

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
January 19, 2011**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Carey Baxter, Ron Madich, Suellen Soucek (6).

Town Plan Commission Members Absent: Greg Thury (1).

Public Present: Paul Brummer, John Griffin, Mike Starck, Bob Hartzell (4).

Town Staff Members Present: Jennifer Croonborg-Murphy, ZA, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Pallas called the meeting to order at 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Public Hearing, December 1, 2010

These minutes have already been approved; but are being amended to insert Ron Madich's name into Town Plan Commission Members Present heading.

Chair Pallas moves to amend approved minutes to show that Ron Madich was in attendance. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

b. Town Plan Commission Public Hearing, December 8, 2010

These minutes have already been approved; but are being amended to insert Ron Madich's name into Town Plan Commission Members Present heading.

Chair Pallas moves to amend approved minutes to show that Ron Madich was in attendance. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

c. Town Plan Commission Special Monthly Meeting, January 5, 2011

- On page 3, item V.a, amend Chair Pallas's motion to put quotation marks around that part of the motion, which was his opinion, from "Number one" to "setback.s."
- On page 4, third paragraph, add "with" to in between "created lots" and "not enough frontage."
- On page 4, third paragraph, delete "if the variance wasn't granted" from the end of the final sentence.
- On page 4, fifth paragraph, add "lot can be divided this way" to the end of the paragraph.
- On page 5, second bullet point of item VII, replace "accessory structure" with "cabin" in all instances.

C. Brummer moves to approve as amended the Town Plan Commission Special Monthly Meeting minutes of January 5, 2011. S. Soucek seconds. All in favor, 5 aye, 1 abstain (L. Whalen). Motion Carries.

d. Town Plan Commission Special Meeting, January 13, 2011

C. Brummer moves to approve the Town Plan Commission Special Meeting Minutes of January 13, 2011 as submitted. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

C. Brummer makes a motion to move item VII.a New Business up on the agenda. C. Baxter seconds. All in favor, 6 aye. Motion Carries.

IV. Zoning Administrator's Report

The report is on file. The Zoning Administrator asks what should be done in the case of permits that are in limbo, i.e. permits that were submitted years ago but never completed or followed up on. Chair Pallas states that a letter should be written to the former applicants but that the \$50 should be kept.

V. Consideration and/or Action of Permit Applications

a. Greg Nelson/Cheryl Allen RE: Division of parcel #014-00195-0300 @ 631 Middle Rd. from one parcel to three parcels

Amended map hasn't been received yet.

Chair Pallas makes a motion to move up item VI.b. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

VI. Old Business

a. Zoning Ordinance Revision Project

Discuss and possibly make changes to draft Zoning Ordinance Sections 1-16 and Zoning Map, dated 10/6/2010 in consideration of public comment received at December 1 and December 8 Public Hearings.

Mr. Hartzell makes a comment that the proposed lodging facilities/employee housing section in the draft ordinance could be problematic in terms of federal and state anti-discrimination laws.

- In section 2.0 Definitions, add "Educational Facility, Commercial" to read "A school limited to special instruction such as business, art, music, trades, handicraft, dancing, or riding."
- In section 2.0 Definitions, add "Educational Facility, Public" to read "A building where persons regularly assemble for the purpose of educational classes and instruction, together with the playgrounds, athletic fields, stadiums, and other structures or grounds used in conjunction therewith; provided, however, that the definition of "school" is limited to public or private schools used for primary or secondary education in which classes for students in kindergarten and/or all or some of grades one (1) through twelve (12) are regularly taught, or special education facilities in which students with physical or learning disabilities regularly receive specialized education in lieu of attending kindergarten or any of grades one (1) through twelve (12)."
- In Section 16.3 Zoning District Uses Matrix, and throughout ordinance, change the use "Educational Facility/School/Museum" to "Educational Facility, Public."
- In Section 16.3 Zoning District Uses Matrix, and throughout ordinance, change the use "Educational Facility/School" to "Educational Facility, Commercial."
- In Section 3.2, W-P District, change first sentence from "This district includes swamplands and areas that have a water table at or near the surface all or a substantial part of the year" to "This district includes swamplands and areas that have water at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions."
- In Section 3.4 W-2 District, add "Educational Facility, Commercial" as a Conditional Use.
- In Section 3.5 R-1 District, add "Educational Facility, Commercial" as a Conditional Use.
- In Section 3.10 C-1 District, add "Educational Facility, Commercial" as a Permitted Use.

- In Section 3.10 C-1 District, add “*Museum*” as a Permitted Use.
- In Section 3.14 G-I District, add “*Museum*” as a Permitted Use.
- In Section 4.2.B Height Exceptions, change “*Architectural projections such as spires belfries, parapet walls, domes, chimneys, and cupolas shall not exceed sixty four (64) square feet in floor area, including stairwells, are not higher than eight (8) feet above the adjacent roof ridge, and contain no living quarters. Wind generators, telecommunication and radio towers and solar collectors shall conform to state and federal requirements*” to ““*Architectural projections shall not exceed sixty four (64) square feet in floor area, including stairwells, shall not be higher than eight (8) feet above the adjacent roof ridge, and shall contain no living quarters. Wind generators, telecommunication and radio towers and solar collectors shall conform to state and federal requirements. Architectural projections include spires belfries, parapet walls, domes, chimneys, and cupolas.*”
- In Section 4.2.F Parcels in Multiple Zoning Districts, insert “*it*” between “*which*” and “*is*” in the first sentence of item 3.
- In Section 4.2.F Parcels in Multiple Zoning Districts, replace “*permitted*” with “*conditional*” in the first sentence of item 3.
- In Section 4.2.G, Accessory Uses and Structures, change “*detached subordinate structure*” to “*Accessory Use or Structure*” in first sentence.
- In Section 4.2.G, Accessory Uses and Structures, add “*in height*” to after “*Fences under ten (10) feet*” in item 11.
- In Section 4.3.B.3 Minimum Parking Required chart, add “*square feet*” to after “*two hundred (200)*” in Sexually-Oriented Business
- In Section 4.4.B, Removal of Shoreland Cover, and Section 4.4.C Commercial Forestry, add “*the date*” to in between “*lots in existence as of*” and “*the Ashland County Shoreline Amendatory Ordinance.*”

b. Hartzell, Robert RE: CSM for reconfiguration of lots within Hartzell subdivision – combine 4 parcels into 2 at westerly corner of Penny Lane & Mondamin Trail. Lots 1, 2, 3, & 10, parcels #014-00192-0517, #014-00192-0510, #014-00192-0509, #014-00192-0508

Mr. Hartzell wants to combine 4 of the lots in his subdivision into 2 lots. It needs to be shown that the property was rezoned from R-1 to R-3. The property isn’t shown as R-3 on the Zoning Map, nor can official documentation of a map change be found in the Town Hall (and old paperwork in Town records indicates that previous Zoning Administrators looked for the map change and couldn’t find it either).

Mr. Hartzell presents correspondence that he has from 1986 to 1989 that implies that that change was indeed made. He had previously brought the issue to the Town Plan Commission in 2010, but decided to wait through the Zoning Ordinance Revision Project to have the matter addressed, but now would like the Town Plan Commission to address it at this time instead.

Chair Pallas states that he doesn’t have any doubt that it was the Town’s intention to rezone the area to R-3. He tells Mr. Hartzell that the issue will be addressed with the Zoning Ordinance Revision Project, (that he believes will be completed by around June), so suggests Mr. Hartzell just be patient and the matter should resolve itself.

Chair Pallas moves to go back to item VI.a. C. Baxter seconds. All in favor, 6 aye. Motion Carries.

VII. New Business

- **Bergeon: RE bank stabilization @ at 2635 Big Bay Road, LP# 014-00054-0900**

John Griffin of Chequamegon Bay Engineering Inc. presents the proposed stabilization plan to the Town Plan Commission, developed as required for the Bergeons’ Special Use Permit. His opinion is that this is a plan for the *prevention* of slope destabilization, as the situation isn’t that bad yet.

Town of La Pointe Zoning
Town Plan Commission Minutes
Regular Monthly Meeting
~January 19, 2011

He reviewed the site in October of 2010 and determined that a redirection of water currently eroding the top of the bank was necessary, as there is currently a fabric-type covering on the ground at the site (the biggest issue at the property) that prevents water from draining into the ground and instead forces it to run over the top of the bank. He believes diverting that water through a 6" drainpipe to the bottom of the bank will solve this problem.

In addition, trees, shrubs, and other vegetation need to be planted and maintained until the stabilization occurs. He's identified three species of tree and shrub (speckled alder, maple, and dogwood) that already are growing on the site, both along the top of the bank and on the land that the Bergeons own across the road on the inland side. This foliage could be transplanted to the lake side of the property where the erosion potential is.

C. Baxter asks if harvesting the trees/shrubs on the inland part of the property would disturb wetlands. Mr. Griffin responds that the three species he's mentioned are upland-growing species, but that they would all have to be harvested by hand regardless because of these wetlands.

C. Brummer states that there doesn't seem to be disturbance of foliage on the east or west sides of the Bergeons' property (abutting neighboring property owners), which should answer the concerns of neighboring property owners.

Chair Pallas asks whether a 6" drainpipe is sufficient. Mr. Griffin responds that even a 4" pipe would've done the job.

The Zoning Administrator states that she's run the plan by the DNR, Ashland County, and the County Conservationist, and they're all fine with it. The only suggestion/request she has is that the fertilizer could be phosphorus-free. Mr. Griffin replies that that can be added to the plan.

C. Brummer moves to approve the Bergeon bank stabilization plan as it satisfies all the requirements of the Special Use Permit. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

Chair Pallas makes a motion to move back to the agenda at item IV. C. Brummer seconds. All in favor, 6 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule Future Meetings

- Town Plan Commission Special Meeting to be held Thursday, January 27, 2011 at 4:30 pm

X. Adjournment

C. Baxter moves to adjourn. R. Madich seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 6:30 pm.

Town Plan Commission minutes are respectfully submitted by Margaretta Kusch, ZCA on Friday, January 21, 2011.

Town Plan Commission are approved as amended by Margaretta Kusch, ZCA on Wednesday, February 02, 2011.