

ADVISORY PLAN COMMISSION MEETING MINUTES 4-16-18

1. Call to order

The meeting was called to order at 7:00 p.m.

2. Roll Call

Members in attendance: Pete Byvoets, Rich Jercich, Bob LeMay, Doug Wickstrom

Absent members: Mike Gorman, Nick Meyer

Nick Meyer arrived at 7:08 p.m.

3. Approval of Minutes

Pete Byvoets motioned, seconded by Doug Wickstrom to approve the regular meeting minutes from March 19, 2018.

Motion carries, four in favor.

Committee Reports

Nick Meyer is absent. These items will be reported on at the next regular meeting.

- a. Stop 24 Status Report
- b. Signage

Old Business

1. The Toter Ordinance needs to be moved to Section 96 of the Town Ordinances as

Chris Willoughby noted that many of provisions are in Chapter 96 already. If the APC were to set the Ordinance for public hearing, those provisions will need to be deleted. Also all references to trash will need to be deleted from Chapter 154. The Toter Ordinance will need to be considered by Town Council, in form of an Ordinance.

Pete Byvoets motioned to set for public hearing at the next regular APC meeting on 5/21, seconded by Rich Jercich. All in favor, the motion carried.

Pete Byvoets noted this process will streamline this item to

Town Council. APC can still discuss the Ordinance.

Bob LeMay summarized that the Town Council needs to consider the Toter Ordinance and any other amendments/deletions to current chapter 96 and 154.

2. Beach Protection Overlay District Amendment – The new version from town attorney

Nick Meyer arrived at the meeting. Nick stated he would be comfortable putting the Amendment up for public hearing, with the knowledge that the APC has the ability to accept or make any amendments after public hearing. Nick thinks there are a couple points within Ordinance where there would be different points of view, which is where the decision lies.

Nick Meyer motioned to place the current Ordinance as drafted and set for public hearing, seconded by Rich Jercich. All in favor, the motion carried.

3. View Protection Ordinance

Chris Willoughby stated part of consideration with some of these Ordinances is coastal overlay and shoreline protection and making sure all of these reconcile.

Bob LeMay mentioned the Town Council passed the Ordinance in January 2016. The definition of structure was not as precise as it should have been. Wording has been clarified.

Pete Byvoets motioned to set for public hearing at the next regular APC meeting on 5/21/18, seconded by Doug Wickstrom. All in favor, the motion carried.

4. Repeal of Duplicative sections of 154

Pete Byvoets summarized some of the requirements that are supposed to be in 150 were built into zoning code of 154. The APC has recommended that building codes 150 be accepted by Town. After being accepted by Town, they were taken down state to have Fire Prevention & Building Safety Commission accept and approve it.

Currently in front of Board is removing the duplicative sections of zoning code of 154.

Pete Byvoets motioned, seconded by Nick Meyer, to set for

public hearing at the next regular APC meeting on 5/21/18. All in favor, the motion carried.

Public Hearings

1. Height Ordinance Amendments - The APC was supposed to have published the Ordinance beforehand. Proposed 154.048, maximum building height. Due to further discussion and recent events Chris Willoughby and Board decided not to conduct the public hearing tonight. The item will be set aside and Board will move forward with other proposed changes. The APC will look at definitions and how building heights are determined, and make sure all language is reconciled.

Board discussed height amendment dated 3/19/18, including a clearer definition of maximum building height. The portion where it said directly above perimeter where you are measuring from was deleted. In subsection 3 Board removed the section that said beneath perimeter. The use of term "natural grade plane" was discussed. The term could be called graded perimeter of the building. Grade and elevation are synonymous. Term was eliminated in Ordinance and definitions. Doug Wickstrom will work on the above changes before the next meeting.

Pete Byvoets motioned to set 154.020 and 154.048 for public hearing at the next regular APC meeting on 5/21/18, seconded by Rich Jercich. All in favor, the motion carried.

New Business

1. Structure Projection into Yards 154.106

The Building Commission was not aware that in the current ordinance sills, stairs and elevated decks are allowed to impinge on the front, side, or rear setback. The thought is to fix the Ordinance so this would no longer be the case, to make it more restrictive for the entire town, but main goal is to protect the view of the lake. Tom Kirsch wants to build stairs on a building that would project into the 6' side setback. Mr. Kirsch brought this to the attention of the Building Commission. Mr. Kirsch would be the last individual allowed to do this based on how the Ordinance is written now, if these changes pass. Unobstructed side access for Fire Department is also discussed.

Bill Powers spoke about how side yard setbacks and restrictions are there are for fire protection.

Pete Byvoets summarized: Eves would be allowed up to 24 inches. Ground level walkway would be allowed up to 48 inches. Stairs, structure, ect. will be deleted. The Ordinance will say Eves specifically. Windows will obstruct access. No fencing will be allowed in side setback.

Some thought needs to be given on how to handle nonconforming structures. The Ordinance needs to be worked on before setting for public hearing. Pete Byvoets will write up items discussed and bring it back to the APC.

2. Public Comment

Pat Sharkey commented on Beach Protection Ordinance and requested a word document version of the Ordinance. LBCA would like to submit word changes and written comments and submit it back to the APC.

APC will allow and Bob LeMay requested the changes be made in a different color.

Pat Sharkey discussed the process for the public hearing for the Beach Protection Ordinance, including suggesting the opportunity for a comment period and written comments after the hearing. Pat also suggested there be very limited public comment period. The APC should make sure it has a solid record for what they are doing. A robust hearing and opportunity for written comment will bolster the record.

Pat Sharkey inquired if Shabica will be available at the hearing and requested their presence if possible. Bob LeMay will send the report produced by Shabica to Meg Collins to be posted on the Town website.

Pat Sharkey asked if LBCA would be allowed to bring in technical expert. The APC and Pat Sharkey discussed the possible length of meeting, and what is fair in terms of time allowed to make public comment in order to best utilize time and resource of expert. LBCA is trying to plan ahead accordingly. Pat Sharkey discussed logistics and time in terms of having a solid record because of a lot of technical issues.

Pat Sharkey provided information for the public record related to contact information for individuals who might be available for locating the Natural Ordinary High Water Mark, as well as a letter from LBCA to the Corps of Engineers concerning the

Corp's position on the Natural Ordinary High Water Mark.

LBCA is hoping to hear back with answers by the end of the month concerning who has policing and permitting authority in areas below the Natural Ordinary High Water Mark. LBCA will submit this information to the APC as soon as they receive answers.

The APC agrees it makes sense to have Shabica at the public hearing. Bob LeMay stated it would need to be approved by the Town Council. The cost will need to be determined.

The APC discussed holding a separate meeting for this Ordinance. The APC could set a separate meeting after consulting with Shabica, based on their availability.

Nick Meyer motioned to change the location of the next regularly scheduled APC meeting on May 15, 2018 to the Community Center Gym, seconded by Rich Jercich. All in favor, the motion carried.

Closing Matters

1. Parking Ordinance and Sign Ordinance

Pete Byvoets distributed item to Board members, not for tonight, but to look at coming up. PDF versions are on the website.

2. Seawall Inquiry

Mark Oldis, 2944 Lakeshore Drive, inquired about rebuilding a failing seawall at its current location and structure. Army Corps of Engineers put in seawall. Additional seawalls were put on top.

Chris Willoughby responded that it has not been decided how the state is going to react to these issues yet. The DNR has not responded yet. It is unknown who has the authority to make those decisions. Pete Byvoets added that the DNR is waiting for ultimate resolution of the Gunderson case.

Pat Sharkey added that the delineation of the Ordinary High Water Mark has to be determined by The Corps Of Engineers as well.

Mark Oldis spoke about the beach status along the Shoreline and would like to know about forming a coalition and if the Town has reached out to appropriate State representatives or the Governor. Pete Byvoets, Nick Meyer, and Bob Lemay


responded.

3. Next regular APC meeting will be 5/21/18 at 7 p.m. in the
Community Center Gym

4. Adjournment

Motion to adjourn by Pete Byvoets, seconded by Nick Meyer.
The meeting unanimously adjourned at 8:31 p.m.

Minutes Approved by:
APC Chairman Robert LeMay



Minutes Approved by:
APC Secretary Margaret Collins