

MINOCQUA PLAN COMMISSION MINUTES

September 29, 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, and Mary Taylor; Carla Blankenship and Scott Ridderbusch, Oneida County Planning and Zoning; and Lynn Wildes, Town Secretary. Absent with notification was Bill Stengl.

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

Motion by Phil Albert, seconded by Mary Taylor to approve the minutes from September 8, 2020. Voice Vote: Motion carried.

Chairman Mark Hartzheim stated that Oneida County Planning and Development will be holding an on-site visit for Bayview Motel, LLC (CUP #37-19) on Wednesday, 9/30 at 1:00 p.m. A meeting concerning this will follow in the Town Board Room at 1:30 p.m.

NEW BUSINESS

PRELIMINARY STATE PLAT #23-20 - Preliminary State Plat of lands owned by Wingfoot LLC, submitted by Raymond Surveying, LLC., Gregory J. Raymond, surveyor, for the following property described as; Part of SW ¼ of the SE ¼ Section 22, T39N, R6E, PIN# MI 2325-2, Town of Minocqua.

Scott Ridderbusch stated the Plan Commission previously approved a 4-lot CSM for this location (CSM #08-20, not recorded yet) with private road access for the 4 lots. The developer is further subdividing lot #4 on the CSM into two lots (#4 and #5). Pursuant to Chapter 236 of the Wisconsin statutes the creation of 5 or more lots from a current parcel within a 5-year period falls under State platting requirements.

Ridderbusch said the road and turnaround are not changing, however due to the State platting requirements the developer is proposing a public access to McNutt Lake by easement. There will be no dedications to the Town, it will be a perpetual easement to McNutt Lake. Per State Chapter 236 the easement needs to be 60' in width, so they are proposing that 30' of each lot be a part of this easement for public access. He said the property is zoned rural residential, and minus the easement and other criteria there is still adequate building area for the two lots per the subdivision ordinance.

Mark Hartzheim stated that this will not leave much room for a second well and septic field if needed, depending on the size of the houses. He was also concerned that this is a private lake essentially (even though there are Town right-of-ways that go up to it) and we would be adding a permanent, public access which will change the enjoyment of the lake for those who live there and we need to protect this (it would be listed as public access on the GIS maps).

Mark Hartzheim asked why the public access is required. Scott Ridderbusch said Chapter 236 platting requires at that level public access at ½ mile intervals on a body of water. Jack Akers from Secluded Land Company stated the State said by doing this it will allow them to provide public access per the state requirements. Mark Hartzheim asked if there was a different way to do this, such as making these lots a separate subdivision, and Jack Akers replied the State requirement kicks in when you have the 5th lot under 1 ½ acres, and there isn't enough room to make one of the lots larger than 1 ½ acres.

Akers asked if the road right-of-way touches the lake because it didn't appear to on the map. Mark Hartzheim stated he thought if you looked at where the actual roadway is and took 33' on each side it there would be places it touched the ordinary high water mark, but that's different than a public access. Jack Akers stated if that road right-of-way touches the lake then that counts as public access per the State's criteria and they would not need to provide it. Mark Pertile stated Wilderness Surveying has surveyed this road in the past, but they never stated where the 66' right-of-way would be along Bolger Lake Road. Scott Ridderbusch asked if the Town has title to the road, and Mark Hartzheim replied it is prescriptive – we have it by use and maintenance. He said it was never platted past where the easement road begins, but since we have maintained it for over 10 years we own legally own it.

Mark Pertile found the survey maps from Wilderness Surveying. Mark Hartzheim stated the Town Board previously had a meeting about this and it was determined it is a Town road by use and maintenance and a Town road is assumed to be 66' wide and it was adopted as such and it was never reduced. After looking at the survey maps Mark Hartzheim stated the road definitely goes into the high-water-mark and for more than 60'.

Mark Pertile asked if the Town ever approved the survey maps, and Mark Hartzheim stated it was legally adopted at a Town Board meeting in 2016 and said we would look up the minutes for that. Mark Pertile didn't think it was ever recorded with Oneida County,

and Mark Hartzheim stated it didn't need to be - this is legally a Town road because at that Town Board meeting it was adopted as such with a 66' width.

Jack Akers said he was all for using the road as the public easement as it was to their benefit. Mark Hartzheim stated this would be a win-win situation for the developer and the neighbors to not have a new, dedicated public access there. Mark Pertile stated we could provide Jack Akers with the survey map and the minutes that include the Board's approval for him to give to the state. Jack Akers thought this would be sufficient for the State to approve it as the public access.

Motion made by Joe Hegge to table Preliminary State Plat #23-20 as presented, to be reviewed again after the public access has been finalized by the State and there is a revised plat to take action on. Seconded by Phil Albert. Voice vote, motion carried 7-0.

ADMINISTRATIVE REVIEW PERMIT #24-20 - Administrative Review Permit application by Walter Binder, applicant, Forest Park Realty LLC, owner, to construct a dental office building on the following described property; Part of the SE ¼ and the SW ¼ Lot 1 CSM 5012, Section 10, T39N, R6E, PIN# MI 2156-8, Town of Minocqua.

Mark Hartzheim stated this is a new dental office building on the SW corner of 70W and Northridge Way, and it is a well organized, attractive, and professional building. Scott Ridderbusch stated there are 11 parking spaces (9 are required). The wetland behind the building was determined to be a lakebed, but it is behind the 75' ordinary high water mark. If additional parking is required in the future it may require additional permits due to the shoreland requirements.

Tom Church said the original plat shows a trail from Southridge Road, and Scott Ridderbusch stated that is just locating the trail – there is no easement or recorded CSM for that. Walter Binder said they would be abandoning the trail. Mark Pertile asked what the service entrance is to the south, and Walter Binder stated this is an entrance for the doctor only (there is an enclosed garage). Mark Pertile stated the Town recommends a 14' driveway width (clear space) for emergency vehicles, and the proposed driveway is 10' wide. Walter Binder stated although the driveway is only 10' wide is it a one-way road and there is 14' of clear space.

Motion made by Mark Pertile to approve ARP #24-20 as presented, with the additional condition that all access roads maintain 14' of clear space for emergency vehicles. Seconded by Tom Church. Voice vote: motion carried, 7-0.

ADMINISTRATIVE REVIEW PERMIT #25-20 - Administrative Review Permit application (ARP) by Attitudes, LLC, owner, Cheryl Casey, applicant to rent the dwelling as a vacation rental for no less than 7 consecutive days on the following described property: part of NE ¼ of the NW ¼, Section 9, T39N, R6E, 8771 Koolish Road, PIN # MI 2143-1, Town of Minocqua.

Scott Ridderbusch stated this property is zoned rural residential, there are 8 parking spaces (4 are required), and there are no outstanding issues. Mark Pertile asked if this was a new business, and Cheryl Casey stated they already own two other vacation rentals in Tomahawk.

Motion made by Mark Pertile to approve ARP #25-20 as presented, seconded by Joe Hegge. Voice vote, motion carried, 7-0.

ADMINISTRATIVE REVIEW PERMIT #26-20 - Administrative Review Permit application (ARP) by Attitudes, LLC, owner, Cheryl Casey, applicant to rent the dwelling as a vacation rental for no less than 7 consecutive days on the following described property: Lot 3, Pinewood Terrace Plat, being part of Government Lot 4, Section 11, T39N, R6E, 9680 Old Highway 70 Road, PIN # MI 5736, Town of Minocqua.

Scott Ridderbusch stated this property is on the sanitary district, in single family zoning, and has adequate parking (8 spaces are provided for the 4 bedrooms and 4 are required). This is a new construction, and Mark Pertile asked if it was 100% complete and the water and sewer were hooked up, and Cheryl Casey replied yes to all. Mark Hartzheim asked about the letter in the application from the Lakeland Sanitary District that states this property has water & sewer hookups but they are private water and sewer mains. Scott Ridderbusch said it is on the Sanitary District with city sewer and water, so the occupancy is based on guideline for a tourist rooming house served by a public sewage facility of 400 c.f. of space per adult and 200 c.f. per child 12 and under. Mark Hartzheim stated that it is his understanding that since the Sanitary District did not take the mains over after they were installed, if something goes wrong with the mains it is the private owner's responsibility to repair it.

Motion made by Mark Pertile to approve ARP #26-20 as presented, with the condition that there is sufficient room for a private well and septic on the property if needed in lieu of city water and sewer. Seconded by Phil Albert. Voice vote, motion carried, 7-0.

Motion by Mark Pertile to adjourn, seconded by Mary Taylor. Voice vote, motion carried.

Meeting adjourned at 9:37 a.m.

Lynn Wildes
Town Secretary