

**Town of La Pointe Zoning
Town Plan Commission Special Meeting Minutes
September 9, 2010**

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Larry Whalen (leaves at 4:50 pm, returns at 5:25 pm), Suellen Soucek, Ron Madich, Greg Thury, Carey Baxter (7).

Town Plan Commission Members Absent: none.

Public Present: Paul Wilharm (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

None.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Special Monthly Meeting, September 1, 2010

G. Thury moves to approve as submitted the Town Plan Commission Special Monthly Meeting minutes of September 1, 2010. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

IV. Zoning Administrator's Report

V. Consideration of Permit Applications

a. Noha, James/Marie RE: Certified Survey Map at 279 Library Street, LP# 014-00439-0300

This application isn't ready as it is incomplete. The Town owns part of the property and needs to agree to the subdivision. The permit is on the Town Board agenda for September 14.

G. Thury makes a motion to move Item VII up to before Item VI. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

VI. Old Business

Zoning Ordinance Revision Project

a. Review and possibly revise Zoning Ordinance working draft Sections 1.0-16.0

Language for a new Section 15.2 (complaints regarding Conditional Use Permits) is approved after review by attorney Fauerbach, and reads as follows:

15.2 CONDITIONAL USE PERMITS

Any person who reasonably believes that a person or entity owning, using, or occupying real property in the Town is, by act or omission, violating a conditional use permit may file a written complaint with the Town Zoning Administrator. If the Zoning Administrator is the complainant, the complaint shall be filed with the Town Plan Commission. Such written complaint shall set forth the name, address, and telephone number of the complainant, the

Town of La Pointe Zoning
Town Plan Commission Minutes
Special Meeting
~September 9, 2010

name and address of the property being complained about, and a detailed statement on the grounds and basis for such a complaint. Such complaint shall be signed by the complainant. Complaint forms will be available in the Town Zoning Administrator's office. The Zoning Administrator and the Town Plan Commission shall receive and evaluate all written complaints in accordance with the following procedure:

1. *During an open meeting of the Town Plan Commission within thirty (30) days of receipt of the complaint the Town Plan Commission may close the matter if it does not present sufficient information of cause to proceed, is warrantless or frivolous. The Town Plan Commission shall state the reason(s) to close the complaint.*
2. *If the complaint presents sufficient information of cause to proceed, the Town Plan Commission shall schedule a public hearing within thirty (30) days of receipt of the complaint. Notification of the public hearing date shall be mailed by first class mail to the property owner, complainant, and to property owners within three hundred (300) feet of the property complained of.*
3. *The Town Plan Commission shall schedule a decision meeting within thirty (30) days of the public hearing.*
4. *Upon finding that the standards, regulation, and/or conditions set forth in granting the conditional use have been violated, the Town Plan Commission may suspend the conditional use permit until such time as there is compliance with the standards, regulations, and conditions imposed with said permit, or the Town Plan Commission may revoke the conditional use permit.*
5. *The property owner and complainant shall be notified of the decision by first class mail within five (5) days. Notice will be complete upon mailing the decision to the property owner's last known address.*
6. *Any person aggrieved by a decision of the Town Plan Commission may appeal such decision to the Board of Appeals, as per §62.23(7)(e) Wis. Stats. and Section 10 of this Ordinance. Any person aggrieved by the decision of the Board of Appeals may seek certiorari review in the circuit court.*

The Zoning Schedules/Dimensional Requirements table in Section 16.1 is reviewed and discussed. It is agreed that the asterisk stating "As required by governing Governmental Agency" is unnecessary and is removed. The following three bullet points are added to beneath the table:

- *Overlay Districts have the same requirements as the underlying district.*
- *The Setback and dimensional requirements of the Town Park Zone shall continue to be that which the property was zoned upon purchase by the Town of La Pointe.*
- *All Permitted and Conditional Uses must conform to the requirements of the Ashland County Shoreland Amendatory Ordinance and the Ashland County Floodplain Zoning Ordinance.*

b. Review of Fauerbach's opinions and regulations regarding sexually-oriented businesses

Mr. Fauerbach has faxed comments and suggestions for this section, which are discussed. The Town Plan Commission adopt the two new items under Section 6.5 D that are suggested and which read as follows:

4. There shall be no sexual activity prohibited by federal, state, or local law.

5. There shall be no sale or consumption of alcohol on any premises conducting a sexually oriented business.

He also recommends adding a severability clause, which the Town Plan Commission adopt. It reads as follows:

Town of La Pointe Zoning
Town Plan Commission Minutes
Special Meeting
~September 9, 2010

“E. If any portion of this ordinance is found to be unconstitutional for any reason, that portion of the ordinance shall be considered to be severed from it and the remaining portions of the ordinance will remain in full force and effect.”

(L. Whalen returns at 5:25 pm)

Mr. Fauerbach further recommends adding the following language as a second paragraph in Section 6.5 A:

“The Town of La Pointe is an island community in Lake Superior, approximately two miles from the City of Bayfield. The island’s economy is heavily dependent upon summer tourism and wealthy summer property owning residents. Both the tourism and the summer residents come to the island to enjoy the outdoors and engage in a number of healthy family-oriented recreational activities. Any sexually oriented business is likely to discourage tourist trade and recreational business, and adversely affect property values.”

Debate ensues regarding both the specific language and general necessity of the above paragraph. Amended language is adopted, which reads as follows:

“The Town of La Pointe is an island community in Lake Superior, approximately two miles from the City of Bayfield. The island’s economy is heavily dependent upon summer tourism and summer property owning residents. Both tourists and residents enjoy the outdoors and engage in a number of healthy family-oriented recreational activities. Any sexually oriented business is likely to discourage tourist trade and recreational business, and adversely affect property values.”

C. Baxter states that he feels the paragraph is unnecessary as the preceding paragraph already states why sexually oriented businesses would be detrimental to the island, and that he doesn’t feel the language would deter anyone thinking of setting up such business.

c. Possibly approve tentative draft of Zoning Ordinance to present to the public.

No action taken as changes have been made at this meeting. Approval of draft will be on the next meeting’s agenda.

VII. New Business

a. Wilharm, Paul RE: review of research & decision regarding use of posting board at 734 Main St.

The Zoning Administrator states that it is not a legal nonconforming sign, and therefore wouldn’t be permitted (L. Whalen leaves at 4:50 pm).

The Town Plan Commission review the Zoning and Planning Committee minutes from October 27, 1999. The Zoning Administrator at the time, Joe McCarthy, had done a survey of all possible sign violations downtown. The current Wilharm property was then Island Treasures, and McCarthy noted *“sign on telephone pole and another sign which doesn’t meet setback – 36” from sidewalk. Also a tent sign. All signs have been removed.”*

Mr. Wilharm will remove non-permitted sign (bulletin board) and amend current permit (for his permitted sign) to a 40 square foot sign with removable elements for tenants who move their businesses and bulletin board attached.

He asks the Town Plan Commission about removing the unsightly bracketing on the electrical pole in front of his property (where the Island Treasures sign used to hang). Chair Pallas thinks it would

probably be fine to remove the bracketing, but that Mr. Wilharm should check with the Town Foreman, Keith Sowl first.

G. Thury moves to resume agenda as posted. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

VIII. Future Agenda Items

IX. Schedule of Next Meeting

- Town Plan Commission Regular Monthly Meeting: Wednesday, September 15, 2010 at 4:30 pm.
- Town Plan Commission Public Meeting regarding Zoning Ordinance Revision Project: Thursday, September 23, 2010 at 5:00 pm.

X. Adjournment

Draft Town Plan Commission Minutes respectfully submitted by Margaretta Kusch, ZCA on Sunday, September 12, 2010.

Town Plan Commission minutes are approved as submitted by Margaretta Kusch, ZCA on Wednesday, September 15, 2010.