

**TOWN OF LA POINTE
SPECIAL TOWN BOARD MEETING
TUESDAY, FEBRUARY 21, 2012
AT 3:30 AT TOWN HALL**

Called to order at 3:34 PM

Present: Beth Fischlowitz, Jim Patterson, Greg Nelson, Ham Ross, Larry Whalen

Also Present: Mike Fauerbach, Attorney for the Town of La Pointe

Dept. Heads present: Jen Croonborg-Murphy

Public Present: Anne Leafblad, Mike Starck, Charles Brummer, Suellen Soucek, John Soucek, Marcia Henry, Burke Henry, Gary Russell, Lois Carlson, Charles Meech, Arnie Nelson, Jan Smith, Ed Kale, Leslie Mack, Dave Thomas, Carl Brooks, Greg Thury, Nick Vander Puy, Roberta Pallas, Todd Carlson, Evan Erickson, Linda Fuller, Marty Curry, Nick Nelson

I. Public Comment

-Lois Carlson reads a letter written by her as Chamber of Commerce Director into the record. The letter is on file at Town Hall.

-Jen Croonborg-Murphy states that the Zoning Administrator's position is strictly procedural: the Town Board has been provided with different information than was available at the January 12, 2012, Public Hearing held on this topic. Also, some of the letters from the public that she has read contain errors of fact.

-Greg Nelson stated that he allows public comment at all meetings, and that this decision has been rescheduled from February 14, 2012.

-Burke Henry refers to a letter from him that is part of the record. He reiterates that the Island needs both jobs and the income paid by Island businesses.

-Mike Starck asks if the memo that he sent was made a part of the record. [It was.] He also points to Section 2 [sic: Section 7.2] of the La Pointe Zoning Ordinance, which predicts that people will want to modify CUP's from time to time.

II. Zoning

A. Craftivity, Inc. application for amendment of Conditional Use Permit at 978 Middle Rd. LP #014-00178-0200

1. Three student housing "cabins" approximately 1600 square feet each
2. One two-bedroom caretaker's residence
3. Add approximately 216 square feet to the administrative/classroom building

B. The Town Board will discuss and act upon the recommendations of the Town Plan Commission [TPC] related to the above-requested amendment of Craftivity, Inc.'s Conditional Use Permit [CUP].

Mike Fauerbach states that there has been an allegation/suggestion that Town Board members have toured the facility known as Madeline Island School of the Arts [Craftivity, Inc.] after the Public Hearing 1/12/12. He doesn't see that as a legal problem, but he does feel that the members who did tour the school should state the circumstances for the record.

Disclosure:

-Beth Fischlowitz states that she was not on a tour since the Public Hearing.

-Jim Patterson states that he was taken on a tour by Arnie Nelson. He toured the grounds & looked at the map. His visit was strictly informational.

-Greg Nelson states that he also went on a tour with Arnie Nelson, mostly out of curiosity.

-Ham Ross states that he we also went out to the school with Arnie Nelson but refused to go on the property.

Larry Whalen states that he was not invited on a tour.

Mike Fauerbach states that the TPC is required to go on a tour and that there is no reason for the Town Board not to do so as well.

Mr. Fauerbach then charges the Town Board with basing their opinions as to the decision on the CUP on criteria available before the Public Hearing [1/12/12].

Beth Fischlowitz states that she did attend the Public Hearing. She alludes to a possible ethical issue on her part: at the time of the TPC decision, her facility known as Coole Park Manor made 30 beds available as potential housing. Coole Park Manor has since sold and is no longer a part of the Island's pool of lodging. BF states that she feels that had the TPC known of the sale of Coole Park Manor, their decision to deny most of the CUP would have changed.

She continued by stating that she feels that the W-2 zone is misnamed: it is not a wilderness. Further, it is zoned for Single Family Dwellings; therefore, MISA would be allowed buildings on each parcel should it elect to sub-divide.

She referred to a zoning document from the 1970's when the W-2 included such conditional uses as mines and junk yards.

She cited the Comprehensive Plan: she feels that MISA meets every single word in Item #1, and that hiding behind the Comprehensive Plan and the Zone is disingenuous and short-sighted.

She favors approving the Modification of the CUP with the proviso that there be no more amendments.

At this point, Attorney Fauerbach asked for a clarification of the reference to Coole Park Manor. See above: her explanation has been built into her first paragraph.

Jim Patterson states that he has arrived at his decision after much thought. He attended the Public Hearing and the TPC meeting wherein the decision to deny/modify the CUP modification was made.

He bases his decision on the Standards of Approval for CUP's. He refers specifically to Standard #1; he does not see how the addition of the buildings requested in the CUP modification substantially change what is already at the site. He observes that #10: "Traffic" has been addressed with the parking space at the school; he feels that the school is compatible with items # 8 & 13, and that the request is not out of line. He favors accommodation with the request.

Greg Nelson states that he attended the Public Hearing and read the transcript of the TPC meeting wherein the decision was made. He states that he believes the CUP system is flawed.

He states his concern at the potential accommodations that have been lost recently. He adds that most of the public seems to want to keep the look of a farm at the MISA site, and to do that requires building a number of small buildings rather than one large one. He adds that the square footage of all the buildings on the property combined do not exceed 3% of the property.

He favors granting the modification of the CUP, but suggests that the condition placed on the approval be for "no more structures," so that events at the property may be considered separately.

He reiterates that the Town Board specifically kept the power to decide CUP's because that should be the function of elected officials rather appointed officials. He added that the TPC used the Comprehensive Plan in arriving at its decision, and the Comprehensive Plan can be interpreted both for and against the modification

He states that the word "Wilderness" seemed to be a sticking point in the TPC deliberations, but he feels that this conditional use has the lowest impact imaginable.

He points to the Standards of Approval and does not agree with citing Standard #1 to deny the request; he feels that MISA contributes to the economical health of the Island and feels that problems that have arisen with MISA were related to special events being held there.

Ham Ross did not attend the Public Hearing. He favors the efforts of MISA. He points to the Island's lack of housing and recognizes that MISA needs housing.

Larry Whalen [serves on the TPC] thinks that additional buildings at MISA interfere with the neighbors' expectations of how the neighborhood is zoned; he then asks Mr. Meech a question at which point Mr. Fauerbach reminds him that this is not a public hearing.

-Greg Nelson feels that the transcript of the TPC meeting shows a reduction in opposition from neighbors, and he feels there has been a "substantial swing" public support for MISA.

-Beth Fischlowitz suggests approving the CUP conditional on no more structure building beyond what has already been approved. She quotes from Charles Meech that, due to wetlands, the property is now "built out."

-Greg Nelson approves of the additional 216 feet.

-Ham Ross states that he opposes the caretaker's structure; he favors incorporating caretaker facilities into the larger structure. He states that he is counting on MISA to hire an Islander as caretaker, and an Islander would have his own residence.

-Mike Fauerbach states that according to the transcript, MISA must have someone on the premises 24 hours a day.

-Beth Fischlowitz suggests that the caretaker could stay in one of the student cottages.

-Greg Nelsons states that he is comfortable with all three requests as long as no more structures are considered.

Motion was made by Town Board member Beth Fischlowitz to allow modification of the Conditional Use Permit to include three seasonal student cabins of 1,600 square feet each, one 2-bedroom caretaker's cabin of 1,240 square feet, and a 216 foot addition to the administrative building with the condition that there be no further structures added to the facility ever, other than those just mentioned or others that have already been permitted. There was a second to the motion by Greg Nelson, Town Chairman.

Motion carried 3 to 2.

Those in favor were Greg Nelson, Beth Fischlowitz and Jim Patterson. Those opposed were Hamilton Ross and Larry Whalen.

The basis for the decision was as follows:

1. There was a concern about an inadequate number of sleeping facilities for people on the island during the tourist season. Recently the Cool Park Resort owned by Beth Fischlowitz has been contracted to be sold which will have the effect of permanently removing thirty beds for tourists from the public market.
2. The Town Board feels that while this Conditional Use Permit is in a W-2 Wilderness district, if the 20+ acres in this particular development were split into four separate lots they could have three to four buildings on each of those five acre parcels which would be a greater density than what would be allowed even in this expanded Conditional Use Permit.

3. The Board has also considered that under the present zoning code while the area is designated Wilderness (W2), that zoning designation allows for more intrusive, problematic types of developments than what a school for the arts would be, including planned unit developments, quarries, mines, and even junkyards.
4. The comprehensive plan has been cited by those in favor and opposed to this expansion of the Craftivity Conditional Use Permit. The Board feels that there are many things in the comprehensive plan that would support an expanded Conditional Use Permit here, including the favoring of education, the arts and job creation.
5. The Board has considered the established character and quality of the area and feels that overall this particular Conditional Use Permit is consistent with that criteria.
6. However, the Board also feels that there should be some limit on the extent or amount of development in this area, and that is the basis for the condition that there be no further structures on the parcel. This provision should not be interpreted to limit further modification or clarification of uses on the parcel.
7. Mr. Meech indicated that he did not turn anyone away from the facility last year due to lack of sleeping facilities but he does also have plans for offering additional programs and classes.
8. In reaching this conclusion the Board has considered that this is a facility which now has students coming to it and has the potential for expanded services.
9. The Board feels that in granting this modification of the Conditional Use Permit this school for the arts is important to the island, not just for economic reasons but also for cultural and educational purposes in accordance with the comprehensive plan.
10. The number of small buildings requested is necessary in part because this school has always wanted to look something like a farm rather than to use the large dormitory model that the Madeline Island Music Camp uses. This is why the three additional cabins are needed rather than another type of structure.
11. The Board has also considered testimony that was offered at the public hearing indicating that the caretaker's cabin was necessary for both accreditation and safety reasons so that there would be a full time person on the premises when there were other people there who were not familiar with the facilities.
12. The Board has considered the recommendation of the Town Plan Commission and respects their judgment, but feels that the Town Plan Commission gave too much weight to the first criteria and disagrees with its decision that this would have a substantial negative effect on the character and quality of the area.
13. The Board has also considered that it appears that not only neighbors who have been in opposition to the facility seem to be fewer than before but also that there has been a substantial increase in public support for the facility as it has developed.

III. Adjournment at 4:56 PM

Submitted by Patty Hobin, Town Clerk

Approved as submitted on March 13, 2012
Patty Hobin, Clerk