

**Town of La Pointe Planning and Zoning
Town Plan Commission
Regular Monthly Meeting Minutes**

Thursday July 21st, 2016

4:30 PM

La Pointe Town Hall

Town Plan Commission Members Present: Charley Brummer, Chair; Greg Thury, Vice Chair; Suellen Soucek; Mike Starck; and, John Gembitsky.

Town Staff Present: Ric Gillman Zoning Administrator

Public Present: Ted Gephart and Paul Brummer

I. Call to Order/Roll Call

Chair Brummer calls the meeting to order @ 4:30 PM. Roll Call reflects members indicated above.

II. Public Comment

Ted Gephart request that the TPC move Item V. c. ahead of the agenda schedule

III. Approval of Previous Minutes

a. Town Plan Commission Special Monthly Meeting, July 6th, 2016

Some minor spelling errors and clarification of spelling addressed. Mike Stark move to approve the minutes as corrected, Soucek seconds, 4 ayes, 1 abstain, (Thury). Motion Carries

IV. Consideration and/or Action of Permit Application

Zoning Administrator reports that new permits are slow. There is a meeting scheduled with the Donohue principals regard the Donohue/Mindrum Property located on Main street. This meeting will include the Ashland County Administrator, La Pointe Zoning Administrator, Town Plan Commission Chair, and possibly at the request of the owners: Arnie Nelson; William Tibble; and an engineer to inspect the structure regarding the proposed move. Charley Brummer and Ric Gillman will request a time with Mr. Hildebrandt, Ashland County Zoning Administrator to discuss County momentum, etc. on the new shoreline ordinances.

V. New Business

Starck motion to move to item V. item c. on the agenda, Soucek seconds, 5 ayes motion carries.

c. Review of Ted Gephart's request for utilizing Pickerel Street

Mr. Gephart explains his desire to utilize the undeveloped platted Town Road "Pickerel Street" for access to his property. A map of Mr. Gephart's property was provided identifying the layout of the street and shape of the lot. The TPC pointed out several options to Mr. Gephart including: petition the Town to open and develop Pickerel Street; Petition the Town to vacate Pickerel Street; apply to the Town to build a private road (394.4); or, apply for a driveway permit on his existing property. These alternatives were

discussed and after some clarification Mr. Gephart felt his best course of action would be to seek to have the Town Vacate that portion of Pickerel street from the platted undeveloped O'Brien's Court to Sunny Slope. Mr. Gephart would acquire ½ of the vacated road or an additional 20' which may be advantageous for a driveway. The TPC clarified the Town has no plans to vacate that portion of Pickerel Street from Sunny Slope to the Lake shore. Mr. Gephart indicated he had no desire to effect any change on that portion of Pickerel Street and is supportive of the Town's possible future plans. The TPC came to a consensus that the Zoning Administrator along with Mike Starck offer assistance in procedures to begin this process. Mr. Gephart appeared appreciative of the new information.

Thury motions to direct the ZA to help Mr. Gephart with the procedures related to asking the Town Board to vacate the identified portion of Pickerel Street, Soucek seconds, 5 ayes, motion carries.

a. Review results of Public Hearing June 22nd, 2016 – Recommendations to the Town Board

A review of the proposed ordinance changes (a copy provided to the TPC and filed in the TPC minutes was discussed for consensus) a copy reflecting consensus is attached. The statement below was discussed and a consensus was reached that the language surrounding the "45 day" may include the purpose of. Further consensus was reached to determine the statute of limitations as it relates to appealing a decision by the Town Board. This item will be addressed further at the next scheduled TPC meeting

We have yet to define a statute of limitation pertaining to Circuit Court and ruling of the Town Board, particularly as it applies to Conditional Use. I am of the opinion that the 45 days may be mute as it does not define an appeals process, and any appeal would have to be through the Courts. As noted the intent of the 45 days may be related to appeals, but there is no appellate process in this regard to the Town or any of its' governing entities. I believe this item needs much further discussion and consideration. (Ric Gillman, ZA)

b. Evan Erickson Property CSM Parcel #014-00198-0204

Mr. Erickson has asked that this item be postponed and placed on the agenda for the next TPC Special Monthly Meeting. Item tabled.

d. Updated Shoreline Ordinance

TPC Members are in the process of familiarizing themselves with the new ordinances as provided. It is unclear as to how it will pertain to La Pointe Zoning. The TPC will continue to familiarize themselves with the document. The ZA and TPC Chair will discuss this matter with the Ashland County ZA on August 9th, 2016 following a site inspection, and the TPC will schedule a workshop in an effort to clarify changes pertinent to La Pointe Zoning.

b. Ordinance Updates – Determine Process

Addressed during the review of proposed changes

VI. Old Business

a. Private Road/Driveway Ordinance

Nothing new to report however is an agenda item that may coincide with the issuance of new fire #'s.

b. Cell Tower

No new developments. TPC agrees this item can be dropped from ongoing agenda until there are new developments.

c. Camping/Camp Units

Zoning Administrator is continuing on course to educate and inform the public of the ordinance and seek voluntary compliance.

VII. Future Agenda Items

- a. "45 days" as applicable to permit issuance in CUP's**
- b. Shore land Ordinance/Workshop**
- c. Private Roads/Driveways**
- d. Camping**
- e. Recommendations to the Town Board for ordinance update**

VIII. Next Scheduled Meeting

Wednesday August 3rd, 2016 @ 4:30 PM

IX. Adjournment

Thury motions to adjourn, Soucek seconds, 5 ayes motion carries. Chair Brummer calls adjournment @ 5:58 PM

Town Plan Commission Minutes respectfully submitted by Ric Gillman, Planning and Zoning Administrator, on Wednesday July 22nd, 2016.

Attachment: Recommendations to the Town Board for ordinance update as reached by consensus of the TPC during this meeting