

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, January 28, 2008

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: Chairman Spadoni, D'Auria, McGreevy, O'Connell, President Pollitt, Lobdell

Pan Commissioner absent: Poivey

Also present: Steve Beers, Joe Bidwill, Tony Coletti, Administrator Kelly E. Hayden-Staggs, Rob Ireland, Dale and Janice Johnson, Trustee Patrick Kenny, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Village Attorney Dale Thorpe, Dennis West

Visitors Heard

None

Announcements

Hayden-Staggs stated that the monthly meeting of the Village Board will be held Monday, February 4, 2008 at 6:00 pm; the monthly meeting of the CDA will be held Wednesday, February 6, 2008 at 6:00 pm; the public test of the Electronic Voting Equipment to be used for the Presidential Primary Election will be held Wednesday, February 13, 2008, at 2:30 pm; the Presidential Preference Primary Election will be held Tuesday, February 19, 2008, and the polls will be open from 7:00 am to 8:00 pm; the monthly meeting of the Park Commission will be held Wednesday, February 20, 2008, at 6:00 pm; and the next monthly meeting of the Plan Commission will be held Monday, February 25, 2008 at 5:30 pm.

Approve Minutes

O'Connell/President Pollitt 2nd made a MOTION to approve the minutes for the meeting held December 17, 2007, and the MOTION carried without negative vote.

Public Hearings

Conditional Use Permit Application & Condo Plat Revision Filed by Barton and Joan Love, 928B South Lakeshore Drive

Chairman Spadoni opened the public hearing at 5:31 pm. Nyman stated that the amendment to the initially approved CUP was filed in order to accommodate the removal of the entrance pillars from the western driveway during the construction period, to resolve a water service easement issue, to consolidate the lake path access points and reduce the public right of way area in the conservation easement, and to amend the condominium plat. Nyman stated that the proposal is for the western entrance pillars to be removed during construction and then restored after the third unit has been completed. With regard to the existing water service situation, Attorney Coletti stated that his clients have agreed to the suggested condition to establish a permanent easement; however, they would like the easement to be required prior to the issuance of occupancy permits rather than prior to the issuance of any building and zoning permits as suggested in the staff report. The staff members agreed to the modification in the water service easement condition. Coletti stated that in finalizing

the conservation easement with the Geneva Lake Conservancy there was the request made by the GLC to consolidate the access points to the common path leading to the lake, which was done on the proposed amended condominium plat. The GLC also requested that the right of way areas be reduced from 50 feet to 35 feet. Coletti stated that the other proposed amendment to the condominium plat was required to extend the lot line for Unit 1 by 6 feet toward Unit 3 to meet a setback requirement for the new residence. Coletti stated that Lot 3 was reduced by 6 feet to accommodate the amended lot line. Coletti stated that the amended lot line will result in the reduction to the total impervious surface of the development area. The staff report recommends approval of the amended CUP application and condominium plat with 13 conditions. With regard to the 12th condition, the Plan Commission was in consensus that the easement could be provided prior to the issuance of any occupancy permits. Chairman Spadoni closed the public hearing at 5:38 pm after no comments were made.

President Pollitt/McGreevy 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit application as submitted and the amendment to the condominium plat as presented, with the following 13 conditions:

- 1.) All original approval contingencies, conditions, requirements and restrictions, as set forth in Resolution 05-29-07-01, dated 5/29/07, shall remain in full effect. In the event any contingency, condition, requirement or restriction in this proposed CUP amendment approval is found in conflict with the original, the more recent dated approval shall govern.
- 2.) Note 1 on the revised 11/8/2007 site plan shall be corrected to read "... to 35 feet in width..."
- 3.) The development shall be constructed as proposed on the revised 11/8/2007 site plan, with the exception of the driveway located on the east side of the property which shall not be expanded.
- 4.) The driveway entrance located to the west of the property may be expanded no more than a total of 8 feet through the removal of appropriate portion(s) of the existing wall; however, the driveway must be restored to the original width and the wall restored to the original length in such a way that it most closely resembles the existing wall, no later than ninety (90) days of issuance of an occupancy permit for the final residence on the property, or, no later than September 30, 2010 if occupancy has not been issued, whichever is soonest.
- 5.) The construction of three (3) entry pillars may be constructed (as depicted in Attachment 1) but shall in no case exceed an overall height of 6-feet-4-inches as measured from grade, nor interfere with the restoration of the overall original wall length, nor shall the pillars include any lighting or illumination. The pillars shall be constructed no later than ninety (90) days of issuance of an occupancy permit for the final residence on the property, or, no later than September 30, 2010 if occupancy has not been issued, whichever is soonest.
- 6.) Building and zoning permits are required prior to the construction of new entry way pillars. CUP approval shall not alleviate the applicant from the responsibility of obtaining proper permit issuance.
- 7.) The applicant shall locate all utilities that provide service to adjacent properties prior to issuance of any building and zoning permits. Such utilities must be protected during construction to ensure functionality.
- 8.) The applicant shall install a new water service and curb stop, which will extend from the water main on South Lakeshore Drive, for each newly constructed home prior to the issuance of occupancy permit.
- 9.) The applicant shall provide separate water shut off valves for the two adjacent homes that are supplied water service through the property in question prior to the issuance of any occupancy permit.
- 10.) The applicant shall abandon all yard hydrants and ensure that all water is metered prior to the issuance of any occupancy permit.
- 11.) The applicant shall acknowledge that the entire water line from the street is considered private and not public prior to issuance of any building and zoning permits.

- 12.) The applicant shall provide an easement for new water lines out to the road for the two existing homes that have current services running through the property (Suppes-STFV 00094 and Vigilante-STFV 00093) prior to the issuance of any occupancy permits.
- 13.) Building separation within each Unit is subject to the terms and conditions of the Fontana Municipal Code.

The MOTION carried without negative vote.

Petition to Amend Zoning Code Section 18-95, C-4 Commercial District

Chairman Spadoni opened the public hearing at 5:40 pm. Hayden-Staggs stated that the proposed amendment expands the minimum setback requirement subsection of the C-4 Zoning District to include all residentially zoned districts, not just limited to R-1 districts. In response to an initial concern of the Plan Commission that the Abbey Resort be contacted for input, Cary Kerger was contacted by the Building and Zoning Department and he stated that Abbey Provident Venture, LLC does not have an objection to the amendment as proposed. Chairman Spadoni closed the public hearing at 5:41 pm after no comments were made.

O'Connell/President Pollitt 2nd made a MOTION to recommend Village Board approval of the Petition to Amend the Zoning Code Section 18-95 as presented, and the MOTION carried without negative vote.

General Business

Conditional Use Permit Application Filed by Fontana Corner Market, 286 Valley View Drive – Set Public Hearing

Nyman stated that the applicants met with the village staff and some initial parking, signage and lighting concerns have been addressed.

Lobdell/D'Auria 2nd made a MOTION to schedule a public hearing for Monday, February 25, 2008 beginning at 5:30 pm to consider the Conditional Use Permit application filed by the Fontana Corner Market, 286 Valley View Drive, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by All For Ewe, 148 Fontana Boulevard – Set Public Hearing

Hayden-Staggs stated that the Conditional Use Permit application was filed following the recent approval of a Building, Site and Operational plan for the business in order to accommodate the applicant's proposed signage plan. A CUP is required for the sign proposed to be mounted on the railing of the front facade of the building.

McGreevy/Lobdell 2nd made a MOTION to schedule a public hearing for Monday, February 25, 2008 beginning at 5:30 pm to consider the Conditional Use Permit application filed by All For Ewe, 148 Fontana Boulevard, and the MOTION carried without negative vote.

Conditional Use Permit Application for Expansion of Existing Tower on Robert Stewart Property, 202 W. Main Street – Set Public Hearing

Rosemarie Barrett from Cricket Communications requested that the item be withdrawn from the agenda. Barrett stated that she was not able to get the CUP application fee to the Village of Fontana in time for the meeting deadline, but she plans to submit the application for the February 25, 2008 Plan Commission meeting.

President Pollitt/O'Connell 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Third Amendment to Precise Implementation Plan for Cliffs of Fontana Development

Thorpe stated that he and Village Engineer Joe Eberle have reviewed the documents filed January 22, 2008 and everything substantial has been reviewed and approved. Thorpe stated that he will finalize the draft resolution and draft PIP amendment prior to the February 4, 2008 Village Board meeting; however, if the Plan Commission was so inclined, the approval process was ready to go forward at

this time. In response to a question and a concern cited by Eberle, Thorpe stated that the amended Developer's Agreement will call for the establishment of a fund to address future retaining wall maintenance expenses

McGreevy/President Pollitt 2nd made a MOTION to recommend Village Board approval of the third amendment to the Precise Implementation Plan for the Cliffs of Fontana Planned Development as presented, and the MOTION carried without negative vote.

Building, Site and Operational Plan Filed for Beautiful Me Wig Salon, 531 Valley View Drive

Janice and Dale Johnson filed the BSOP for their business, Beautiful Me Hair and Wig Salon in the Fontana Executive Building at 531 Valley View Drive. Staff recommended approval of the BSOP as amended on January 25, 2008, with five conditions. One of the conditions is that a sign proposed for the side of the building facing residential properties not be allowed. Janice Johnson stated that she does not have a problem with abiding by any of the suggested conditions.

O'Connell/Lobdell 2nd made a MOTION to recommend Village Board approval of the Building, Site and Operational plan as amended January 25, 2008, with the following five conditions:

- 1) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved signage, and/or any interior remodeling or modifications normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits. Signage shall be constructed and located in accordance with the approved BSOP.
- 2) BSOP signage approval is being sought as a combined agreement between two separate businesses located at 531 Valley View Drive. To that end, this BSOP approval and all conditions described herein shall pertain to the property as a whole and shall not be considered specific to any one particular business use area.
- 3) Approved signage shall only consist of one (1) LED "OPEN" sign, not to exceed 10-inches-by-16-inches, and one (1) on-wall "BEAUTIFUL ME HAIR & WIG SALON 262-275-5000" sign, not to exceed 144-inches-by-20 inches.
- 4) Any future proposed modifications of this approved BSOP, including, but not limited to signage, shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
- 5) All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote.

Renovation Proposal for Novak's Deli Building, 158 Fontana Boulevard – Conceptual Introduction

Joe Bidwill distributed preliminary plans of a proposed eight-unit condominium development for the site of the Novak's Deli. Bidwill stated that the plan is very conceptual at this time; however, if approved, he would raze the current building and construct the condominium/town home building. Bidwill stated that he would like to develop eight units, with eight parking stalls, and eliminate the current business use. Bidwill stated that the building is located on a great piece of land and a residential development has a good chance of being successful. Bidwill stated that many businesses have attempted to open on Fontana Boulevard during the past several years and none have been successful. Bidwill stated that a residential development would provide increased property value for the local tax base. Bidwill stated that he knows that parking is a concern; however, in order to keep the preliminary proposal a "high end" development, there is not enough room for an onsite parking facility. O'Connell stated that she is concerned that the preliminary proposal does not include parking for guests. Bidwill stated that he could have proposed up to 14 angle parking stalls along the front of the building, but the layout would not be as nice. Bidwill stated that there also are public parking lots available to the east of the building. The Plan Commission members then discussed the Master Plan and the loss of retail business spaces in lieu of residential developments. Hayden-Staggs stated that

she has an initial concern that the preliminary proposal only calls for one parking stall per unit. The Mill Street Condominiums have more than one stall per unit, including the underground parking stalls, and the residents there have parking difficulties on occasion. Chairman Spadoni stated that Bidwill should discuss with the Building and Zoning Department staff the zoning requirements and make appropriate adjustments to the preliminary plan. McGreevy stated that he does not have a problem with the proposal to eliminate the business operations at 158 Fontana Boulevard to make way for the residential development. McGreevy stated that he has a concern with parking and suggested that the plan be amended to include a parking garage. D'Auria stated that the preliminary plan looks nice and he does not have a problem with eliminating the business use on the parcel. D'Auria stated that it is tough for any business to be successful on Fontana Boulevard and he envisioned future retail development along Highway 67. D'Auria stated that the preliminary concept for the condominium building seems too large for the parcel and it should be scaled back, and he also has parking concerns. Lobdell stated that if residential is truly the best use for the parcel, she can support the residential proposal; however, parking is an area of concern and the proposed density may be too much for the site. President Pollitt stated that he would hate to see the business operations eliminated from the area, but can understand the situation. President Pollitt stated that he also has a concern with the proposal for only one parking stall per unit. O'Connell stated that she is opposed to eliminating the business uses along Fontana Boulevard. O'Connell stated that she would like the Village to wait until the sidewalk and pedestrian paths are completed to determine if more pedestrian traffic will help the businesses be more successful. O'Connell stated that she is not in favor of a residential-only building at that site. Hayden-Staggs stated that besides checking with the Department of Building and Zoning to ascertain the zoning requirements for the property, Bidwill should present the preliminary plans to the CDA Board for its initial review.

Lakefront Zoning Ordinance Amendment Proposal

Thorpe stated that he will continue to work with the staff members to finalize the Draft A amendments for the April 28, 2008 Public Hearing, and the Draft B amendments, which were tabled last month. The Draft A amendments will be presented at the next monthly meeting Monday, February 25, 2008.

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

Pending Items for Future Agendas

1. Abbey Springs Boat Storage Expansion – PIP Amendment (Tabled 12-18-06, 1-29-07)
2. Mill Street Condominium Association PIP Amendment – Signage Proposal (Tabled 8/27/07 and 9/24/07)
3. Brick Church Hotel and Spa BSOP Proposal
4. Review Building, Site and Operational Plan Approved July 25, 2005 for Jerry's Marine, 102 W. Main Street

Adjournment

O'Connell/President Pollitt 2nd made a MOTION to adjourn at 6:19 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, the official minutes will be on file at the Village Hall.

APPROVED: 02/25/2008