

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

SPECIAL CLOSED SESSION of the VILLAGE OF FONTANA PLAN COMMISSION
Immediately Followed by
SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE
Immediately Followed by
REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, January 31, 2005

President Whowell called the monthly meeting of the Plan Commission to order at 5:35 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call vote: Treptow, President Whowell, Poivey, Larson, Spadoni

Plan Commissioners absent: Rauland-Mohr, Geye (submitted resignation accepted during the Open Session portion of the meeting)

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Village Attorney Dale Thorpe

Announcement for Plan Commission to Consider Going Into Closed Session - President Whowell

Commissioner Spadoni/Commissioner Treptow 2nd made a MOTION for the Plan Commission to go into closed session pursuant to Chapter 19.85 (1) (e) Wis. Stats., for the purpose of “deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require,” and the roll call vote followed:

Poivey – Yes

Larson – Yes

Spadoni – Yes

Treptow - Yes

President Whowell - Yes

Adjourn to Open Session

Commissioner Spadoni/Commissioner Poivey 2nd made a MOTION to adjourn the Plan Commission’s Closed Session at 5:57 pm and to reconvene at 6:00 pm in a special joint open session with the Joint ETZ Committee, and the MOTION carried without negative vote.

President Whowell announced the Plan Commission was still in session at 6:04 pm

Joint ETZ Committee Chairman Poivey called the ETZ Committee to order at 6:04 pm

ETZ Committee members present: Roll call vote: Chairman Poivey, Treptow, Van Dreser, Jordan, Magowan, O’Hare

ETZ Committee member late: Rauland-Mohr (arrived at 6:15 pm)

ETZ Committee members absent: Aasen, Grunow

Visitors Heard

None

General Business

Plan Commission and Joint ETZ Committee Initial Review of Petition for Amendment of

the Zoning Ordinance and Zoning Map of the Village of Fontana, from A-2 ETZ to A-5 ETZ, filed by Alliant Energy/WP&L Company for a parcel located off Cobblestone Road in Walworth Township and owned by Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128

Three representatives from Alliant Energy presented a PowerPoint presentation for the proposed electrical substation, which the area needs by June 2006 to maintain the current level of service. Jim Ziesk, Alliant's Real Estate coordinator, said the Poltermann site is the fourth proposed location for the substation. The Poltermann site is an ideal location because it fronts the railroad tracks that the main transmission lines run along, Ziesk stated. Magowan and Jordan asked questions with regard to the first three proposed sites that did not receive approval. Ziesk stated there were multiple neighbors who objected to the other proposed sites, and the necessity for exposed transmission lines at the other sites was another mitigating circumstance. Ziesk stated that the Poltermann site will not require exposed transmission lines, they will be underground. Also, there is only one residence located within 300 feet of the proposed Poltermann site, owned by Walworth Township residents Steve and Gail August. The Poltermann site is obscured from the August residence by trees, and Alliant will plant more trees along the proposed driveway to further shield the substation, Ziesk stated. Spadoni asked if the proposed site could be moved to the southeast, along the railroad line, so it is further than 300 feet from the August residence. As well as Steve August, Walworth Township residents John Verba and Larry Austin spoke in opposition to the proposal. Austin stated the owners of the Big Foot Farms property should sell a portion of their parcel to Alliant for the substation, since the land likely will be developed into a large subdivision. President Whowell stated the proposal will have to be presented at public hearings before the Joint ETZ Committee and the Fontana Plan Commission. President Whowell suggested that the applicant look into purchasing more of the Poltermann property so the proposed location of the substation can be moved further from the August residence. Spadoni stated that the Village of Walworth could place a condition for approval for a potential subdivision on the Big Foot Farms property that the owners have to sell a parcel of their land to Alliant to serve as the location for the substation. Jordan and Rauland-Mohr stated that Alliant could find a more desirable location for the substation on open farm land located along the railroad line in Linn Township.

ETZ Committee member Van Dreser/ETZ Committee member Jordan 2nd made a MOTION to hold a Public Hearing on Tuesday, March 1, 2005, at 6 pm at the Fontana Village Hall on the Petition for the proposed Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana, from A-2 ETZ to A-5 ETZ, filed by Alliant Energy/WP&L Company for a parcel located off Cobblestone Road in Walworth Township and owned by Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128. The MOTION carried without negative vote.

Plan Commission Initial Review of proposed CSM and Conditional Use Permit Application filed by Alliant Energy/WP&L Company for an Electrical Substation on a parcel of land located off Cobblestone Road in Walworth Township and owned by Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128

Commissioner Spadoni/Commissioner Poivey 2nd made a MOTION to hold a Public Hearing Petition on Tuesday, March 1, 2005, at 6 pm at the Fontana Village Hall on the Conditional Use Permit Application filed by Alliant Energy/WP&L Company for an Electrical Substation on a parcel of land located off Cobblestone Road in Walworth Township and owned by Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128. The MOTION carried without negative vote.

Adjourn Joint ETZ Committee

ETZ Committee member Rauland-Mohr/ETZ Committee member Treptow 2nd made a MOTION to adjourn the ETZ Committee meeting at 6:59 pm, and the MOTION carried without negative vote.

Spadoni left the meeting at 7:00 pm

Visitors Heard

None

Announcements

President Whowell announced that the Village Board will hold its monthly Meeting Monday, February 7, 2005, at 6 pm, and the CDA will hold its regular Board meeting Wednesday, February 9, 2005, at 6 pm.

Approve Plan Commission Minutes

Commissioner Rauland-Mohr/Commissioner Treptow 2nd made a MOTION to approve the January 5, 2005 minutes, and the MOTION carried on a 5-0 vote, with Spadoni having left the meeting and Geye not attendance because she submitted her resignation.

Public Hearing

Conditional Use Permit Application filed by Sturges P. Taggart, Jr., 797 Wells St., Lake Geneva, WI 53147, for property owner Margaret C. Scherb, 1737 W. Winona Ave., Chicago, IL 60640, for Tax Parcel No. SGS 00031, 420 Lakeshore Drive, Fontana, to raze the existing residence and construct a two-story Frame Loft Home under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code

President Whowell opened the Public Hearing at 7:08 pm. Skip Scherb stated the plans for the proposed new residence were altered to address comments made at the Public Hearing held December 15, 2004. The new house was set back further on the lot to better align with the neighbors' homes, the proposed 19-foot, 6-inch height of the new residence is lower than the existing residence, and the footprint of the new residence is less than that of the existing residence. Following discussion, Scherb also agreed to move the new residence back on the lot so it is within the minimum 10 feet of the existing detached garage. Thorpe suggested that the Plan Commission incorporate the conditions that Scherb agreed to for approval of the CUP into a motion to approve the proposal. President Whowell closed the Public Hearing at 7:21 pm.

Commissioner Poivey/Commissioner Larson 2nd made a MOTION to approve the CUP Application with the conditions that the height of the new residence is no taller than the current structure or 19-feet, 6-inches, as depicted in the submitted plans; that the new residence be moved back on the lot so that it is within 10 feet of the existing garage; and that the architecture, color scheme and materials for the new residence are approved by the Plan Commission at its next meeting Tuesday, March 1, 2005. The MOTION carried without negative vote.

General Business

Certified Survey Map filed by David Audino for Outlots 12 & 14 and parts of Outlots 13 & 15 of Assessor's Plat No. 1 to C. L. Douglas Addition to the Village of Fontana

David Audino stated he was seeking approval of the CSM that proposes to split one 34-acre lot into two lots. One parcel, on the top of the quarry ridge, will be about 10 acres, and the lower parcel, will be about 24 acres. Thorpe stated the CSM is a "housekeeping" matter that is necessary to separate the upper environmental corridor parcel from the lower 24-acre parcel that will be the proposed site of a residential development. Audino stated he will abide with the submitted staff comments, and he will work with Department of Public Works Director Craig Workman to make sure the pending plans for the proposed development conform to Village sewer, water, storm water and road access plans. Workman stated he was concerned in particular with the Village's water main loops that dissect the property. Thorpe stated all of the staff concerns, including written comments from Village Engineer Mike Bridwell and Village Planner Mike Slavney, can be addressed in the future condominium plat, which will be subject to the regulations of Chapter 17 of the Village of Fontana Municipal Code.

Commissioner Poivey/Commissioner Treptow 2nd made a MOTION to recommend Village Board approval of the CSM submitted by Audino with the conditions that no building permits be issued until a condominium plat is filed, that the condominium plat conforms with the regulations in Chapter 17 of the Village of Fontana Municipal Code, and the requirements of the Village's Environmental Checklist are fulfilled. The MOTION carried without negative vote.

Certified Survey Map filed by Crispell-Snyder, Inc., Lake Geneva, for FairWyn, Ltd., Lake Geneva, for its Mill Street Development located south of Porter Court, west of Highway 67 and east of Mill Street in Block II of the Original Plat, and Lot 1 of Block 5 of the Assessor's Plat No. 1 to C. L. Douglas Addition to the Village of Fontana

Brian Pollard of FairWyn, Ltd. stated the proposed CSM reflects what was previously approved by the Village and the CDA. The CSM is a housekeeping matter that creates separate lots for FairWyn's Mill Street Development. There were no objections stated at the meeting or in the staff reports. Commissioner Poivey/Commissioner Larson 2nd made a MOTION to recommend Village Board approval of the CSM, and the MOTION carried without negative vote.

Building, Site and Operational Plan filed by FairWyn, Ltd. for 5,000-square-foot Professional Building located on Mill Street between the Geneva Lake Conservancy office and the Hildebrand Conservancy Path

Pollard stated although the Conditional Use Permit for the Professional Building was previously approved, the detailed Building, Site and Operational Plan required approval. The plan reflects the conceptual drawings that were presented when the CUP was approved. It was determined during discussion that the CDA Board of Directors has final approval authority with regard to the architectural review for projects located within the TID, after it receives a recommendation from the Plan Commission, which conducts the review.

Commissioner Rauland-Mohr/Commissioner Poivey 2nd made a MOTION to recommend CDA approval of the Building, Site and Operational Plan filed by FairWyn, and the MOTION carried without negative vote.

Introduction of Conditional Use Permit Application filed by John O'Neill for a Renovation and Second-Floor Addition Plan for the Residence at 323 Bayview Drive, Fontana, on a Nonconforming Lot in the RS-3 Zoning District

O'Neill stated he is proposing to add a second floor to the 27-foot-tall current residence. The maximum height allowed in the RS-3 Zoning District is 35 feet. Building Inspector Ron Nyman stated O'Neill is not proposing to increase the square footage of the current footprint, he just wants to increase the height of the structure – which is allowed in the Municipal Code. President Whowell suggested that O'Neill solicit input from the neighboring property owners. O'Neill stated that with the proposed CUP he is working with Steve Beers, the adjacent property owner, to address undesirable parking and power pole situations; however, O'Neill said he will contact the other property owners to get their opinions.

Commissioner Rauland-Mohr/Commissioner Treptow 2nd made a MOTION to hold a Public Hearing on Tuesday, March 1, 2005, at 6 pm at the Fontana Village Hall on the Conditional Use Permit Application filed by John O'Neill for a Renovation and Second-Floor Addition Plan for the Residence at 323 Bayview Drive, Fontana, on a Nonconforming Lot in the RS-3 Zoning District. The MOTION carried without negative vote.

Building, Site and Operational Plan Amendment filed by the Abbey Redevelopment Group, LLC for Proposed Exterior Additions at the Abbey Resort

Attorney Mike Orgeman took the place of Village Attorney Dale Thorpe, who left the meeting room during the agenda item on the Abbey Resort. The Abbey's attorney, John Maier, and general manager, Ed Snyder, presented the proposal for a seasonal event tent to be erected over two of the resort's six current tennis courts, for two additional fire exists to be added to the main resort, for two gazebos to be erected on the resort grounds, and for a change to its current monument sign and exterior building sign. Snyder stated the Abbey was seeking permission to erect the tent for use from April 1 through October 31 of each year, depending on weather. The tent will be erected and taken down two weeks prior to and two weeks after the season. The additional fire exists are being required by the state, Snyder stated. One of the proposed gazebos would be erected on the harbor side of the resort, and the second one would be erected adjacent to the event tent on crushed stone beds. The Abbey also sought permission to change its monument sign and to replace the existing "A" on the resort's A-frame exterior façade with a new wall sign. Nyman stated the event tent would constitute an accessory structure that would require building and zoning permits. Nyman stated he had concerns with regard to emergency vehicle access and egress from the event tent. Also, a lighting plan has to be submitted and approved for the interior and exterior of the event tent, Nyman said. The signage proposals are in order; however, Nyman stated the Abbey should submit drawings of the proposed new signs for review by the Plan Commission. With regard to the new emergency exits, which will feature new stairways, the applicant has to submit engineered plans to make sure the plans are in compliance with state and local regulations, Nyman stated. Slavney suggested in his written

report that the Plan Commission establish a five-year review period for the event tent and gazebos, if approved. Slavney also requested in his written report that the Abbey submit a map to delineate the proposed locations for the new signage. Conditions for approval that were brought up in staff reports and during discussion included a one-year review period to determine if the “ribs” for the event tent can be left up during the off-season, or if they have to be removed with the tent material, and if the hours of operation for the event tent are appropriate; that the new exits must comply with state and local building codes, and that all the necessary building and zoning permits are secured; that an event tent parking plan be submitted to ensure the plan is in conformance with the parking standards of the Village of Fontana Municipal Code; that a five-year review period be established for the tent proposal so wear and tear on the material can be reviewed to make sure it is still aesthetically pleasing; that events only be conducted in the tent from May 1 to October 31, and set-up and take-down take place two weeks prior to and two weeks after the operational season; that adequate road access to the tent is designed for emergency vehicles, with no parking allowed in the access lane; that the final landscaping conforms with the plan as submitted; that an interior and exterior lighting plan for the tent be submitted and approved; that the two gazebos be erected subject to building and zoning permit regulations, and that the gazebos do not cause disruption to the existing landscaping; and that the height of the event tent does not exceed the zoning code standard for the C-4 District. Trustee Pete Petersen asked if it will be difficult for the building inspector to enforce the Village’s regulation that prohibits temporary tents, which often are erected in residential yards for boat, trailer and automobile parking. Petersen said he also was concerned about noise created by air-conditioning and heating units that will have to service the tent. Jim Feeney said he also has concerns with regard to noise coming from an outdoor event tent. Orgeman responded that a temporary event tent is allowable under the C-4 District, because it is a reasonable use for a resort business; however, temporary tents are not allowed in residential districts. Rauland-Mohr stated that the Village has a noise ordinance that will govern events to be held in the tent. President Whowell said the one-year and five-year review periods will give the Village an opportunity to revisit the proposal if it receives approval. Snyder agreed that the Abbey would set the hours for use of the tent from 7 a.m to midnight; and if an event becomes too loud, they “will turn down the volume.”

Commissioner Poivey/Commissioner Treptow 2nd made a MOTION to approve the Building, Site and Operational Plan Amendment submitted by the Abbey with the conditions delineated by Orgeman, and that the conditions be outlined in a Plan Commission Resolution to be drafted by Orgeman. The MOTION carried without negative vote, with President Whowell abstaining.

Dennis Condon Pottawatomi Drive and Slope Variance Update

Condon, his attorney, and one of the lot purchasers, Don Zick, and Zick’s attorney, requested that the Plan Commission vote to approve an occupancy permit for the constructed residence on Lot 7 of the development. Condon stated the occupancy permit should be issued because Fran and David Hill, owners of the property adjacent to Lot 8 of Condon’s development, signed an agreement with him that resolves the Hill’s legal claims, and because Condon has submitted a revised drainage, grading and erosion control site remediation plan that he said “will be approved by (Village Engineer) Mike Bridwell by Friday.” Thorpe stated that although the Hills have given their approval, there are many issues with regard to the Condon development that still require Village approvals. There are site-excavation and -restoration problems, and drainage, landscaping, tree planting and stormwater compatibility issues that have to be resolved, Thorpe stated. The stormwater infiltration system that was constructed by the developer can’t be addressed until the spring, and the required tree plantings can’t take place until the ground is not frozen, Thorpe stated. The stormwater infiltration trenches may have to be taken out and reinstalled under the review of the Village of Fontana Department of Public Works. Thorpe stated the Village should not issue any occupancy permits for the project until it is guaranteed that Condon has fulfilled the terms of all agreements and all the plans will work to resolve the nonconformance issues that were created by Condon. Thorpe stated that once Condon sells the lots, it would be more difficult for the Village to “get onto the sites” to correct potential problems. Thorpe stated it will take about eight to 10 weeks before the Village will be in a position to approve occupancy permits. With regard to Condon’s statement that the village engineer would be approving the remediation plan by Friday, President Whowell quoted Bridwell’s written report dated January 31, 2005, that states in part: “Not having been involved in the previous discussions concerning the grade adjustments near the property lines, it is not clear whether this arrangement is adequate.” Thorpe stated that Condon’s first step toward earning occupancy permits for his

development is to get approval of the remediation plans from Bridwell and Workman. President Whowell said all of the Village staff professionals were in agreement that the occupancy permit for the residence being sold by Condon to Zick should not be approved at this time. Thorpe will draft another letter for Condon to delineate what the developer needs to do to have the stop work order lifted on his project, and what approvals needs to take place prior to the issuance of occupancy permits. After the letter is reviewed by staff, Thorpe stated he will have it delivered to Condon. Commissioner Poivey/Commissioner Larson 2nd made a MOTION to table the matter, and the MOTION carried without negative vote.

Administrative Business

Resignation Announcement

President Whowell announced Susan Geye resigned her position on the Plan Commission because she is pursuing an advanced degree, and the courses are being conducted on the same nights as Village meetings. President Whowell introduced resident Lee Eakright, who he will nominate to replace Geye on the Plan Commission. Eakright, a current member of the Lakefront and Harbor Committee, has been visiting the Village of Fontana for 35 years, and he has been a local homeowner for the past 12 years. He became a full-time resident in July 2004. Eakright is a retired chief financial officer for public school districts. Eakright earned his master's and bachelor's degrees from Shimer College, and completed graduate work at Northern Illinois University and the University of Illinois-Champaign/Urbana.

Commissioner Poivey/Commissioner Rauland-Mohr 2nd made a MOTION to accept Geye's resignation, and the MOTION carried without negative vote.

Change Monthly Plan Commission Meeting Date for February 2005 to Tuesday, March 1, 2005

Commissioner Rauland-Mohr/Commissioner Poivey 2nd made a MOTION to change the February meeting date to Tuesday, March 1, 2005, and the MOTION carried without negative vote.

BZA Report

Monthly Report

Nyman's written report states that 13 building permits were issued in January, citations are currently being issued for the not complete Jevardian project at 229 First Ave., and the Stop Work Order is still in place on Lot 8 of the Condon Pottawatomi development.

Pending Items for Future Agendas

1. Tree Ordinance Amendment
2. ETZ Amended Rezone Petition Filed by the Tracy Group, Inc., 200 Elizabeth Lane, Genoa City, WI 53128, from A-1 and R-1 to A-5 ETZ Rural Residential District, for the proposed Stonecrest subdivision located in Walworth Township
3. Schmidt Land Development Update
4. Lyon Woods Pre-Annexation Agreement and Developer's Agreement

Adjournment

Plan Commissioner Larson/Plan Commissioner Rauland-Mohr 2nd made a MOTION to adjourn the meeting at 9:41 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: _____