

**Town of La Pointe Planning and Zoning
Town Plan Commission Special Monthly Meeting Minutes
July 1, 2015**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair; Charles Brummer, Vice-Chair, Greg Thury, Margie Denton, Mike Starck, Joan Martin, Suellen Soucek (7).

Town Plan Commission members absent: (0).

Public Present: Paul Brummer, Jim Patterson, Heidi Huber (3)

Town Staff Members Present: Lisa Potswald, Planning and Zoning Administrator (1).

I. Call to Order/Roll Call

Chair Pallas calls the meeting to order at 4:30 PM. Roll call reflects members present or absent as recorded above.

II. Public Comment

Paul Brummer thanks the Town Board for denying the MISA liquor license and not giving them special treatment.

III. Approval of Previous Meeting Minutes

M. Starck moves to approve the Town Plan Commission Special Monthly Meeting minutes of June 3, 2015 as amended. G. Thury seconds. Six in favor; S. Soucek abstains. Motion carries.

IV. Zoning Administrator's Report

ZA report is reviewed.

V. Consideration and/or Action of Permit Applications

A. Bob Kron permit, 385 Middle Road, Parcel #014-00466-0200

Bob Kron put in a cement slab to move his trailer onto at this location. He has a conditional use permit for this property as well; so any permits must be reviewed by the Town Plan Commission. The Town Plan Commission reviewed his permit application to install the slab and said the permit can be issued.

VI. New Business

A. Zoning for Hemp production

ZA brought this issue to the Town Plan Commission as it is a consideration to be added to the Town's Zoning Ordinance. The Town Plan Commission instructed the ZA to do research and present the findings to them at a future meeting.

VII. Old Business

A. MISA/Craftivity Change of Use Permit for Commercial Kitchen

The Zoning Administrator, after consultation with the Building Inspector, the Town’s Attorney and the Town Plan Commission Chair, rescinded the Town Land Use Permit for a change of use of the Granary Building at MISA on June 24, 2015 because MISA constructed the kitchen with no building permits. MISA cannot obtain building permits without a land use permit. ZA met with MISA representatives, Supervisor Starck and Supervisor Anderson on June 26, 2015. The meeting was recorded and minutes have been prepared and distributed.

Chair Pallas states that he read through his zoning handbook and now thinks that MISA cannot do a modification to their CUP as was recommended at the last TPC meeting. Instead, he believes they need to decide what they want to do - commercial kitchen, off sale liquor license, etc. - and then apply to the Board of Appeals for a zoning variance. The TPC cannot issue an amendment without a variance. What it appears MISA wants to do is not allowed in the zoning district they are in, so they need a variance, which is an exception tied to one property. The other option C. Brummer states they have is to petition to change conditional uses in that zoning district via ordinance. G. Thury wants it on record that he agrees with Chair Pallas; so does S. Soucek. Chair Pallas asks the ZA to confirm his interpretation with the Town’s attorney. If the attorney agrees, ZA then needs to send a letter to MISA outlining this process. Refer to Section 11.5 through 11.8 of the zoning ordinance.

M. Starck asks what the definition of a commercial education facility is. It is defined as *a school limited to special instruction such as business, art, music, trades, handicraft, dancing, or riding.*

J. Martin said MISA promised to contribute to the community; she asks how they are contributing.

Chair Pallas does not want to see MISA spend money applying for a modification to the CUP when that is not the correct process. He asks that ZA draft a letter for the TPC’s review prior to sending it to MISA.

B MISA Request for Retail Off-Premise Liquor License

MISA applied for a Class A Liquor license to sell just wine to students, which was approved at the Town Board meeting held on June 23, 2015. Additional information came to light about a Class A license, including 1) the license is not limited to just wine (hard liquor can also be sold) and 2) MISA has to sell to anyone who comes to buy liquor; they cannot discriminate and sell just to their students. The Town’s Attorney also did research on the issue and came to the conclusion that issuing the license would result in illegal zoning and a violation of the CUP. This information was presented to the Town Board at a special meeting held on June 30, 2015. After discussion, the Town Board voted to not issue the license.

C. NR 115 changes to Zoning Ordinance

Table for the next meeting.

D. Private road/driveway ordinance

- 1) Letter for existing property owners with driveways
- 2) Second draft of ordinance for going forward (new driveways)
- 3) Appeal process

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E. Rieman Park

ZA will send a letter to the Riemans to see when they can attend a TPC meeting.

E. Parks and Recreation Plan

It was agreed by consensus at the June 3, 2015 meeting that the Plan would not be presented to the Town Board for approval until the TPC makes a decision about how to proceed with Rieman Park.

F. Hegwood Legislation – Update

Nothing to report.

G. Long-term camping and camp sites

ZA reported that one person came in to get a camping permit. There is also a conflict between the Ashland County zoning requirements and the Town of La Pointe requirements, in that Ashland County requires any camper to be moved after 2 weeks, while the Town allows 180 days. ZA will contact Ashland County to get clarification on how this is interpreted in the rest of the county.

VIII. Future Agenda Items

A. Parks and Recreation Plan - Rieman Park

B. NR 115 changes to Zoning Ordinance

C. Private road/driveway ordinance

- 1) Letter for existing property owners with driveways
- 2) Prepare and circulate second draft of ordinance for going forward (new driveways)
- 3) Ensure there is an appeal process

D. MISA Change of Use Permit Revocation

F. SB 104/AB 154 Update

IX. Schedule Future Meetings

Next Regular Monthly Meeting to be held **Wednesday, July 22, 2015 at 4:30 p.m.**

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion carries. Meeting ends at 5:10 pm.

Town Plan Commission minutes respectfully submitted by Lisa Potswald, Planning and Zoning Administrator, on Tuesday, July 7, 2015.