

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
Wednesday, February 03, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas; Chair, Charles Brummer; Vice-Chair, Larry Whalen (leaves at 6:00), Ron Madich, Greg Thury, Carey Baxter (6)

Town Plan Commission Members Absent: Suellen Soucek (1)

Public Present: none.

Town Staff Members Present: Jennifer Croonborg; ZA, Margaretta Kusch; ZCA (2)

I. Call to Order/Roll Call

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

II. Public Comment

L. Whalen states that he will be leaving early because of the Fire Department training meeting, and asks that the Special Monthly Meeting at the beginning of March be set at 4 pm. Chair Pallas agrees.

III. Approval of Previous Meeting Minutes:

a. Town Plan Commission Regular Monthly Meeting, January 20, 2010

On page 2, under Old Business, item a., fourth bullet, insert "*a total accumulated area of*" so that sentence reads "*Such signs shall not exceed a total accumulated area of twenty (20) square feet in area.*"

On page 3, under Old Business, item b., delete the word "*the*" from the phrase "*J. Croonborg, ZA asks the whether employee...*"

On page 3, under Old Business, item b., the Town Plan Commission asks the recording secretary to expand the text to show discussion held about the issue of employee housing.

G. Thury moves to postpone approving the minutes of the Town Plan Commission Regular Monthly Meeting of Wednesday January 20, 2010 until they are amended as instructed. L. Whalen seconds. All in favor, 5 aye, 1 abstain (R. Madich). Motion Carries.

b. Town Plan Commission Public Hearing, January 27, 2010

On page 2, change "*...and says they not be read aloud*" to read "*...and says they will not be read aloud by the Commission.*" After the end of that sentence, add words to make clear that Chair Pallas stated that public present were welcome to read their letters aloud into the record.

On page 3, in the first instance of Jim Ryder speaking, change "*...believes that there will have problems*" to read "*...believes that the Town will have problems.*"

G. Thury moves to approve as amended the minutes of the Town Plan Commission Public Hearing from Wednesday, January 27, 2010. R. Madich seconds. All in favor, 6 aye. Motion Carries.

IV. Zoning Administrator's Report

- Many more houses this year than last

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- Trend of permit revenue down but projects up, because of smaller square footage and because filling, rental of single family dwellings are up, but neither of those require fees
- The list of non-conforming structures on the Island is compiled from Joe McCarthy's data as well as new ones that come up, but the list is not complete
- The rental market is up, but the total new rentals also include existing rentals that have changed agents
- The County the same number of permits as last year, but the projects are bigger: more dwellings and accessories
- A ZA's report was turned in to the County on Tuesday, Jan. 2.

V. Consideration and/or Action of Permit Applications:

None.

Chair Pallas suggests moving to New Business, discussion of public input form Public Hearing in case enough changes are made to necessitate another Public Hearing.

G. Thury moves to move agenda item VII New Business up to before item VI Old Business. L. Whalen seconds. All in favor, 6 aye. Motion Carries.

VI. Old Business

1. Zoning Ordinance Revision Project

- Review and possibly revise Sections 1.0 through 14.0**
- Section 6.0 Regulation of Special Uses: discuss possible addition of regulations regarding employee housing**
- Section 4.0 General Provisions: discuss possible addition of regulations regarding erosion control**

Not discussed.

2. Review and possibly revise Official Zoning Map with regard to Comprehensive Plan Future Land Use Map

Not discussed.

VII. New Business

1. Discuss possible recommendation to the Town Board for text changes presented at January 27, 2010 Public Hearing – sections under moratorium and those sections affected by the moratorium:

a. Section 2.0 Definitions

No public comment to discuss.

b. Section 4.3.3 Non-Conforming Grandfathered Lots

In 4.3.3 B, change "*However, the twenty-five (25%) reduction in setbacks may only be exceeded in circumstances where there is no reasonable buildable core within the lot*" to read "*However, the twenty-five (25%) reduction in setbacks shall only be exceeded in circumstances where there is no reasonable buildable core within the lot.*"

In 4.3.3 C, change "*A boundary survey may also be required as a condition*" to read, "*A boundary survey shall be required as a condition.*"

In 4.3.3 C, per letter received from Tom Fratt of the Ashland County Land & Water Conservation Department, change "*For lots within the shoreland overlay the Town Plan*

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*Commission shall require a mitigation plan and the mitigation plan shall be prepared and/or approved by the Ashland County Land Conservation Department” to read
“For lots within the shoreland overlay the Town Plan Commission shall require a Shoreland Restoration and/or Storm Water Management Plan for review and recommendation by the Ashland County Land Conservation Department.”*

At the Public Hearing, it was suggested that 4.3.5 contained a typo: the word “*apply*” instead of the word “*appeal*.” The Town Plan Commission agrees to change 4.3.5 accordingly, to read: “*Any property owner of a non-conforming Lot of Record aggrieved by the dimensional requirements of Section 3 of this Ordinance that are not relieved by the procedures of the above Section may appeal for a variance to the Zoning Board of Appeals.*”

At the Public Hearing there was much discussion and concern regarding the new text covering special exceptions and the related concept of a reasonable buildable core, specifically the term “reasonable.” Members of the public suggested the creation of a mathematical formula or at least guidelines to refer to when determining a reasonable buildable core, in order to eliminate any possible subjective decisions on the part of Town Plan Commissions. A discussion ensues on this topic.

J. Croonborg, ZA suggests that the list of specific design standards that the Town Plan Commission is going to draft and add to Section 8.1 B may provide some of these guidelines.

The Town Plan Commission agrees that the size of a reasonable buildable core is relative to the size of the lot, which is already stated in the proposed section.

c. Section 8.0 Administration

The lack of a definition for “*substantial construction*,” which is mentioned in 8.4.2 J Conditional Use Permit, was a concern brought up at the Public Hearing. However, there is a definition for “*substantial completion*” in Section 8.4.1, which reads “*Substantial completion shall be defined as “foundation in” and, where applicable, “external walls up, windows in, roof on, doors installed.*” The Town Plan Commission agrees to move this language to Section 2.0 Definitions with the addition of the words “*where applicable*” and use this instead of “substantial construction,” as the definitions section will be part of a future Public Hearing. The definition will read:

“Substantial completion shall be defined, where applicable, as “foundation in” and, where applicable, “external walls up, windows in, roof on, doors installed.”

Further, a concern was voiced at the Public Hearing that a clarification is made as to the issue of multiple structures on one Conditional Use Permit needing to be substantially completed at the same time. The Town Plan Commission discuss three possibilities. Either all structures on a CUP must follow same schedule of substantial completion, more than one structure not be allowed on the same CUP, or require stated phases of construction on CUP for each structure.

At the Public Hearing, the point was made that the terms “*general performance standards*” and “*specific design standards*” that are mentioned in 8.1 B are not defined. J. Croonborg, ZA states that other Wisconsin ordinances and the Zoning Board Handbook for Wisconsin Zoning Boards (2006) do have defined specific design

standards listed. The Town Plan Commission agrees to draft a list of design standards based on these other lists to be added to 8.1 B for future discussion. The addition of this new language will most likely necessitate another Public Hearing, and will be sent to the Town Board for an opinion.

d. Section 7.0 Conditional Uses

At the Public Hearing, a suggestion was made that the phrase *“The Town Plan Commission may recommend or the Town Board may impose additional limitations”* in 7.1 B be changed to read, *“The Town Plan Commission may recommend and the Town Board may impose additional limitations.”* The Town Plan Commission agrees to change “or” to read “and/or.”

(Larry Whalen leaves at 6:00 pm).

A concern was brought up at the Public Hearing that the timeline presented in 7.2 C for obtaining a Conditional Use Permit is faulty. The text reads as follows:

“The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request. Within thirty (30) days of the date the Zoning Administrator receives a properly completed application, The Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations.”

“The Zoning Administrator shall make a preliminary inspection of the property to confirm the accuracy of the application and identify potential issues or considerations. The Town Plan Commission and/or Zoning Administrator may require the applicant to submit other pertinent data and information they deem necessary to properly evaluate the request.”

In 7.2 D, change “Statues” to “Statutes.”

At the Public Hearing, a suggestion was made to change 7.2 E from:

“All members of the Town Plan Commission may personally inspect the proposed site before the Public Hearing on the matter.”

to:

“All members of the Town Plan Commission shall personally inspect the proposed site before the Public Hearing on the matter.”

The Town Plan Commission agrees to change the sentence to:

“All members of the Town Plan Commission shall make every effort to personally inspect the proposed site before the Public Hearing on the matter.”

The issue of attendance by Town Plan Commission Commissioners and Town Board Supervisors at Public Hearings is discussed per 7.2 F and 7.2 H. The Town Plan Commission agrees to insert the following language in 7.2 F:

“No commissioner may vote on the application without either attending the Public Hearing or having submitted a signed affidavit stating that they listened to a recording of the Public Hearing.”

The Town Plan Commission further agrees to insert the following language in 7.2 H:

“No supervisor may vote on the application without either attending the Public Hearing or having submitted a signed affidavit stating that they listened to a recording of the Public Hearing.”

At the Public Hearing, concerns were voiced regarding 7.2 L and the re-submittal of Conditional Use Permit applications. The current text reads as follows:

“A conditional use application that has been denied by The Town Board shall not be accepted for re-submittal within six (6) months from the date of denial, unless there has been a significant change in the proposed use or relevant conditions as determined by the Town Plan Commission.”

The Town Plan Commission agrees to change text to read:

“A conditional use application that has been denied by The Town Board shall not be accepted for re-submittal unless there has been a significant change in the proposed use or relevant conditions as determined by the Town Plan Commission.”

e. Section 10 Zoning Board of Appeals

Not discussed.

f. Section 13.0 Town Plan Commission

Not discussed.

g. Section 15 Complaints

Not discussed.

VIII. Future Agenda Items

IX. Schedule of Next Meeting

The next Town Plan Commission meeting will be held either on Tuesday, February 9, 2010 or Wednesday, February 10, 2010. Chair Pallas will inform commissioners.

X. Adjournment

G. Thury moves to adjourn. C. Baxter seconds. All in favor, 6 aye. Motion Carries. Meeting ends at 7:13 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA, Thursday, February 4, 2010.

Town Plan Commission Minutes are approved as amended by Margaretta Kusch, ZCA, Wednesday, February 10, 2010.