

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, February 23, 2015

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

Plan Commissioners present: Roll call: Trustee Spadoni, F. J. Frazier, President Petersen, Sarah Lobdell

Plan Commissioners absent: Micki O'Connell, Cynthia Nickolai

Also present: Jason Bernard, Suzy Brady, Merilee Holst, Library Director Nancy Krei, Administrator Dennis Martin, Building and Zoning Dept. Administrative Assistant Robin Nuzzo, Building Inspector/Zoning Administrator Ron Nyman, Trustee Rick Pappas, Chris Ott, David Patzelt, Todd Reschke, Village Attorney Dale Thorpe, John Tracy

Visitors Heard

None

Approve Minutes

President Petersen/Commissioner Lobdell 2nd made a MOTION to approve the minutes as amended for the November 24, 2014 meeting and as presented for the January 26, 2015 meeting, and the MOTION carried without negative vote.

Public Hearing

Petition to Amend Municipal Code Sections 18-35(m), Figure 35, and 18-52(2)d Regarding Accessory Structure Setback Requirements

The public hearing was opened at 5:32 pm. Attorney Thorpe explained that the proposed amendment increases the setback standards for the construction of new accessory buildings if they are proposed to be larger in total size than 600 square feet in the residential zoning districts, including the lakefront zoning district. Trustee Pappas stated that he supports the proposed amendment. There were no other comments made prior to the closing of the public hearing at 5:33 pm.

General Business

Accessory Structure Setback Recommendation

Thorpe drafted the distributed ordinance amendment that codifies the new accessory structure setback requirements in the residential zoning districts.

Commissioner Lobdell/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval of the ordinance amending accessory structure requirements as presented, and the MOTION carried without negative vote.

Shodeen Construction Company PIP for Fontana Row Homes Planned Development

David Patzelt presented samples of the proposed building materials, which were previously favorably reviewed by the CDA because the project site is in the TIF District and the total value of the development will exceed \$10,000. Thorpe stated that he has reviewed the Precise Implementation Plan documents, and his comments have been or will be addressed in the final approval documents to be presented to the Village Board. Thorpe stated that a development agreement is not required since there are no public improvements called for in the development other than the sidewalks, which will be dedicated to the Village. Martin stated that the Village engineer and the planner also

have reviewed the submitted documents and recommended approval. Lobdell asked about the impervious surface ratio for the proposal, and Thorpe replied that the staff reviews of the PIP verified the zoning baseline approved by the Village Board December 1, 2014.

President Petersen/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval of the draft resolution approving a precise implementation plan for the first phase of the project known as the Fontana Row Homes, as presented. The MOTION carried on a 3-1 vote, with Commissioner Lobdell opposed, and Commissioners Nickolai and O'Connell absent.

Shodeen Construction Company Condo Plat and Declarations for Fontana Row Homes Planned Development

Thorpe stated that he reviewed the updated condominium plat and condominium association declarations, and staff recommends approval as long as the comments from his February 21, 2015 memo and from the village engineering firm review memo are incorporated. Thorpe stated that his final concern can be addressed with the addition of one sentence to protect the village in a worse-case scenario if the development or condominium association fails, then the Village could take over for the construction of the public sidewalks if desired, and/or for the maintenance of the underground storm water runoff detention tank.

President Petersen/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval of the Shodeen Construction Company Condominium Plat and Declarations for the Fontana Row Homes Planned Development, with the condition the review comments made by the village attorney and village engineering firm are incorporated into the final documents. The MOTION carried without negative vote.

Set Public Hearing for Extraterritorial Plat Approval Jurisdiction Ordinance Amendment

Thorpe stated that the proposed ordinance amendment addresses a recent court ruling that also has been upheld by the Wisconsin Supreme Court. The ruling found that density limitations on extraterritorial zoning plats were found to be invalid. The current Municipal Code Section 17-5(7) states that the maximum density of a development shall be no more than one dwelling unit per 35 acres. Thorpe stated the proposed amendment calls for the removal of the section, to be replaced with the phrase: "Intentionally omitted."

President Petersen/Commissioner Lobdell 2nd made a MOTION to schedule a public hearing for Monday, March 30, 2015 beginning at 5:30 pm to consider the proposed amendment to Chapter 17-5(7) as presented, and the MOTION carried without negative vote.

John Tracy Zoning Amendment Application for Third Avenue Parcels

John Tracy stated that the initially filed Petition to Amend the Zoning to the MR-12 District for the three Third Avenue parcels owned by his Hartland Holdings, LLC will be amended and he will file a new petition to seek approval for a Planned Development District. Project architect Jason Bernard of Lake Geneva Architects stated that following the monthly Plan Commission staff meeting, he reviewed various site layouts with the driveway reduced to one-way and narrowed in some areas, and with the driveway extended out to High Street. Bernard stated that he attempted to address the MR-12 Zoning District requirement regarding the proposed green space ratio, as well as the Fire and Rescue Department recommendation for the driveway to be extended from Reid Street to High Street. Bernard stated that 41 percent was the closet he came to adhering to the 50 percent green space minimum called for in the MR-12 District when he reviewed several options for the driveway behind the two proposed three-unit buildings. Thorpe suggested that the initial application be withdrawn and a new application filed.

President Petersen/Trustee Spadoni 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Bernard then presented digital images of the two proposed buildings and site plan. Tracy stated that each unit will be constructed with the capability for elevators to be installed, and the estimated cost per unit has not yet been determined. In response to a question, Tracy stated that he would like to

break ground in August 2015 if the project is approved. Spadoni stated that as well as working with staff to comply with the Planned Development approval process, Tracy should also assist the current building tenant Steve Fairchild to find another location for his Steve O's Park Place Lounge.

Boat Storage and Property Maintenance Ordinance Research

Nyman presented his memo on the parking of boat trailers and recreational storage concerns that were brought up at the last monthly meeting. Nyman also provided a copy of Municipal Code Section 18-64(w), which deals with the parking of boats and trailers and the storage of other recreational equipment. Nyman stated that upon review of the section, staff is recommending that the current ordinance is adequate to address these parking issues and that the solution may be just more vigorous enforcement. Martin stated that if property addresses are provided, Nyman can review the situations and any potential violations. Nyman stated that he will provide a report on what properties and issues he reviews during the next month.

Martin stated that Nyman also provided in the meeting packets copies of some of the ordinances from other municipalities he reviewed for the pending draft of a property maintenance ordinance to be readopted in the Zoning Code. The property maintenance ordinance was inadvertently left out of the recently rewritten Zoning Code. Martin stated that property owner Hugh Plunkett submitted a copy of a Chicago Tribune newspaper article regarding outdoor storage and its negative impact on surrounding properties, and a cover letter to Nyman that states outdoor storage and hoarding of eyesore debris is a problem that the Village should look into and attempt to make corrections. "The updated Lake County ordinance very readily could be a model and pathway to provide for the upgrading of a number of properties in Fontana," Plunkett states in the February 14, 2015 letter to Nyman. Staff will further discuss the draft ordinance at the monthly staff meeting prior to the final draft being brought forward for Plan Commission review and the scheduling of a public hearing.

Adjournment

President Petersen/Commissioner Frazier 2nd made a MOTION to adjourn the meeting at 6:02 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis Martin, Administrator

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: 04/08/15