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Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting
Wednesday, April 2, 2008

7 TFC
ZA
RCS

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

Town Plan Commission Members Absent: Lois Carlson (1)

Public Present: Charles R. Nelson, Susan Flores, Gary Flores, Chris Wolfe, Meg Brown, Jim Hatch, Marcia Henry, Burke Henry, Michael Childers (9)

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 5:00 PM. Roll call reflected members present or absent as recorded above.

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II. Public Comment

Beth Fischlowitz remarks that she will recuse herself from the discussion on Item 7A, however she will reserve the right to speak if necessary and she will speak on her own behalf not as a commissioner.

III. Minutes

A. 03.19.08 Regular Monthly Meeting

It is decided that the 03.19.08 RMM minutes are incomplete. M. Starck moves to table the 03.19.08 meeting minutes until the next regular scheduled meeting. S. Soucek seconds. All in favor, 6 aye. Motion carries.

IV. Zoning Administrator's Report

On file. ZA notes that the County Applications are blue not orange.

V. Consideration and/or Action of Permit Applications

A. Jefferson/US Bank re: final CSM on Hagen Road, a Subdivision of Lot 1 CSM #222

a. recommendation to Town Board

M. Starck moves to recommend to the Town Board approval of the US Bank/Jefferson CSM dated March 19, 2008. C. Broberg seconds. All in favor, 6 aye. Motion Carries.

B. McCray, Louise/Patrick re: CSM to combine Lots 10-15 and part of Outlot 7, Fairway Harbor Estates SEC 32-T50N-R3W

C. Broberg moves to recommend approval of this CSM to the Town Board. M. Starck seconds. All in favor, 6 aye. Motion Carries.

C. Hartzell, Robert re: CUP for Resort and year round Spa & Exercise Facility at 580 Mondamin Trail, Parcel # 014-206-0200

a. Discussion

It is decided that the applicant has submitted sufficient information to hold a Public Hearing.

b. Wording of Public Hearing

The Chair will take the wording from Hartzell's application

c. Schedule Public Hearing

Special Public Hearing will be held on Wednesday, April 23, 2008 at 5 pm.

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VI. Old Business
None

VII. New Business

A. Nelson, Thomas Complaint re: CUP required at "Chateau Madeline": a/k/a Fischlowitz/ALBE Corp Property, a/k/a Brittany Cottages, a/k/a Brittany Bed & Breakfast

a. Discussion

B. Fischlowitz states for the record that she will recuse herself from this discussion.

C. Broberg moves:

"Whereas Thomas E. Nelson has filed a complaint dated March 25, 2008 and additional amended complaint dated March 29, 2008 against Alan and Beth Fischlowitz d.b.a Cool Park Manor and/or Brittany Cottages located at Fire Number 351 Old Fort Road in the Town of LaPointe for operating rental property without an appropriate Land Use Permit as required under the "Official Zoning Ordinance: Town of LaPointe"

and

Whereas The basis of the complaint is:

1. The subdivision and subsequent sale of the property that took place prior to 1982.
2. The interruption of business which disqualifies the property from the status as a "permitted Non-Conforming Use" under Section §9.1(1) of the "Official Zoning Ordinance: Town of LaPointe" is alleged by the complainant to have taken place for a period of a year prior to 1984

and

Whereas The time between the alleged cause and the action by Thomas E. Nelson is therefore tolled to be approximately twenty-four (24) years.

Resolved The Zoning and Planning Commission of the Town of LaPointe does recommend to the Town Board of Supervisions the matter be referred to the Town's Attorney to determine if estoppel has been established by reason of limitation in accordance with Wisconsin Statue §893." (motion was submitted and is on file)

M. Starck seconds for discussion. Chair opens table up for discussion. All in favor, 5 aye, 1 abstain (B. Fischlowitz). Motion carries. ZA will put this item on the next Town Board Agenda.

b. Wording of Public Hearing

See motion above

c. Schedule Public Hearing

See motion above

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B. Jenkins, Diane: Permission from TPC to attribute 2007 Filing Fee to 2008 New Construction Application Fee

Motion by M. Starck authorizing Jen (ZA) to apply the fee from 2007 to 2008 application fee for the Jenkin's Land Use Permit. R. Gillman seconds. All in favor, 6 aye. Motion Carries.

VIII. General Code Draft Ordinance Review

A. Chapter 450 Zoning

C. Broberg moves to table discussion on General Code Chapter 450 until the next meeting.

Broberg has requested General Code to give examples of ordinances in Wisconsin that address

the issues raised at the last meeting he will present this information at the next meeting. M. Starck seconds. All in favor, 6 aye. Motion Carries.

1. **Article 13: Public Hearing**
See above motion
2. **Article 14: Town Plan Commission**
See above motion

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- B. **Chapter 375: Sewers and Sewer Disposal**
M. Starck moves to table items VIII B: Sewers & Sewer Disposal and Item VIII C: Solid Waste until the next Regular Monthly Meeting. R. Gillman seconds. All in favor, 6 aye. Motion Carries.
- C. **Chapter 388: Solid Waste**
See above motion

IX. Future Agenda Items

- A. **Revisit tabled minutes from 03.19.08 RMM**
- B. **General Code Chapter 450 Zoning**
 1. **Article 13: Public Hearing**
 2. **Article 14: Town Plan Commission**
- C. **Chapter 375: Sewers and Sewer Disposal**
- D. **Chapter 388: Solid Waste**
- E. **Review By-Law Change Process**

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X. Schedule Next Meeting(s)

TPC Working Session regarding Zoning Map Change will be held on Wednesday, April 9, 2008 at the Town Hall at 4 pm.

The next TPC Regular Monthly Meeting will be held on Wednesday, April 16, 2008 at the Town Hall at 5 pm.

XI. Adjournment

M. Starck moves to adjourn at 5:49 pm. C. Broberg seconds. All in favor, 6 aye. Motion Carries.

Town Plan Commission Minutes respectfully submitted by Town Plan Commission Recording Secretary, Jessica L. Hatch on the Monday, April 07, 2008.

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