

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

PLAN COMMISSION MEETING

**Tuesday, March 1, 2005**

President Whowell called the Plan Commission to order on Tuesday, March 1, 2005 at 6:09 pm in the Village Hall located at 175 Valley View Drive, Fontana, Wisconsin.

**Roll Call**

**Commissioners Present:** Roll Call: Spadoni, President Whowell, Poivey, Larson, Eakright

**Commissioners Absent:** Rauland-Mohr, Treptow

**Also Present:** David Audino, Steve Beers, Jim Feeney, reporter Linda Gilmore, Village Administrator Kelly Hayden-Staggs, Gene Kovacs, Village Clerk Dennis Martin, Bridget McCarthy, Mr. and Mrs. Donald McDowell, Building Inspector Ron Nyman, reporter Jordan Modarsky, Trustee Micki O'Connell, John O'Neill, Trustees Pete Petersen and Ron Pollitt, Village Planner Mike Slavney, Sturges Taggart, Village Attorney Dale Thorpe, Ryan Trottier, CDA Executive Director Cindy Wilson, Public Works Director Craig Workman

**Visitors Heard**

None

**Announcements – President Whowell**

President Whowell stated the regular Village Board Meeting will be held Monday, March 7, 2005, at 6 pm, and the CDA Board Meeting will be held Wednesday, March 9, 2005, at 6 pm. The newsletter article deadline for the 2<sup>nd</sup> Quarter is Friday, March 11, 2005. President Whowell also stated the Joint ETZ Committee/Plan Commission Public Hearings on the Alliant Energy Electrical Substation Proposal on the Poltermann Limited Partnership property, Walworth Township, will be held Tuesday, March 29, at 6 pm.

**Approve Minutes**

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to approve the January 31, 2005 Open and Closed Sessions minutes, and the MOTION carried without negative vote.

**Public Hearing**

**Conditional Use Permit Application filed by John M. O'Neill, 323 Bayview Drive, Fontana, WI 53125, for Tax Parcel No. SRA 00044, to renovate and add a second floor on the existing residence under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code**

President Whowell stated that the public hearing was open at 6:11 pm. O'Neill stated the proposal is to add a second floor to the single-family residence. The plans show the height of the second floor to be 33 feet, 1 and 3/8 inches; however, O'Neill asked that approval be granted for a height not to exceed 33 feet, 10 and 3/8 inches because the height may fluctuate during construction. Building Inspector Ron Nyman stated the RS-3 Zoning District allows a maximum building height of 35 feet. O'Neill stated he will abide by the condition suggested by Hayden-Staggs that he work with the Village and the Park Commission on a coordinated landscaping plan. O'Neill stated he will abide by the staff recommendation that a retaining wall be removed from the public right of way; it will be coordinated with the removal of a power pole. The plan also will address the current undesirable situation with the two parking spaces for O'Neill's residence, and the adjacent two parking spaces for the neighboring residence owned by Steve Beers. Don McDowell stated he was concerned that parking not be expanded and that the property always remains a single-family residence. O'Neill agreed to the suggestion by Thorpe that a condition for approval could include that O'Neill abandon any legal nonconforming rights that may have been granted to the property in the past. Beers stated that he supports O'Neill's plan, and if approved, it will be a nice addition to the neighborhood. The Plan Commission also received a letter that supports the proposal from William and Sharon Conklin, who reside at

123 Big Foot Street. A letter was also submitted by Stu Bagni, who owns the residence at 170 Big Foot Street. Bagni stated he was concerned that the residence always remains a single-family dwelling, that the parking not be expanded, and that no contractor equipment from O'Neill's business be parked at the residence. O'Neill stated he only works on a computer at home with regard to his business. Thorpe stated that if the Plan Commission voted to approve the CUP application, four conditions could cover all the concerns stated at the public hearing: 1. The retaining wall must be removed from the public right of way; 2. The final landscaping plan to be submitted and approved must include the retaining wall around the entire parcel; 3. That O'Neill abandon any existing legal, nonconforming use rights associated with the property, if there are any; and 4. That the maximum height of the residence not exceed 33 feet, 10 and 3/8 inches. Hayden-Staggs suggested that the landscaping plan condition include the approval of the Park Commission because of the property's proximity to Pioneer Park. President Whowell closed the public hearing at 6:31 pm.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit with the conditions that the existing retaining wall be removed from the public right of way, that the landscaping plan to be submitted and approved by Village Staff and the Park Commission include the entire retaining wall around the property, that O'Neill abandon any existing legal, nonconforming use rights that may have been previously placed on the property, and that the maximum height of the residence not exceed 33 feet, 10 and 3/8 inches. The MOTION carried without negative vote.

### **General Business**

#### **Concept Plan filed by David Audino for proposed Planned Development Residential Subdivision on the lower portion of the Audino Quarry property**

Audino introduced Ryan Trottier, the project developer, and Gene Kovacs, of RSV Engineering. The current proposal is for 36 duplex buildings, or 72 units, that will be between 1,800- and 2,200-square-foot each. Trottier stated a rough estimate on the cost for the units is between \$360,000 and \$400,000. Spadoni stated it was his understanding that single-family homes would be developed west of Highway 67. Kovacs responded that the topography of the parcel is not conducive to single-family lots. Slavney stated the very popular duplex units most likely would sell very fast; however, the site is the only remaining parcel that could be a logical extension of the Village's civic center. Slavney stated that village-scale buildings could be constructed on the edge of the site to serve as potential ground-floor sites for professional offices, and loft residential dwellings could be constructed on the upper floors. Slavney stated a mixed use row of buildings could serve as a buffer between the current civic center along West Main Street and traditional duplex buildings. Slavney stated that if just a traditional two-family home development concept is approved, the Plan Commission should require that one of the two garages on each building be relocated to face in opposite directions. Slavney stated there also were access concerns stated with regard to Highway 67 southbound traffic coming down the steep incline and around a curve, density questions, and architecture suggestions. With regard to the access road off Highway 67, Kovacs stated they had met with the Wisconsin Department of Transportation and received preliminary approval for a dedicated right-turn lane off the reconstructed highway. A left-turn lane from the northbound lane of Highway 67 would be constructed in the median of the new highway. Trottier stated he will meet with Village staff to discuss the architecture concerns. The concept plan also will be presented to the CDA at its next meeting Wednesday, March 9, 2005.

#### **Architecture and Color Approval for two-story, Frame Loft Home being constructed by Margaret C. Scherb, 1737 W. Winona Ave., Chicago, IL 60640, for Tax Parcel No. SGS 00031, 420 S. Lakeshore Drive, Fontana**

Developer Sturges Taggart presented sketches of the proposed home, and examples of the grey color for the siding, and black shingles for the roof.

Spadoni/Larson 2<sup>nd</sup> made a MOTION to approve the architecture and color proposal for the home being constructed by Margaret C. Scherb at 420 S. Lakeshore Drive, and the MOTION carried without negative vote.

#### **Dennis Condon Pottawatomi Drive and Slope Variance Update**

President Whowell stated that Condon had requested to be removed from the agenda because the plans he submitted were not ready for approval. Workman stated that he agreed with Village Engineer Mike Bridwell that the most recent plans present a reasonable approach to rectify the grading and drainage problems Condon created; however, he is not certain the plans will work. Workman stated he took photographs of areas adjacent to the Condon Pottawatomi development where heavy flooding recently occurred. Nyman reported that since it is unclear from current plans what is to be built on Lot 8, or how the foundation is to be

modified, it was his suggestion that the site plan not be approved at this time. Larson stated that something has to be done soon with regard to rectifying the areas of Condon's noncompliance, or the torn-up construction site will adversely affect adjacent properties.

**Consideration of Monthly Plan Commission Meeting Date Changes for March and April, to Tuesday, March 29, 2005, and Tuesday, April 26, 2005**

President Whowell stated the change of the March 28 meeting date to March 29 was requested by Plan Commission members and members of the Joint ETZ Committee because of the Easter holiday and traveling conflicts. The change of the April 25 meeting to April 26 meeting also was requested because of a traveling conflict. The Plan Commission was in unanimous consensus that the meeting date changes were appropriate.

**BZA Report**

Nyman introduced Bridget McCarthy, who assists him with code interpretations and processing building permits and related matters.

**Pending Items for Next Agenda**

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**

Poivey/Larson 2<sup>nd</sup> made a MOTION to adjourn at 7:58 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, 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: \_\_\_\_\_