

**Town of St. Germain
Planning & Zoning Committee Meeting
July 29, 2002**

It was noted this meeting was posted in accordance with public meetings laws, State of Wisconsin Statutes.

AGENDA:

1. **ROLL CALL:** Mrs. Platner, Mr. Gern, Mr. Santefort, Mr. Holthaus and Mr. Odette.
2. **APPROVAL OF AGENDA:** Mr. Odette made a motion to approve the agenda as posted and seconded by Mr. Gern. Motion unanimously carried.
3. **APPROVAL OF MINUTES:** Mr. Holthaus stated that the minutes were distributed to them and they can review them. Mr. Holthaus entertained a motion to dispense with the reading of the minutes. Mr. Odette approved motion and Mr. Santefort seconded this motion. Mr. Odette stated that he picked up the minutes from the last meeting today and he will make copies and distribute them. Mr. Gern stated that they were given the June 24th and July 1st minutes. He questioned if we should wait and approve all of them at one time or one by one. Mr. Odette felt that we should have a meeting just to approve minutes and they agreed. Mr. Holthaus also stated that copies were given to Tom Martens. Motion unanimously carried.

4. DISCUSSION / BUSINESS:

4.1 Chairmans Report / Communications:

- 4.2 Review / Action of Permit and Plan Submittals:* Mr. Ebert stated he tried to contact Jeff Brand and left him a message today with the following: He did talk to the County and they are going to issue him a permit for a temporary holding tank. He told Jeff that as soon as he got that number to let him know and he could then issue the permit for him. Mr. Ebert reminded the Board that this was about the Leisure Time Rentals. Mr. Brand started the addition and found out that cottage was falling apart and had to do some adjustments to make it meet the requirements. Mrs. Platner questioned what a temporary holding tank was and Mr. Ebert stated that they were letting him put in a standard septic tank for now, and once they get the law suits over, then they will put in the proper conventional system. A discussion was had.

Mr. Ebert also questioned an area in Wilderness Estates where a person would like to start a taxidermy business out of his garage. It's in the low density area and it would be a Conditional Use for a home business. Mr. Ebert gave him the application and will advise him for sure on what it is. A discussion was had.

Mr. Ebert also stated that he issued a Travelway Permit in Leisure Estates.

- A. Hewitt Conditional Use Permit Application Action: Mr. Holthaus stated that they needed to approval, deny or table the permit. He stated that the committee can also approve with conditions if they think that it is appropriate. So at this time Mr. Holthaus entertained a motion to either approve, approve conditionally, so that we can go discussion. Mrs. Platner made a motion that it be approved with conditions that we will discuss. Mr. Gern seconded this motion. A discussion was had.

Mrs. Platner stated that she sketched out the lot with the dimensions and they believe that if there could be a 40 foot buffer around it and still leave 150 x 200 for any home and septic.

Mr. Holthaus questioned the committee if they had any other comments. Mr. Ebert stated that there is a letter from the County stating that they will allow this and it was based on Holiday Estates. Mr. Holthaus advised that Mr. Ebert handed him a letter from the Vilas County Zoning Planning and Pollution Patrol that was addressed to Christopher Hewitt and he read it out loud. It stated that they would grant them a permit to build a duplex and garage on their pre-existing lot providing that they can meet the setback and septic requirements of the Vilas County General Zoning Ordinance 85 and the Vilas County Sanitary Ordinance #15. Mr. Holthaus continued to read the letter explaining these ordinances.

Mr. Odette questioned if the town has to do anything with the cul-de-sac since it has grown over. Mr. Ebert stated he can go over there with the cat and fix it. A further discussion was had.

Mrs. Platner stated that she would not have a problem as long as that the tree line is, that these two people, lot 2 and 4 already looking at it, would not suffer undo hardship from placement. Mr. Holthaus felt that it wouldn't because the lots are so deep.

Mr. Gern would like to see a site plan of the house situated on the property and the location of the septic so you can draw a line around it so you can what the dimensions were and know that you could easily get a 40 foot buffer. A discussion was had.

A comment was made from the Mr. Dave Clark about them having to bring in a site plan that was not stated anywhere.

Mr. Holthaus stated that before Dave came in was to approve it subject to conditions of maintaining a 40 foot tree line around the parameter of the south, east and west lot.

Mr. Clark responded that was inaudible.

Mr. Odette stated that it was not listed anywhere that they have to bring in a site map.

Mr. Holthaus stated that there is a motion to approve conditionally to maintain a 40 foot tree line around the parameter of the south, east, and west lots. Mr. Gern stated he would like to define it that it was not just a tree line but all existing vegetation remains in the 40 foot dimension. Motion unanimously carried. Conditional Use Permit was granted.

Zoning Permit Fee Ordinance: Mr. Holthaus stated that this ordinance sets the amount for building permits, variances, conditional use permits and so on. It is the intent of the committee to make a recommendation to the Town Board to change the permit fee schedule, particularly in light of conditional uses where the current charge is \$250. Notices are published in the local newspaper and so there is some expense. However, with review of the conditional uses that have been established in the ordinance, obviously it would be a burden for people to continue to pay the charge \$250. The committee is trying to get that changed in order to make it a less of a burden for people who want to apply for this use. Mrs. Platner did research from around the area and is not ready to give this report yet. She stated that she will get it out to the committee for their review by next week and then they will be able to go over it at the next meeting. Agenda item tabled.

Proposed Sign Ordinance: Mr. Holthaus advised that this has been in the process for a long time and they are now at the County Zoning Committee for review and will hopefully be able to get on the August schedule. Mr. Holthaus questioned if this ordinance should be pursued or dropped? Mr. Odette stated that if we do pursue it that it has to be made simpler. The way it stands now, Mr. Ebert would have to go out and measure every sign. The felt the biggest concern seems to be the off premises bill boards. A discussion was had. Mr. Holthaus reminded the committee that the WI DOT governs almost everything on state highways. There is currently a moratorium on signs and this committee would have to send the Town Board some kind of indication as to which way we want to go with this. Either recommend that there be one or that there not be one. Mr. Holthaus felt that all the available land for signs were already leased. Mrs. Platner feels that if this is the case then it doesn't seem relevant. Mr. Holthaus also stated that he felt it was a mute point. Mr. Holthaus also stated that the committee should be aware that some time ago, that there was an agreement between the Town and the realty groups about their signs. Tom Martens will produce that letter. Mr. Eliason stated that there was no agreement. He stated that the realtors got together and agreed that there would not be any directional signs on major intersections like Juve Road. This was more of a "gentlemans" agreement. Mrs. Platner also discussed lighting with the signs and this was her only concern with having the ordinance. Mr. Gern mentioned that the survey we sent out said that 86% were in favor of setting specific standards to business advertising signs. That's 928 people and maybe there are not here tonight but it should be taken into consideration. The only problem is with the off premises signs and maybe we should deal with just them. He stated that the State only regulates Highway 70 and not Highway 155. A discussion was had.

4.3 Discussion / Implementation of Long Range Planning & Zoning Considerations:

4.4 Policy Development Issues:

4.5 Committee Concerns: Mr. Holthaus received a letter from the Town of Arbor Vitae and apparently there is a movement to put in an outdoor amusement facility and they are asking the County to change their ordinance to make that a Conditional Use in an All Purpose District and they would like our support. Mr. Santefort felt that we had enough of our own concerns at this time. A discussion was had.

4.6 Public Concerns: Mr. Green approached the committee and questioned the fact that Mr. Ebert can issue a travelway permit without committee approval. Mr. Ebert answered yes unless he feels that there is a conflict. Mr. Green wanted to know if they changed the Travelway Ordinance in this regard because under 4.03 it states that the Planning and Zoning Committee approval required. No motor vehicle travelway shall be constructed in the Town without first obtaining approval from the Town Planning and Zoning Committee. So therein, without changing the wording in the travelway permit, that we all still need to look at it.

The second issue Mr. Green had was that he wanted to congratulate the committee and Town board for finally enacting and approving the zoning changes relative to the conditional use permit, the areas that were recently discussed with the Manufactured / Mobile Home Ordinances, it is gratifying to see them finally move forward. He stated he was somewhat still disappointed in the area of Lakeshore/Resort Residential given that the point mention by Chairman was that we need to or the desire to see what a resort might be doing on a shore was if fact a real need with regards to reviewing the contents. He felt that it is not consistent with the way other zoning areas have been handled.

The third issue was a request from Mr. Odette for all the meeting minutes from January 2002 meetings of the Planning and Zoning Committee. Mr. Odette stated that what was ever typed, he doesn't have them all. Mr. Green stated that when you're a year behind it's a little hard. Mr. Odette replied that if he could get the last set of minutes that Mr. Green took at your last zoning meeting which goes back about a month now, and has not received a copy of those. Mr. Green stated that he'll see what I can do.

Two comments were directed at Mr. Gern by Mr. Green (meter #753). Mr. Gern stated he would comment to them privately.

His last comment was that Chairman Mr. Holthaus should look at resigning from committee as soon as possible and maybe even from the Town Board.

Mr. Gern stated that he would like to set up time in private because he likes to discuss items with people when they have concerns.

4.7 Times and Date of Next Meeting: July 12, 2002 at 5:00 p.m.

5. **ADJOURNMENT:** Mr. Odette made a motion to adjourn and Mr. Santefort seconded the motion. Motion unanimously carried.

Town of St. Germain
Planning & Zoning Committee Meeting
July 29, 2002
Conditional Use Permit Hearing for Hewitt's.

Mr. Holthaus opened with discussion about a duplex being located in a medium density zoning district where duplex's are a conditional use. The lot in question is located on the end of Hemlock by the cul-de-sac off of Birchwood Drive. The purpose of this first meeting tonight is to take public testimony on the Conditional Use Permit application. The public was advised if they wish to give testimony, to please state your name.

Mel Carlson: Could not understand complete testimony. He was strictly against this. It was questioned if this was going to be a rental and he was advised that it was not at this time.

Mr. Holthaus advised that there was not a building permit issued or even one applied for until they can get the Conditional Use Permit in place in order to issue the building permit. So at this time the committee does not know the size of the building, the contractor, or anything else. A question was asked by Mr. Carlson and Mr. Holthaus responded that we will take testimony and then they'll have a second meeting where the committee will take discussion on the application itself.

Richard Geiger: He objects to this because the density in this area is pretty heavy already. He understand the living situation and is concerned that it will end up as a rental property in the future. Anther concern was stated (unable to understand) and again stated that he objects to this project.

Mr. Holthaus advised the Hewitt's that if they had any testimony to give that it could be helpful.

Ann Hewitt: Stated that the intentions of this duplex is to have their mother live in the other side. The mother has health problems and this would allow them to watch over her. They do have building plans from Custom Components, the outside is going to be almost identical to the homes along highway 70. It was stated that the duplex was about 915 square feet per side, it was going to be about 40 feet off of the cul-de-sac, it would be closer to Hemlock. He would like to keep as many trees up as possible for privacy. Mr. Hewitt advised the committee and public of their intentions.

Don Brocal: He didn't know if had the right to speak because his land does not butt up to the property in question but he would not like to see duplexes come to that area for the sake of what would happen down the line. Rest of statement could not be understood.

Mr. Holthaus questioned if they were aware that there was a duplex already on Hemlock Lane and they were unaware.

Don Eliason: Mr. Eliason questioned the whereabouts of the cul-de-sac. He was advised that it went to the south of Hemlock. He also questioned if it was a town road and he was advised that it was. He then questioned the building of 40 feet versus the 75 feet from the cul-de-sac. Mr. Holthaus advised that any building permit issued would have to meet the setback requirements.

Craig Weberg: Questioned how the home would hurt anybody because it was at the end of the road and nobody would be driving by it.

Mr. Holthaus stated that the committee is responsible for; under the rules and procedures for issuance of Conditional Use Permits, certain standards that need to be met. A conditional use permit should not be granted by the Planning and Zoning Committee unless the committee shall find that all of the following conditions are present. Mr. Holthaus read the terms and conditions and advised that if those conditions are present, then this is the rules that the committee needs to follow in making judgement and granting or denying the Conditional Use Permit. The lot is located on the very end flat off of Birchwood, which will not encompass any traffic from Birchwood Drive.

A member of the public questioned the procedure.

Mr. Holthaus advised that the procedure was to finish the public testimony, whereas the regulations require that people within 300 feet of the subject property were to be notified. He believes that everyone was sent a letter and that they had an opportunity to come in and discuss this matter. The next step is to, during the second part of tonight's meeting, they have an agenda item for the committee to take up this application to either grant, deny or table, depending upon what the decision of the committee will be.

Randy Radtke: Couldn't understand testimony. Questioned size of building and floor plan.

Mr. Holthaus stated that Mrs. Hewitt described this earlier and it will be similar to the units on Sunrise.

Mr. Holthaus asked if there were any more comments and if not then they would close the public hearing for the Hewitt application for a Conditional Use permit.