

TOWN OF ST. GERMAIN

OFFICE OF THE TOWN CHAIRMAN

P.O. BOX 7

ST. GERMAIN, WISCONSIN 54558

www.townofstgermain.org

MINUTES CONDITIONAL USE PERMIT HEARING: CORNERSTONE BUILDERS,
INC. JANUARY 8, 2019

NOTICE TOWN OF ST. GERMAIN PUBLIC HEARING FOR CONDITIONAL USE PERMIT REQUEST

PLEASE TAKE NOTICE that the Zoning Committee of the Town of St. Germain will conduct a public hearing on Tuesday January 8, 2019 at 6:00pm in the St. Germain Community Center pursuant to Section 1.606(b) of the Zoning Ordinance, Town of St. Germain Code of Ordinances, to consider a request from CornerStone Builders, Inc. for a Conditional Use Permit to construct mini-storage garage buildings on eight parcels of land in the Multi-family Zoning District abutting the west end of the St. Germain Housing Authority properties on Sunrise Drive, Sec. 33, T40N, R8E.

Dated this 13th day of December 2018.

Thomas E. Martens
Town Clerk

CERTIFICATION

The undersigned, Thomas E. Martens, Certifies as follows: (1) that he is the Clerk of the Town of St. Germain, (2) that this notice was published in the Vilas County News Review on the 26th day of December 2018 and on the 2nd day of January 2019, and (3) notices were posted in three public places, the St. Germain Community Center, St. Germain Post Office and St. Germain Sentry Foods on December 13, 2018.

Dated this 13th day of December 2018

Thomas E. Martens
Town Clerk

Zoning Committee Members present: Ted Ritter, Jon Strom, Brian Cooper, Marion Janssen, Gerald Hensen. Also present Tim Ebert, St. Germain Zoning Administrator and Tom Martens, town clerk.

Cornerstone Builders, Inc. (GPS, Inc.) representation: Glenn Schiffmann, Attorney Al Mustaskis, Attorney Collin Mettelka.

Mr. Ritter called the Conditional Use Permit (CUP) Hearing to order at 6:00 P.M. There were also 12 other interested people in attendance. Mr. Ritter explained that the notice for the hearing had been properly published and posted and that letters had been sent to thirteen property owners in the vicinity of the proposed project. Mr. Ritter also explained the Tim Ebert, the town zoning administrator, was also an adjacent property owner. Following the public hearing, Mr. Ebert may be called to the table to give his opinion as zoning administrator. Mr. Ritter added that the zoning administrator is a non-voting member of the zoning committee.

Mr. Ritter opened the floor for comments:

Gordon & Pat Rolland: Mr. Rolland noted that the property was zoned multi-family and wanted to know why the town was even considering the proposal from GPS, Inc. Ms. Rolland added that there are plenty of other storage units between St. Germain and Eagle River.

Mark ? : Stated that there are plenty of vacant acres in the town without building the storage units in a residential subdivision.

Ned ?: Stated that he was in favor of the project. There is a lack of storage facilities in the area of Timbergate and Holiday Estates. Residents in Holiday Estates need extra storage units since the lots are so small. Ned also added that he has checked out other storage units in the area and most of them are not very nice. The new storage units that GPS, Inc. has built in Arbor Vitae look nice. He added that he knows that the construction is good since GPS, Inc. built his home 15 years ago.

Dan ?: Said that more storage units are necessary. There are waiting lists at the other storage unit facilities in town.

Tim Ebert: Mr. Ebert stated that there have been complaints of garbage being left around the units and in the woods at other storage facilities in St. Germain. He thought that it wouldn't be any different with the units proposed by GPS, Inc.

Marv Anderson: Mr. Anderson asked if storage units were permitted uses in the multi-family zoning district. Mr. Mustaskis answered that they are not permitted uses in any of the zoning districts in St. Germain. Mr. Anderson asked if storage units are conditional uses in the multi-family zoning district. Mr. Mustaskis didn't answer the question. Mr. Anderson thought that there may be a better place to construct the proposed units. He also added that the Housing Authority has a waiting list and that it would be possible that the Housing Authority may want to expand to the west. Mr. Anderson added, however, that six of the Housing Authority residents that he had talked to would welcome the storage units.

Since there were no further comments, Mr. Ritter read letters that he had received from Bill Poski, Gordon & Pat Rolland, Joe Minaudo for Daniel Minaudo, David Eliason, and Tim & Richelle Kruse. Mr. Poski and Mr. & Ms. Rolland were against the project and Mr. Minaudo, Mr. Eliason, and Mr. & Ms. Kruse were in favor of the project. A letter from Will & Sue Mekke was against and a letter from Brett Schneider was in favor of the project. Tim ?, who owns a corner lot thought that the storage units would not have a negative influence.

Mr. Ritter read letters from Jason Gruett, Housing Authority manager, Tim Kiesow property owner adjacent to storage units on Hwy. 155, both in favor of the GPS, Inc. proposed project that he had been given by Mr. Mustaskis.

Mr. Mustaskis and Mr. Mettelka then presented a PowerPoint presentation. They also handed out hard copies of the PowerPoint presentation to each zoning committee member. The packet included a map of the zoning districts in St. Germain. Mr. Mustaskis explained that there had been a 50ft. wide alley or frontage road planned. In Mr. Mustaskis's opinion, that indicated that the lots for the proposed GPS, Inc. project were meant to be commercial lots. They showed views of the proposed building site, the proposed plans, views of other storage unit facilities such as on Old Hwy. 70, in Arbor Vitae, Minocqua, and Three Lakes. All were in closer proximity to homes than the proposed units. Mr. Mustaskis stressed that there would be no outside storage and that Mr. Schiffmann would, within reason, comply with any conditions or requests that might be imposed.

Mr. Mustaskis noted that the St. Germain Zoning Ordinance states that public and semi-public uses are allowed in the multi-family zoning district. He stated that some of those uses include private schools, museums, and post offices, all of which charge for all or part of their services. He noted that public garages are also included under public and semi-public uses. Mr. Mustaskis argued that the storage units proposed by GPS, Inc. would be serving a public need.

Mr. Mustaskis stated that there were six standards that the zoning committee needed to consider when it made its decision: (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare; (2) The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use; (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district; (4) Adequate utilities, access roads, drainage, buffer areas and landscaping and other necessary site improvements have been or will be provided; (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; (6) The conditional use shall conform to all applicable regulations of the district in which it is located.

Mr. Mustaskis explained that the storage units will allow people to store vehicles, boats, snowmobiles and other belongings inside rather than in their yards. The storage units will allow area residents to get the most use, value and enjoyment out of their property. Most of the surrounding property is already developed and the proposed project would increase the likelihood of other development and improvement by giving residents and seasonal residents places to keep their recreational vehicles and other belongings. The utilities already exist; no new access roads would be necessary, and GPS, Inc. would provide enhanced buffer areas with large trees. Ingress and egress would be from Sunrise Lane and Christmas Tree Lane with no additional congestion on Hwy. 70. The determination of whether or not the conditional use shall conform to all applicable regulations of the zoning district is the reason for this hearing.

Mr. Mustaskis also noted that the town board had changed the zoning to allow the conditional use permit for the storage units on Old Hwy. 70 .

Tim Ebert: Mr. Ebert stated that he had tried to purchase the proposed alley that is adjacent to his property. The owner wouldn't sell. Mr. Ebert said that the covenants for Timbergate Subdivision state that there can be no developments made on that 50ft. strip of land. He also added that there were other zoning districts in St. Germain in which storage buildings were listed as conditional uses. In his opinion, it was not an oversight that they were not listed in the multi-family zoning district.

Wally Geist: Mr. Geist stated that there already were several storage buildings in Holiday Estates. There were also many vacant lots.

Mr. Mustaskis stated that he and his client felt that it would be a conflict of interest if Mr. Ebert were allowed to take part in the committee's deliberations at the conclusion of the hearing.

Mr. Ritter closed the public hearing portion of the meeting at 7:18 P.M.

Mr. Ritter opened the committee deliberation portion of the meeting at 7:25 P.M.

Mr. Ritter stated that in his opinion, the first five of Mr. Mustaskis's points were no problem. However, he felt that the whole discussion boiled down to whether or not the GPS, Inc. proposed project conforms to all of the applicable restrictions. The storage units are not a permitted or a conditional use listed in the multi-family zoning district. The project is not institutional in nature. In Mr. Ritter's opinion, it would be a private business.

Mr. Cooper agreed with Mr. Ritter. He added that storage units are conditional uses in some of the other zoning districts. He also added that in his opinion, a public garage is like something in Milwaukee, or like a parking lot.

Mr. Ritter added that he didn't feel that it was an oversight that storage units are not listed as any type of use in the multi-family zoning district. He added that the town board had considered doing away with town zoning and going under the Vilas County Zoning Ordinance. However, if that were to happen, most of the residential areas in town would become zoned as general business.

Ms. Janssen stated that she tried to find a definition for public and semi-public uses. She was unable to find any. She also stated that public garages are not defined in any town, county or state ordinances that she could find. Ms. Janssen felt that the storage units could possibly be construed as public garages.

Mr. Strom said that he supposed that the storage units could be considered to be a public use, but the proposed site is a residential area and in his opinion, the business would be a private business.

Mr. Hensen stated that didn't have much to add to what had already been said but that this is a residential area.

Mr. Mustaskis added that there are public uses that are privately held such as private schools. Mr. Mustaskis also added that his client did not want to ask for a zoning change. However, the conditional use permit for the storage units on Old Hwy. 70 had been granted only after the zoning had been changed from single family residential, an even more restrictive zoning district than the multi-family zoning district, to community highway business.

Mr. Schiffmann stated that the zoning committee would be well within its rights to grant the conditional use permit. He also added that he would need to get a storm water drainage permit from

the DNR. It would take several months to get the permit. He wanted to start construction in the spring.

Mr. Strom asked how likely it would be for the town board to grant a zoning change. Mr. Ritter stated that it would have to go before a properly published and posted public hearing before any decision could be made. Mr. Ritter also added Mr. Schiffmann has included nine parcels on his application, however, the alley, tax ID #24-2184-05 was not included on the list of parcels, but that it was included in the plan. Mr. Cooper added that parcel #24-2184-05 is in Timbergate Subdivision while the remainder of the parcels is in Holiday Estates Subdivision.

Motion Mr. Cooper seconded Mr. Hensen that due to the lack of conforming to number six that we do not approve this. By a voice vote: 4 – yes; 1 – no. Motion carried. The conditional use permit request from GPS, Inc. for storage units is denied. Ms. Janssen voted against.

Mr. Ritter noted that Mr. Schiffmann could now appeal the committee decision before the Board of Appeals or could ask for the property to be rezoned.

Mr. Ritter adjourned the deliberation portion of the meeting at 8:05 P.M.

Town Clerk

Chairman

Member

Member

Member

Member