

① TPC  
① ZH  
① RCS

**Town of La Pointe Zoning  
Town Plan Commission Regular Monthly Meeting  
Wednesday, March 19, 2008**

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**Town Plan Commission Members Present:** Barb Christensen; Chair, Ric Gillman; Vice-Chair, Mike Starck, Lois Carlson, Beth Fischlowitz, Suellen Soucek, Carl Broberg (7)

**Town Plan Commission Members Absent:** none

**Public Present:** Jim Ryder, Charles Meech, Charles Brummer, Paul Brummer, Meg Brown, Warren Anderson, Bob Hartzell, Jim Patterson, Chris Wolfe, Micaela Evanson, Arnie Nelson, Sara Owen, Evan Erickson, Cile Naumann, Greg Nelson, Madelaine Karwasky (16)

**Town Staff Members Present:** Jennifer Croonborg, ZA, Jessica Hatch, RCS (2)

**I. Call to Order/Roll Call**

B. Christensen called the meeting to order at 5:02 PM. Roll call reflected members present or absent as recorded above.

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**II. Public Comment**

Jim Ryder would like to go on record that he is in favor of Bob Hartzell's CUP for a spa. He would like the TPC to recommend approval to Town Board. He is also in favor of Craftivity Inc.'s CUP for three cottages and would like the TPC to recommend approval to the Town Board.

Charles Brummer states that under item VA (Hartzell Spa), he would like there to be a new Public Hearing if the application is different from what was originally proposed at any previous Public Hearings on this CUP such as change of size of buildings, location of buildings, parking lots, etc...

Paul Brummer submits a written comment, which he read into the record and is on file. In summary he is restating his concern for a conflict of interest he feels exists with Lois Carlson and the Craftivity CUP vote due to her step-daughter being employed by Craftivity, Inc.

Lois Carlson responds to this comment by stating into the record that she feels she has no conflict of interest due to her step-daughter being employed by Craftivity. She states that she will not recuse herself because someone has a negative idea about something that they don't want someone else to express their opinion on.

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**III. Minutes**

**A. 03.05.08 Special Monthly Meeting**

Mike Starck moves to approve the minutes of the TPC Special Monthly Meeting held on March 5, 2008 as amended. Ric Gillman seconds. The amendment is to strikeout the "5" of "2005" add an "8" to make it read "March 5, 2008." All in favor, 7 aye. MC.

**B. 03.12.08 Special Working Session**

Ric Gillman moves to approve the minutes as amended. Suellen Soucek seconds. The amendment is to add "Warren Anderson" to the public present. All in favor, 5 aye, 2 abstain (M. Starck and L. Carlson were absent from the 03.12.08 meeting). MC.

**IV. Zoning Administrator's Report**  
On file.

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**V. Consideration and/or Action of Permit Applications**

**A. Robert Hartzell re: CUP for Spa/Exercise Facility at 580 Mondamin Trail Parcel #014-206-0200**

**a. Discussion/possible recommendations to Town Board**

Bob Hartzell explains to the TPC that the only changes to his proposal from the Public Hearing is that there is now a decrease in size, both to the land area and the number and size of the buildings. He will be only utilizing the 4.2 acres that he already owns. Hartzell has had the opportunity to communicate with the Wisconsin DNR, the Department of Health, and the Wisconsin Storm Water Run-Off Agency. Hartzell has learned that if less than one acre of wetland is disturbed a more lenient set of rules is applied. Hartzell claims this project will be low impact and will be a "green" business with "green" buildings. The plan is to tie into the sewer line that meets up with the Music Camp. They will be working on the sewer line sometime in the next year. The first buildings to be built this upcoming season will be an Exercise Building that will later be turned into a Relaxation Lounge and secondly, a Massage Cabana. Hartzell does not plan on having plumbing to begin with, as the Department of Health does not require it.

The ZA does not feel the application is complete and has changed considerably since the original proposal at the Public Hearing. The ZA presents a list of missing criteria from the Site Map to the TPC in her ZA notes. The ZA feels the Public should be aware of the information Hartzell is now sharing with the TPC before a vote is made.

R. Gillman, is in support of the proposed concept. He is however, concerned that the plan has significantly changed since the Public Hearing and another should be held. He is namely concerned that the 2 acres not included anymore is where the parking lot was proposed.

Motion by C. Broberg to have another Public Hearing on this CUP. R. Gillman seconds. All in favor, 4 aye. 2 oppose (M. Starck and L. Carlson) 1 abstention (B. Christensen as she is an employee of Hartzell.) MC.

The Commission decides that the following criteria will need to be included in the Site Plan: (1) setbacks to property lines, (2) dimensions of structures and parking lot, and (3) a scale on Site Plan.

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**B. Craftivity, Inc. re: CUP Amendment request at the Madeline Island School for the Arts at 978 Middle Rd for the addition of 3 cottages, each cottage having four bedrooms and allowing for adult lodging to accommodate up to 8 individuals.**

**a. Recommendation to Town Board**

Commissioners share their thoughts on this issue.

C. Broberg makes a motion that he reads from a document he wrote prior to the meeting and submits to the Recording Secretary (see Zoning Minutes Book 2008). L. Carlson seconds the motion. All in favor (Commissioners must state reason for their vote according to statute):

- Carl Broberg votes aye for the reasons stated in the motion.
- Mike Starck votes aye because he feels the environment has changed enough that the number of beds is significantly different than when the initial CUP was written justifying adding three cottages to provide those beds.
- Beth Fischlowitz votes aye, she wants to say that she agrees with Ric Gillman in that it is unfortunately a cult of personality. In her view the objections are not based on objective issues, but rather subjective. She has come to see that the project out-weighs the objections because of its far-reaching potential.
- Ric Gillman votes aye because it is a low-impact activity and he thinks it is true to the nature of what Smart Growth calls for and it is a lot better than a water slide.
- Lois Carlson votes aye because she believes (1) he is using his land in a way that meets criteria and approval, (2) we need lodging space, (3) we need to honor the Smart Growth Plan and create commerce and business in our community and this is in line with everything that is set forth in the Comprehensive Plan.
- Suellen Soucek votes aye because she agrees with most of what has been stated and if you get down passed personality to the bare bones of it, it seems like it's the proper thing to do.
- Barb Christensen votes nay on the basis that the property owners who were notified were overwhelmingly against this and that is one of the strong considerations when you're giving out CUP's, the neighboring property owners. It is important to respect that and that the vast majority of people at the Public Hearing felt that this is not the time for this.

6 aye, 1 oppose (B. Christensen ). MC.

Chair states that this recommendation will be passed on to Town Board and they cannot act on it for 30 days. It will be posted and property owners will be notified.

**VI. Old Business**

**A. None**

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**VII. New Business**  
**A. None**

**VIII. General Code Draft Ordinance Review**

Carl Broberg submits to the Commission an Editorial Analysis of the following (on file):

**A. Chapter 450 Zoning**

**a. Article 12 Public Hearings**

Commission agrees on a change regarding the amount of days for notice of appointment (of a Commissioner).

**b. Article 13 Town Plan Commission**

Discussion ensues regarding the number of Town Board Members on the Town Plan Commission. It states that three Members can serve. Greg Nelson, Town Board Chair, states that though it says three can serve, as long as he is Chair he will only appoint one Town Board Member to serve on the Commission.

Discussion continues regarding the CUP appeal process and fees. Decision is made to put this item back on the agenda for the next meeting.

**c. Article 14 Permit Complaint Process**

Discussion. L. Carlson questions if there is a fee for frivolous complaints. ZA states that all complaints are heard then decided whether frivolous and there is no fee, only for appeals. Carlson feels people should be charged a fee for complaints. Chair responds no, it is a right of the public. Broberg feels the TPC must review complaints for "reasonable cause," this is the filter for frivolous complaints and there should be no cost to the complainant. ZA suggests keeping the Complaint Process as it is especially due to the fact that General Code didn't suggest any change. The Commission discusses editorial semantic changes to this Article. It is decided to return to this agenda item at the next meeting.

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Ric Gillman moves to table agenda items VIII B, C, and D until the next meeting. Carl Broberg seconds. All in favor, 7 aye. MC.

**B. Chapter 375: Sewers and Sewer Disposal**

Tabled to next the meeting.

**C. Chapter 388: Solid Waste**

Tabled until the next meeting.

**D. Zoning Map Changes: follow-up to special working session**

Tabled until the next meeting.

**IX. Future Agenda Items**

**A. Chapter 450: Zoning**

**a. Article 13 Public Hearings**

**b. Article 14 Town Plan Commission**

**B. Chapter 375: Sewers and Sewer Disposal**

**C. Chapter 388: Solid Waste**

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**X. Schedule Next Meeting(s)**

March 20, 2008 at 5 pm the Town Board and Town Plan Commission will have a joint meeting.

April 2, 2008 at 5 pm the Town Plan Commission will have their next Special Monthly Meeting.  
April 9, 2008 at 4 pm the Town Plan Commission will have another Working Session on the Zoning Map Change.

R. Gillman says into the record that he will not attend the meeting on March 20 due to inadequate notice from the Town Board. He also states that he will not be asking for re-appointment to the Town Plan Commission after this month regardless what happens in the Town Board elections.

**XI. Adjournment**

L. Carlson moves to adjourn at 7:12 pm. S. Soucek seconds. All in favor, 7 aye. MC.

**Town Plan Commission Minutes respectfully submitted by Town Plan Commission Recording Secretary, Jessica L. Hatch on Saturday, March 22, 2008.**

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