

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting
Wednesday, March 4, 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: Dana Notebloom, Town Board Supervisor Jim Patterson, Atty. Bill Bussey, Evan Erickson, Tim Eldred, Gene Nelson (6)

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

I. Call to Order/Roll Call

Chair, C. Broberg called the meeting at the Town Hall (at 5 o'clock PM). Roll call reflected members present or absent as recorded above.

II. Public Comment

None

III. Zoning Administrator's Report

ZA explains her Report will be due next time.

IV. Consideration and/or Action of Permit Applications:

a. Frank Roffers Land Use Application for New Construction at 1394 Middle Road (Lot 1 and Outlot 1 4.10A Certified Survey 280 Pt Govt Lot 2 27-T50N-R3W V 565 Pgs 839& 840)

ZA explains the issues with this application that caused her to consult the TPC on this matter which are stated in her Memorandum dated 3-3-09 to the TPC. Discussion follows, Dana Notebloom, the Roffer's builder, speaks on behalf of the Roffers.

M. Starck moves to authorize Jen the ZA to approve the Land Use Permit with the half-inch removed from the overhang. R. Madich seconds. All in favor, 7 aye.

b. Gene Nelson Addition to Dwelling at 876 South Drive (Review)

Town Board Supervisor Jim Patterson was appointed to look into this issue due to the ZA recusing herself on this matter. Patterson explains, as stated in a packet he prepared for the TPC dated March 3, 2009, that he met with Mr. Nelson and that he researched the original 1987 permit and due to Section 8-3(3) substantial completion, no new permit is required for the addition as it is within the scope of the original permit.

G. Thury moves the TPC not require any new or additional permits for Gene Nelson's 876 South Shore Drive addition. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

V. Ordinance Revision Discussion and Possible Recommendation

M. Starck moves to take Item Vc before a and b. G. Thury seconds. All in favor, 7 aye.

a. Proposed New Ordinance § 4.3(4) Camping on Private Lands

Chair submits a revised "4.3 Supplemental Regulations, 4.3.4 Camping On Private Lands" with the change of "180 days" in subparagraph B (this document is on file in the Official Zoning Minutes Book). ZA asks for clarification on the process this ordinance is taking regarding whether it is a text change or an Ordinance Revision. Chair explains his reasoning.

R. Harrold moves to accept the draft of 4.3.4 Camping On Private Lands and recommend to Town Board. R. Madich seconds. All in favor, 7 aye.

b. Proposed New Ordinance § 4.3(3) Non-Conforming (Grandfathered) Lots

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Chair presents a revised “4.3 Supplemental Regulations, 4.3.3 Non-Conforming Grandfathered Lots” (this document is on file in the Official Zoning Minutes Book) with the changes agreed on at the last TPC meeting. TPC inspect the document.

R. Madich moves to recommend this draft dated 2/25/09 to the Town Board regarding 4.3 Supplemental Regulations, 4.3.3 Non-Conforming Grandfathered Lots. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

c. Proposed Revisions to § 3 Zoning Districts (definition, dimensional requirements and permitted and conditional uses.) including Shoreline and Flood Hazard Overlay District (tabled from February 4, 2009)

The initial question is whether to have the proposed Scenic Shoreline Overlay District. M. Starck submitted a document on March 3, 2009 to the TPC suggesting changes to the Zoning Districts, namely the R-1 and R-2 zones. Commissioner Starck is suggesting making the changes within the current districts as opposed to creating the new Overlay District. Discussion follows. The need for a definition for the use “private recreational facilities” is identified. Double and Multi family dwellings in the R-1 and R-2 zones as Conditional Uses are contemplated. Discussion continues on this matter with each Commissioner expressing their opinion on the proposed zone.

M. Starck moves that in R-1 take out the note that refers to Scenic Overlay district, delete Mobile Home Park as a Conditional Use, delete Travel Trailer Parks/Campground as a Conditional Use, add the footnote that any Multi-family dwellings require the minimum acreage and shoreline times the number of residential units. G. Thury seconds. All in favor, 7 aye. Chair will draft the appropriate language to match the intent for the next meeting for Commissioners to review.

M. Starck moves to change the matrix for R-2 to take out Double Family and Multi Family as Conditional Uses. G. Thury seconds. All in favor, Motion Carries. Chair will modify the language. It is decided to add “existing” before “rental” in the R-2 zone. ZA requests that “transient rental” is addressed in the Ordinance.

VI. Old Business

a. Letter from Glenn and Susan Bergeon dated September 16, 2008 regarding use of their non-conforming lot. (Tabled from the October 1, 2008 until March 18, 2009)

This item is tabled until the next TPC meeting on March 18, 2009.

b. Letter from Bill Bussey dated November 5, 2008 re Ron Lacey Adverse Possession Claim. (Tabled November 19, 2008 pending Town Board direction on 7th Street vacation.)

This item is tabled pending action from the Town Board.

c. Permit Refunds (Tabled on February 4, 2009 until March 4, 2009)

M. Starck moves to recommend to Town Board that they handle refunds on a case-by-case basis. R. Harrold seconds. All in favor, 7 aye. Motion Carries. C. Baxter suggests that this be added to applications. Chair will draft language for the Town Board.

VII. New Business

a. Town Plan Commission By-Laws Review and Discussion

Chair had requested the secretary get a copy of the By-Laws to all the TPC, he finds there is error in the copy distributed. He submits to the secretary a document dated as prepared on 6/2/2006 titled, “Amendment to By-Laws of the La Pointe Town Planning Commission approved on May 3, 2006 as follows: Article 6(H): Town Planning Commission Meeting Minutes will record and be kept as follows:” The first error is: in “Article 6(I) 1.” the word “left” should read “leaving.” The second error is: in “Article 6(I) 4.” missing from the end of the paragraph is the sentence, “Other statements or comments requested to be made part of the written record will be accepted in writing only.”

Chair moves to correct the By-Laws as they were amended on May 3, 2006. M. Starck seconds. All in favor, 6 aye, 1 absent (R. Madich not present in the room during the vote)

b. Town Plan Commission Meeting Notices and Minute Content

Discussion regarding the agenda. The question of why “notice of quorum” is not included is asked. Chair explains it is the responsibility of other boards to notice if they are to attend a meeting. Commissions contributing to the agenda is discussed.

VIII. Review and Approval of Previous Meeting Minutes:

a. Town Plan Commission Public Hearing February 18, 2009

M. Starck moves to table the minutes until the next meeting. G. Thury seconds. All in favor, 7 aye.

b. Town Plan Commission Regular Monthly Meeting February 18, 2009

See above motion.

c. Town Plan Commission Special Monthly Meeting February 25, 2009

See above motion.

IX. General Code Project/Ordinance Revision

a. Zoning map Review and Changes (tabled from August 6, 2009 until 3/18/09)

M. Starck moves to table number IX until the next meeting. S. Soucek seconds. All in favor, 7 aye.

b. Filling and Driveways (Tabled on February 4, 2009 until March 4, 2009)

See above motion.

IX. Future Agenda Items

1. Bergeon Letter
2. Review of 02-18-09 Public Hearing, 02-18-09 RMM, 02-25-09 SMM
3. Zoning Map Review
4. Filling and Driveways
5. By-Laws
6. Gene Nelson Letter

X. Schedule of Meetings

RMM 03-18-09 @ 5 PM

XI. Adjournment

S. Soucek moves to adjourn. G. Thury seconds. All in favor, 7 aye. (meeting adjourns at 7:45 PM)

Town Plan Commission Minutes respectfully submitted by Zoning Clerical Assistant, Jessica L. Hatch on Friday, March 06, 2009.

TPC minutes of March 4, 2009 SMM are approved as amended by Jessica Hatch on Wednesday, April 1, 2009.