

**Town of La Pointe Zoning
Town Plan Commission Public Hearing
Wednesday, February 18, 2009**

Town Plan Commission Members Present: Carl Broberg; Chair, Ron Harrold; Vice-Chair, Mike Starck, Ron Madich, Suellen Soucek, Greg Thury, Carey Baxter (7)

Town Plan Commission Members Absent: none

Public Present: Tim Eldred, Bill Bussey, Murcile Naumann, Paul Brummer, Joe McCarthy, Jay Westfield, Beth Fischlowitz, Alan Fischlowitz, Deloris Huber, Paul Huber, Linda Geier, Michael Allen, Warren Anderson, Marcia Coleman, Gary Russell, Thomas E. Nelson, Larry Whalen, Madelaine Karwoski, Beth Alsgaard, Mary Ross, Patty Hoban, Larry Hoban (22)

Town Staff Members Present: Jennifer Croonborg; ZA, Jessica Hatch; ZCA (2)

The Town Plan Commission of the Town of La Pointe held a Public Hearing on February 18, 2009, to hear public comment regarding the following:

Town of La Pointe Zoning Ordinance proposed text changes:

1. **(New) Section 4.3(3) Non-Conforming (Grandfathered) Lots**
2. **(New) Section 4.3(4) Camping on Private Lands**
3. **Section 3 Zoning Districts (and uses within zones)**
4. **Section 2 Definitions (additions)**

Chair calls the meeting to order (at 5 o'clock pm.) Roll call reflects members present or absent as recorded above. Chair begins with a Power Point Presentation; this presentation in printed form can be viewed in the Official Zoning Minutes Book at Town Hall. The public is invited to fill out a Speaker Request Form and turn it in to the Recording Secretary. Chair explains each person will be able to speak for five minutes then have more time after everyone who wants has spoken.

Chair reads into the record the names of those who have sent letters to the Town Plan Commission regarding this Public Hearing; he gives a brief explanation of the content of the letters (these letters can be viewed in the Official Zoning Minutes Book.) The following is a list of these letters:

1. Dated **12-17-08 from William Bussey** regarding the "Scenic Overlay District"
2. Dated **01-07-09 from Thomas A. Foster** requesting Main Street be included in the "Scenic Overlay District"
3. Dated **02-05-09 from Dick Hoffman** suggesting language changes to the Non-conforming Grandfathered Lots Ordinance.
4. Dated **02-09-09 from Tim Eldred** requesting a prepared redlined copy of the present Ordinance.
5. Dated **02-13-09 from Margie Denton** opposed to all Ordinance changes.
6. Dated **02-16-09 from Charles Brummer** opposed to the Non-conforming lot Ordinance, disagrees with the guest house definition, wants multi-families in C-1 and R-3 only, wants resorts, hotels, and Bed & Breakfasts in C-1 only, and he is against the Mixed-Use Zone on Middle Road.
7. Dated **02-16-09 from Paul Brummer** against guest house rental, wants multi-family dwellings in R-1, R-2, S-1, S-2 and C-1, he is against Mixed-Use on Middle Road.
8. Dated **02-17-09 from Joan Brainard** against any reference to "Historical District" in the definition of the "Scenic Shoreline Overlay Zone."
9. Dated **02-18-09 from Keith Sowl** in favor of the Mixed-Use concept on Middle Road with some limitations on the area.
10. Dated **02-18-09 from Joe McCarthy**

Mr. Tim Eldred is the first speaker. Eldred reads his prepared statement and submits a copy to the recording secretary (this letter is on file in the Official Zoning Minutes Book.)

Mr. Paul Brummer reads his letter into the record (on file.) Mr. Brummer has attached his letter dated August 30, 2008 for the September 3rd Public Hearing. Brummer has included suggestions for the Town Plan Commission.

Mr. Charles Brummer by Proxy. Mr. Brummer requests that his brother, Paul, read his letter into the record (on file), as he could not attend this evening. Brummer has re-submitted his letter dated September 1, 2008 (on file.)

Attorney Bill Bussey represents some property owners on Nebraska Row, Whitefish, Sunny Slope, Old Fort Road, and Capser Road. Bussey speaks in favor of the “Scenic Overlay” District; he presents some suggested proposals for the Town Plan Commission to consider.

Mr. Joe McCarthy reads his letter into the record (on file). Mr. McCarthy speaks to all the items on the agenda; he gives several suggestions to the Town Plan Commission regarding this revision of the Zoning Ordinance.

Mr. Jay Westfield speaks against the Camping Ordinance. Mr. Westfield thinks it is not a necessary change to be put forward.

Mr. Evan Erickson speaks against the Camping Ordinance. Mr. Erickson thinks this restriction on camping is not necessary.

Mr. Alan Fischlowitz, a former Zoning Administrator, member of the Zoning Board of Appeals and current Chair of the Zoning Board of Appeals who worked in the preparation of the proposed Supplementary Regulations Non-Conforming Grandfathered Lots, Mr. Fischlowitz would like to field questions from anyone regarding this proposal. He gives a brief explanation on this matter.

Mrs. Beth Fischlowitz speaks in favor of the “Heritage” district (proposed Scenic Overlay District).

Ms. Linda Geier speaks to the Power Point Presentation. She speaks next to the “Scenic Shoreline Overlay” District boundaries. Ms. Geier speaks to the agenda and Ordinance Changes sent out for this meeting explaining she is unsure why she received it. Geier reads Margie Denton’s letter (on file) into the record per request of Ms. Denton, this letter is against all Ordinance changes.

Mr. Gary Russell says he was a part of the Smart Growth Plan. Mr. Russell is in favor of creating opportunities for non-landowners.

Mr. Warren Anderson speaks to grandfathered lots, camping and side yard setbacks.

Larry Whalen speaks to the confusion surrounding “Camping on Private Lands,” regarding County versus Town restrictions being more or less restrictive.

Chair clarifies the “Camping on Private Lands” Ordinance due to confusion in this matter.

Mr. Whalen continues. He speaks to the cost of this Revision. He suggests using the ZA more in this work.

Mr. Thomas E. Nelson is in favor of the availability of a map presenting proposed changes for citizens to consult. He is interested in the ZA’s interpretation of the changes. He speaks to loopholes he interprets in the Proposed Ordinance and Non-conforming Grandfathered Lots. Nelson suggests the Town Plan Commission acquire a consultant in this matter.

Ms. Jen Croonborg (Zoning Administrator) reacts to a couple of things that had been said. Ms. Croonborg suggests one request an audio recording of meetings if input is needed. She speaks to her Job Description; explaining that she was a part of a committee in November that changed it in an effort to run things more smoothly. She also speaks to County Regulations regarding the Camping Ordinance, she explains the County requires a one time permit if a structure (tent, travel trailer, etc.) is inhabited for longer than two weeks, it is then considered a “dwelling” and needs sewage maintenance.

Ms. Marcia Coleman speaks in favor of the availability of a map to consult regarding proposed changes. She speaks against the Mixed-Use zone on Middle Road

Mr. Eldred thinks the Town Plan Commission needs to develop a process to reach out to stakeholders. He speaks to the “Scenic Overlay” District, stating that all districts deserve protection not only the Nebraska Row area.

Mr. Westfield has an issue with “90 days” in the Camping Ordinance.

Chair explains that may need to be looked at.

Mr. P. Brummer feels the “Scenic Overlay” District should cover the whole island.

Mr. Erickson speaks to the Camping Ordinance, questioning “camping unit.”

Chair explains this is due to County regulations on Camp Grounds.

Mr. Anderson speaks to the “Scenic Overlay” District, in that it should cover the whole island.

Mr. Bussey speaks again in favor of the “Scenic Overlay” District.

Commissioner Mike Starck asks Bussey a question concerning his clients having ultimate control over their land. Bussey responds. Starck further explains the budget issues surrounding the Revision.

Mr. Whalen suggests that the ZA be reinstated her responsibilities to do the edits in this Revision. He feels this is one of the most important things in preventing strife in this issue.

Ms. Cile Naumann expresses the frustration of not being provided enough information in order to understand. She questions the availability of a map to refer to the proposed changes.

Discussion follows regarding the one current “Official” Zoning Map in the Zoning Office.

Chair explains the only proposed Zoning Map Change is the “Shoreline Overlay” District, which is described by streets.

Ms. Naumann asks a question regarding the Mixed Use Zone.

Chair clarifies that the Mixed Use Zone is only defined, it has not been decided where it will be. He explains there will be another public hearing to define its location.

Commissioner Starck speaks to the Comprehensive Plan and Smart Growth, explaining that the concept of Mixed Use came from there. He tells the public that there is a colored map available that has been available for about 2 ½ years as a result of the Comprehensive Plan.

Mr. McCarthy asks a question regarding PUD’s.

Commissioner Starck fields the question. It is revealed that what is stated in the Ordinance is incorrect.

Chair says he is puzzled as to why they are being accused of things that they didn't change.

Unknown: "Because it is unclear."

Ms. Geier questions who will do the side-by-side comparison of the changes.

Chair says he does not have a before and after, he copied it word for word to his computer.

Commissioner Starck speaks to the matter of a red-lined copy of the proposed changes. He says the issue is that money was not allocated to produce that kind of document.

Mr. Whalen says that that was one of the assigned duties of the ZA.

Mr. P. Brummer says he has been opposed to the Mixed use Zone ever since it was proposed.

Mr. Michael Allen asks M. Starck why money wasn't set aside for the Revision.

Mr. Anderson wonders if a Mixed Use is needed if a Conditional Use is required for all uses.

Mr. Whalen says it seems confusing changes are being made to a zone that doesn't exist. He is in favor of giving the ZA back her responsibilities. Whalen also states that he is speaking as a citizen not the Town Clerk.

Mr. T. Nelson speaks against decision making on agenda items directly after public hearings. He speaks to the boundaries of the "Scenic Overlay" District. He speaks to the definition of "functional family."

Chair tells Mr. Nelson his time is up.

Mr. T. Nelson continues speaking about the Camping Ordinance.

(Over talk) **Chair** states meeting is adjourned.

Meeting is adjourned at 7:19 pm.

Town Plan Commission Minutes respectfully submitted by Zoning Clerical Assistant, Jessica L. Hatch on Monday, February 23, 2009.

The TPC February 18, 2009 Public Hearing minutes are moved and seconded to be tabled until the April 1st SMM for re-inspection of the requested corrections. These second draft minutes have been submitted by J. L. Hatch, on Thursday, March 19, 2009.

Minutes from the TPC February 18, 2009 Public Hearing are approved as amended by J. L. Hatch on Wednesday, April 1, 2009.