

## MINOCQUA PLAN COMMISSION MINUTES

August 25, 2020

A meeting of the Minocqua Plan Commission was called to order by Chair Mark Hartzheim at 8:30 a.m. in the Board Room of the Minocqua Center.

Present were: Chair Mark Hartzheim, Members Tom Church, Mark Pertile, Phil Albert, Joe Hegge, Bill Stengl, and Mary Taylor; Carla Blankenship, Karl Jennrich, Pete Wegner, and Scott Ridderbusch, Oneida County Planning and Zoning; and Lynn Wildes, Town Secretary.

**Motion by Phil Albert, seconded by Joe Hegge to approve the agenda as presented. Voice Vote: Motion carried.**

**Motion by Bill Stengl, seconded by Phil Albert to approve the minutes from July 28, 2020. Voice Vote: Motion carried.**

Mark Hartzheim introduced and welcomed new Plan Commission member Mary Taylor. Taylor is replacing Brian Fricke, who was elected to the Town Board and vacated his Plan Commission position.

### NEW BUSINESS

**SIGN PERMIT #09-20** – Application by Butler Rv. Trust, owner, Justin Schmidt, agent, to place a 33.73 square foot free standing sign located at 9547 Old Hwy 70, Parcel #MI 2176-2 (Butler/Lonsdorf Dental building).

Carla Blankenship stated the sign complies with the size requirements and setbacks. Mark Hartzheim asked if this was replacing an existing sign, and Blankenship was not sure if it was.

**Motion made by Bill Stengl to approve Sign #09-20 as presented with the additional requirement of having any other existing free-standing signs removed prior to installation. Seconded by Joe Hegge. Voice vote, motion carried 7-0.**

**ADMINISTRATIVE REVIEW PERMIT #15-20** – Application by Brian Marmes, applicant and owner, to rent the dwelling as a tourist rooming house for no less than 7 consecutive days minimum length of stay on the following described property: Part Government Lot 2, Section 11, T39N, R6E, PIN #MI 2181-2, 9569 Old Hwy 70 Rd., Town of Minocqua.

Carla Blankenship stated this Tourist Rooming House application meets all of the requirements. It has the three required parking spaces and is on the sanitary district. Mark Hartzheim said it is located in a single family residential district, so it will need a Tourist Rooming House permit from the Town.

**Motion made by Bill Stengl to approve ARP #15-20 as presented, seconded by Tom Church. Motion carried, 7-0.**

**ADMINISTRATIVE REVIEW PERMIT #16-20** – Application by Edward Then, Sr., applicant, EDCO LLC, owner, to expand the existing auto repair business by adding two service bays on the following described properties; Village of Minocqua, Lots 15 & 16, Section 14, T39N, R6E, PIN# MI 3304 & MI-3304-1, Town of Minocqua.

Carla Blankenship stated they have a CSM to combine the existing parcels (EDCO purchased the parcel to the east and razed the existing structure). She said this addition will be adding two additional service bays and will have 7 total parking spaces available. She said the county requirement would usually be 11 parking spaces but the Town allows parking in the street. Mark Hartzheim asked what the 11 spaces was based on, to which she replied four for the employees and 5 for the customers based on the number of service bays. Mark Pertile stated there is no set number of parking spaces for businesses on the island. Owner Ed Then stated he also pays for a parking lot across the street for the last 3-4 years, which gives him access to an additional 6-9 parking spots in the summer and the entire lot in the winter. Mark Pertile questioned the size of proposed parking spaces in the alley, stating several of them are too short and would need to be parallel to the alley to meet the 20' length requirement.

**Motion made by Mark Pertile to approve ARP #16-20 as presented subject to meeting all county conditions of approval and having no less than 6 legal and conforming parking spaces. Seconded by Phil Albert. Voice vote, motion carried, 7-0.**

**ADMINISTRATIVE REVIEW PERMIT #17-20** – Application by Lauren Wilcoxon, applicant and owner, to rent the dwelling as a tourist rooming house for less than 30 consecutive days on the following described property: Paynes 1<sup>st</sup> Addition Part Outlet 1 & 2, Section 14, T39N, R6E, PIN #MI 3421-3, 514 E. Chicago Ave., Town of Minocqua.

(and)

**ADMINISTRATIVE REVIEW PERMIT #18-20** – Application by Lauren Wilcoxon, applicant and owner, to rent the dwelling as a tourist rooming house for less than 30 consecutive days on the following described property: Paynes 1<sup>st</sup> Addition Part Outlet 1 & 2, Section 14, T39N, R6E, PIN #MI 3421-3, 516 E. Chicago Ave., Town of Minocqua.

Carla Blankenship stated these Tourist Rooming House applications meet all of the requirements. They are located on the same parcel and are on the sanitary district. This property is zoned business (B1), so daily rentals are allowed and the Town Tourist Rooming House permit is not required. #18-20 (516 E. Chicago) is in compliance with the required number of parking spaces. #17-20 (514 E. Chicago) is deficient by 1 parking space, but the Town allows parking on the street. Mark Hartzheim asked Carla Blankenship if stacking parking is legal, and she replied it is for a TRH.

Mark Pertile stated his concern that their advertising of the property included wording promoting private use of public property (pier) as a part of the rental, and questioned the liability that could be associated with this (advertising business use of public property).

**Motion made by Bill Stengl to approve ARP #17-20 and #18-20 as presented, with the additional Town requirements that their advertising for the units shall not state or imply private exclusive use of public property. Seconded by Joe Hegge. Voice vote, motion carried, 7-0.**

**ADMINISTRATIVE REVIEW PERMIT #19-20** – Application by Scott and Leah Bavery, applicants and owners, to rent the dwelling as a tourist rooming house for no less than 7 consecutive days minimum length of stay on the following described property: Doolittle Bardens Wah-Ca-Zi-Zi, Lot 10, Section 25, T39N, R6E, PIN #MI 4479, 9230 Marguerite Ct., Town of Minocqua.

Carla Blankenship stated the septic system is currently undersized, but she already has the permit application needed to bring it into compliance. The new septic permit will be required before the county issues their permit. She said this is a three bedroom house with six parking spaces (four are required). This is subject to the standard County conditions, limited to weekly rentals. This is located in a single family residential district, so it will need a Tourist Rooming House permit from the Town.

**Motion made by Mark Pertile to approve ARP #19-20 as presented, seconded by Bill Stengl. Voice vote, motion carried, 7-0.**

**CERTIFIED SURVEY MAP #20-20** – Preliminary four (4) lot Certified Survey Map of John Lattig, owner and Wilderness Surveying Inc., James Rein, surveyor for the following described property further described as: Part of Government Lot 6, Section 9, T39N, R6E, PIN #MI 2153, 8544 Hower Road, Town of Minocqua.

Mark Pertile asked surveyor Jimmy Rein if the intent was to sell the lots separately, and Rein replied yes. He also asked if they will have their own driveways and septic, and James Rein replied all four lots will have separate well and septic systems. Scott Ridderbusch said there are some current septic issues and only 2 septic permits have been located by the county, and the developer stated the current septic systems will be abandoned and replaced with new.

**Motion made by Mark Pertile to approve CSM #20-20 as presented, seconded by Bill Stengl. Voice vote, motion carried, 7-0.**

**CONDITIONAL USE PERMIT #37-19** – Application by Bayview Motel, LLC, owner, and GPS, Inc., Glenn Schiffmann, President, and James L. Rein, agent, to construct a 9 unit hotel on the following described properties; Part of Government Lot 6, Section 11, T39N R6E, PINs# MI 2179-32 and MI 2179-33, Town of Minocqua.

Tom Church asked if the information being presented is new or a revision, and Mark Hartzheim stated it is the same permit application with revisions. Jimmy Rein stated they amended the parking requirements per the DOT by moving the parking spaces on Hwy 51 and also moving the lakeside parking spaces out of the right-of-way. All spaces were also increased to 10' x 22' to comply with county requirements. Karl Jennrich stated technically the 12 parking spaces complies with the county ordinance as this is being classified as a 9-unit hotel and 1.1 spaces per unit are required for this, although Jimmy Rein confirmed there are 23 bedrooms in the building. Rein also stated Lakeland Powersports in Woodruff has agreed to let the hotel guests park their trailers at their business.

Mark Pertile asked Carla Blankenship what the total value of the construction cost is, to which she replied \$2M. Joe Hegge asked about the background of this CUP, and Mark Hartzheim replied this is the third time it has been submitted to the Plan Commission and it has been denied twice by the Town Board. Hegge asked if all of these changes would meet the Town Board requirements, and Mark Hartzheim replied some of the parking has changed but the main objection is that this is a hotel in name only as they are full residential units with full kitchens, 2 or 3 bedrooms, walk-in pantries, etc. Karl Jennrich stated there is no density requirement as it is zoned business. Mark Hartzheim stated the hotel that was previously on that property was only 8 single-room units, and that the number of bedrooms and the parking available for them in this plan is still the main concern. Neighbor Beth Meyers expressed her disapproval citing the dangerousness of the traffic on both Hwy 51 and Lakeview Drive, boats parking at her pier, and the height of the retaining wall.

Mark Hartzheim stated that boat and snowmobile trailers will be a continuous problem as there is no place to maneuver them in either the upper or lower parking lots. Jimmy Rein said guests will be given instructions on what to do with their trailers when they call to make a reservation. He said smaller boat trailers would be able to make the turn radius in the parking lot, but larger trailers would not. Mark Hartzheim stated there is nowhere to maneuver trailers in either lot and this will cause repetitive issues. He also stated it does not make sense to factor in off-site parking accommodations as having a detached remote property for parking will not work, and you cannot marry two separate remote businesses into the CUP requirements. He also stated there is no onsite storage or space for anything else, and if they get sold off in the future as condos it will create problems.

Mark Pertile asked Jimmy Rein how long this lot has been vacant, and Rein replied three years. Pertile stated this is a challenging site to build on and this proposal is a maximum density building. From the economic standpoint of the Town it would be nice to have someone invest in it, but there are challenges with this plan. He stated there is nothing in the town or county ordinances requiring designs to include trailer parking, and asked how much of a responsibility it is for the Town to consider this?

Bill Stengl asked Karl Jennrich if there was anything in the CUP that was not in compliance with the county ordinances, and Jennrich replied technically it is in compliance but there are still concerns, including the setback to the ordinary high water mark for the new parking spaces and no 5' vegetative buffer on the lake side of the building.

**Motion made by Mark Pertile, seconded by Bill Stengl, to approve CUP #37-19 based on the following General Standards for Approval:**

- 1. Whether the establishment, maintenance or operation of the conditional use will in any way be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**
  - a. The applicant has shown to provide sufficient ingress and egress onto Hwy 51, with no reduction in driveway opening at curb.**
  - b. All parking, including trailers, must be in approved designated parking spots on premise/property.**
  - c. No parking for development shall be in right of way.**
  - d. Snow from property cannot be plowed across the road or into the lake.**
  - e. Dumpster location to be relocated away from main entrance, recommend west side of property.**
- 2. Whether the uses, values and enjoyment of neighboring property will in any foreseeable manner be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.**
  - a. Impacts to adjoining properties are consistent with current zoning district and use.**
- 3. Whether the proposed conditional use is compatible with the use of the adjacent land and any adopted municipal plans for the area.**
  - a. The application request is consistent with land use and pattern of developments.**
  - b. Applicant/owner shall maintain property as Hotel License indefinitely.**
- 4. Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the adjacent land for uses permitted in the district.**
  - a. The application is consistent with surrounding development, noting the applicants request for maximum density on the property.**

5. **Whether adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.**
  - a. **Adequate utilities and drainage have been shown accessible to the property. More detailed storm water plan would be required as part of building plans.**
6. **Whether adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.**
  - a. **The applicant has shown that they can meet adequate ingress and egress to public ways, specifically to Hwy 51 with realignment of handicap parking and maintaining a setback of 20' from curb per County Ordinance 9.77A1.**
7. **Whether the conditional use will conform to all applicable regulations of the district in which it is located.**
  - a. **Right of way parking cannot be utilized by applicant for to meet county code. No designated parking in Town Right of Way.**
  - b. **Applicant needs to meet code requirements for width and length requirement of parking spaces.**
  - c. **All retaining walls, railings, and setbacks must conform to County/State code, with consideration of aesthetic improvements to retaining wall surfaces.**
8. **Whether the conditional use does not violate any shoreland or floodplain regulations governing the site.**
  - a. **All piers and shoreline alterations shall comply with county and state shoreline regulations.**
9. **Whether adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.**
  - a. **This applicant has shown that this condition can be met, engineered plans showing additional detail would be required if project moves forward.**

In further discussion Tom Church stated his disapproval of the project and Mark Hartzheim agreed, noting the owner and developer are building a 9-unit residential property and then sell it and the neighbors and town are left to deal with the ensuing problems. Hartzheim stated the developer and owner don't have to care, but the Town should. Mark Pertile disagreed, stating this is a way to provide an opportunity for more people to access the island and is a nice addition to the community, keeping more people in the downtown area. Hartzheim agreed that this would be a good addition if it were on a smaller scale. He asked where the line of responsibility is and that we need to balance what is in the best interest of all parties, and he doesn't think this current plan reflects this.

Bill Stengl stated he was conflicted on this project – he wants to find solutions and see the property developed, but his concerns are with the first two conditions of the CUP. With over 50 people coming and going it will impede the enjoyment for the property owners to the north and south. He also agreed the 16 parking spaces is not adequate for 50 people and the backing in and out onto Hwy 51 with snowmobile and boat trailers would cause traffic problems, but he would like to find a solution and a compromise. Phil Albert noted he shared Stengl's concerns but having 6 units rather than 9 would not alleviate the problems, however it would be nice to have something on that lot.

**Tom Church requested a roll call vote on the motion to recommend approval of CUP #37-19 to the Town Board:**

**Mark Pertile: Yes**  
**Mary Taylor: No**  
**Tom Church: No**  
**Joe Hegge: No**  
**Phil Albert: Yes**  
**Bill Stengl: Yes**  
**Mark Hartzheim: No**

**Motion failed 3-4.**

**Motion made by Joe Hegge that the Plan Commission recommends the Town Board deny CUP #37-19 based on the proposed development not meeting the General Standards of Approval #1-4 and #6, seconded by Mary Taylor (roll call vote):**

**Mark Pertile: No**  
**Mary Taylor: Yes**  
**Tom Church: Yes**  
**Joe Hegge: Yes**  
**Phil Albert: No**  
**Bill Stengl: No**  
**Mark Hartzheim: Yes**

**Motion carried, 4-3.**

**Motion by Joe Hegge to adjourn, seconded by Mark Hartzheim. Voice vote, motion carried.**

**Meeting adjourned at 10:50 a.m.**

Lynn Wildes  
Town Secretary