

**Town of La Pointe Zoning
Town Plan Commission Regular Monthly Meeting Minutes
November 16, 2010**

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

Town Plan Commission Members Absent: Carey Baxter (1).

Public Present: Beth Fischlowitz, Kate Bordell, Jim Noha (3).

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

Beth Fischlowitz, Town Board supervisor, points out that the packet the Town Plan Commission has regarding the proposed alterations at Big Bay Town Park include drawings done by the hired surveyor, with his interpretation of what could be done (e.g., he has planned for many more RV sites than the Town Board were thinking of).

She further points out that the proposal the Town Plan Commission has is a result of feedback gained from the CAPP committee survey done throughout the summer, the drawing that the Town Foreman submitted, and the one that Tim Eldred submitted, the point being that there are many ideas and no concrete plan as to what specifically should take place out at Big Bay. The Town Board is concerned with keeping the park family friendly and cleaning it up.

Finally, she asks that the Town Plan Commission identify what permitting process there will be for any changes at Big Bay Town Park.

S. Soucek states that she and R. Madich have found errors/things to be reviewed once more while reviewing the Zoning Ordinance Revision draft. These are:

- Inconsistencies in Section 6.2.C Rental of Accessory Dwellings
- Difficulty in finding definition for “Transient”

It is agreed that S. Soucek should bring these up at the Public Hearing.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting, November 3, 2010

On page 2, item V.a, change “*contingen fulfilling*” to “*contingent upon fulfilling.*”

C. Brummer moves to approve the Town Plan Commission Special Monthly Meeting minutes of November 3, 2010 as amended. G. Thury seconds. All in favor, 5 aye, 1 abstain (R. Madich). Motion Carries.

VI. Zoning Administrator’s Report

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The report was put on file at the last Town Board meeting. The Zoning Administrator reports a few updates since that meeting:

- A Cease-and-Desist order has been served to Jacob and Hallie Dobson regarding fill being poured without sanitary permits (the Madeline Sanitary District issued the permits on Nov. 15th, but the Dobsons will still have to pay double fines)
- Chair Pallas will represent for Mike Murphy regarding the zoning questions he has, to avoid a conflict of interest
- There have been lots of public information requests regarding the upcoming Public Hearings, as well as feedback that the ordinance is difficult to locate on the website. The Town Clerk will move the Ordinance to a second location on the site

V. Consideration and/or Action of Permit Applications

a. Noha/Town of La Pointe re: CSM @ 249 & 279 Library St., parcels #014-00439-0100 and #014-00439-0300

The Town Board agreed at their last meeting to combine the lots (taking care of setbacks and getting rid of the nonconformity).

The Zoning Administrator asks the Town Plan Commission if it is all right that the library and the health clinic are now to be on the same lot?

C. Brummer answers that the precedent's already been set with this situation at the Fire Hall/Winter Transportation buildings lot. The Town Plan Commission agree that it's fine that the two buildings share a lot.

The CSM will be on the next agenda.

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

There is no record in the Town Hall to be found verifying that Lot 10 was rezoned to R-3. This may be because of record keeping errors, or because it wasn't officially changed. Whatever the case, the Zoning Administrator spoke to Mr. Hartzell and suggested that he request that Lot 10 be changed during the Public Hearing on December 1st, as the new zoning map draft will be discussed at that time anyway.

VI. Old Business

- **Zoning Ordinance Revision:**
Confirmation of scheduling of 2nd Public Hearing for December 8, 2010
Chair Pallas states that the second Public Hearing scheduling is in order.

VII. New Business

a. Pearson, Sarah RE: tents for rent interpretation

Ms. Pearson has emailed inquiring about what permits, if any, would be necessary for putting safari-style tents (on wooden platforms) on her property to rent during the summer. The Town Plan Commission feel that this scenario would fall under campground requirements and as such would need a Conditional Use Permit. Chair Pallas notes that tents would still need sanitary permits.

b. Review and possibly revise Town Plan Commission By-Laws

This item is on the agenda because the Town Plan Commission would like to be able to schedule more than one meeting at the agenda item “*Schedule Next Meeting.*” Chair Pallas notes that a motion will need a super-majority vote in favor in order to pass.

G. Thury moves to amend the Town Plan Commission By-Laws on page three, under Item H, number 7, changing “*schedule next meeting*” to “*schedule future meetings*” to allow the Town Plan Commission to schedule more than one meeting during a meeting. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

- c. **Big Bay Town Park draft master plan – interpretation of permit(s) required, if any**
Chair Pallas states that the question is whether any development at the Town Park needs a Conditional Use Permit, and is the Park a legal non-conforming lot of record. The Zoning Administrator points out that a non-conformity cannot be expanded.

Waggie researched and put together a history of the Park in Town minutes. The Town Plan Commission reviews this. From these minutes, it appears that the Park was created in 1927, and that the campground was officially created in 1971. Both of these dates are prior to the Zoning Ordinance, so the park is a legal nonconformity.

Chair Pallas feels that a Conditional Use Permit should be applied for and that the application should be very detailed about future plans. He also states that he will not sit with the Town Plan Commission when any applications come before them, as he’s a neighboring property line.

The Zoning Administrator notes that the proposed expansion on the inland side of the road has such a high proportion of wetlands that the permit will have to go to the DNR. She asks the Town Plan Commission if it would require a Conditional Use Permit to improve the buildings/buildings/park without adding campsites.

C. Brummer states that a Conditional Use Permit would be necessary for anything but maintenance and repair.

Chair Pallas states that it’s fine if the sites, bathrooms, park, are getting upgraded, but adding running water crosses a line where some sort of sanitary system would have to be put in, which should require a Conditional Use Permit.

The Zoning Administrator notes that the soil out there can’t be amended enough deep enough for a mound system to be successful.

R. Madich states that this proposal needs a Public Hearing for community input and opinion.

C. Brummer states that the Conditional Use Permit application should include a few different plans or options, but that there should be definite phases of development planned out.

Chair Pallas agrees, as he doesn’t want to see a Conditional Use Permit application with continual amendments.

In answer to the agenda question, the Town Plan Commission agree that a Conditional Use Permit would be required for anything more than maintenance and repair at the Big Bay Town Park.

d. Hartzell email dated 11-8-10 RE: add acreage to spa property/ update, & multiple family dwelling in R-3 Zone

Mr. Hartzell wishes to amend his Conditional Use Permit application for a future spa off Mondamin Trail. He would like to know if it is possible to merely expand on his current application (which has been approved by the Town Board, although it hasn't been issued yet, so it won't expire as is), or if he needs to go through the whole process again.

This amendment would include expanding the area by including an additional 2 acre parcel to be added to the 4.2 acre parcel on the original Conditional Use Permit application (Mr. Hartzell having recently acquired the 2 acre lot from its previous owner), additional buildings, and additional parking.

The Town Plan Commission is in agreement that these are significant enough changes that Mr. Hartzell will need to apply for an amendment to his Conditional Use Permit application.

Chair Pallas moves to direct the Zoning Administrator to tell Mr. Hartzell to apply for a Conditional Use Permit, amending his original application to include all additional acreage and a site plan to include all proposed property development and phases, which means dimensions of buildings and parking lots, showing setbacks from property lines and wetlands to the buildings and tents. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule future Meetings

The next Regular Monthly Meeting will be held on Wednesday, December 15.

There won't be a Town Plan Commission Special Monthly Meeting in December as there is a Public Hearing for the Ordinance revision that evening instead.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 6:15 pm.

Town Plan Commission draft minutes are respectfully submitted by Margaretta Kusch on Friday, November 19, 2010.

Town Plan Commission 2nd draft minutes submitted by Margaretta Kusch, ZCA on Wednesday, December 15, 2010.

Town Plan Commission minutes are approved as amended by Margaretta Kusch, ZCA on Wednesday, January 05, 2011.