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Town of La Pointe Zoning Town Plan Commission Public Hearing Wednesday, February 18, 2009

Town Plan Commission Members Present: Carl Broberg; Chair, Ron Harrold; Vice-Chair, Mike Starck, Ron Madich, Suellen Soucek, Greg Thury, Carey Baxter (7)

Town Plan Commission Members Absent: none

Public Present: Tim Eldred, Bill Bussey, Murcile Naumann, Paul Brummer, Joe McCarthy, Jay Westfield, Beth Fischlowitz, Alan Fischlowitz, Deloris Huber, Paul Huber, Linda Geier, Micahel Allen, Warren Anderson, Marcia Coleman, Gary Russell, Thomas E. Nelson, Larry Whalen, Madelaine Karwoski, Beth Alsgaard, Mary Ross, Patty Hoban, Larry Hoban (22)

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

The Town Plan Commission of the Town of La Pointe held a Public Hearing on to hear public comment regarding the following:

Town of La Pointe Zoning Ordinance proposed text changes:

1. **(New) Section 4.3(3) Non-Conforming (Grandfathered) Lots**
2. **(New) Section 4.3(4) Camping on Private Lands**
3. **Section 3 Zoning Districts (and uses within zones)**
4. **Section 2 Definitions (additions)**

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Chair calls the meeting to order (at 5 o'clock pm.) Roll call reflects members present for absent as recorded above. Chair begins with a Power Point Presentation; this presentation in printed form can be viewed in the Official Zoning Minutes Book at Town Hall. The public is invited to fill out a Speaker Request Form and turn it in to the Recording Secretary. Chair explains each person will be able to speak for five minutes then have more time after everyone who wants has spoken.

Chair reads into the record the names of those who have sent letters to the Town Plan Commission regarding this Public Hearing; he gives a brief explanation of the content of the letters (these letters can be viewed in the Official Zoning Minutes Book.) The following is a list of these letters:

1. Dated **12-17-08 from William Bussey** regarding the "Scenic Overlay District"
2. Dated **01-07-09 from Thomas A. Foster** requesting Main Street be included in the "Scenic Overlay District"
3. Dated **02-05-09 from Dick Hoffman** suggesting language changes to the Non-conforming Grandfathered Lots Ordinance.
4. Dated **02-09-09 from Tim Eldred** requesting a prepared redlined copy of the present Ordinance.
5. Dated **02-13-09 from Margie Denton** opposed to all Ordinance changes.
6. Dated **02-16-09 from Charles Brummer** opposed to the Non-conforming lot Ordinance, disagrees with the guest house definition, wants multi-families in C-1 and R-3 only, wants resorts, hotels, and Bed & Breakfasts in C-1 only, and he is against the Mixed-Use Zone on Middle Road.
7. Dated **02-16-09 from Paul Brummer** against guest house rental, wants multi-family dwellings in R-1, R-2, S-1, S-2 and C-1, he is against Mixed-Use on Middle Road.
8. Dated **02-17-09 from Joan Brainard** against any reference to "Historical District" in the definition of the "Scenic Shoreline Overlay Zone."

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9. Dated **02-18-09** from **Keith Sowl** in favor of the Mixed-Use concept on Middle Road with some limitations on the area.
10. Dated **02-18-09** from **Joe McCarthy**

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Mr. Tim Eldred is the first speaker. Mr. Eldred asks the Chair if the material in the power point presentation was available before this meeting. Chair says he prepared it last night. Eldred reads his prepared statement and submits a copy to the recording secretary (this letter is on file in the Official Zoning Minutes Book.) In this letter Mr. Eldred says that because the Town Plan Commission has denied the information essential to his understanding of the proposed changes he is unable to address directly the issues before the public tonight.

Mr. Paul Brummer reads his letter into the record (on file.) Mr. Brummer has attached his letter dated August 30, 2008 for the September 3rd Public Hearing. Brummer has included suggestions for the Town Plan Commission.

Mr. Charles Brummer by Proxy. Mr. Brummer requests that his brother, Paul, read his letter into the record (on file), as he could not attend this evening. Brummer has re-submitted his letter dated September 1, 2009 (on file.)

Attorney Bill Bussey represents some property owners on Nebraska Row, Whitefish, Sunny Slope, Old Fort Road, and Casper Road. Bussey speaks to the “Scenic Overlay” District; he presents some suggested proposals for the Town Plan Commission to consider.

Mr. Joe McCarthy reads his letter into the record (on file). Mr. McCarthy speaks to all the items on the agenda; he gives several suggestions to the Town Plan Commission regarding this revision of the Zoning Ordinance.

Mr. Jay Westfield speaks against the Camping Ordinance. Mr. Westfield thinks it is not a necessary change to be put forward.

Mr. Evan Erickson speaks against the Camping Ordinance. Mr. Erickson thinks this restriction on camping is not necessary.

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Mr. Alan Fischlowitz gives thanks to the Town Plan Commission for their work. As a former Zoning Administrator, member of the Zoning Board of Appeals and current Chair of the Zoning Board of Appeals who worked in the preparation of the proposed Supplementary Regulations Non-Conforming Grandfathered Lots, Mr. Fischlowitz would like to field questions from anyone regarding this proposal. He gives a brief explanation on this matter.

Mrs. Beth Fischlowitz speaks to the “Heritage” district. Mrs. Fischlowitz explains that she has extensive experience on this matter in locations other than Madeline Island. She says this is an extra layer of protection, it re-enforces our current Zoning.

Ms. Linda Geier speaks to the Power Point Presentation, questioning who came up with the proposals and the reason behind them. She speaks next to the “Scenic Shoreline Overlay” District boundaries; because, in reading she found the general area that the Town Plan Commission was trying to get at was not covered by the language that was drafted. Ms. Geier speaks to the agenda and Ordinance Changes sent out for this meeting, she expresses that it would have helped out a lot if a cover letter could have been included explaining why property owners received it. Geier reads Margie Denton’s letter (on file) into the record per request of Ms. Denton, this letter is against all Ordinance changes.

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Mr. Gary Russell was a part of the Smart Growth Plan. He would like to see the “regular” people’s needs addressed more. He speaks to the non-landowners, expressing his hopes that opportunities are made available for them.

Mr. Warren Anderson speaks to grandfathered lots, camping and side yard setbacks.

Larry Whalen speaks to the confusion surrounding “Camping on Private Lands,” regarding County versus Town restrictions being more or less restrictive.

Chair clarifies the “Camping on Private Lands” Ordinance due to confusion in this matter.

Mr. Whalen continues. He speaks to the cost of this Revision. He suggests using the ZA more in this work.

Mr. Thomas E. Nelson questions where a map he can reference may be that represents the proposed changes. He thinks a map is important for the regular citizen to study and attempt to understand. He is interested in the ZA’s interpretation of the changes. He speaks to loopholes he interprets in the Proposed Ordinance and Non-conforming Grandfathered Lots. Nelson suggests the Town Plan Commission acquire a consultant in this matter.

Ms. Jen Croonborg (Zoning Administrator) reacts to a couple of things that had been said. She explains that she has been involved in active discussion during Town Plan Commission meetings and has been allowed to give input. Ms. Croonborg suggests one request an audio recording of meetings if input is needed. She speaks to her Job Description; explaining that she was a part of a committee in November that changed it in an effort to run things more smoothly. She also speaks to County Regulations regarding the Camping Ordinance, which is a POWTS regulation regarding the definition of “structure,” which includes travel trailers and such, and human health hazards pertaining to sewage. She explains the County requires a one time permit if a structure is inhabited for longer than two weeks, it is then considered a “dwelling” and needs sewage maintenance.

Ms. Marcia Coleman says she is a layperson and thinks if a map was available at the meeting for her to inspect that would be helpful to her. She recalls her requests from the September public hearing. She feels she would be immediately affected by the creation of a Mixed-Use District on Middle Road through the rising of taxes, she is against changing the districts on Middle Road.

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Mr. Eldred thinks the Town Plan Commission needs to develop a process to reach out to stakeholders. He speaks to the “Scenic Overlay” District, stating that all districts deserve protection not only the Nebraska Row area.

Mr. Westfield has an issue with “90 days” in the Camping Ordinance.

Chair explains that may need to looked at.

Mr. P. Brummer feels the “Scenic Overlay” District should cover the whole island.

Mr. Erickson speaks to the Camping Ordinance, questioning “camping unit.”

Chair explains this is due to County regulations on Camp Grounds.

Mr. Anderson speaks to the “Scenic Overlay” District, in that it should cover the whole island.

Mr. Bussey speaks to the “Scenic Overlay” District. He speaks on behalf of his clients explaining that protection against over-development on the island is important, especially on the lakeshore. He contends that it is still appropriate to have this overlay that recognizes these historic neighborhoods and reiterates that the definition needs to be worked on.

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Commissioner Mike Starck asks Bussey a question concerning his clients having ultimate control over their land. Bussey responds. Starck further explains the budget issues surrounding the Revision.

Mr. Whalen suggests that the ZA be reinstated her responsibilities to the edits in this Revision. He feels this is one of the most important things in preventing strife in this issue.

Ms. Cile Naumann feels the frustration of not being provided enough information in order to understand. She asks Commissioner Starck if she had gone to the 64 meetings on this matter would she have gotten to see a map?

(Overtalk) **Chair** says “yes.” He clarifies that there is only one map.

Mr. T. Nelson includes that there is no map for the proposed changes, only a map of what exists.

Chair explains the only proposed Zoning Map Change is the “Shoreline Overlay” District, which is described by streets.

Ms. Naumann asks a question regarding the Mixed Use Zone.

Chair clarifies that the Mixed Use Zone is only defined, it has not been decided where it will be. He explains there will be another public hearing to define its location.

Commissioner Starck speaks to the Comprehensive Plan and Smart Growth, explaining that the concept of Mixed Use came from there. He tells the public that there is a colored map available that has been available for about 2 ½ years.

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Mr. McCarthy asks a question regarding PUD’s.

Commissioner Starck fields the question. It is revealed that what is stated in the Ordinance is incorrect.

Chair says he is puzzled as to why they are being accused of things that they didn’t change.

Unknown: “Because it is unclear.”

Ms. Geier asks, “So we are each supposed to do our own side by side comparison even though you drafted the Ordinance (to Chair)?”

Chair says he does not have a before and after, he copied it word for word to his computer.

Commissioner Starck speaks to the matter of a red-lined copy of the proposed changes. He says the issue is that money was not allocated to produce that kind of document.

Mr. Whalen says that that was one of the assigned duties of the ZA.

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Mr. P. Brummer says he has been opposed to the Mixed use Zone ever since it was proposed.

Mr. Michael Allen has a question for M. Starck as a Town Board Member, in that wouldn't he have taken into account that people would be expecting this [Revision] and that money would have been set aside.

Mr. Anderson wonders if a Mixed Use is needed if a Conditional Use is required for all uses.

Mr. Whalen says it seems confusing changes are being made to a zone that doesn't exist. He is in favor of giving the ZA back her responsibilities. Whalen also states that he is speaking on behalf of a citizen not the Town Clerk.

Mr. T. Nelson says it is inappropriate to put arbitrary limits on a public hearing without putting it in the agenda. He goes on to speak to decision making on agenda items directly after public hearings. He speaks to the boundaries of the "Scenic Overlay" District. He speaks to the definition of "functional family."

Chair tells Mr. Nelson his time is up.

Mr. T. Nelson continues speaking about the Camping Ordinance.

(Over talk) **Chair** states meeting is adjourned.

Meeting is adjourned at 7:19 pm.

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Town Plan Commission Minutes respectfully submitted by Zoning Clerical Assistant, Jessica L. Hatch on Monday, February 23, 2009.