

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
September 1, 2010**

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

Town Plan Commission Members Absent: none.

Public Present: Mike Starck (1).

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 4:30 PM at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

M. Starck asks if the Bergeon Special Exception decision is finalized. Chair Pallas answers yes, the Zoning Administrator says she will sum up the process during item IV.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Meeting, August 11, 2010

Chair Pallas moves to approve the minutes of August 11, 2010 as amended. G. Thury seconds. All in favor, 7 aye. Motion Carries.

b. Town Plan Commission Special Meeting, August 25, 2010

- On page 2, change “*face*” to “*fact*” in Chair Pallas’s revised motion.
- On page 2, change the sentence before Chair Pallas’s rescinded motion from “*The findings of fact and conditions are attached to these minutes*” to “*The findings of fact and conditions shall be attached to, and become a part of, these minutes.*”

Chair Pallas moves to accept the minutes of August 25, 2010 as amended. G. Thury seconds. All in favor, 7 aye. Motion Carries.

IV. Zoning Administrator’s Report

The Zoning Administrator reports that she has sent a mailing detailing the decision of the Town Plan Commission on the Bergeon Special Exception to the Bergeons, all property owners within 300 feet of the property, and the objectors of record. The original document with the signatures of all the commissioners will be mailed to the Bergeons. She also posted the decision in the four official posting sites in town. There is now a 30-day appeal period in effect, although that won’t affect any building plans or permit applications.

V. Consideration of Permit Applications

a. Harrold, Ron RE: sign at 794 Main St., Unit 102

This is a permit for a second sign advertising Motion To Go to be put up directly over the door. The application is in order; the Town Plan Commission just needs to approve it as a formality.

Chair Pallas moves to approve the sign permit for Motion To Go. L. Whalen seconds. All in favor, 7 aye. Motion Carries.

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b. Schneider, Arthur and Jeannette RE: Single Family Dwelling at 655 Big Bay Road, LP# 014-00116-0800

This is a triangular lot on Big Bay Road near the airport. The owners plan on building a new dwelling as well as removing the old dwelling currently on the lot. The issue is determining where the setbacks are to be measured from and where the front, sides, and rear yards are.

The Town Plan Commission determines that the side facing Big Bay Road is the front yard. The other two yards are determined to be both side yards, and the rear yard setback should be measured from the point where the two side yards meet, which is opposite the front yard/Big Bay Road (i.e. the new dwelling must be 40 feet from this rear yard point).

The Zoning Administrator will work further with the property owners to determine exact property lines and monument locations.

VI. Old Business

Zoning Ordinance Revision Project

a. Review and possibly approve Vierbicher draft of Revised Zoning Map

The Town Plan Commission looks at the 4th draft of the Revised Zoning Map that Vierbicher Associates has put together. There are a few changes to be sent back, and then a completed draft map will be sent back for public scrutiny.

- Remove road names on map as it makes it hard to determine certain zoning district boundaries. However, keep the names of “*Big Bay Lagoon*” and “*Bog Lake*,” as these words fit within the bodies of water on the map.
- The colors indicating the S-1 Zone and the R-2 Zone are too similar and will be changed to be more contrasting.
- The colors indicating the S-2 Zone and the W-1 Zone are too similar and will be changed to be more contrasting.
- There is a section of land just off Middle Road that is marked LZ-2 Zone on the map draft, but that should be in the R-1 Zone.
- There is a lot on North Shore Road that is labeled S-1 but should be W-1.
- Regarding the Town Park overlay that the Town Plan Commission had discussed at previous meetings, it is decided that the Town Park should just be a Zoning District, not an overlay. If the Town buys or sells land, they should have to go through a zoning district change.

G. Thury moves to approve this draft Town of La Pointe Zoning Map with corrections, dated August 31, 2010. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

b. Review and possibly revise working draft of tentative Ordinance Revision, Sections 1.0-16.0 and review of Attorney Fauerbach’s opinions

Mr. Fauerbach has sent three faxes with corrections and additions. The Town Plan Commission discusses these faxes and makes the following changes.

- In Section 2.1, change the end of the last sentence from “*...and in counting a thirty (30) day time limit the number of days are counted*” to read “*...and in counting a thirty (30) day time limit all days are counted.*”
- In Section 2.1, change definition of (6) *Building Footprint* from “*A building footprint is the outline of the total area of a lot or site that is surrounded by the exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area*

under the horizontal projection of the roof” to read “The building footprint shall be the area under the horizontal projection of the roof, to include eaves and overhangs.”

- In Section 2.1, delete “...and shared private road easements” from the end of definition (31) *Lot Area*.
- In Section 2.1, add “See Section 4.2.G.” to the end of definition (36) *Minor Accessory Structure*.
- In Section 3.10 C-1 Commercial District/Town Center, make “*Sexually-Oriented Business*” a conditional use rather than a permitted use.
- In Section 4.2.F, change “*If a parcel is located in two (2) or more Zoning Districts a property owner may build in any zoning district subject to the following restrictions*” to read “*If a parcel is located in two (2) or more Zoning Districts a property owner may build in any zoning district subject to the other restrictions in this ordinance and subject to the following restrictions.*”
- In Section 4.2.G, change “*A detached subordinate structure which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related*” to read “*A detached subordinate structure is one that is clearly incidental to and customarily found in connection with the principal structure or use to which it is related.*”
- In Section 6.1.D, change “*Travel trailer parks and campgrounds may be permitted as conditional uses in the districts specified in Section 3 of this Ordinance*” to read “*Travel Trailer parks and campgrounds are only permitted as conditional uses in the districts which specifically allow them in Section 3 of this ordinance.*”
- In Section 6.2.B.8, change the reference to “*Section 7*” to read “*Section 15.*”
- In Section 8.6, do not change “*rebuttably*” to “*arguably*,” as had been done during revision (per Mr. Fauerbach, “rebuttably” has a fairly specific legal definition).
- Add “*land disturbing activities*” to list of conditional uses in Section 3.10 C-1 Commercial District/Town Center.
- In 11.1.H.1, change “*62.23(7)(d), Wis. Stats*” to read “*§ 62.23(7)(d)(2), Wis. Stats.*”
- In 11.1.I.2, add “*Alternatively, the protest will be valid and sufficient if it complies with § 66.23(7)(d)2m b*” prior to the word “*further*” at the end of the paragraph.

VII. New Business

VIII. Future Agenda Items

IX. Schedule of Next Meeting

- Town Plan Commission Special Meeting to be held on Thursday, September 9, 2010 at 4:30 pm.
- Town Plan Commission Regular Monthly Meeting to be held on Wednesday, September 15, at 4:30 pm.
- Town Plan Commission public meeting regarding Zoning Ordinance Revision Project Sections 1, 2, 3, 16, and Official Zoning Map to be held on Wednesday, September 15, immediately following Town Plan Commission Regular Monthly Meeting.

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X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor, 7 aye. Motion Carries. Meeting ends at 6:28 pm.

Draft Town Plan Commission Minutes respectfully submitted by Margareta Kusch, ZCA on Friday, September 03, 2010.

Town Plan Commission minutes are approved as submitted by Margareta Kusch, ZCA on Thursday, September 09, 2010.