

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

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

**Tuesday, March 29, 2005**

President Whowell called the special joint meeting of the Plan Commission and the Joint ETZ Committee, and the monthly meeting of the Plan Commission to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

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

**Plan Commissioners absent:** Rauland-Mohr, Spadoni, Eakright

**ETZ Committee Members present:** Village of Fontana representatives Poivey and Treptow, and Town of Walworth representatives Jordan, Magowan and Van Dreser

**ETZ Committee Members absent:** Village of Fontana representative Rauland-Mohr, and Town of Linn representatives Aasen, Grunow and O'Hare

**Also present:** David Audino, Steve August, Jason Bernard, Village Administrator Kelly Hayden-Staggs, Building Inspector Ron Nyman, Trustees Micki O'Connell and Pete Petersen, Treasurer Peg Pollitt, Trustee Ron Pollitt, Brian and Pam Stark, Village Attorney Dale Thorpe, Public Works Director Craig Workman

**Visitors Heard**

None

**Public Hearings**

**Petition for Amendment to the Zoning Ordinance and Zoning Map of the Village of Fontana, filed by the Wisconsin Power & Light Company, 4902 N. Biltmore Lane, P.O. Box 77007, Madison, WI, 53707-1007, for property owner, Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128, to change the zoning from A-2 ETZ to A-5 ETZ for a portion of the parcel land located in part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 16 East of the 4<sup>th</sup> P.M., Town of Walworth, Walworth County, WI**

**Conditional Use Permit Application filed by the Wisconsin Power & Light Company, 4902 N. Biltmore Lane, P.O. Box 77007, Madison, WI, 53707-1007, for property owner, Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128, to construct an Electrical Substation off Cobblestone Road on a parcel of land located in part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 16 East of the 4<sup>th</sup> P.M., Town of Walworth, Walworth County, WI**

President Whowell opened the public hearings at 6:05 pm. President Whowell stated when the proposal to construct an electrical substation on a Walworth Township parcel located in the ETZ District between Zenda and the Village of Walworth was presented two months ago, the site plan drew objections from the neighbors, Steve and Gail August. Alliant Energy Real Estate Contractor Jim Zieske stated that in response to the concerns, he met with the Augusts and with the owners of the Poltermann Limited Partnership parcel to come up with the current proposal. The new proposal includes purchasing a strip of land from the Augusts to serve as a driveway from Cobblestone Road to the 80-by-90 foot substation site. Zieske stated the new site was moved about 300 feet further away from the August residence to a total distance of 700 feet. Zieske stated that Alliant also will bury the distribution lines from the new substation to the existing lines along the railroad tracks.

Steve August stated that the new proposal addresses his concerns. Zieske stated the landscaping plan will be prepared to meet the Town of Walworth, ETZ and Village requirements. President Howell closed the public hearings at 6:20 pm.

### **General Business**

#### **ETZ Recommendation on Petition for Amendment to the Zoning Ordinance and Zoning Map filed by the Wisconsin Power & Light Company**

ETZ Committee Member Van Dreser/ETZ Committee Member Magowan 2<sup>nd</sup> made a MOTION to recommend Plan Commission approval of the Petition for Amendment to the Zoning Ordinance and Zoning Map of the Village of Fontana, filed by the Wisconsin Power & Light Company, 4902 N. Biltmore Lane, P.O. Box 77007, Madison, WI, 53707-1007, for property owner, Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128, to change the zoning from A-2 ETZ to A-5 ETZ for a portion of the parcel land located in part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 16 East of the 4<sup>th</sup> P.M., Town of Walworth, Walworth County, WI, and the MOTION carried without negative vote.

#### **Plan Commission Action on Conditional Use Permit Application filed by the Wisconsin Power & Light Company**

Thorpe stated the ETZ Committee and Plan Commission members suggested the following conditions: that the petitioner shall at all times comply with the Town of Walworth's lighting ordinance; that in addition to complying with the Town of Walworth's lighting ordinance, the substation shall be permitted one security light; that in addition to complying with the Town of Walworth's lighting ordinance, flood lights may be installed on the property to be used only as needed for repairs; that a fence is permitted around the perimeter of the substation structure only; that a planting screen shall be installed and subsequently maintained on the property; and that there be no on-site storage, except for short-term storage necessary for current projects.

Plan Commissioner Larson/Commissioner Poivey 2<sup>nd</sup> made a MOTION to approve the Conditional Use Permit Application filed by the Wisconsin Power & Light Company, 4902 N. Biltmore Lane, P.O. Box 77007, Madison, WI, 53707-1007, for property owner, Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128, to construct an Electrical Substation off Cobblestone Road on a parcel of land located in part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 16 East of the 4<sup>th</sup> P.M., Town of Walworth, Walworth County, WI, with the following conditions: that the petitioner shall at all times comply with the Town of Walworth's lighting ordinance; that in addition to complying with the Town of Walworth's lighting ordinance, the substation shall be permitted one security light; that in addition to complying with the Town of Walworth's lighting ordinance, flood lights may be installed on the property to be used only as needed for repairs; that a fence shall be permitted around the perimeter of the substation structure only; that a planting screen shall be installed and subsequently maintained on the property; and that there shall be no on-site storage, except for short-term storage necessary for current projects. The MOTION carried without negative vote.

As well as the conditions outlined during the public hearing, Thorpe recommended in a March 30, 2005, letter that approval of the CUP by the Plan Commission extends only to the application on file with the Village. In addition, Thorpe recommended in the letter that Building Inspector Ron Nyman not issue the CUP until WP&L submits evidence to the Village that they have followed through with the land and easement acquisitions, and the Village Board has voted to approve the rezone. Thorpe also stated in the March 30, 2005 letter that after the meeting one of the Town of Walworth ETZ Committee members stated that Zieske had agreed to install a gate at the road access point to prevent individuals from entering the property without permission. "Although this came up too late to include in the conditions of approval, by copy of this correspondence to Ron Nyman, I would ask that he follow through with this suggestion from the Town of Walworth member and request such a gate be installed," Thorpe stated in the letter.

### **Adjourn Joint ETZ Committee**

ETZ Committee Member Magowan/ETZ Committee Member Poivey 2<sup>nd</sup> made a MOTION to adjourn at 6:25 pm, and the MOTION carried without negative vote.

After a recess, President Whowell called the Plan Commission back to order at 6:35 pm

**Plan Commission Recommendation on Petition for Amendment to the Zoning Ordinance and Zoning Map filed by the Wisconsin Power & Light Company**

Commissioner Treptow/Commissioner Poivey 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Petition for Amendment to the Zoning Ordinance and Zoning Map of the Village of Fontana, filed by the Wisconsin Power & Light Company, 4902 N. Biltmore Lane, P.O. Box 77007, Madison, WI, 53707-1007, for property owner, Poltermann Limited Partnership, N410 Thunderbird Road, Genoa City, WI 53128, to change the zoning from A-2 ETZ to A-5 ETZ for a portion of the parcel land located in part of the Southwest Quarter of the Southwest Quarter of Section 24, Township 1 North, Range 16 East of the 4<sup>th</sup> P.M., Town of Walworth, Walworth County, WI, and the MOTION carried without negative vote.

**Announcements**

President Whowell announced that the Village Board will hold its monthly Meeting Monday, April 4, 2005, at 6 pm, the CDA will hold its regular Board meeting Wednesday, April 6, 2005, at 6 pm, and a Town Hall Meeting on the 2005 Reassessment will be held at Village Hall on Saturday, June 4, 2005.

**Approve Plan Commission Minutes**

Commissioner Poivey/Commissioner Treptow 2<sup>nd</sup> made a MOTION to approve the March 1, 2005 minutes, and the MOTION without negative vote.

**General Business**

**Highway 67 Appraisal Plat Approval**

Workman stated the design process is underway, and construction is scheduled to begin next spring on the Highway 67 project. In order to accommodate the new road, the DOT will require land acquisitions in four areas for highway right-of-ways. Workman stated that the DOT has requested the Village to acquire four parcels that are delineated on a plat exhibit distributed to the Plan Commission. Two of the small parcels are owned by the Village of Fontana, so the transaction will be a simple matter, Workman stated. The other two small parcels, one at the southeast corner of South Main Street across the road from the Fontana Fen, is owned by Big Foot Country Club, and one parcel at the southeast corner of Third Avenue and Highway 67 at Geneva Lakes Travel, is owned by Fontana Holding Company. Workman stated land appraisals will be required to facilitate the acquisition of the land.

Commissioner Treptow/Commissioner Larson 2<sup>nd</sup> made a MOTION to approve the Plat Exhibit and to approve moving forward with the purchase of the properties subject to obtaining an appraisal from a real estate consultant, and the MOTION carried without negative vote.

**Highway 67 Directional Signage Approval**

President Whowell stated he put the item on the agenda because he and Trustee Larson had attended a Fontana Elementary School Board meeting and a request was made for signage to direct motorists to the school. President Whowell stated he feels it's appropriate to coordinate directional signage with the Highway 67 construction project. Uniform signs should be erected to direct motorists to the Village launch ramp, Police Department, Fire Department, the school and other municipal sites. The style and general look of the signs have to be established. Trustee Petersen stated the CDA is planning to work on signage. President Whowell stated the Park Commission will address the signage issue in conjunction with the CDA.

**Audino Quarry Project Update**

David Audino presented amended rough designs for his proposed two-family residential subdivision on the former quarry site. President Whowell stated the CDA generally approved the concept plan when it was presented at its last meeting. After touring the village, Audino stated the brick in the initially presented designs has been reduced, and more shake has been added to the preliminary exterior designs. The earth tones used on some of the finer lake homes in the village will be matched, Audino stated. Despite a suggestion last month from Village Planner Mike Slavney to alternate garages, with each facing an opposite direction, Audino stated the garage doors can be constructed as initially proposed and still look attractive if he uses complimentary materials in a variety of expensive

styles. Audino stated he can't maintain the number of lots proposed in the initially presented site plan if he is required to alternate the direction of the garages. Audino stated he also does not want to deviate from his initial proposal to not have a turn-around lane for busses located within the subdivision, as suggested by Plan Commissioners last month. An additional right-turn, slow-down lane already has received DOT approval, and signage can be erected to warn motorists of a school bus loading zone, Audino stated. Drivers will be able to turn their bus into the lane, load and unload students, and then turn back onto the highway, Audino stated. Larson stated she was concerned that the possibility of adding a commercial component to the development was not being pursued, as recommended in the Village Master Plan. Also, the Master Plan called for the area to be a transitional area, Larson stated. Audino responded that the parcel is not conducive to commercial development; however, the neighborhood will be connected to the adjacent business districts by walkways. And the back, southwest corner of the site plan has topography that drops 10 to 15 feet, and the only use for the land will be for an emergency access road. The grade is too steep for a walking path, Audino stated. Petersen stated connected walkways are being pursued and encouraged by the CDA; however, a plan has not been finalized. With regard to the concern about commercial development, Peterson stated the CDA realizes commercial development in the Village of Fontana is not going to happen because "we don't have the population to support most any type of businesses down here." The recent approval of the Brian Pollard/CDA development is a "modest step" at attracting more business to the Village, Petersen stated.

### **Tree Ordinance Update**

Treptow stated that the Park Commission reviewed the draft and its recommendations are being incorporated into the proposed ordinance, which will be presented to the Plan Commission next month.

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

Thorpe stated he was directed in a closed session of the Plan Commission and Village Board to enter into negotiations with Dennis Condon and the issue will be brought back for further discussion. The Village is working on a solution to all the village's concerns on the Condon property, Thorpe stated.

### **Stark Residence Proposal – Glenwood Springs Association**

Jason Bernard, the architect hired by Brian and Pam Stark, presented a building proposal; however, the lot is 5 square feet under the minimum size of 5,600 square feet to qualify as a buildable lot in the recently approved Nonconforming Lot portion of the Municipal Code. The existing residence is constructed 7-square-feet over the lot line, and the applicant would like to take the portion constructed in the public right-of-way into account in the lot calculations. The Starks were directed to acquire property from their neighbor or Glenwood Springs Association, or to work with the Association's Board of Directors to acquire the private road through the "Adverse Possession" process. The project may be brought back for a CUP if a buildable lot can be created.

### **Building Inspection Dept. Report**

Nyman distributed the Activity Report for March 1 to 23, 2005, which states there were permits issued for 21 projects. The Village took in \$20,000 in permit fees during the period, and the staff is getting acquainted to its new full-time positions, Nyman stated.

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

1. Tree Ordinance Amendment Approval
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**

Commissioner Poivey/Commissioner Treptow 2<sup>nd</sup> made a MOTION to adjourn the meeting at 7:35 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 and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 05/02/05 – PC  
05/19/05 - ETZ