

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**
(Official Minutes)

MONTHLY & SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE

Monday, January 26, 2009

Chairman Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Poivey, McGreevy, O'Connell, President Pollitt, Lobdell, Chairman Spadoni

Plan Commissioner late: D'Auria (arrived at 5:31 pm)

Also present: Steve Beers, Amy Carmen, Village Administrator Kelly E. Hayden-Staggs, Michael Hoey, Attorney Jim Howe, Kevin Kirkland, Rob Ireland, Ken Magowan, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, Trustee Pete Petersen, Attorney Tim Swatek, Village Attorney Dale Thorpe, Jamie Whowell, Shawn Whowell, Director of Public Works Craig Workman

Visitors Heard

Jamie Whowell stated that he wanted to present a conceptual plan to the Village of Fontana Plan Commission members and the Joint ETZ Committee members for their initial opinions. Spadoni stated that Jamie Whowell would be able to address both groups at 6:00 pm, when the Joint ETZ Committee meeting was scheduled to commence.

Announcements

1. Lakefront Blue Ribbon Committee Meeting – **Thursday, January 29, 2009, 5:00 pm**
2. Village Board Monthly Meeting – **Monday, February 2, 2009, 6:00 pm**
3. CDA Board Monthly Meeting – **Wednesday, February 4, 2009, 6:00 pm**
4. Ad Hoc Joint Services Committee Meeting at the Fontana Village Hall – **Thursday, February 5, 2009, 6:00 pm**
5. Toddler Time at the Fontana Public Library – **Thursday, February 5, 12 and 19, 2009, 10:30 am**
6. Public Test of Electronic Voting Equipment for Spring Primary Election – **Wednesday, February 11, 2009, 2:30 pm**
7. VOF Assessor Village Hall Office Hours – **Friday, February 13, 2009, 10:00 am to 2:00 pm**
8. Spring Primary Election – **Tuesday, February 17, 2009, Polls Open 7:00 am to 8:00 pm**
9. Park Commission Monthly Meeting – **Wednesday, February 18, 2009, 6:00 pm**
10. Congressman Ryan Staff Member Listening Session at Fontana Village Hall – **Thursday, February 19, 2009, 2:00 to 3:00 pm**
11. Plan Commission Monthly Meeting – **Monday, February 23, 2009, 5:30 pm**
12. Library Board Monthly Meeting – **Wednesday, February 25, 2009, 10:00 am**

Approve Minutes

President Pollitt/O'Connell 2nd made a MOTION to approve the minutes for the meeting held November 24, 2008, and the MOTION carried without negative vote.

Public Hearings

Conditional Use Permit Application Filed by T-Mobile Central, LLC for Nine Additional Antennas on Existing Tower on Property Owned by Robert Stewart, 202 W. Main Street, Fontana, WI 53125 in the M-3 ETZ District

Spadoni opened the public hearing at 5:31 pm. Spadoni closed the public hearing at 5:32 pm after no comments were made. The property is located within the Village of Fontana's Extraterritorial Zoning District. The applicant is seeking approval for the alteration/modification of the existing communications tower to attach nine additional antennas on the existing tower with 18 cable lines from the antennas to the ground cabinet equipment installed on a concrete pad located within an existing fenced area. The antennae will be installed at the 135-foot level on the existing 195-foot freestanding tower. The antennae will measure 82.9-inches-by-3.3-inches. The proposal also includes the installation of a utility rack, an ice bridge structure, necessary wiring and cables, and foundation reinforcement. One 8.5-inch-by-11-inch sign on the existing fence depicting the Federal Communication Commission Tower Registration Number is also proposed with the project. Staff recommended approval of the CUP as presented with the following five conditions:

1. A certified site plan and/or survey must be submitted which accurately depicts the location of the existing tower on the parcel to determine zoning district.
2. A complete submittal for building and zoning permits must be applied for and issued prior to the commencement of construction of and/or installation of any antennas and/or cables. CUP approval shall not alleviate the applicant from securing all required permits.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. The approved CUP shall be maintained and operated subject to the following conditions:
 - a. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
 - b. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.
 - c. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.
 - d. Outside Storage: Outside storage of materials is prohibited.
 - e. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.
 - f. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.
 - g. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building & Zoning Department shall verify compliance with FAA regulations.
 - h. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have 30 days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven days to correct the problem.
5. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana.

McGreevy/Poivey 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit application as submitted with the following five conditions:

1. A certified site plan and/or survey must be submitted which accurately depicts the location of the existing tower on the parcel to determine zoning district.
2. A complete submittal for building and zoning permits must be applied for and issued prior to the commencement of construction of and/or installation of any antennas and/or cables. CUP approval shall not alleviate the applicant from securing all required permits.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. The approved CUP shall be maintained and operated subject to the following conditions:
 - a. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
 - b. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.
 - c. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.
 - d. Outside Storage: Outside storage of materials is prohibited.
 - e. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.
 - f. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.
 - g. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building & Zoning Department shall verify compliance with FAA regulations.
 - h. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have 30 days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven days to correct the problem.
5. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana.

The MOTION carried without negative vote.

Conditional Use Permit Application Filed by Tradewell Builders, LLC to Construct Additional Principal Structure on Edward S. Lyon Property, 986 South Lakeshore Drive, Fontana, WI 53125 in the RS-1 Zoning District

Spadoni opened the public hearing at 5:33 pm. Amy Carmen of Tradewell Builders stated that the initially approved CUP plans for a second primary residence to be constructed on the Edward S. Lyon property at 986 S. Lakeshore Drive were amended slightly. Carmen stated that the initially approved garage is 150 square feet smaller than the garage in the amended plans, and there is a 75 square foot increase in the footprint of the living area in the amended plans. Spadoni closed the public hearing at 5:34 pm after no other comments were made. McCarthy stated that as well as the eight initially established conditions for approval, staff is recommending two additional conditions for approval of the amended plans. The eight conditions for approval established on December 1, 2008 when the initial CUP was approved are: 1. A complete submittal for tree removal permits shall be applied for and obtained prior to the removal of any trees. 2. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any interior construction. CUP approval shall not alleviate the applicant from securing all required permits. 3.

Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval. 4. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any occupancy permits. 5. At least one existing accessory structure shall be completely removed prior to the issuance of any occupancy permits. 6. Property maintenance throughout the entire subject property shall conform to the standards set forth in the Village of Fontana Municipal Code prior to the issuance of any occupancy permits. This includes, but shall not be limited to, the complete removal of all debris, garbage, building materials, lumber, piping, garbage, equipment, outdoor storage, etc. 7. A separate water meter for the proposed structure is required. 8. Water and sewer laterals must be depicted on the site plan submitted for building and zoning permits. McCarthy stated that the two additional conditions recommended for approval of the amended CUP application are that all previous approval conditions shall remain in effect, and that actual construction shall be as depicted on the approved plans submitted for this CUP amendment approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an additional amendment to this approval. In response to a question from Spadoni, Carmen stated that the applicant has no concerns with adhering to the conditions for approval.

O'Connell/President Pollitt 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit application filed by Tradewell Builders, LLC to construct an additional principal structure on the Edward S. Lyon Property, 986 South Lakeshore Drive, Fontana, WI 53125 in the RS-1 Zoning District, with the following 10 conditions:

1. A complete submittal for tree removal permits shall be applied for and obtained prior to the removal of any trees.
2. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any interior construction. CUP approval shall not alleviate the applicant from securing all required permits.
3. Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval.
4. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any occupancy permits.
5. At least one existing accessory structure shall be completely removed prior to the issuance of any occupancy permits.
6. Property maintenance throughout the entire subject property shall conform to the standards set forth in the Village of Fontana Municipal Code prior to the issuance of any occupancy permits. This includes, but shall not be limited to, the complete removal of all debris, garbage, building materials, lumber, piping, garbage, equipment, outdoor storage, etc.
7. A separate water meter for the proposed structure is required.
8. Water and sewer laterals must be depicted on the site plan submitted for building and zoning permits.
9. All previous approval conditions shall remain in effect.
10. The actual construction shall be as depicted on the approved plans submitted for this CUP amendment approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an additional amendment to this approval.

The MOTION carried without negative vote.

General Business

Certified Survey Map Filed by the Stopple Estate – ETJ Review

The proposed certified survey map was filed by the Estate of Tena Stopple, W4886 Cobblestone Rode, for a parcel of Walworth Township land that is located within the Village's extraterritorial

jurisdiction for plat review. The staff report states that the proposed lot adheres with the design standards for a vacant lot and approval was recommended.

President Pollitt/McGreevy 2nd made a MOTION to recommend Village Board approval of the ETJ review of the Certified Survey Map filed by the Estate of Tena Stopple, W4886 Cobblestone Road, Walworth Township, and the MOTION carried without negative vote.

Jamie Whowell Development Concept Discussion for Lot Located at 102 W. Main Street

Jamie Whowell stated that he wanted to get an initial opinion of the Plan Commission members on a conceptual plan he distributed at the meeting. The conceptual plan for the lot located at 102 W. Main Street proposes a two-story building, with four one-bedroom apartments on the upper floor and four commercial units on the lower level. Jamie Whowell stated that the lot has been used by Jerry Oglesby for the past four years to display boats. Jamie Whowell stated that the plans were drafted to meet the minimum parking and setback standards of the Zoning Code, but they have not yet been reviewed by the Building and Zoning Department. Jamie Whowell stated that the proposed development is along the lines of other development in the Village's downtown area. Jamie Whowell stated that he wanted to present the plans to the Plan Commission members for a preliminary opinion before he invests funds on more detailed plans and initiates the approval process. McCarthy stated that the proposal would require a Conditional Use Permit if it includes residential units, and there will be other layers of approval because of the location of the lot in the Highway 67 Overlay District and the TIF District. Spadoni stated that he likes the concept as presented, he just has concerns that the building meets the setback and parking requirements of the Zoning Code. O'Connell stated that she also likes the concept, but she is concerned that the parking on the preliminary plan does not meet the minimum requirements. Lobdell stated that she likes the preliminary proposal because it fits in the mixed use concept for the downtown area. President Pollitt stated that the setbacks on the preliminary plans appear to be a little tight, but he is not opposed to the proposal. President Pollitt stated that it may be tough for Jamie Whowell to develop the building during the currently bad economic times and he would not be opposed to extending for a few more years the temporary BSOP for Jerry Oglesby's boat display operation on the lot. President Pollitt stated that if Jamie Whowell does not feel pushed into developing the lot and he wants to pursue the new building, he would support the concept. Jamie Whowell stated that he is looking at spring for final approval and to commence construction in the fall, but he knows how long the approval process can take. Jamie Whowell stated that the new building would be the same architectural style of the apartment/business building he owns in the 300 block of Third Avenue. Poivey stated that he likes the concept and he thinks that the apartment units will be rented without a problem; however, he has concerns about attracting year-round businesses. Jamie Whowell stated that he already has a hairdresser who is interested in renting one of the business units, a flower shop business would like to rent one of the units, and Oglesby would like to rent one of the units. D'Auria stated that he agrees with President Pollitt and if Jamie Whowell wants to leave the lot vacant, he would support the extension of the temporary BSOP. D'Auria stated that the setbacks on the preliminary plans look a little tight. McGreevy stated that he likes the concept as presented, but he also does not want Jamie Whowell to feel like he is being forced to undertake the development of the new building. Shawn Whowell stated that her sister owns the lot at 104 and 106 W. Main Street, but she was not able to attend the meeting that night. Shawn Whowell stated that her sister's lot is located adjacent to the lot owned by Jamie Whowell, and she is not opposed to the development of the property. Shawn Whowell stated that her sister wants to be kept informed of the development plans and work with the applicant if appropriate.

Building, Site and Operational Plan Filed by First Advantage Mortgage, 105 W. Main Street

McCarthy stated that the applicant filed the BSOP in order to seek approval for additional signage in the C-2, General Commercial District. The existing signage on the building is proposed to remain, and the new signage on the north building wall is proposed to be combined with existing signage to

conform to the one wall sign requirement. Staff recommended approval of the BSOP for additional signage on an existing business with five conditions:

1. Proposed signage shall be made in accordance to the approval of this BSOP only.
2. The applicant shall obtain all necessary building and zoning permits prior to the installation of any signage. BSOP approval shall not alleviate the applicant from securing all required permits. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
3. Any other temporary sign requests not listed shall fall under the terms of the Village of Fontana Municipal Code at time of application, and may be approved by the Department of Building & Zoning.
4. "Open" signage shall be allowed as described in the Village of Fontana Municipal Code.
5. All outstanding cost recovery billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

O'Connell/McGreevy 2nd made a MOTION to recommend Village Board approval of the BSOP as presented, with five conditions:

1. The proposed signage must be made in accordance to the approval of this BSOP only.
2. The applicant must obtain all necessary building and zoning permits prior to the installation of any signage. BSOP approval shall not alleviate the applicant from securing all required permits. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
3. Any other temporary sign requests not listed shall fall under the terms of the Village of Fontana Municipal Code at time of application, and may be approved by the Department of Building & Zoning.
4. "Open" signage shall be allowed as described in the Village of Fontana Municipal Code.
5. All outstanding cost recovery billed to date applicable to this project must be paid prior to the issuance of any building & zoning permits.

The MOTION carried without negative vote.

Condominium Plat Filed by Steve Beers for Lots Located Off North Lakeshore Drive

Thorpe stated that staff met with the applicant to address concerns with the proposed condominium plat. Thorpe stated that as well as the plat, the applicant will be presenting condominium declarations and a Conditional Use Permit application for the proposed four-unit condominium association located on the east and west sides of North Lakeshore Drive. Thorpe stated that it is his opinion that the modifications staff requested to the condominium plat and declarations have been addressed in documents supplied that night by Attorney Tim Swatek, and he would support scheduling a public hearing for the next monthly meeting if the CUP application is filed by the February 3, 2009 deadline for the Monday, February 23, 2009 meeting. O'Connell stated that she will be out of town and cannot attend next month's meeting. President Pollitt stated that he has attended the staff meetings with the applicants and they have adhered to all of the staff concerns, so he would support scheduling the public hearing for the CUP application at the February 23, 2009 Plan Commission meeting. Poivey, D'Auria and McGreevy stated that they agree with President Pollitt.

McGreevy/D'Auria 2nd made a MOTION to schedule a public hearing for the Monday, February 23, 2009 meeting beginning at 5:30 pm, with the condition that the Conditional Use Permit Application and amended condominium plat and declarations are filed by February 3, 2009, and the MOTION carried without negative vote.

Tree Ordinance Amendments

Spadoni stated that the proposed amendments are still being considered by the Park Commission, which formed a subcommittee to meet with McCarthy and Nyman. McCarthy stated that a meeting has been scheduled for January 27, 2009, but subsequent meetings could be scheduled for work on the proposed amendments. The amendments will be considered by the Park Commission at its next

monthly meeting on Wednesday, February 18, 2009. Spadoni stated that the Plan Commission should table the item and review the proposed amendments during the next month. President Pollitt/O'Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Wind Energy System Ordinance Creation

Thorpe stated that the proposed wind energy ordinance is a non-zoning issue; however, the Plan Commission should make a recommendation on the proposed ordinance to the Village Board. Thorpe stated that the ordinance is a good first step for the Village to take with regard to governing wind energy development proposals. Thorpe stated that if adopted, the ordinance would not be over-regulating the issue, it would be providing a good way to govern the aesthetics of the wind energy proposals. Poivey then made a motion to recommend Village Board approval of the proposed ordinance, and the motion was seconded by McGreevy. Lobdell stated that the section that addresses noise should include parcels that contain businesses, not just residences. President Pollitt stated that the minimum setbacks should be increased to a distance that is greater than the total height of the wind energy system. Spadoni stated that the item could be tabled so staff could make the changes suggested that night.

Poivey/McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Certified Survey Map Filed by Elizabeth E. McCloy Trust & Michael J. Sherman for Parcels Located Off Brickley Drive at Woodland Drive

Thorpe stated that the CSM was filed by the Elizabeth E. McCloy Trust and Michael J. Sherman in order to eliminate a vacant lot located between their residential lots located off Brickley Drive at Woodland Drive. Thorpe stated that although a CSM was not necessary, the surveyor still wanted a CSM approved for the lot line adjustment. If approved, the CSM will create two lots from the existing three lots. McCarthy stated that the item initially was not scheduled to be presented to the Plan Commission until the February 23, 2009 meeting; however, since the proposal is just a lot line adjustment, staff recommends approval with five conditions. McCarthy stated that she did not have an opportunity to write the staff report prior to the meeting, but the five conditions for approval are: 1. A notation shall be visibly placed on the face of the CSM which clearly states the restriction that either parcel cannot and shall not be further subdivided. 2. A deed restriction shall be entered into which states either parcel cannot and shall not be further subdivided. 3. The applicant shall be responsible for recording the Certified Survey Map with Walworth County within one year from the approval date by the Village of Fontana. 4. The applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey map within 30 days of recording such document, which will constitute final Village approval of the proposed Certified Survey Map. 5. The Certified Survey Map shall be corrected as follows: Lot 1 CSM 1067 shall be corrected to read Lot 1 CSM 1037.

O'Connell/D'Auria 2nd made a MOTION to recommend Village Board approval of the Certified Survey Map filed by the Elizabeth E. McCloy Trust and Michael J. Sherman for parcels located off Brickley Drive at Woodland Drive, with the following five conditions:

1. A notation shall be visibly placed on the face of the CSM which clearly states the restriction that either parcel cannot and shall not be further subdivided.
2. A deed restriction shall be entered into which states either parcel cannot and shall not be further subdivided.
3. The applicant shall be responsible for recording the Certified Survey Map with Walworth County within one year from the approval date by the Village of Fontana.
4. The applicant shall provide the Village of Fontana with one recorded copy of the Certified Survey map within 30 days of recording such document, which will constitute final Village approval of the proposed Certified Survey Map.
5. The Certified Survey Map shall be corrected as follows: Lot 1 CSM 1067 shall be corrected to read Lot 1 CSM 1037.

The MOTION carried without negative vote.

Pending Items for Future Plan Commission Agendas

1. Brick Church Hotel and Spa BSOP Proposal
2. Conditional Use Permit Application Filed by US Cellular

Joint ETZ Committee Chairman Mike Poivey called the Joint ETZ Committee meeting to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

ETZ Committee Members present: Roll Call vote: Village of Fontana representatives Mike Poivey, Sarah Lobdell and Derek D'Auria; Town of Linn representatives Larry Aasen, Jerry Polek and John Zils; Town of Walworth representative Ken Magowan

ETZ Committee Members absent: Town of Walworth representatives Dennis Jordan and Jim van Dreser

Visitor Heard

Jamie Whowell stated that he would like to pursue approval of boat service operations at his boat storage business on Willow Bend Road in Walworth Township. Jamie Whowell stated that he currently works with Kevin Kirkland's marina business in storing boats in the storage sheds on his property. Jamie Whowell stated that he and Kirkland would like to transfer the boat services currently provided at the lakefront marina rented from the Village of Fontana by Kirkland to the township storage site. Jamie Whowell stated that if approved, the proposal will reduce the transportation of the boats back and forth from the lakefront marina building. Jamie Whowell stated that one of the existing buildings currently has water and sewer service and it is heated and that building would be used for the boat service operations. McCarthy stated that the property is zoned A-4, and if deemed a similar use, the proposal could be approved under an amended CUP. Thorpe stated that he feels it would be a stretch to justify approval under the current zoning ordinance; however, an amendment could be pursued to add boat storage and service to allowable uses by CUP in the A-4 District. Thorpe stated that an amendment to the A-4 Zoning District could be approved if supported by the township representatives on the Joint ETZ Committee. Ken Magowan stated that he does not see a problem with approving the proposal, but he could not speak for the other two Walworth Township representatives. Thorpe stated that the ETZ Ordinance would have to be amended and then the CUP approved in order to authorize the proposal. None of the Plan Commission members stated that they had concerns with the proposal.

ETZ-Plan Commission General Business

Petition for Amendment of the ETZ Zoning Ordinance & CSM Filed by Jean Black Barton Trust, Linn Township – Schedule Public Hearing

Attorney Jim Howe stated that he was representing the applicants who are seeking the creation of two buildable lots from one 10-acre lot. Howe stated that the proposed CSM was revised to address concerns of the Wisconsin Department of Administration and Village staff. Howe stated that one of the lots needs to be rezoned to meet the density requirements. The proposal is identical to the CSM and rezone previously approved for the lots owned by Diane Urlakis. Thorpe stated that the applicants are willing to enter into a covenant that will prohibit the lots from being further subdivided in the future.

D'Auria/McGreevy 2nd made a MOTION for the Village of Fontana Plan Commission to schedule a public hearing for Monday, February 23, 2009 beginning at 6:00 pm to consider the Petition for Amendment of the ETZ Zoning Ordinance filed by the Jean Black Barton Trust. The MOTION carried without negative vote.

Lobdell/D'Auria 2nd made a MOTION for the Joint ETZ Committee to schedule a public hearing for Monday, February 23, 2009 beginning at 6:00 pm to consider the Petition for Amendment of the

ETZ Zoning Ordinance filed by the Jean Black Barton Trust. The MOTION carried without negative vote.

Adjourn Plan Commission

O'Connell/President Pollitt 2nd made a MOTION to adjourn the Plan Commission meeting at 6:17 pm, and the MOTION carried without negative vote.

Adjourn Joint ETZ Committee

Lobdell/D'Auria 2nd made a MOTION to adjourn the meeting of the Joint ETZ Committee at 6:17 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 03/30/09 – PC; 4/27/09 – ETZ Committee