

**Town of La Pointe Zoning
Town Plan Commission Special Monthly Meeting
Wednesday, June 4, 2008**

Town Plan Commission Members Present: Carl Broberg; Chair, Michael Childers; Vice-Chair, Mike Starck, Lois Carlson, Ron Madich, Suellen Soucek (6)

Town Plan Commission Members Absent: Ron Harrold (1)

Public Present: Warren Anderson, Kathleen Nelson, Robert Hartzell, Bob Kron, Madelaine Karwosky, Linda Fuller, James Binsfield, Ron Lohman, 19 other members of the public were present but, chose not to sign-in. (28)

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

I. Call to Order/Roll Call

Chair, C. Broberg called the meeting to order at 5:00 pm at the Town Hall. Roll call reflected members present or absent as recorded above.

II. Public Comment

Bob Hartzell and Kathleen Nelson ask if they can speak when agenda item VII. d. is addressed. Chair will allow brief comments.

Bob Kron would like to comment on the same item. He also requests to be recognized under the agenda item that pertains to his application before the Board. Chair agrees.

III. Review and Approval of Previous Meeting Minutes

Chair finds two errors. Under Item VIII. a. change "8.3.2" to "8.4.2," the same change will be made under item X. c. M. Starck moves to approve the minutes of the May 21, 2008 TPC meeting as corrected. S. Soucek seconds. All in favor, 6 aye. Motion Carries.

IV. Zoning Administrator's Report

On file.

V. Consideration and/or Action of Permit Applications

a. Preliminary review of request by Robert Kron to subdivide 19.86 acres known as 3617 Big Bay Road tabled from May 21st meeting.

Bob Kron explains to the TPC what he would like to do in his project. Discussion ensues regarding the parcel and Kron's plans. It is decided that the TPC does not have the authority to create a violation of the ordinance. C. Broberg submits a list of issues (on file) with the Kron CSM. L. Carlson moves to deny the application for the subdivision proposed by Mr. Kron. M. Starck seconds. All in favor, 6 aye. Motion Carries. Kron requests that the Chair poll the board to state what provision under the Ordinance they have denied the application.

TPC POLL:

- M. Childers- Paragraph 13 of Section 10 states variances from the regulation of this Ordinance shall be granted by the Zoning Board of Appeals.
- C. Broberg votes aye. He believes the TPC does not have the authority to create a variance by approving this preliminary CSM under Section 10, subparagraph 13.
- M. Starck votes aye. Section 4.2, Standardized District Requirements, Item 5-A says “after adoption of this ordinance no lot area shall be so reduced that the dimensional and yard requirements required by this ordinance can not be met.
- L. Carlson says the same as Michael as well as if TPC puts the lot line there it creates a non-conforming structure under Section 9.
- R. Madich denies by virtue of the authorized variance. He does not think that TPC has the authority and this issue belongs with the Board of Appeals.

Kron further requests a copy of the recommendations made by the ZA to the board. TPC and ZA agree to supply Kron with these materials.

b. Conditional Use Permit Application by Robert Hartzell for Spa located on Mondamin Trail tabled from May 21st meeting at the request of the applicant.

Let the record show that M. Childers recuses himself from this agenda item and steps away from the table to sit in the audience. Discussion among Hartzell, TPC and ZA follows. M. Starck moves to recommend approval of the CUP for the Spa based on the fact that it doesn't violate any items we [TPC] are supposed to take into account under Section 7.1.2. Starck reads into the record the conditions he drafted.

The following are the conditions for Spa/Exercise Facility on Parcel # 14-206-0200:

- A. Buildings limited to:
 - 1. Exercise Facility of a maximum of 2000 sq. ft. containing exercise equip.
 - 2. Lodge of a maximum of 4500 sq. ft. to contain bathrooms and locker rooms, administration office, treatment rooms and a beauty salon.
 - 3. Relaxation lounge and yoga facility of 1500 sq. ft maximum.
 - 4. (3) massage cabanas of a maximum 375 sq. ft. each
 - 5. (8) out buildings of a maximum of 500 sq. ft. each
- B. Outside Facilities limited to:
 - 1. (3) “endless” lap pools of a maximum of 120 sq. ft. each
 - 2. (3) hot tubs
 - 3. (1) cold plunge pool of a maximum of 120 sq. ft.
 - 4. (1) treatment shower open to the outdoors of a maximum of 100 sq. ft.
- C. Misc to include:
 - 1. 6 ft. high green vinyl chain link fence surrounding the entire spa/exercise facility located a minimum of 30 ft. from property lines.
 - 2. Parking area for up to 30 cars, landscaped and lighted with only indirect lighting

General requirements to be met before any town land use permits are considered by the town:

- 1. Approved sanitary permits for all buildings with plumbing

2. Wetlands professionally delineated
3. Building sites to be approved by WDNR
4. After the buildings have been professionally designed a complete site map, including a topographical map, and building plans will be resubmitted to the TPC to determine physical attractiveness and site suitability.

All state and County permits must be granted before the CUP will be issued. Revocation of any State or County permits will be grounds for revoking this CUP.

L. Carlson seconds. All in favor, 5 aye. 1 abstain (M. Childers). Motion Carries. For the record Chair request commissioners to state their reason for their vote.

- R. Madich's reason for saying yes is from Section 7.1.2. He feels Mr. Hartzell has met his obligations in lue of conditions we've [TPC] put on it. He would also love to see the Healing Arts continue on the island.
- C. Broberg votes aye because he believes it conforms to the requirements specified by Section 7.1.2. He also thinks this will benefit the community.
- L. Carlson also votes based on Section 7.0.2. She thinks this will have a great affect on the general health of all residents. Also, it is in line with the Comprehensive Plan goals.
- M. Starck recommends approval of the CUP for the Spa based on the fact it doesn't violate any items we're supposed to take into account, under section 7.1.2. The conditions suggested meet 7.1.2 as well as concerns rased at the Public Hearing.
- S. Soucek agrees with everyone and that Mr. Hartzell has complied.

VI. Old Business

None

VII. New Business

a. Land Use Permit requirements for clearing of trees, stumps and grading (La Pointe Zoning Ordinance §8.3)

ZA poses a question to the TPC: When does a project begin? She explains recent complaints that have arisen from fines she has had to issue for clearing land o beginnig a project prior to issuance of a permit. Discussion ensues on this matter. C. Broberg advises that he has received an appeal and it will be filed in Town Hall. This appeal will be on the next agenda.

b. Review possible violation of La Pointe Zoning Ordinance §8.3 in the structural alteration of a deck located at the northeast corner of Bell Street and Middle Road without a Land Use Permit.

Chair invites Tom Nelson to speak on the matter of this possible violation. Nelson is concerned that the manner the agenda item is written is misleading: not stating the property ID number, or the name of the business, or his name. He further goes on to explain why he did repairs on his structure this spring.

ZA contributes that she had a question of whether the deck project needed a permit. She drafted a letter that would have gone to Nelson directing him to the commercial inspector. This letter though never got sent.

Chair then explains the draft was in email form and he didn't get it immediately. The issue before the Commission is whether an alteration of the structure that changes the weight-bearing load requires a Land Use Permit as according to Section 8.3 of the Zoning Ordinance. TPC's concern is of Public Safety.

M. Starck moves that a retroactive permit application be filed and no penalties charged for the deck at Tom's Burned Down Café. R. Madich seconds. All in favor, 6 aye. Motion Carries.

c. Discussion of Town Plan Commission responsibilities with respect to commercial property inspections

It is decided that the TPC has no responsibilities for commercial property inspections.

d. Rental Single Family Dwelling (RSFD) application filing, enforcement and late filing fee.

ZA gives a brief history on this matter. Lengthy discussion ensues on what is the proper process for collecting fees for RSFDs. M. Starck moves to recommend to the Town Board that no late fees are charged prior to a letter going out telling everybody the rules. L. Carlson seconds. All in favor, 6 aye. Motion Carries. Jen will send out a letter telling people they have to get a permit if they want to rent.

e. MSD request for determination of potential subdivision on Rice Street

It is decided that the parcel ~~would be subdivided to 3 lots.~~ *could be subdivided into a maximum of 3 lots.*

VIII. General Code Project/ Ordinance

a. Revision of La Pointe Zoning Ordinance §3.0 (Zoning Districts by recommending adoption of revision known as Chapter 450 Article III (Zoning Districts))

Discussion. There is new material for Commissioners to read regarding this item. Chair suggest tabling items VIII a, b, and c until next meeting. M. Childers so moves. L. Carlson seconds. All in favor, 6 aye. Motion Carries.

b. Revision of La Pointe Zoning Ordinance §6.0 (Regulation of Special Uses) by recommending adoption of draft known as Chapter 450 Article TBD (Use of Residential Dwellings and Property for Occupational or Business Uses) to be numbered as §6.10.

See above motion.

c. Revision of La Pointe Zoning Ordinance §8.4.2 (Conditional Use Permit) by recommending adoption of revision draft (Conditional Uses) dated May 22, 2008.

See above motion.

IX. Informational Discussion Zoning and Planning Commission Duties

M. Starck moves to table item IX. L. Carlson seconds. All in favor, 6 aye. Motion Carries.

X. Future Agenda Items

A. General Code Project/ Ordinance

- a. **Revision of La Pointe Zoning Ordinance §3.0 (Zoning Districts by recommending adoption of revision known as Chapter 450 Article III (Zoning Districts))**
 - b. **Revision of La Pointe Zoning Ordinance §6.0 (Regulation of Special Uses) by recommending adoption of draft known as Chapter 450 Article TBD (Use of Residential Dwellings and Property for Occupational or Business Uses) to be numbered as §6.10.**
 - c. **Revision of La Pointe Zoning Ordinance §8.4.2 (Conditional Use Permit) by recommending adoption of revision draft (Conditional Uses) dated May 22, 2008.**
- B. Appeal by Carl Frederickson**
 - C. Zoning Map**

XI. Schedule Next Meeting(s)

The next TPC meeting will be on Wednesday, the 18th of June 2008 at the Town Hall at 5:00 pm.

XII. Adjournment

M. Starck moves to adjourn. S. Soucek seconds. All in favor, 6 aye. Motion Carries.
Meeting adjourns at 7:28 pm.

Town Plan Commission Minutes respectfully submitted by Town Plan Commission Recording Secretary, Jessica L. Hatch on Thursday, June 05, 2008.

TPC Minutes were approved as amended by Jessica L. Hatch; RCS on Wednesday, June 18, 2008. Deletions struck-out and additions in italics.