

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

**Monday, January 29, 2007**

President Howell called the monthly meeting of the Village of Fontana Plan Commission to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: D'Auria, McGreevy, Spadoni, O'Connell, Treptow, President Howell, Poivey

**Also present:** Cheryl Bartz, David Coates, Anthony Colletti, F. J. Frazier, Drew Gilchrist, Village Administrator Kelly E. Hayden-Staggs, Rob Ireland, Mike Keefe, Art Larson, Ray Lefebvre, Village Clerk Dennis Martin, CDA Executive Director Joseph McHugh, Assistant Zoning Administrator Bridget McCarthy, Ron McCormack, Mac Niven, Pete Novak, Building Inspector Ron Nyman, Brian Pollard, Trustee Ron Pollitt, Mara Spring, Tim Swatek, Village Attorney Dale Thorpe, Public Works Director Craig Workman

**Visitors Heard**

None

**Announcements**

Hayden-Staggs stated that the next meeting of the Village Board will be Monday, February 5, 2007, beginning at 6:00 pm; the CDA Board monthly meeting is scheduled for Wednesday, February 7, 2007, beginning at 6:00 pm; a Town Hall Meeting to host a forum for the candidates running for Trustee will be held Saturday, February 10, 2007, beginning at 9:00 am; the public test of the Village of Fontana's electronic voting equipment will be held Wednesday, February 14, 2007, at 2:30 pm; and a primary election will be held on Tuesday, February 20, 2007, with the polls open from 7:00 am to 8:00 pm; and the next meeting of the Plan Commission will be Monday, February 26, 2007, beginning at 5:30 pm.

**Approve Minutes**

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to approve the minutes for the meeting held December 18, 2006 and January 9, 2007, and the MOTION carried without negative vote.

**General Business**

**Mill Street Office Development PIP Amendment**

Hayden-Staggs stated that it was discovered on the as-built foundation survey for the FairWyn, Ltd. retail/commercial building that it did not match the approved PIP exhibit. Hayden-Staggs stated that in August all the professionals and staff were aware that the retail/commercial building needed to be shifted a little to allow for the crosswalk on Mill Street to line up with the sidewalk in front of the new retail/commercial building. On September 25, 2006 the Plan Commission approved the PIP and all exhibits and on October 2, 2006, the Village Board approved the same exhibits. The site plan submitted did show the crosswalk and sidewalks lining up with a building setback at 12 feet in the northeast corner for the site. In October there was email communication between PDI, Workshop Architects, Ruekert-Mielke and Joseph McHugh that directed FairWyn to shift the building further to line up the crosswalk on Mill Street and the sidewalk in front of the building. The site plan was amended to show a building setback at approximately 10.6 feet in the Northeast corner. Gary Walsh, FairWyn's engineer, noted on the face of the as-built survey that the Village submittal was dated

September 25, 2006 and then the building was rotated on October 27, 2006 which was after the Plan Commission and Village Board approved the project. Hayden-Staggs stated that once the Plan Commission and Village Board have adopted a zoning project, no changes can occur without the two groups amending their approval, with the exception that slight modifications can be approved by Village staff. Hayden-Staggs stated that in this situation, the staff was not addressed and neither was the Plan Commission nor the Village Board. Hayden-Staggs stated that the good news is that the change resulted in locating the building where it needed to be and that the engineering for the plaza was prepared with the right information. Thorpe stated that he prepared a draft resolution to amend the previously approved and previously amended precise implementation plan to address the actual location of the building.

Spadoni/McGreevy 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the resolution amending the previously approved and previously amended Precise Implementation Plan for the Mill Street Plaza Development, and the MOTION carried without negative vote

### **Abbey Springs Boat Storage Expansion – PIP Amendment Proposal (Tabled 12-18-06)**

Mac Niven stated that he submitted to the Village in a January 23, 2007 email a rendering of the west elevation of the proposed expanded boat storage facility, and he also was in contact the neighboring property owner, Clarence Schawk, who supports the boat storage expansion proposal with the condition that the addition of 48 boats occurs over a five-year period. Niven stated that there will be no problem adhering to the condition for approval requested by Schawk. Niven stated that with regard to documents requested by the Village staff but not yet submitted: a lighting plan for the site is not necessary because it will not be changing; the trees that will be removed have been marked on a site plan; and a signage plan will be submitted. Spadoni stated that the Abbey Springs Association is a good neighbor and the proposal should be approved with the condition that staff reviews the not yet submitted documents to make sure they adhere to the Zoning Code. O'Connell stated that Abbey Springs did not submit storm water run-off plans that she would like reviewed prior to Plan Commission consideration of the proposal. O'Connell stated that an implementation plan also should be submitted for approval with regard to the five-year phasing of adding boats to the storage area. McCarthy stated that the Village staff also needs elevation plans from the north, south and east, and plans that depict the existing structure versus the proposed new structure. Niven stated that he would like the Plan Commission to vote on the matter that night. Niven stated that the proposed new structure will not change the view from the north, south or east, so he did not want to have to purchase the expensive elevation renderings requested by staff. Niven stated that he would like the Plan Commission to approve the proposal with conditions. Treptow stated that he is not comfortable with the proposed increase of 48 boats to the storage area. Treptow stated that the Plan Commission has previously denied outdoor boat storage expansion proposals, and if approved, the Abbey Springs will have the largest outdoor boat storage area on the lakefront. Treptow stated that if the Abbey Springs wants to increase the outdoor boat storage, the additional boats should be stored on the other side of the street from the Abbey Springs Yacht Club. O'Connell stated that she also is opposed to an increase in the number of boats in the storage area. Following discussion, it was determined that in order to move forward with the approval process for the proposal that staff needs to review a storm water management plan; elevation plans from the north, south and east; lighting and signage plans; a tree location and removal plan; and plans that show that the existing versus proposed buildings and impervious surface versus green space ratio.

Spadoni/McGreevy 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the amendment to the Precise Implementation Plan as presented with the conditions that prior to Village Board consideration staff reviews a storm water management plan; elevation plans from the north, south and east; lighting and signage plans; a tree location and removal plan; and plans that show that the existing versus proposed buildings and impervious surface versus green space ratio. A Roll Call Vote followed:

Poivey – Yes

D'Auria – Yes

McGreevy – Yes

Spadoni – Yes

O’Connell – No

Treptow – No

President Whowell – Abstained

The MOTION carried on a 4-2 vote.

### **Abbey Springs Clubhouse Renovation – PIP Amendment Proposal**

Ron McCormack stated that the Abbey Springs Association began its renovation process last fall when it received approval for small-scale projects on the two guard houses and at the yacht club and the boat house. McCormack stated that they currently are moving forward with phase two – a \$5-\$6 million clubhouse remodeling plan. If approved, McCormack stated that they would like to commence with the remodeling construction in late spring. Project Manager Ray Lefebvre stated that the storm water management and exterior lighting details that were mentioned in the staff report are included in the plans that were submitted January 19, 2007. Lefebvre presented the plans, which call for a renovated east entrance with a new canopy, a roof plan, a two-story addition to the rear of the building and new landscaping and grading plans. A stone retaining wall is being proposed in the area where a Dumpster currently is located, and the Dumpster will be relocated, enclosed and shielded with landscaping. Lefebvre stated that the biggest change being proposed is the two-story addition to the rear of the building. The addition will house a new golf course pro shop and clubhouse grill facility, with a vaulted ceiling dining room and reception/banquet area. Lefebvre stated the height and construction materials for the proposed addition will match the existing building. The proposal also calls for the construction of an outdoor deck around the entire building. Thorpe stated that staff was unable to provide an opinion on the proposal because the existing and proposed heights of the building are not included in the plans, accurate building dimensions are not included, and impervious to green space ratios are not included. Thorpe stated that staff also has to review the proposed storm water management plan to determine if it will be adequate. Lefebvre stated that the renovation plans are not final and that’s why some of the numbers are not exact; however, all the storm water will be handled by the existing system. Thorpe stated that Village staff needs an accurate depiction of the proposed building and the storm water management plan has to be reviewed by the Village engineer. Hayden-Staggs stated that the Village staff could not recommend approval of the PIP amendment from the documents that have been submitted. Following discussion it was determined that prior to Plan Commission consideration the developers have to submit accurate plans depicting the proposed dimensions and height of the building additions, with existing versus proposed features delineated; an exterior lighting and signage plan; a complete storm water management plan; an emergency access plan; a fire hydrant plan; complete construction plans for the retaining walls; and construction material plans that delineate existing versus proposed features. The Plan Commission was in consensus that all the members favored the overall concept of the renovation plan as presented; however, they directed the architect and project manager to provide for staff review the more detailed plans as delineated during the discussion.

Treptow/Spadoni 2<sup>nd</sup> made a MOTION to table the proposal, and the MOTION carried without negative vote.

### **Lake Geneva Yacht Club Preannexation Proposal**

Attorney Tim Swatek, Art Larson and Mike Keefe appeared on behalf of the Yacht Club. Swatek stated that Thorpe reviewed the preannexation agreement submitted by the Yacht Club and there are some issues that have been identified, so he will modify the document. Swatek stated that he also will finalize the annexation plat and bring both documents back for Plan Commission review at its next meeting on February 26, 2007 meeting. Swatek stated that he would like the Plan Commissioners to provide any other concerns that they have with the proposal. O’Connell stated that she wanted to make sure the storm water management plan has been submitted and approved by the Village engineer, and she asked for clarification on the proposed number of potential future residential units

on the site. Swatek responded that the number of possible residential units was incorrectly entered on some of the documents, and the correct number is eight. If the site plan is approved as proposed, the Yacht Club will still have to come back in the future to receive approval for the residential development plans for the eight units. O'Connell asked if the Village or the Yacht Club would pay for the cost to hook into Village sewer and water utilities. Swatek stated that the Yacht Club will be paying the expenses to tie into the Village utilities. If the sewer and water lines are extended beyond the Yacht Club site in the future, it would be up to the Village at that time to approve and pay for the project. Thorpe stated that the Yacht Club is providing an easement to the Village that would accommodate future water and sewer line extensions across their property. There were no other concerns stated by the Plan Commissioners.

O'Connell/Spadoni 2<sup>nd</sup> made a MOTION to hold a public hearing for the Petition for Amendment of the Zoning Ordinance and Zoning Map to Planned Development and the General Development Plan at the February 26, 2007 Plan Commission meeting, and the MOTION carried without negative vote.

#### **CUP Application Filed by Michael Keefe, 1014 S. Lakeshore Drive – Entry Pillars Concept Review**

Mike Keefe stated that he received the staff review information, and the exact measurements of the proposed entry pillars for his residence are the numbers that are delineated on the plan submitted. Keefe stated that a survey also will be submitted that delineates the exact location of the pillars on the site.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to hold a public hearing for the CUP application at the February 26, 2007 Plan Commission meeting, and the MOTION carried without negative vote.

#### **CUP Application Filed by Barton and Joan Love, 928B S. Lakeshore Drive – Westgate Condominiums Concept Review**

Attorney Anthony Colletti stated that his clients are proposing to raze the existing residence on their lot and create three lots for new single-family residences. The three residences would comprise a condominium association. Colletti stated that the residential sites would be located on the back half of the lot and the front half of the lot will be entered into a permanent conservation easement with the Geneva Lake Conservancy. Hayden-Staggs stated that the Village staff will need to review the proposed condominium plat and condominium association declarations prior to a public hearing on the CUP application. During a discussion on the DNR approved pier cribs, Hayden-Staggs pointed out that the applicants still will have to go through the Village zoning permit process in order to receive final approval for the installation of a swimming pier and a pier with boat slips. In response to a question, the developer stated that the proposed location for a swimming pier is setback more than the 12.5-foot minimum requirement from the lot line. Colletti stated that the proposed boat slips will be for the owners of the condominium units, they will not be leased. In response to concerns stated by Workman with regard to the sewer line, the developer said he will work with the Village staff to avoid any potential problems. Staff directed Colletti to submit prior to the publication of the notice for the public hearing the proposed condominium plat and condominium association declaration, and a survey that depicts the existing trees on the site and what trees will have to be cut down to accommodate the development plan. Colletti stated that he can finalize the condominium declarations and other requested documents and submit them to the Village by the February 8, 2007 publication date for the public hearing notice. D'Auria asked if the existing residence on the site has historic significance, and Colletti responded that the property is not listed on the National Register of Historic Sites.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to hold a public hearing for the CUP application at the February 26, 2007 Plan Commission meeting with the conditions that the proposed condominium plat and condominium association declaration, and a survey that depicts the existing trees on the site and what trees will have to be cut down to accommodate the development plan are submitted by February 8, 2007, and the MOTION carried without negative vote.

## **Country Club Estates Association Petition to Amend Zoning & CUP Application for Parking Lot Improvement Plan – Concept Review**

F. J. Frazier, the president of the Country Club Estates Association, stated that the Country Club board is seeking approval to raze the existing shed and remove a portable toilet from their beach parking lot, and to construct a 12-by-12-foot building to house a handicapped, family-friendly bathroom and storage space. Frazier stated that the bathroom/storage shed building has been designed to fit in with the character of the community. David Coates then presented a slide show of the proposed site plan and new building. Coates stated that if approved, the new building will allow the Country Club Estates Association to professionalize their beach operations and to construct a family friendly bathroom in the northeast corner of the parking lot. The building and bathroom would be open from 10:00 am to 7:00 pm during the summer season. Coates stated that the only exterior lighting planned for the new building is one security light to be located at the entrance to the bathroom. Coates stated that the only additional landscaping proposed for the site is some plantings around the foundation. Frazier stated that the plan also calls for installing a line for future electrical service to a parking lot gate at the same time the line for the sewer and water service is excavated. Frazier stated that if the association decides to install a gate at the parking lot entrance in the future, the lot would not have to be excavated again to install the electrical service line. After it was determined that the initially proposed location for the new building is only 5 feet from the north lot line and 7 feet from the east lot line, McCarthy stated that the Municipal Code does not allow flexibility with regard to the 15-foot required minimum setback from the lot line. McCarthy stated that a conditional use permit in the RS-1 zoning district can accommodate the proposal to construct a building in the parking lot; however, the 15-foot setback requirement cannot be waived by the Plan Commission. There also is a minimum 50-foot setback requirement from the shoreline. In response to questions, Coates stated that the plans call for the building to be 13-feet-10-inches-tall, and for the lot surface to remain pea gravel. Following discussion, it was determined that the lot surface could remain pea gravel; however, the lot will have to be striped. Frazier and McGreevy said the Country Club Estates Association board wants the new building to be located in the corner of lot. Thorpe stated that under the RS-1 zoning, the building will have to be moved to meet the setbacks, and the only zoning district that would allow flexibility on the setback standards would be Planned Development. McCarthy stated that the proposal is not a mixed use and the Planned Development zoning would not be appropriate. Spadoni stated that he has no problem with the proposal and a PD should be approved if it can accommodate the proposal as submitted. Following discussion, it was determined that the building could still be located in the northeast corner of the lot if it is moved to meet the minimum setback requirements. There would be a few parking stalls eliminated, but the proposal could still earn approval under the RS-1 zoning with a CUP, and the inappropriate Planned Development zoning will not have to be pursued. Workman stated that he also was concerned that the water from a proposed outdoor shower is properly filtered to remove sand prior to its discharge into the Village sewer system. Thorpe stated that he was concerned that the Country Club Estates Association board of directors has the authority to file a CUP application without prior approval from the association membership. Thorpe asked the board to provide the Village with a letter from its attorney stating that the Country Club Estates Association Board has the authority to file a CUP application with the Village.

Poivey/Spadoni 2<sup>nd</sup> made a MOTION to hold a public hearing for the Petition for Amendment of the Zoning Ordinance and the CUP application at the February 26, 2007 Plan Commission meeting with the conditions that the amended applications are filed by February 8, 2007 and that a letter is submitted to the Village from the Country Club Estates Association attorney stating that the Country Club Estates Association Board has the authority to file a CUP application with the Village, and the MOTION carried without negative vote.

## **Novaks' Deli – Certified Survey/Parking Lot Renovation Plan & Noncompliance Letter**

Attorney Mara Spring stated that Pete Novak is not planning to complete the entire plan for the parking lot at this time, due to funding considerations. Spring stated that Novak is proposing to

enclose the Dumpster site in the lot, make repairs to the surface and stripe the parking stalls, and he would like the Plan Commission to approve the removal of the letter of noncompliance from the Novaks' Deli file. McCarthy stated that after reviewing the certified survey of the site submitted by Novak, Village staff recommended that Novak repair all broken and crumbling asphalt in the lot by May 15, 2007; convert a small gravel area in the northeast corner of the currently paved lot to green space by May 15, 2007; complete striping of the lot by May 15, 2007; and complete all aspects of the proposed parking plan and Dumpster enclosure by May 15, 2007. Staff also recommended that the Plan Commission not remove the letter of noncompliance until such time as the small gravel area is converted to green space, the asphalt is repaired, the striping is complete, and the Dumpster enclosure is constructed; and that the Plan Commission conduct a site visit between October 1 and October 15, 2007 to determine the viability and future health of the grass planted over the illegally laid gravel area. During discussion, Thorpe stated that the letter of noncompliance only affects zoning matters and the pulling of building permits. Spadoni stated that he does not have faith that Novak will complete the work as outlined in his proposal, and the lot is in dire need of resurfacing. Poivey stated that he agrees with Spadoni and the letter of noncompliance should not be pulled from the file until after the work is completed to the satisfaction of the Plan Commission. President Whowell stated that if Novak completes all the work outlined in the staff report by May 15, 2007, the Plan Commission may be in favor of pulling the letter of noncompliance; however, the ball is in Novak's court at this time and it's up to Novak to complete the work. Hayden-Staggs asked the Plan Commission members if they were in consensus that if Novak completes the work as delineated in the list of conditions, the Plan Commission will commit to lifting the letter of noncompliance. The Plan Commission members stated that they were in consensus that if the work is completed, they will consider lifting the letter. Spadoni stated that he still favors resurfacing the entire lot rather than just making spot repairs. McCarthy stated that her main concern is that the Dumpster be enclosed, since it is a requirement of the zoning code. Also, McCarthy stated that she wanted to be sure the applicant was aware that once a nonconforming situation is modified, the entire site has to be brought into compliance, and that's why the green space ratio and parking lot striping requirements have to be enforced. President Whowell stated that Novak should be aware that quality is an issue with regard to the lot surface repairs and striping.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to table the matter until Novak submits proof that he has fulfilled the conditions delineated in the staff report, and the MOTION carried without negative vote.

### **Duck Pond Conceptual Master Plan**

McHugh stated that the Village Board and Park Commission previously approved the conceptual plan for the 140-acre Duck Pond Recreation Area. Some of the projects include the rehabilitation and reconfiguration of Wild Duck Road, the extension of the bicycle and pedestrian paths and the creation of a potential development site and compost area. The conceptual master plan was finalized by the CDA at an October 28, 2006 workshop meeting. McHugh stated that the next step will be the design development of the individual projects. Treptow stated that he would like to have the path moved back off the road in the northern portion of the site; however, there are grading issues. O'Connell stated that she would like to see the projects developed with the possibility of accommodating a potential site for a new fire station. McHugh stated that the street angles and turning radius of the roads in the area will be designed to accommodate large fire vehicles. In response to a question from D'Auria, McHugh stated that preliminary cost estimates for all of the potential projects total approximately \$3.3 million.

Spadoni/D'Auria 2<sup>nd</sup> made a MOTION to approve the Duck Pond Conceptual Master Plan as presented, and the MOTION carried without negative vote.

### **VCP Language – SEWRPC Recodification Error List**

Thorpe stated that following his review of Chapter 18 of the Municipal Code, he drafted six proposed ordinance corrections to address the recodification errors made by SEWRPC in 2000.

Thorpe stated that there were hundreds of language changes made to the code by SEWRPC, many of them minor; however, some of the changes have created legal complications and code inconsistencies. Thorpe stated that the six proposed ordinance changes will address the legal complications and code inconsistencies. Thorpe stated that the ETZ section of Chapter 18 will be changed back to exactly what was approved by the Joint ETZ Committee. Thorpe stated that the Village could not even change as much as a comma in the ETZ ordinance without prior approval from the Town of Linn and the Town of Walworth. Thorpe stated that the proposed corrections also will clean up the PIP language and return the initial allowable uses to the VCP District without property owners having to go through the conditional use permit process. Hayden-Staggs stated that the Village staff will further review the proposed changes for one month prior to scheduling a public hearing on the matter.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to table the proposed ordinance corrections, and the MOTION carried without negative vote.

### **Adult Oriented Business Regulations**

Thorpe stated that the Village Board adopted an adult oriented business ordinance in 1988; however, the current proposal will create a licensing procedure and zoning regulations. Thorpe stated that a municipality cannot simply ban adult oriented businesses, but reasonable regulations can be established. Thorpe stated that the draft ordinance will be prepared using language from ordinances that have been adopted in other municipalities and have been successfully defended in court. Thorpe stated that the Village could define a particular zoning district that adult oriented businesses could be approved in, and add setback regulations. Thorpe stated he will provide an update on the matter at next month's Plan Commission meeting.

### **Fencing Ordinance Amendment for Section 18-27(f)(1)**

The proposed amendment was not ready to be presented.

Spadoni/Treptow 2<sup>nd</sup> made a MOTION to table the matter, and the MOTION carried without negative vote.

### **Pending Items for Future Agendas**

1. Concept Review for CUP – Edward Lyon (Tabled 5/30/06 & 6/26/06)
2. Minimum Lot Size Requirement Discussion (Tabled 6/26/06)
3. Abbey Harbor Condo Plat
4. Fontana Village Inn BSOP

### **Adjournment**

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to adjourn at 8:15 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: 2/26/07