

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting Minutes
July 6, 2011**

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

Town Plan Commission Members Absent: none.

Public Present: Pete Rogers, Paul Brummer, Barb Rogers, Jim Rogers, Donna Woods, Michael Childers, Glenn Carlson, Kate Bortell, Michael Brenna, Charlie Meech, Steve McHugh, Burke Henry, Marcia Henry, Dick Hoffman, Sally Hoffman, Mike Starck, Todd Carlson, Lois Carlson, Margie Smith, Gary Russell (20).

Town Staff Members Present: J. Croonborg-Murphy, 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

Michael Childers asks that the Town Plan Commission consider recommending to the Town Board that a moratorium be placed on the prohibition of temporary signs for the summer, to aid small businesses in the short business season left.

Burke Henry reads aloud from a letter he and Marcia Henry have submitted (attached to these minutes and part of the permanent record). He states that they disagree with both of Paul Brummer's complaints against (Madeline Island School of the Arts) MISA and wish the Town Plan Commission to, at the least, "[*amend*] the *Conditional Use Permit to include language permitting MISA to conduct a reasonable number of outside events per year.*"

Paul Brummer reads aloud from letters he submitted in 2004 and is resubmitting now (attached to these minutes and part of the permanent record) as well as a copy of a letter from Attorney William Bussey to the Town Plan Commission dated Sept 5, 2008 (attached to these minutes and part of the permanent record). In the former, he restates his concerns/opposition to activity at the Sandstrom farm greater than "*the two 2,800 sq ft classrooms and letting faculty and/or students reside in the existing farmhouse.*" In the latter, he quotes Mr. Bussey stating that his clients "*strongly oppose those proposed amendments [to the Zoning Ordinance]*" which would've allowed more than multiple family dwellings, commercial uses, etc, in the R-1 Zoning District. He further states that a gift store at MISA would increase traffic in that area.

Lois Carlson suggests looking at the Door County Zoning Ordinance regarding signs in the commercial district for comparison's sake. She agrees with Michael Childers' previous comments and hopes that a moratorium can be placed on the prohibition of temporary signs in the commercial district.

Michael Brenna states that he is providing horse-carriage rides this summer and needs a temporary sign downtown.

Steve McHugh states that, as a business owner who has been challenged by the restrictive sign prohibitions in the commercial zone, he hopes that either temporary or permanent relief in regards to signs could be granted.

Gary Russell states that he also supports the need for temporary signs to be permitted downtown. He further states that he disagrees with Paul Brummer's complaints.

Mike Starck asks if political signs are required to be taken down after seven days. Chair Pallas and C. Brummer respond that that isn't stated in the La Pointe Zoning Ordinance, although it may be some sort of state regulation.

The Town Plan Commission suggest that interested parties also bring up comments and suggestions regarding signs during the two upcoming Public Hearings on July 13 and 20.

III. Approval of Previous Meeting Minutes

a. Town Plan Commission Regular Monthly Meeting, June 15, 2011

Change title of Item III from "Schedule Future Meetings" to "Approval of Previous Meeting Minutes."

G. Thury moves to approve the Town Plan Commission Regular Monthly Meeting minutes of June 15, 2011, as amended. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

IV. Zoning Administrator's Report

V. Consideration and/or Action of Permit Applications

a. Hartzell, Robert RE: sign at the Pub, LP #014-00446-0200, 647 Main St.

The Zoning Administrator states that the language of Section 5.2.1.C in the current Zoning Ordinance regulating business signs is vague and can be interpreted more than one way. In previous instances, the Ordinance has been interpreted to say that a business may have only one sign not more than 40 sq. ft (non-illuminated) in the commercial zone. However, more recent interpretations by the Town Plan Commission (specifically relating to the Lakeview Condos and associated businesses, i.e. the Blue Building) have allowed for businesses to have multiple signs, equaling 40 sq ft total.

Mr. Hartzell is applying for a moveable, non-illuminated, sandwich board sign, to be located on his property within setbacks. The area of both sides of this new sign plus the Pub's current sign doesn't exceed 40 sq ft (/20 sq ft).

C. Brummer states that his main concern would be not exceeding the 40 sq ft size limit.

The Town Plan Commission is in consensus that this sign can be permitted. S. Soucek states that other businesses in town should know that it's all right to apply for more than one sign for a business, as long as the area of all non-illuminated signs added together wouldn't add up to more than 40 sq ft and setbacks are met.

VI. New Business

a. Zoning Administrator request for direction RE: signs in Commercial Zone

The Zoning Administrator states that she will apply the Town Plan Commission's interpretation of item V.a in the Commercial Zone (businesses may be permitted to have multiple signs on their property, providing those signs meet setbacks and do not exceed 40 sq ft in area total (if non-illuminated) or 20 sq ft in area (if illuminated).

b. Mandatory 5-year review of Comprehensive Plan

The Zoning Administrator states that Town Plan Commission members should be looking at the Comprehensive Plan during the Zoning Ordinance Revision Project and related Public Hearings, to

check for discrepancies and/or updates, e.g. the current island population doesn't match the Comprehensive Plan's projections from five years ago, or making sure project timelines reflect current projects on the island.

This shouldn't be an intensive process, especially when compared to the Zoning Ordinance Revision Project.

Chair Pallas states that this will be a project to focus on more when the Zoning Ordinance Revision Project is finished.

VII. Old Business

a. Interpretation of Craftivity, Inc. Conditional Use Permit at 978 Middle Rd, LP #014-00178-0200 re: Paul Brummer complaint, dated May 31, 2011.

The Zoning Administrator explains the complaint process, as laid out in Section 15 of the Zoning Ordinance. She has received and reviewed the complaint (which is complete) and the Town's attorney, Mike Fauerbach has also reviewed it. The Town Plan Commission will review the complaint and make an interpretation. MISA's Conditional Use Permit can then be revoked, amended, or modified. Both interpretations can be appealed. The complainant is requesting that the Conditional Use Permit be revoked.

She states that regardless of the Town Plan Commission's interpretation, she is most likely going to file a petition for the Town Board to clarify the language of MISA's Conditional Use Permit. The amendment of the Conditional Use Permit's language would go through the Public Hearing process.

Chair Pallas asks if all Town Plan Commission members have visited the MISA site and if all have stated that they have read the packet of relevant information regarding the complaint. All members have.

• Is a "gift store" compliant with the Conditional Use Permit?

L. Whalen reads from a Memorandum of Understanding between the Town Board and the Sandstrom School of the Arts, dated Sep 14, 2004. This MoU was to clarify language in the Conditional Use Permit at that time and reads in part *"the reference to a "Reception Gallery" in Condition E means a place where the artwork of the Sandstrom School instructors and students may be sold and art supplies may be sold to the teachers and students. Condition J states "No additional stores are allowed on the premises. The word "stores" in Condition J means any location for retail sales. Therefore, the Reception Gallery is the only location where retail sales are permitted."* He asks whether there was there ever a request for a change, was this ever mentioned on an application, that they wanted to change the definition of store.

Zoning Administrator responds that it could have been a response to a complaint about Made on Madeline online store and it was an attempt to clarify. The MoU was included in the background info packet for history.

Chair Pallas states that after visiting the site, he would not consider what was there a gift store. It was a table that has a few items on it, and art by local artists on the wall. He states that he can understand the red flag that Mr. Brummer saw when he saw a "gift store" being advertised, as an actual gift shop could potentially bring in many visitors. But what is actually at MISA is not a gift store.

C. Baxter states that they could just strike the words “gift store” from the advertisements, perhaps change the wording to “art and art supplies.”

C. Brummer agrees that it should be advertised as a gallery.

R. Madich states that although history such as the above-discussed MoU is important background, what is important at this time is to look at and make interpretations based on MISA’s current Conditional Use Permit.

G. Thury moves to approve the interpretation of Craftivity, Inc.’s Conditional Use Permit to include the sale of art items created onsite and art supplies to the general public. No second.

G. Thury retracts the previous motion.

C. Brummer moves that a “gift store” is not a provision of the Conditional Use Permit signed in 2008 and shall not be advertised as a “gift store” but rather as a gallery. However, this is not significant enough to warrant revocation of the Conditional Use Permit. G. Thury seconds. All in favor, 7 aye. Motion Carries.

- **Was hosting the Madeline Island Wilderness Preserve annual spring meeting and spring reception compliant with the Conditional Use Permit?**

Chair Pallas states that he fails to see how this event had anything to do with arts or the art school. He quotes a letter sent to the Town Plan Commission from MISA’s attorney, David J. Siegler, that argues that the MIWP gathering was a permitted use as *“Craftivity, Inc.’s CUP provides that the following is a permitted use: “Serve as a site for social gatherings related to the promotion and/or financial support of the art and craft activities conducted at the premises.”*”

Chair Pallas doesn’t see how this benefited MISA except as a business deal in that the MIWP made a \$500 contribution to MISA’s scholarship fund. He believes fundraisers should be allowed at MISA, but they should be fundraisers *for* MISA, not for other organizations.

However, Chair Pallas does not feel that this violation was serious enough to revoke MISA’s Conditional Use Permit. Language explaining what types, and number per year, of fundraisers/events are allowed at MISA should be made crystal clear.

L. Whalen feels that if the *primary purpose* of the event was not for the benefit of MISA, then the event isn’t a permitted use in the Conditional Use Permit.

R. Madich states that he disagrees that the MIWP’s spring meeting wasn’t benefiting MISA in terms of promotion and exposure, but he does feel that the language in the Conditional Use Permit pertaining to such events needs to be made clear.

S. Soucek discusses the intent of the Town Plan Commission at the time of the 2008 MISA Conditional Use Permit (of which she was a commissioner). They were neighboring property owners who were concerned with what they viewed as a push towards weddings and receptions being held at MISA (and the resulting traffic) and the Conditional Use Permit was written to address those concerns: the intent of the Conditional Use Permit language was not to allow such events but to give the teachers/students/artists every chance to sell their work. She thinks the Conditional Use Permit should be clarified.

There is discussion on types of events that could or could not be held at MISA, and the history of this subject. Chair Pallas states that such matters would be discussed at the Public Hearing/Town Board level, should they decide to take it up. The matter at hand is Mr. Brummer's complaint.

Chair Pallas moves that hosting the Wilderness Preserve spring fundraiser, because it was a fundraiser for the Wilderness Preserve, was a violation of the Conditional Use Permit held by MISA dated 2008. However, it is not severe enough for a recommendation of revocation. I also recommend the Zoning Administrator petition the Town Board to do whatever necessary to clear this up. S. Soucek seconds. All in favor, 7 aye. Motion Carries.

The Zoning Administrator reiterates that she will request permission from the Town Board to file a petition with the Town Plan Commission that the language of MISA's Conditional Use Permit be modified/clarified.

VIII. Future Agenda Items

IX. Schedule Future Meetings

- Town Plan Commission Public Hearing to be held Wednesday, July 13, at 5 pm at the La Pointe Elementary School gym.
- Town Plan Commission Public Hearing to be held Wednesday, July 20, at 5 pm at the La Pointe Elementary School gym.
- Town Plan Commission Regular Monthly Meeting to be held Wednesday, July 27, at 4:30 pm.

X. Adjournment

G. Thury moves to adjourn. S. Soucek seconds. All in favor. Motion Carries. Meeting ends at 5:55 pm.

Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Saturday, July 9, 2011.

Town Plan Commission second draft minutes submitted by Margaretta Kusch, ZCA on Wednesday, July 27, 2011.

Town Plan Commission second draft minutes approved as amended by Margaretta Kusch, ZCA on Wednesday, August 17, 2011.