – Committee Members & Miller left to tour the sites listed on the public hearing notice. They returned at 11:25 a.m. and took up items 8 & 9 on the agenda before breaking for lunch. Motion by Eisenman, seconded by Meyer at 11:53 a.m. to break for lunch. Will meet back at the Service Center at 1:00 p.m. for the Public Hearing.
3. 1:00 p.m. Public Hearing – Hearings were held on the items listed in the notice. The meeting was called back to order at 1:00 p.m. by Chairman Saal. Saal, Mittelstadt, Meyer, Rusch and Eisenman along with Dan Miller; Zoning Administrator, and 11 other persons were present.
4. Hearings were held in order, discussion occurred and decisions were made by the Planning and Zoning Committee

PETITION FOR REZONING

1. A request by Keith and Elizabeth Snearly to rezone tax parcel 32.283505.013.000.00.00, from Rural Residential 3 to Rural Residential 5. The property is approximately 40 acres in size and has an address of N10243 Zenith Tower Rd, located in the Town of Wilson. The purpose for the rezone is to accommodate larger outbuildings, animals and an outdoor woodboiler.
Keith Snearly – Big Bend, WI was present to explain and support the request for rezoning. He intends to move to the property in a few years and his wife would like to have a horse. He also wishes to install a high efficiency wood boiler and to build a larger pole shed to store his machinery and vehicles. All are prohibited in the RR-3 zoning district. An RR-5 district allows for such uses. The town is in favor of it. He has no intention of subdividing the property.

Miller explained that the town will likely be submitting a resolution of support per Mary Baltich, Town Clerk.

Saal read a faxed message from Janice Theiler who is opposed to the rezone primarily due to concerns over air and groundwater with the production of smoke from a wood boiler and manure from animals.

Saal closed the public hearing for the Petition for Rezoning request.

Motion by Eisenman, seconded by Rusch to approve the request and forward an ordinance to the July 20, 2010 Lincoln County Board meeting.

Motion carried all ayes.

PETITION FOR MODIFICATION OF THE SUBDIVISION ORDINANCE

2. A request by Michael and Sharon Hall to create a lot with private road access, instead of public road access, off the end of Tribute Rd. In addition, the proposed lot will have less than the required lot width at the building setback. The property is located in the SE ¼ of the NW ¼, Section 32, T35N–R7E, in the Town of King, and is

located near N9986 Virgin Timbers Ln. The request is to modify sections 18.7.08(8) and 18.7.08(1) and is being heard under provisions of section 18.9.03 of Lincoln County Ordinances.

Sharon Hall was present to support the request. They hope to create the back lot to accommodate building a new home for her aging parents. They have a signed road maintenance agreement for Tribute Road that has been signed by the Caseys and her parents. They will be the only users of the road for now. A soil test was conducted and it identifies an area for a conventional septic system.

Saal closed the public hearing for the request.

Motion by Mittelsteadt, seconded by Saal to approve the request conditioned upon the following: 1) Label the area of the lot on the CSM that contains less than 150 of width as “unbuildable”, 2) Have a signed road maintenance agreement that assigns maintenance responsibilities to the owners of the lots using the road and that obligates them to maintain the road to a 16 foot width year around, 3) Submit a soil test that identifies an area for a new septic system before the CSM will be approved.

Motion carried all ayes.

3. A request by Doug and Debbie Lueth and their agent Stuart Foltz to create a 7 unit condominium plat which will contain interior private roads, instead of public roads and will not meet the requirements for public land dedication. The property is located in Section 28, T35N–R7E, in the Town of King, and has an address of N10469 Horseshoe Rd. The request is to modify sections 18.7.08(8) and 18.8.05(1) and is being heard under provisions of section 18.9.03 of Lincoln County Ordinances.

Stuart Foltz from Foltz and Associates in Minocqua was present as an agent for the Lueths. He prepared the condominium plat and the petition for modification. The applicants feel that for all practical purposes the intent of the ordinance is followed because the property fronts on Horseshoe Road which is a town road. There isn't a need for public land dedication as the condominium has a communal beach and other common areas to serve as private recreation and Lake Alice already has numerous public boat ramps. He explained their rationale for removing as much impervious surface from existing private drives as practicable to afford expansion opportunities on the unit cabins and to create space for accessory garage units. The parking and drive up areas could be accomplished using engineered pervious surfaces.

Miller explained his staff report and recommendations and his concerns about density, meeting the ordinance requirements for off street loading and drive up capabilities and not allowing grass to serve as the parking medium.

Saal entered the Town of King approval into the record.

Saal closed the public hearing for the request. The Committee deliberated the request and discussed concerns about parking and the overall density.

Motion by Saal, seconded by Eisenman to approve the request and thereby waive the requirement for public land dedication and to allow private roads within the condominium. Motion carried all with four in favor and Mittelsteadt voting in opposition.

CONDITIONAL USE REQUEST

4. A request by Jody and Paula Gebauer to allow for automobile repair as an expanded home occupation in a Rural Lands 2 zoning district. The property is located in Section 32, T35N–R7E, in the Town of King, and has an

address of W4331 County Road D. The request is being heard under section 17.3.09(8) of Lincoln County Ordinances.

Jody Gebauer was present to support the request and explained that he wished to work out of his home while his children were young so he could stay with them. He usually had 5 or 6 vehicles in at a time to work on them. He agreed with the suggested conditions of the staff report. His work is just mechanical work; not body work. He will not sell any parts or part out vehicles. He indicated he will direct the floor drain waste to a holding tank as required by the DNR. All vehicle fluids will be captured and disposed of properly.

Paula Gebauer, Jody's wife, stated for the record that she also supports the request.

Saal entered the town of King approval with conditions into the record.

Saal closed the public hearing for the Conditional Use request and the committee reviewed the conditional use review criteria. They found that improper disposal of vehicle fluids could have a negative impact on the community but that could be mitigated by the installation of a proper holding tank for the floor drains.

Motion by Mittelsteadt, seconded by Meyer to approve the request with the following conditions:

1. This request is subject to regulations under 17.3.09 (8) of Lincoln County Ordinances, stated above.
2. There shall be no more than 9 customer vehicles, on the property at any given time.
3. Fluids shall be stored and properly disposed of following all federal, state, and local regulations.
4. If a floor drain is installed in the garage it must be routed to an approved holding tank.
5. Maintain adequate vegetation that meets the screening requirements of the ordinance along the west side of the driveway between the garage and County Road D.
6. The hours of operation shall be from 7 a.m. - 7 p.m., Monday - Friday; and 7 a.m. – Noon Saturdays.

Motion carried all ayes.

The committee moved “Old Business” item #6 up on the agenda at this point ahead of #5.

5. Review preliminary “Fish-A-While” Condominium Plat (Town of King on Horseshoe Rd)
Miller reviewed his plat check list and his concerns about overall density, the limited area for septic system replacement and the conflict between current use as a resort rental business and the use described in the condominium declaration. The condo declaration describes the desired future use to be residential, under the “Use Restrictions” section, or other uses permitted by the declaration or as amended and for no other uses. The current zoning district is Recreation and it disallows the residential use unless it is for a caretaker's residence in association with the rentals. The property should be rezoned to a residential district if the use converts from rentals to private residential use. The declaration should be modified to support this as well. This will avoid the potential for some of the units to remain tourist lodging cabins and for some to convert to private residential.

The expansion area depicted for unit 4 is in conflict with setback provisions of the zoning ordinance.

The declaration requires that all parking areas remain grass and will not allow for the placement of gravel or any impervious surface. If engineered surfaces are to be allowed, this provision should be amended to allow for engineered pervious surfaces and not just grass. The same provision applies to driveways in the declaration.

Motion by Saal, seconded by Meyer to layover the plat for one month to allow Miller and Foltz to meet and work out some of the concerns discussed.

Motion carried all ayes.

6. “Old Business” – Review conditions for CUP-1041 (originally Granted on Condition 9/28/95) for Tomahawk Sand & Gravel for a gravel pit. (Town of Bradley between US Hwy 51 & Crass Rd) -

Miller explained that the Special Exception permit for this pit was first approved by the Board of Adjustment in 1995. It came up for review in 2000 and was reviewed by the Zoning Committee at that time. They imposed a 10 year review in July of 2000. He recommended that several of the original conditions be struck from the permit as they are now covered by the non-metallic mining reclamation ordinance and to also remove the need for any additional reviews by the committee because the site undergoes an annual inspection for reclamation permitting. If there are any complaints or problems in the future the committee can hold a revocation hearing on the permit. He suggested that condition no. 1 from the original permit be left in place, strike conditions, 2, 3 and 4 a-c, 8 and keep 5 and 6 (condition seven was previously struck). That means the final conditions would read: 1. final grade must be kept above the water table; 2. appropriate dust control shall be employed when working the site; 3. the site is subject to the standards of the Lincoln County Non-metallic Mining Reclamation Ordinance; 4. Hours of operation shall not exceed 6 a.m. to 6 p.m. Monday through Saturday, with an additional 2 hour opportunity each day for maintenance.

Motion by Saal, seconded by Eisenman to continue the Conditional Use Permit for Tomahawk Sand and Gravel and to amend the conditions to read what staff recommended above.

Motion carried all ayes.

7. Public Comment Opportunity – Stu Foltz suggested that Lincoln County look at some other nearby community ordinances governing subdivisions and condominiums and they should reconsider their position on private roads, public land dedications and to allow flag lots where they make sense without sending applicants through a formal waiver process.

(The Committee took action on items 8 & 9 below after returning from their morning tour of the properties)

8. Approve the June 10, 2010 meeting minutes – Motion by Eisenman, seconded by Rusch to approve the June 10, 2010 meeting minutes. Motion carried all ayes.

9. Administrator’s Report - Miller provided an oral report of his activities since their last meeting.

The Committee reviewed the Compliance Report.

The Committee reviewed the Financial Report and placed it on file.

The Committee discussed correspondence directed to them by the Department from FEMA regarding the appeal period for floodplain mapping, the A.G. opinion on coordination and a letter they received from Wilburn Weber who was concerned that Lincoln County was not taking an aggressive enough approach with older septic systems as they are not required to be pumped under notice and they could be affecting ground water quality.

10. Adjourn - Motion by Mittelsteadt, seconded by Saal to adjourn at 3:15 p.m. Motion carried all ayes.