

**Town of La Pointe Zoning
Town Plan Commission Public Hearing
December 1, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen, Suellen Soucek, Greg Thury, Ron Madich, Carey Baxter (7).

Town Plan Commission Members Absent: none.

Public Present: Tony Watts, Jay Westfield, Paul Brummer, Birdie Pallas, Beth Fischlowitz, Beth Alsgaard, Marie Palazzolo, Matthew Palazzolo, Charles Meech, Mike Starck, Gary Russell, John Soucek, Sharon Setterquist, Jerry Browne, Steve McHugh, Bob Hartzell, Jake Fall, Pierre Cole, Kate Bortell, Joe McCarthy, Gary Flores, Susan Flores, Marcia Coleman, Michael Childers, Burke Henry, Marcia Henry, Kenneth Peterson, Bill Fennell, Candyce Sterling, Keith Sowl, Tina Nelson, Debbie Knopf, Thomas Gavin, Evan Erickson, Chris Wolfe, Meg Brown, Glenn Carlson, Todd Carlson, Greg Nelson, Linda Fuller, Anne Lacy, Mary Ross, William Tibble, Carl Frederickson, Margie Frederickson, Gene Nelson (46, sign-up sheets attached to these minutes).

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

I. Call to Order/Roll Call

Chair Pallas called the Public Hearing to order at 5:08 PM at the La Pointe Elementary Gymnasium. Roll call reflected members present or absent as recorded above.

II. Confirm Posting & Publishing

J. Croonborg-Murphy states that posting and publishing have been correctly done and that the records and affidavits are attached to these minutes for public viewing.

III. Zoning Ordinance Revision Project

A. SECTION 1 INTRODUCTION

1.1 Authority and Purpose: Amend language

B. SECTION 2 DEFINITIONS:

Add and delete several definitions, amend several existing definitions

C. SECTION 3 ZONING DISTRICTS:

Establishment of new zoning districts for compliance with Comprehensive Plan. Add, Delete and Amend permitted and conditional uses in all existing zoning districts.

D. SECTION 4 GENERAL PROVISIONS

4.2 Standard District Requirements: Amend language regarding Yard Requirements, Height Exceptions, Lot Sizes, Accessory Uses and Structures, Drainage/Sanitation/Water Supply. Delete requirements regarding Development in Areas with Poor Soils. Add sections regarding Parcels in Multiple Zoning Districts, Minor Accessory Structures, Construction Site Maintenance and Erosion Control.

4.3 Supplementary Regulation: Amend language regarding Off-Street Parking Regulations, Nonconforming Lots of Record, Camping on Private Lands

4.4 Shoreland Regulations: Amend language regarding Setbacks, Removal of Shoreline Cover, Commercial Forestry, Filling/Grading/Ditching/Lagooning.

4.5 Floodplain Regulations: Amend language

E. SECTION 5 SIGNS:

5.1 through 5.4: Amend language regarding signs

F. SECTION 6 REGULATION OF SPECIAL USES

6.1 through 6.10 General Provisions: Amend language regarding Quarries (Gravel Pits) and Mines, Junk/Salvage Yards, Planned Unit Residential Developments, Travel Trailer Parks/Campgrounds, Rental of Single Family Dwellings, Light Industrial Zone, Use of Residential Dwellings for Occupational Businesses. Delete section regarding Mobile Home Park. Add sections regarding Lodging Facilities, Accessory Dwellings (Guest Houses), Rental of Accessory Dwellings (Guest Houses), and Sexually-Oriented Businesses.

G. SECTION 7 CONDITIONAL USES:

7.1 through 7.2: Amend language regarding the process of Conditional Use Permit Application procedure and appeal.

H. SECTION 8 ADMINISTRATION:

8.1 Zoning Administrator: Amend language regarding the Duties, Power and Authority of Zoning Administrator.

8.2 Sanitary Agent: Amend language

8.3 Land Use Permits: Amend language regarding Permits Required, Application Procedure, Expiration.

8.4 Permit Process: Amend language

8.5 Enforcement: Amend language

8.6 Written Orders: Amend language

8.8 Nuisance: Amend language

8.9 Unlawful Building or Structure: Amend language

I. SECTION 9 NONCONFORMING USES:

9.1: Delete existing Section 9.1. Reformat to add sections regarding Nonconforming Uses, Nonconforming Structures as it pertains to non-shoreline nonconformities, and Nonconforming Structures as it pertains to shoreline setback.

J. SECTION 10 ZONING BOARD OF APPEALS

10.2 Rules: Amend language to add By-Law requirements and authorize the BOA to hear Conditional Use Permit Appeals.

K. SECTION 11 AMENDMENTS

11.1 Procedure: Delete existing language and add detailed language for the process of amending the text and map of Zoning Ordinance.

L. SECTION 12 PUBLIC HEARINGS

Section 12 Notice: Amend language

M. SECTION 13 TOWN PLAN COMMISSION

13.1 Establishment: Amend language

13.2 Compliance: Amend language

13.3 Membership: Amend language

13.4 Organization: Amend language

13.5 Powers: Amend language

13.6 Applications: Amend language

13.8 Hearings: Amend language

N. SECTION 15 COMPLAINTS

15.1: Amend language to create separate procedures regarding Land Use Permit Complaints (or lack thereof) and Conditional Use Permit Complaints.

O. SECTION 16 APPENDICES: New Section

16.1 Zoning Schedules-Dimensional Requirements: Amend Schedule to include new Zoning Districts and amend existing setbacks

16.2 Lot Width for Irregular Shaped Lots: New Section

16.3 Zoning District Use Matrix: New Section. Visual table to coincide with Section 3 Permitted and Conditional Uses

16.4 Lots in Multiple Zoning Districts: New Section. Visual aid to coincide with new Section 4.2(F).

P. SECTION 17 ZONING MAP : New Section

Amend Official Zoning Map of the Town of La Pointe for consistency with the Zoning Districts and Uses listed in Comprehensive Plan of the Town of La Pointe Future Land Use Map as well as rezone established nonconforming uses to make them conforming.

The Town Plan Commission reads aloud all letters submitted by the public for this Public Hearing. The letters are attached to these minutes and are a permanent part of the record.

- Pete Rogers, dated November 5 (read by Chair Pallas)
- Pete Rogers, dated November 7 (read by C. Brummer)
- Madeline Island Golf Course/Pete Rogers, dated November 17 (read by C. Brummer)
- James and Shirley Ruppel, dated November 24 (read by C. Brummer)
- Richard Agee, dated November 23 (read by G. Thury)
- Beth Fischlowitz, dated December 1 (read by J. Croonborg-Murphy)
- Mike Anderson, dated November 20 (read by G. Thury)
- Tim Eldred, dated December 1 (read by G. Thury)
- Siegler Law Offices representing Craftivity, Inc., dated December 1 (read by L. Whalen)
- William & Lyn Green email, dated December 1 (read by J. Croonborg-Murphy)
- William Bussey, dated December 1 (read by Chair Pallas)

Members of the public attending the Public Hearing read aloud letters they have submitted. These letters are attached to these minutes and are a permanent part of the record.

- Paul Brummer, dated November 29 (read by P. Brummer)
- Tony Watts, dated November 30, originally written July, 2005 (read by T. Watts)
- Steve McHugh, dated November 29 (read by S. McHugh)
- Mike Starck, dated December 1 (read by M. Starck)
- Charlie Meech, dated December 1 (read by C. Meech)
- Tom Gavin, dated December 1 (read by T. Gavin)

A number of emails were also submitted by the public for this Public Hearing. The emails are attached to these minutes and are a permanent part of the record.

- William & Lyn Green, dated November 24
- Chuck Irvine, dated November 24, 26, 29
- Ted & Theresa Priem, dated November 28
- Ted Priem, dated November 30
- Timothy Eldredge, dated November 29
- Joe & Elaine Floyd, dated November 29
- Amy Laing, dated November 29
- Tom & Yvonne Foster, dated November 30
- Jon Hinrichs/Madeline Island Golf Course, dated November 30
- Terrie Myers, dated November 30
- Doug & Barbara Harding, dated November 30
- Henry Harmon, dated November 30
- Marlene & Doug Crofoot, dated November 30
- Margaret & Donald Longlet, dated November 30

Town of La Pointe Zoning
Town Plan Commission Minutes
Public Hearing
~December 1, 2010

- Frank & Nancy Martin, dated December 1

Chair Pallas opens the floor for comment at this time.

Burke Henry made the following points about various Ordinance sections:

- The new Ordinance doesn't appear to meet the goals of the Comprehensive Plan.
- The permitted R-3 multi-family housing density is significantly reduced. He demands that this mistake be corrected.
- Presently approved Conditional Uses are neither listed nor defined as Conditional Uses as for example, the Madeline Island School of the Arts or the Madeline Island Music Camp.
- Grandfathered, non-conforming Uses aren't defined as permitted Conditional Uses, for example, Brittany Cottages and businesses along Middle Road.
- Section 9.2.E appears to make his S-1 home and property worthless (the "50% rule" which would only allow rebuilding to 50% of the present value in the event of a fire or other disaster). He demands that this should be removed.
- The title of Section 9.3 (nonconforming structures to shoreline setbacks), but the first sentence says that the section doesn't apply to structures nonconforming to shoreline setback. This should be looked at.
- 16.3 uses aren't defined eg restaurants, veterinary care facility, but sexually oriented terms are. Is there a priority here?

Keith Sowl made the following points about various Ordinance sections:

- In Section 2 Definitions, the specificity of definitions regarding sexually oriented businesses is a bit much. Such detail is somewhat offensive.
- In Section 3 Zoning Districts, Wastewater Treatment Plant is listed as a permitted use in the Light Industrial Zone, but is missing from the cross-reference matrix of uses in Section 16.3.
- He is disappointed that the Mixed Use Zone shown in the comprehensive plan is not proposed in the draft: he feels that those businesses that would be part of a mixed use are already operating on Middle Road anyway. The draft ordinance seems overly restrictive towards groups such as the Madeline Island School of the Arts and the Madeline Island Music Camp.
- In Section 3.3 W-1, the number 6 is missing.
- In Section 6, Mobile Home Park shouldn't be removed. Such a park could end up addressing low income housing needs.
- In Section 13.0 Town Plan Commission, the Zoning Administrator should focus on permits and zoning matters, and the Town Plan Commission should focus on the Comprehensive Plan (and Conditional Use Permits and subdivisions). Let's move on.

Town of La Pointe Zoning
Town Plan Commission Minutes
Public Hearing
~December 1, 2010

Gene Nelson made the following points regarding the Zoning Map:

- He disagrees with the expansion of the Commercial Zone on the proposed map.
- He would like the property he owns north of Voyageur Lane and south of Sunny Slope Road rezoned from R-1 to R-2 because the area was laid out to have small lots in the original Town Plat Map and because it could be on the Town sewer.

Tom Gavin (reading from his email, which is attached to these minutes and is part of the permanent record) made the following points regarding Section 6, specifically about Accessory Dwellings:

- He disagrees with and questions the legality of language prohibiting the owner of a property staying in one dwelling while the other dwelling is being rented short-term, and also disagrees with the proposal that the owner should in some cases be required to occupy one of the dwellings while the other is rented.
- He states that the owner should be able to decide which dwelling is considered the Principal Dwelling and which is the Accessory Dwelling, and that the owner should be able to change said designation when necessary.
- He suggests that if these regulations must stay in place, the word “owner” should be added to list of what employees can stay in an accessory dwelling, as the owner could be considered self-employed.

Ken Peterson states that Class E signs should be permitted in Section 5 Signs (off-premise directory signs).

Charlie Meech asks why the Town Plan Commission read submitted letters aloud but not submitted emails.

J. Croonborg-Murphy states that the Town’s Attorney, Mr. Fauerbach, gave his opinion that it’s not required for the emails to be read aloud.

Chair Pallas answers that although neither were required to be read aloud, he made the call to only read the letters due to time, but that all emails have been distributed and are part of the permanent record and that copies are available should anyone wish to read them.

Jake Fall states that he owns property on Middle Road across from Greenwood Cemetery. He would like clarification as to what zone his property is in, or if the map change would change the zone. He is answered that it’s W-2 and is proposed to remain W-2.

IV. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 7:00 pm.

Town Plan Commission draft minutes are respectfully submitted by Margaretta Kusch on Saturday, December 04, 2010.

Town Plan Commission 2nd draft minutes submitted by Margaretta Kusch, ZCA on Tuesday, January 04, 2011.

Approved Town Plan Commission 2nd draft minutes amended (to include Ron Madich’s name in list of Commissioners Present) on Wednesday, January 19, 2011.

Town of La Pointe Zoning
Town Plan Commission Minutes
Public Hearing
~December 1, 2010