

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
April 5, 2012**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Carey Baxter, Joan Martin, Greg Thury, Larry Whalen (arrives at 4: 38) (6).

Town Plan Commission Members Absent: Suellen Soucek (1).

Public Present: Tina Nelson, Paul Brummer (2).

Town Staff Members Present: Jen Croonborg-Murphy, Z A, Margaretta Kusch, ZCA (1).

I. Call to Order/Roll Call

Chair Pallas called the Meeting to order at 4:32 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

G. Thury reads aloud a note he submits stating that he will abstain from voting during agenda item VI.b as he has a direct conflict of interest. His letter is attached to these minutes in the minutes book.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Meeting 2nd Draft, February 27, 2012

Chair Pallas moves to approve the Town Plan Commission Special Meeting 2nd Draft minutes of February 27, 2012, as submitted. C. Brummer seconds. All in favor, 4 aye, 2 abstain (L. Whalen and C. Baxter). Motion carries.

b. Town Plan Commission Regular Monthly Meeting, March 15, 2012

- In item V.a, second paragraph, change *"wouldn't be an accessory structure nor require a permit"* to *"it would be a minor accessory structure which does not require a permit."*

G. Thury moves to approve as amended the Town Plan Commission Regular Monthly Meeting minutes of March 15, 2012. C. Brummer seconds. All in favor, 3 aye, 3 abstain (Chair Pallas, C. Baxter, L. Whalen). Motion carries.

IV. Zoning Administrator's Report

J. Croonborg-Murphy, Zoning Administrator reports that Larry Hildebrandt, the Ashland County Zoning Administrator, decided not to retire for another year. She hopes to be able to help him with some permitting if time allows, especially issues dealing with soils testing.

G. Thury moves to amend the agenda to put item VI.a up above item V. C. Baxter seconds. All in favor, 6 aye. Motion carries.

V. Consideration and/or Action of Permit Applications

a. 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

This CSM was on hold until the zoning map was changed during the Zoning Ordinance revision last year. The corrections to the CSM required by the County and the Town Plan Commission have been made.

Town of La Pointe Zoning
Town Plan Commission Minutes
Special Monthly Meeting
~April 5, 2012

C. Brummer moves to recommend to the Town Board approval of the CSM date stamped received November 3, 2010. Chair Pallas seconds. All in favor, 6 aye. Motion carries.

b. O'Reilly Group re: add/alter at 852 Main St., LP #014-00470-0600.

The owners wish to alter one of the offices at the Island Inn to create another motel unit. This project wouldn't expand or alter the building, which is a legal nonconforming use.

C. Brummer asks whether there is room for adequate parking were another room to be added. The Zoning Administrator responds that the owners believe that there is.

Chair Pallas feels that as long as there is going to be enough parking, the project should be fine.

The Zoning Administrator notes that this project still needs to be approved by Jim Price.

The Town Plan Commission is in consensus that the Zoning Administrator can issue the permit contingent upon there being sufficient parking for the new room.

VI. New Business

a. Nelson, Tina email re: building sale at 776 Main St., LP #014-00433-0100.

• **Interpret use of building**

The Zoning Administrator notes that the property has been rented as a Multiple Family Dwelling before. Around 2006, the then Zoning Administrator began charging one rental fee for the entire building rather than per unit.

Chair Pallas feels that the use is a legal nonconforming one, and that new owners would only require the proper permits to continue renting it.

C. Brummer feels that the building is a Multiple Family Dwelling.

C. Brummer questions whether there is adequate parking at the property for the units.

A discussion ensues about neighboring properties and whether they could be used to fulfill the parking requirements of the property, theoretically.

• **Permits needed**

The Zoning Administrator states that Multiple Family Dwellings are now a permitted use in the C-1 Zone. She notes that a new permit form will have to be made for them, which she will do. The Town Plan Commission will decide on a fee for Multiple Family Dwellings to recommend to the Town Board under item VII.b.

C. Brummer moves that the Town Plan Commission interprets the use of the building at 776 Main St., as a Multi Family Dwelling and a rental of a Multi Family Dwelling, and the parking is currently legal nonconforming, and that the building is now a permitted use in C-1. G. Thury seconds. All in favor, 6 aye. Motion carries.

Chair Pallas moves to return to item V. G. Thury seconds. All in favor, 6 aye. Motion carries.

b. Review parking in C-1 Zone as it pertains to Zoning Ordinance item 4.3.B.10

The Zoning Administrator requests guidance from the Town Plan Commission when writing letters to business and property owners on Middle Road in the blue building and the market condo building. She notes that although there haven't always been parking regulations in La Pointe, there are now, and as such, have the businesses in the two buildings lost the nonconforming use of their parking areas (i.e. moped/bike rental, retail display, etc.).

A lengthy discussion ensues regarding potential reasons for the current situation of businesses using parking spaces in the area for retail, storage, seating, etc. purposes, as well as theoretical alternatives and solutions to parking issues.

Chair Pallas feels that the various businesses using parking spots for other uses create a safety issue, and that it's the responsibility of the Town to abide by its laws and ordinances.

G. Thury speaks as a member of the public as well as a commissioner. He feels that a solution to the problem of parking in front of the market condos could be reached by calculating the square footage available for parking and reconfiguring space in front of the building to create enough spaces (he thinks that there is enough total space for adequate parking there). He also feels that there is a large amount of foot traffic in the area over the summer and hopes the Town Plan Commission can come to some sort of compromise over the situation between parking for cars and catering to foot traffic.

C. Baxter notes that he feels it would be contradictory and inconsistent to enforce parking requirements at different standards in town. If parking requirements are to be strictly enforced at the Pub/Marina end of town, they should be enforced the same way in the area in discussion.

The Zoning Administrator notes that utilizing the parking spots in this area for retail, seating, etc. is a nonconforming use. She questions whether any new businesses potentially opening up in the area would be allowed to do so. Chair Pallas feels that this would not be permissible.

The Zoning Administrator quotes Zoning Ordinance item 9.1.G (nonconforming uses): "*Uses that are nuisances shall not be permitted to continue as nonconforming uses*" and asks the Town Plan Commission whether they think the nonconforming uses of parking spaces in this area are nuisances (according to Zoning Ordinance definition "*Nuisance: a thing or condition causing danger or annoyance either to a limited number of persons (private nuisance) or to the general public (public nuisance) or, because of its attraction, to children who will be unlikely to recognize its dangerous quality (attractive nuisance)*"). She suggests that if this is the opinion, that the nonconforming uses can be slowly phased out, i.e. the business owners with the nonconforming uses which have already been established could be informed of the situation and be allowed to continue, but not to change, alter, expand or discontinue and resume such uses, and that no new businesses or individuals would be allowed to create new nonconforming uses.

Chair Pallas and C. Brummer both state that they feel the nonconforming uses are indeed safety issues and therefore nuisances.

The Zoning Administrator feels that some of the problem with the situation is due to lack of town planning back when the condos were built.

C. Brummer moves that it's the understanding of the Town Plan Commission that the parking spaces along Middle Road by the blue building and the market condos are regarded as nonconforming uses. However, if the use is altered, changed, extended, expanded, or discontinued for a period of twelve months from what has existed in the last twelve months (i.e. moped/bike parking, bistro seating, and

retail display), then the nonconforming use is lost. Chair Pallas seconds. All in favor, 4 aye, 2 abstain (L. Whalen, G. Thury). Motion carries.

c. Rental of Multiple Family Dwellings

- **Application**

The Zoning Administrator will create an application for review at the next meeting.

- **Fee Schedule**

Discussed under item VII.b.

VII. Old Business

a. Hartzell, Robert re: Lightkeeper's Lodge Conditional Use Permit parking requirements

Chair Pallas states that Mr. Hartzell doesn't currently have enough parking at the Lightkeeper's Lodge. There are supposed to be eight spots in front of the Lightkeeper's Lodge and two spots in front of the Pub marked "reserved" for the Lodge. The angled parking across Main St. is owned by the Town, not the Inn on Madeline Island.

The Town Plan Commission is in consensus that Chair Pallas' statement is correct. It is agreed that a letter will be drafted and sent to Mr. Hartzell explaining the matter.

Chair Pallas moves to send Mr. Hartzell a letter stating, according to every bit of documentation we've read, he needs eight spots in front of the Lightkeeper's Lodge and have two reserve spots for the Lightkeeper's Lodge, in front of the Pub, for a total of ten spots. G. Thury seconds. All in favor, 6 aye. Motion carries.

C. Brummer requests that before the letter is sent that the total number of parking spots required be double checked. The Zoning Administrator will do this.

The Zoning Administrator will draft a letter telling Mr. Hartzell this, and Chair Pallas will co-sign it.

b. Fee Schedule re: Multiple Family Dwelling/Hotel/Motel rental permits

C. Brummer moves that the fee for a Multiple Family Dwelling shall be \$75 per unit annually. G. Thury seconds. All in favor, 6 aye. Motion carries.

VIII. Future Agenda Items

- Multiple Family Dwelling rental application form

IX. Schedule Future Meetings

- Town Plan Commission Regular Monthly Meeting to be held Thursday, April 19, 2012, at 4:30 pm.

X. Adjournment

G. Thury moves to adjourn. C. Baxter seconds. All in favor. Motion Carries. Meeting ends at 5:55 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Thursday, April 05, 2012.

Town Plan Commission minutes approved as submitted Thursday, April 19, 2012.