

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, February 29, 2016**

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, Bob Grant, Trustee Petersen, Sarah Lobdell

**Plan Commissioners absent:** Bob Ahern, Micki O'Connell

**Also present:** Christina Green, Trudy Havens, President Pat Kenny, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Building Inspector Ron Nyman, Trustee Dave Prudden, Village Planner Mike Slavney, Eddie Snyder, Village Attorney Dale Thorpe

**Visitors Heard**

None

**Approve Minutes**

Trustee Petersen/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the January 25, 2016 meeting as presented, and the MOTION carried without negative vote.

**Public Hearing**

**CUP Application filed by the Abbey Harbor Condominium Association, 271 Fontana Blvd for Accessory Structure**

The public hearing was opened at 5:32 pm. McCarthy stated that there are technically three conditional use permits that must be approved in order for the Abbey Harbor to build the proposed accessory storage structure. The first CUP requests approval for the structure to be built on the premise, the second is to increase the density, intensity or bulk on the lot, and the third is a request for an exemption from design standards. Since the structure is going to be used for storage, McCarthy said an exemption from the design standards is a good thing because otherwise the structure will look very different from the other buildings on site. The Abbey Harbor is requesting exemptions from the required minimum 30 percent window coverage on the first floor, minimum 15 percent window coverage on upper stories, and the use of plywood on the façade facing a public street in order to match the Harbor House. The structure must meet specific requirements as stated in the staff review including that the structure shall not exceed 24-feet by 30-feet in size, the structure shall not exceed 20.5-feet in height as measured from the lowest existing grade to the highest peak of the roof, the exterior of the structure shall be of materials made to match the Harbor House, all dumpsters shall be fully screened with materials matching the Harbor House, all permits shall be completed, submitted and paid for within 10 days of the date of approval, all cost recovery fees shall be paid prior to the issuance of permits, and an as-built survey is required depicting the location and height of the completed structure. McCarthy said that after some communication that occurred last night and today, staff is recommending another condition for approval be added regarding the location of the dumpsters. No more than two dumpsters will be allowed and the applicants will be required to build up the screening of the enclosure taller so the dumpster(s) are not visible. Staff is also recommending an additional weekly pickup time of the garbage. Spadoni asked if anyone would like to speak for or against the CUP application. Trustee Prudden, who also is the Abbey Harbor Association Board president, stated he is in favor of the proposal. Trudy Havens from 403 N.

Lakeshore Drive stated she was in attendance on behalf of her mother, Joyce Havens, who has a home on Shabbona Drive that overlooks the bridge and Abbey Harbor parking lot area where some of the dumpsters are proposed to be placed. She stated she talked to Abbey Harbor officials Dave Prudden and Eddie Snyder prior to the meeting and they were in agreement on the added regulations for the dumpsters. The hearing was closed at 5:37 pm. Thorpe stated if recommended for approval by the Plan Commission, a CUP Resolution will be drafted and presented to the Village Board for approval. Petersen made an initial motion seconded by Grant to recommend Village Board approval of the CUP based upon staff's recommendations and conditions that were stated on the record. Frazier asked if there is a landscape plan for the dumpster area. Prudden stated they plan to do something very tasteful around the area to make it very appealing. Thorpe asked if they would agree to a landscape component for the permit, specifically a description of the landscape plan, and Prudden agreed. Petersen amended his motion and Grant amended his second to include the landscape description as part of the recommended approval.

### **CUP Application filed by Geoff & Megan Hoffmann, 389 N. Lakeshore Drive for Entry Pillars and Gate**

The public hearing was opened at 5:40 pm. The CUP application filed by Geoff and Megan Hoffmann seeks authorization to construct two entry pillars and a stationary gate, which would remain fixed in an open position. The pillars are proposed to be 8-feet in height, the gates 10-feet long, and placed 2-feet from the property line. McCarthy stated the code requires all fencing to be a minimum of 4-feet off the property line or road right-of-way, which is staff's recommendation. The code also allows for a maximum height of a fence to be 4-feet-tall. McCarthy stated the applicant will be required to obtain all permits within 10-days of approval, pay all cost recovery fees prior to the issuance of all permits, and must submit an as-built survey depicting the location and height of the completed pillars. No one spoke for or against the CUP application. The public hearing was closed at 5:43 p.m. Petersen made an initial motion which was seconded by Lobdell to recommend Village Board approval of the permit as described by staff including staff's conditions. Frazier stated he is concerned about the 8-feet-high pillars, which he said would likely be the highest pillars in town if approved. Nyman said pillars are typically around 6-feet-tall. McCarthy explained that fences are allowed by code as long as they are set back 4-feet from the road and are less than 4-feet-high. Anything closer to the road or taller than 4-feet needs approval through a CUP. Thorpe stated he believes there is concern that once one person erects 8-feet-high pillars, more people will seek approval. Slavney said he typically sees pillars 6-feet-tall in most municipalities. Petersen withdrew his original motion and Lobdell withdrew her second, and added a suggested condition that the driveway entrance pillars not be taller than 6-feet.

### **Proposed Amendment to Zoning Ordinance Sections 18-38 and 18-82 Regarding VC District and Nonresidential Bulk Standards**

The public hearing was opened at 5:44 pm. McCarthy explained one proposed modification under Section 18-38(b) removes the "Single family (7,000 sq. ft. lot)" option as a permitted use by right in the Village Center District because single-family homes do not fit the vision for the village center or downtown business area. All homes that are currently in the VC district would be allowed to remain; however, new homes would not be allowed as a permitted use by right. Thorpe stated it would be a fundamental change and asked Slavney if he supports it, to which Slavney replied that he does. Martin pointed out the Mixed Use Residential is still a permitted use by right so someone could live upstairs and a business could operate downstairs in a new building. McCarthy stated that one other amendment being proposed under subsection (m) is a correction to the chart that lists the Maximum Interior Side Setback and Maximum Rear Setback. The word Maximum was corrected to Minimum in both sections due to an inadvertent error during the zoning code rewrite project. The Minimum Landscape Surface Ratio is listed in the same chart and currently requires 40 percent greenspace coverage in the VC District. The proposal is to continue to require 40 percent greenspace for residential uses, but reduce the required greenspace for non-residential uses to 20 percent. McCarthy

said the code is so strict that the Village is going to end up with teeny-tiny buildings so the owner can adhere to the required parking and greenspace requirements, and instead of promoting the Randall Arendt vision of continuity across businesses, it will segregate them. Thorpe stated the green space issue came up with the proposed Munson project, when the village was trying to wrangle code compliance out of a lot that was not allowing it to happen in a reasonable way. Staff and the village planner came to the same conclusion that this is an unintended consequence of the 40 percent requirement, and people who own a lot in the VC District will not want to pursue redevelopment proposals. Martin said at the last two staff meetings, staff looked at the existing VC lots and many of them currently have less than 5 percent green space. The chart lists 40 percent – Residential Uses and 20 percent – Non-residential uses. Martin stated that Pete Novak, owner of Novak’s Deli on Fontana Boulevard, could not make it to the meeting, but he supports the proposed amendments and the reduction of the required landscape-surface ratio. Christina Green from 535 Pheasant Ridge Lane and also the attorney representing the Munsons, stated she is in favor of the proposed change as it will promote new development and redevelopment in the downtown area and a nicer, newer look. No one spoke against the proposed changes. The hearing was closed at 5:51 p.m.

**Proposed Amendments to Zoning Ordinance Section 18-28(m), Lakefront Residential (LR-0) District**

The public hearing was opened at 5:52 p.m. McCarthy explained that during the zoning code rewrite project in 2011-2012, the zoning districts were reconfigured to include building coverage, green space, and other standards for impervious surfaces such as decks, driveways, patios, etc., and each district was changed to allow for some percentage of impervious surface, except the LR-0 District. The allowable coverage in the current LR-0 district is 30 percent building coverage, 70 percent greenspace and there is no listing for the other impervious surface items. The proposed amendment is to reduce the building coverage to 25 percent and to create the impervious surface of 5 percent. McCarthy stated the lots in the Lakefront Residential district are very large and sprawl from North Lakeshore or South Lakeshore all the way down to the lake, so 25 percent building coverage on a lot is still a very large area. No one spoke for or against the proposed amendments. The public hearing was closed at 5:54 p.m.

**Proposed Amendment to Zoning Ordinance Section 18-229 Article XII Regarding Performance Standards Exemption**

Spadoni opened the public hearing at 5:55 p.m. McCarthy stated there are certain standards that must be met for any new development, most of which occurs in the VC District. New developments must adhere to certain standards including landscape, lighting, design, parking, signage, etc., and many of those standards are included in the Article XII Performance Standards. Parking is especially hard in Fontana because while there are municipal lots, there is not a lot of available street parking. McCarthy said the proposal would allow for certain exemptions to certain portions of performance standards, including access standards, visibility standards, off-street parking standards, circulation standards, and off-street loading standards. In response to a question posed by Spadoni, McCarthy stated there was not a development that prompted the code change but it would affect businesses like Gordy’s since they are technically not allowed to have a delivery truck unloading on Third Avenue. Martin added it would also impact potential expansion plans being considered by Pete Novak and the future Munson building proposal for 138 Fontana Boulevard. Slavney stated that in most communities parking is not required on-site, so the Fontana ordinance requiring on-site parking is unusual. No one spoke for or against the proposal. The public hearing was closed at 5:58 p.m.

**Proposed Amendments to Zoning Ordinance Sections 18-83(c) and 18-249(b) Regarding Utility Setbacks and Easements**

The public hearing was opened at 5:59 p.m. The proposed amendment would require property owners to file an easement with the Village if they have an unrecorded utility line running under their property. It would allow the Village to prohibit building over or too close to a utility line and have

access to it for maintenance or repair situations. There is currently nothing in the code that says a property owner must file an easement if there is a utility line under the property. McCarthy said staff has required it before as a condition of issuing a permit; however, there was a recent situation where a building permit applicant had a main lateral running through their property line and they wanted to build right up to it and there was nothing in the code that required a setback. Thorpe stated that Fontana has a unique problem with old sewer lines running through private property without easements. Requiring easements would produce a recorded document that clarifies the relationship between the property owner and the Village in a public record. A parallel provision will appear in the utility ordinances, but that will not require a public hearing, just an ordinance amendment approved by the Village Board. Martin said this will be a huge asset to the village engineers and utility department. No one spoke for or against the proposed amendments. The public hearing was closed at 6:00 p.m.

### **General Business**

#### **Consider Approval of CUP Application filed by the Abbey Harbor Condominium Association, 271 Fontana Blvd., for Accessory Structure**

Trustee Petersen/Commissioner Frazier 2<sup>nd</sup> made a MOTION to recommend Village Board approval of three Conditional Use Permits as applied for by the Abbey Harbor Condominium Association, 271 Fontana Boulevard, to authorize the construction of a new Accessory Structure as presented, based upon the staff report recommendations and conditions that were stated on the record, and to include the requirement that a description of the landscape plan be submitted by the applicants. The MOTION carried without negative vote.

#### **Consider Approval of CUP Application filed by Geoff and Megan Hoffmann, 389 N. Lakeshore Drive for Entry Pillars and Gate**

Commissioner Frazier/Trustee Petersen 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit Application filed by Geoff and Megan Hoffmann at 389 N. Lakeshore Drive for Entry Pillars and Gate, as described by staff including staff's conditions, with an additional condition that the new pillars not exceed 6-feet-high. The MOTION carried without negative vote.

#### **Consider Proposed Amendments to Zoning Ordinance Sections 18-38 and 18-82 Regarding VC District and Nonresidential Bulk Standards**

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed amendments to Zoning Ordinance Sections 18-38 and 18-82 Regarding VC District and Nonresidential Bulk Standards, as presented, and the MOTION carried without negative vote.

#### **Consider Proposed Amendments to Zoning Ordinance Section 18-28(m), Lakefront Residential (LR-0) District**

Commissioner Grant/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed changes in Zoning Ordinance Section 18-28(m), Lakefront Residential LR-0 District, as presented, and the MOTION carried without negative vote.

#### **Consider Proposed Amendment to Zoning Ordinance Section 18-229 Article XII Regarding Performance Standards Exemption**

Commissioner Lobdell/Trustee Petersen 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed amendment to Zoning Ordinance Section 18-229 Article XII, Performance Standards Exemption, as presented, and the MOTION carried without negative vote.

#### **Consider Proposed Amendments to Zoning Ordinance Sections 18-83(c) and 18-249(b) Regarding Utility Setbacks and Easements**

Trustee Petersen/Commissioner Grant 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed amendments to Zoning Ordinance Sections 18-83(c) and 18-249(b), Utility Setbacks and Easements, as presented, and the MOTION carried without negative vote.

**Adjournment**

Commissioner Lobdell/Trustee Spadoni 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:01 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, 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: 04/25/16