

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
February 2, 2012**

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

Town Plan Commission Members Absent: none.

Public Present: Jim Patterson, Charlie Meech, Mike Brenna, Mike Starck, Lois Carlson (5).

Town Staff Members Present: Margaretta Kusch, ZCA (1).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 5:00 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Mike Starck stated that the Ashland County Zoning Board will be meeting on February 16 and that the revised La Pointe Zoning Ordinance is on the agenda. He thinks that there's a 99.99% chance that it will be approved.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Regular Monthly Meeting February 2, 2012

The agenda had a typo. The minutes to be approved were supposed to be from January 19, 2012, and those are what were reviewed.

G. Thury notes that "1100" should be changed to "1600" in the first bullet point of item V.a. These minutes will be postponed until the next meeting as the agenda mistakenly labeled them "*February 2, 2011 Regular Monthly Meeting*" minutes.

IV. Zoning Administrator's Report

a. Monthly report dated January 10, 2011

On file.

b. 2011 Annual Report

On file. C. Brummer notes that "2009" should be "2011" under Comments.

V. Consideration and/or Action of Permit Applications

a. Craftivity, Inc. application for amendment of Conditional Use Permit at 978 Middle Rd, LP #014-00178-0200. Discuss and make recommendation to the Town Board re: application to add

- **Three student housing "cabins" approximately 1600 square feet each**
- **One two bedroom caretaker's residence**
- **Add approximately 216 square feet to the administrative/classroom building**

Chair Pallas states that attorney Fauerbach faxed and emailed him an opinion on this application today. Chair Pallas reads an excerpt of Mr. Fauerbach's opinion regarding the use of Craftivity, Inc.'s property as it regards

to non-Craftivity fundraisers. It is attorney Fauerbach's opinion that consideration of non-Craftivity events is not to be considered by the Town at this time. Mr. Fauerbach's main points are as follows:

- a. *Zoning administrator Croonborg suggested to Mr. Meech at the time the petition was made that the petition could be modified and this issue could be dealt with now. I understand that Mr. Meech declined the offer.*
- b. *Attorney O'Connor who represents Craftivity communicated with Jen Croonborg-Murphy and me by email on January 17th, confirming that Craftivity was not electing not to amend its November 8, 2011 application to amend the Conditional Use Permit. Mr. O'Connor further indicated, "Rather than pursuing a revision of Article 1(c), the school has determined to limit future social gatherings at the site to those consistent with that provision.*
- c. *I believe there were two prior interpretations of the Conditional Use Permit by the Town Plan Commission which does limit unrelated social gatherings on the Craftivity premises. There was no appeal from those decisions.*

He emphasizes Mr. Fauerbach's first point as pertinent to this decision. Chair Pallas confirms that the Town Plan Commission is only considering the buildings on Craftivity's application.

Chair Pallas passes out a copy of the Standards for Approval of Conditional Use Permits from the Zoning Ordinance Section 7.1.C (attached to these minutes and part of the permanent record) and reminds the Town Plan Commission that they have to make their decisions based on these Standards.

It is agreed that Craftivity, Inc.'s three requests will be dealt with separately with separate motions for each, beginning with the request to add 216 square feet to the administrative/classroom building.

- **Add approximately 216 square feet to the administrative/classroom building**

S. Soucek feels that this addition is fine and can see why it would be helpful, for instance as a shelter if it's raining.

J. Martin agrees that this addition is fine as long as it will be structurally sound.

C. Brummer doesn't feel that the addition is necessary, except as an aesthetic improvement. He feels that if the amendment is allowed, the language should specify a maximum square footage for the building as opposed to the "approximate" footage currently specified in the Conditional Use Permit. Chair Pallas thinks that all the commissioners agree on this last point.

Chair Pallas agrees that the addition would be an aesthetic improvement.

C. Baxter feels that this amendment to the Conditional Use Permit isn't even necessary. He feels it is a permissible change as the current Conditional Use Permit language allows for approximate, not specific square footage, which does allow for such leeway. He also feels that the new wording should be clear and concise regarding maximum square footage.

Chair Pallas moves to recommend to the Town Board to change Article 2.C in the MISA Conditional Use Permit for the administrative/classroom building, to read "an Administrative/Classroom Building of a total of 1,080 square feet." S. Soucek seconds. All in favor, 7 aye. Motion carries.

Reasons for vote:

Chair Pallas cites Zoning Ordinance Standards of Approval #2 (*"Its physical appearance and compatibility with the use of adjacent land"*). He feels the building would be an eyesore otherwise.

G. Thury cites Standards of Approval #2.

C. Brummer cites Standards of Approval #1 (*Established character and quality of the area. The uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the Conditional Use. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district*). He feels that as an addition to an existing approved building, the change would not be detrimental to character and quality of the area.

L. Whalen cites Standards of Approval #2. He feels that the additional square footage is not a significant change.

C. Baxter feels that the existing Conditional Use Permit already allows for the additional square footage.

J. Martin feels that the addition would have no conflicts with any of the standards of approval or the W-2 Zone description (*This district provides for the continuation of forest programs and related uses in the interior areas of Madeline Island best suited for such activities. It provides for a very low density of development, depending upon location relative to existing facilities and services to provide a continuation of the wilderness character and a sense of isolation*”).

S. Soucek agrees with her fellow Commissioners on their reasons.

- **Three student housing “cabins” approximately 1600 square feet each**

C. Baxter notes the use of the word “approximate,” regarding square footage, and would like to see it changed to a definite figure. Chair Pallas responds that a number would be finalized should the request be approved.

C. Brummer reads aloud the first sentence of Section 7.1.C (*When applying the standards of this section, the Town Plan Commission and the Town Board shall bear in mind the statement of purpose for the zoning district such that the proposed conditional use at its location does not defeat the purpose and objective of the zoning district*) and the W-2 Zone description. He reads aloud a letter that he then submits (attached to these minutes and part of the permanent record). The letter enumerates the following points:

- He feels that Craftivity has consistently sought to develop more in this rural zone rather than the Commercial District
- That when considering input from the Public Hearing, the opinions of neighboring property owners should have priority, as the use of land by those neighbors is exclusively for single family dwellings.
- He’s not convinced that the cabins are necessary to MISA’s success as a business, as all MISA students were able to find accommodation on the island during the 2011 season.
- The request to build a caretaker’s residence is an item he fails to see the need for as well as there is already a full time person living in the farmhouse, so why not make that available for the caretaker.

He then reads from the section of the Comprehensive Plan regarding agricultural goals (Goal #4 Agriculture, *to preserve the Town’s agricultural land base, to protect the Town’s aesthetic, rural character and agricultural area for future generations.*) Objective #2 under the same Agriculture #4 is *to preserve and protect agriculturally productive soils in the Town*) and states that Policies #4 under the same section lists to identify prime farmland in the Town and protect it from the development. Next, C. Brummer states that if this amendment is approved, the list of buildings at MISA would include six motel units, two

educational buildings, a barn used for a gallery and large group gatherings, an administrative building, a farmhouse to house teachers, and a caretaker's residence.

Chair Pallas agrees with C. Brummer's statements and also feels that with the new rental of tourist rooms, housing students (for MISA) shouldn't be a problem. He feels the school is fine with the number of buildings it already has and doesn't require more.

L. Whalen notes that at the Public Hearing, some of the neighboring property owners felt all right about the number of structures already at MISA but wanted a limit on any new development. If there was a way to limit any further development, he might be in favor of this request. Chair Pallas responds that there isn't much buildable land left at the property and that the Conditional Use Permit still allows for an approved classroom building that hasn't been constructed yet.

C. Baxter states that he was on the fence until he re-read the W-2 Zone description and doesn't feel that this request fits the description.

G. Thury feels that what MISA has at the site already is different from what was originally permitted. He wants to see MISA do what they can with what they already have.

J. Martin states that this is a difficult decision for her to make as she is very much in favor of the school, what the school represents, and further education and would like to find other options for them. She states that she was a student at the University of Minnesota Split Rock Arts Program for many years and was in charge of lodging, and she had to drive twenty-five miles to go to class each day, so looking at what W-2 represents, she just doesn't feel that an expansion of this development is in keeping with the description of the W-2 Zone.

S. Soucek feels that it's unfortunate that the school is in the W-2 Zone. She feels that they just can't develop any more in that zone.

Chair Pallas also states his support for the school. He feels that just because it's a permitted Conditional Use Permit doesn't mean that MISA should be able to expand any more. Also, he feels that just because the University of Minnesota requires a caretaker's residence for their support doesn't mean the Town has to approve it.

Chair Pallas moves to recommend that the Town Board deny the addition of three student housing cabins at Craftivity, 978 Middle Rd. G. Thury seconds. All in favor, 7 aye. Motion carries.

Reasons:

Chair Pallas cites Standards of Approval #1 and the W-2 Zone description.

C. Brummer cites Standards of Approval #1, Standards of Approval #12 (*"The possible hazardous, harmful, noxious, offensive or nuisance effects resulting from the requested use"*) and that it isn't compatible with the Comprehensive Plan.

L. Whalen cites Standards of Approval #1. He further states that he would like to see school succeed. He reiterates that he wants to see the school succeed.

C. Baxter submits a letter detailing his reasons (attached to these minutes and part of the permanent record).

He cites the definition of W-2, saying that the request doesn't fit the description of the zone. He doesn't feel that the request fits in with the goals of the Comprehensive Plan, nor does it meet the Standards of Approval. He states that he wishes there were a compromise that could be made.

G. Thury cites the Standards of Approval #1. He also cites his previously made statements during this discussion.

J. Martin cites the W-2 Zone description and Standards of Approval #1. She reiterates that she supports MISA and wishes there were a compromise or another solution.

S. Soucek cites the W-2 Zone description. She states that she wishes the school well, and wishes there was something the Town could do to promote it.

- **One two bedroom caretaker's residence**

C. Brummer doesn't feel this request necessary. He feels that there is already lodging space for a caretaker in the current buildings at MISA.

J. Martin feels that there *should* be a caretaker living on-site. She asks where students and teachers are currently housed at the school. Charlie Meech replies that the teachers stay in the farmhouse. He explains that the farmhouse has two bedrooms and two classrooms and that this proposed building would allow for a third teacher, as the cottages are for students only.

C. Brummer feels that this is a self-imposed hardship. He thinks that there should be a caretaker living on site, but that another building is not required. He doesn't feel that this request would be beneficial to the neighboring property owners either.

S. Soucek and J. Martin both state that they wish to think of alternatives solutions for MISA to solve this issue of housing for a caretaker and discuss possibilities using other existing buildings. Chair Pallas responds that the Town Plan Commission is only looking at the Conditional Use Permit amendment request at this meeting.

C. Baxter states that if MISA were in another zone, he would be all in favor of this request.

G. Thury agrees with C. Baxter.

Chair Pallas moves to recommend to the Town Board to deny the request from Craftivity for one two bedroom caretaker's residence at 978 Middle Rd. S. Soucek seconds. All in favor, 7 aye. Motion carries.

Reasons:

Chair Pallas cites Standards of Approval #1 and the W-2 Zone description.

C. Brummer also cites Standards of Approval #1, and the W-2 Zone description. He states that his reasons are the same as for the previous motion.

L. Whalen also cites Standards of Approval #1 and the W-2 Zone description.

C. Baxter also cites Standards of Approval #1 and the W-2 Zone description. He states that his reasons are the same as for the previous motion.

G. Thury also cites Standards of Approval #1 and the W-2 Zone description. He states that his reasons are the same as for the previous motion.

J. Martin states that the request isn't consistent with the W-2 Zone and the Standards of Approval.

S. Soucek states that the request isn't consistent with the W-2 Zone. She wishes the request could be approved. She states that her reasons are the same as for the previous motion.

VI. New Business

Chair Pallas moves to go to item VI.b at this time. G. Thury seconds. All in favor, 7 aye. Motion carries.

a. Draft permit applications for review/approval

- **Rental of Single Family Dwelling Application**
- **Rental of Guest Houses Application**
- **Tourist Room Rental Application**
- **Land Use Application**

All four permit application forms are approved as presented.

b. Brenna, Michael re: preliminary survey for LP#s 118-1400 and 118-1600 at Snowplace Lane and Big Bay Road.

A preliminary CSM to create two lots from the current three has been submitted for review by the Town Plan Commission. Mr. Brenna would like to know if the proposal would be favorable to the Town Plan Commission before applying for an actual CSM-something that would need the bank's signature.

Chair Pallas notes that the entrance would be on Snowplace Lane and that all the setbacks would be met.

J. Croonborg-Murphy states that she feels it presents a fine solution to current setback issues.

The Town Plan Commission is unanimous in agreement that the preliminary CSM is fine.

The Zoning Administrator will write a letter to the bank for Mr. Brenna letting them know the Town Plan Commission's opinion.

Chair Pallas moves to go back to item VI.a at this time. S. Soucek seconds. All in favor, 7 aye. Motion carries.

VIII. Future Agenda Items

IX. Schedule Future Meetings

- Town Plan Commission Special Monthly Meeting to be held Thursday, February 16, 2012, at 5 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 6:23 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Tuesday, February 07, 2012.

Town Plan Commission approved as amended by M. Kusch, ZCA on Thursday, February 23, 2012.

Town of La Pointe Zoning
Town Plan Commission Minutes
Special Monthly Meeting
~February 2, 2012