

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, April 30, 2012**

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

**Plan Commissioners present:** Roll call: Scott Vilona, Micki O'Connell, Sarah Lobdell, President Arvid Petersen, F.J. Frazier

**Plan Commissioners absent:** Harry Nelson, Chairman George Spadoni

**Also present:** Renee Cerny, John Clair, Trustee Bill Gage, Administrator/Treasurer Kelly Hayden, Don and Merilee Holts, Jim Howe, Eric Hurkman, Rob Ireland, Robert Klockars, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Trustee Tom McGreevy, Building Inspector/Zoning Administrator Ron Nyman, Chuck Palma, Trustee Rick Pappas, Ken Rodeck, Mike Slavney, Dale Thorpe, Trustee Cindy Wilson, Director of Public Works Craig Workman

**Elect Chairman Pro-Tem**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to have President Petersen serve as the chairman pro-tem because Trustee George Spadoni, the recently appointed chairman, was absent. The MOTION carried without negative vote.

**Visitors Heard**

None

**Announcements**

1. Village Board Meeting – **Monday, May 7, 2012, 6:00 pm**
2. State Recall Primary Election – **Tuesday, May 8, 2012, 7:00 am to 8:00 pm**
3. FW/WPCC Board Meeting – **Tuesday, May 8, 2012, 7:30 pm**
4. GLLEA Board Meeting – **Wednesday, May 9, 2012, 10:00 am**
5. Library Board Meeting – **Wednesday, May 16, 2012, 10:00 am**
6. Plan Commission Staff Meeting – **Wednesday, May 16, 2012, 1:00 pm**
7. Park Commission Meeting – **Wednesday, May 16, 2012, 6:00 pm**
8. Geneva Lake Environmental Agency Board Meeting – **Thursday, May 17, 2012, 7:00 pm**
9. Village Assessor Local Office Hours – **Friday, May 18, 2012, 10:00 am to 2:00 pm**
10. Protection Committee Meeting – **Monday, May 21, 2012, 6:00 pm**
11. Finance Committee Meeting – **Thursday, May 24, 2012, 6:00 pm**
12. Village Hall Open for Saturday Customer Service – **Saturday, May 26, 2012, 9:00 am to Noon**
13. Public Works Committee Meeting – **Saturday, May 26, 2012, 8:00 am**
14. Village Hall & Library Closed for Memorial Day – **Monday, May 28, 2012**
15. Plan Commission Monthly Meeting – **Tuesday, May 29, 2012, 5:30 pm**

**Approve Minutes**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held March 26 2012, and the MOTION carried without negative vote.

**Public Hearings**

**Conditional Use Permit Application Filed to Authorize Modification of Maximum Time Allowed to Display Banner Sign at the Geneva Lake Conservancy Office, 398 Mill Street**

President Petersen stated that the public hearing was open at 5:31 pm. Geneva Lake Conservancy Board member Merilee Holts stated that the CUP is required to allow the conservancy to display a 35<sup>th</sup> anniversary banner sign on the fence outside the conservancy office at 398 Mill Street from May

1, 2012 through October 31, 2012. McCarthy stated that the zoning code allows for banner signs to be erected for up to a maximum of 30 days, unless a CUP is authorized. Petersen closed the public hearing at 5:34 pm. O'Connell asked why the Geneva Lake Conservancy had to pay the \$325 CUP application fee if it is a nonprofit organization. McCarthy stated that the filing fee funds the publication cost for the required newspaper notices and the postage cost for mailing the public hearing notices to the property owners located within 300 feet of the CUP application property site. Hayden stated that if the Plan Commission members want to recommend having the filing fee refunded, they should consider deducting the expenses.

Commissioner O'Connell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit application as filed by the Geneva Lake Conservancy to authorize the display of a banner sign on the fence at the GLC office, 398 Mill Street, from May 1, 2012 through October 31, 2012, and to recommend that the Village Board approve the refunding of the application fee, less expenses. The MOTION carried without negative vote.

### **Conditional Use Permit Application Filed to Authorize Building Addition and Parking Requirements Modification for Fontana Jeweler, 553 Valley View Drive**

President Petersen stated that the public hearing was open at 5:36 pm. Eric Hurkman stated that he is seeking authorization for the proposed building addition so that he can display a larger variety of products, help his business to grow and assist in attracting more visitors to Fontana. Chuck Palma stated that he owns the State Farm Insurance building located on the adjacent lot to the north of the Fontana Jeweler building and he is concerned about the lack of available parking stalls on the site and that the building addition may diminish the property value of his building. Palma stated that there are stormwater concerns that he has an engineer reviewing, but he is still concerned about potential flooding on the site. Palma stated that with only three parking stalls in the front of the buildings, he is concerned that there will not be enough room for his clients to park when they come to his insurance office. Palma stated that he is also concerned that the proposed addition will obstruct the view from the second-floor apartment unit on his building. Renee Cerny stated that she owns the Frontier Flowers building located on the adjacent lot to the south of Fontana Jeweler. Cerny stated that she is concerned with the parking proposal for Fontana Jeweler, which calls for the two stalls in front of the building and six in the back of the building. Cerny stated that there are occasions when there is nowhere to park for her customers already, and there are not enough parking spaces on Hurkman's property. Cerny stated that the proposed addition would make the building very large and the proposal needs more green space and parking spaces. Hurkman stated that he wanted to remind everybody that his building was very rundown and the site was very shabby prior to his purchasing it and improving it over the years. Petersen stated that the public hearing was closed at 5:45 pm. McCarthy stated that the proposal requires two conditional use permits, one to allow for the total size of the building to exceed 2,500 square feet with the new addition, and one to allow for a modification of the parking requirements; and for an amendment to the approved Building, Site and Operational Plan. McCarthy stated that the distributed April 27, 2012 staff report calls for the following 10 conditions if approval is recommended:

1. A stamped, engineered stormwater management plan must be submitted, reviewed and approved by the Village Engineer prior to the issuance of building permits.
2. A maintenance agreement (of the approved stormwater plan) must be submitted, reviewed and approved by Village staff prior to the issuance of building permits.
3. The Village of Fontana requires review of the proposed easement prior to it being recorded with Walworth County. Said easement shall run continual with the property, regardless of future ownership status.
4. A copy of the recorded easement shall be submitted to the Village of Fontana within 10 days of it being recorded with Walworth County.
5. Exterior shutters on faux windows along the south wall shall be included in the construction plans as required by the Village of Fontana.

6. Any proposed new trees shall be maintained in a safe and healthy manner and kept properly pruned and trimmed so as to avoid hazards to persons, property and other vegetation.
7. All rooftop mechanical equipment visible from the ground level from State Highway 67, installed now or in the future, shall be softened by screening or covered in a manner that forms an integral part of the building design
8. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this approved project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
9. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
10. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved BSOP and its conditions.

Hayden stated that the unresolved stormwater management plan affects both the Fontana Jeweler and the State Farm Insurance buildings. Palma stated that his engineer drafted a concept plan that has been copied to Hurkman and it will be forwarded to the Village engineer for review and a recommendation. Thorpe stated that as well as the conditions outlined in the staff report, village staff will have to review and make recommendations on the stormwater management plan and any private easements or agreements required for the stormwater management plan. Hayden stated that Hurkman did submit an initial stormwater management plan, but the Village engineer and Workman had concerns with the plan. Hayden stated that when the issue was discussed at the staff meeting, Hurkman stated that he will work with an engineer suggested by Palma to come up with an approvable plan to manage the stormwater run-off on the site. Hayden stated that Hurkman also addressed the exterior appearance of the building addition after meeting with staff. Palma asked for and received an explanation of the parking requirements in the C-2 Zoning District. O'Connell stated that she would like to review the final engineering for the stormwater plan prior to voting on a recommendation to the Village Board. Hayden stated that prior to having the applicant spend more money on engineering plans for the stormwater management concerns, the Plan Commission should provide some indication if they favor approval of the building addition proposal as a whole. Frazier stated that it is not very often that the Village of Fontana has a business that is succeeding. Frazier stated that Hurkman has done a great job establishing his business and the Village needs to figure out how to accommodate Hurkman and still address the concerns of the neighboring property owners. Vilona stated that even if the Plan Commission and Village Board favor the proposal, final approval would still be dependant on an approvable plan for stormwater management on the site.

President Petersen/Commissioner Frazier 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the conditional use permits and the amendment to the Building, Site and Operational Plan as filed, with the conditions that a stormwater management plan is reviewed and approved by Village staff, that any private easements required for the stormwater management plan are reviewed and approval by village staff, and the following 10 conditions listed in the April 27, 2012 staff report:

1. A stamped, engineered stormwater management plan must be submitted, reviewed and approved by the Village Engineer prior to the issuance of building permits.
2. A maintenance agreement (of the approved stormwater plan) must be submitted, reviewed and approved by Village staff prior to the issuance of building permits.
3. The Village of Fontana requires review of the proposed easement prior to it being recorded with Walworth County. Said easement shall run continual with the property, regardless of future ownership status.
4. A copy of the recorded easement shall be submitted to the Village of Fontana within 10 days of it being recorded with Walworth County.

5. Exterior shutters on faux windows along the south wall shall be included in the construction plans as required by the Village of Fontana.
6. Any proposed new trees shall be maintained in a safe and healthy manner and kept properly pruned and trimmed so as to avoid hazards to persons, property and other vegetation.
7. All rooftop mechanical equipment visible from the ground level from State Highway 67, installed now or in the future, shall be softened by screening or covered in a manner that forms an integral part of the building design
8. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any portion of this approved project. BSOP approval shall not alleviate the applicant from securing all required permits. Construction shall be made in accordance with the Village approved BSOP plans.
9. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
10. Any future proposed modifications shall require Village of Fontana approval in the form of an amendment to the approved BSOP and its conditions.

The MOTION carried without negative vote.

**Conditional Use Permit Application Filed for Accessory Building Proposal for Property Located at 704 South Lakeshore Drive**

President Petersen stated that the public hearing was open at 6:01 pm. McCarthy stated that the CUP application was filed by the new property owners to authorize a renovation to the existing nonconforming garage that will exceed the 15-foot maximum height for accessory buildings in the RS-1 Zoning District. The proposed height of the renovated garage is 24 feet, 3 inches. The current garage is nonconforming because it is located 6.4 feet from the east property line, and the minimum required offset is 10 feet. McCarthy stated that the April 19, 2012 staff report lists the following seven conditions if approval is recommended:

1. All applicable findings and comments from the attached Ruckert-Mielke correspondence dated November 30, 2011 shall be complied with; specifically comments 1, 2, 3, 6 and 7.
2. The applicant shall secure a permanent 20-foot-wide easement with the Village of Fontana for the existing sanitary sewer main crossing the property. Such easement shall be recorded with Walworth County and a copy provided to the Village of Fontana prior to receiving a final occupancy of the structure.
3. The maximum building height shall not exceed 24 feet and 3 inches as measured from the lowest existing grade adjacent to the perimeter of the proposed structure.
4. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any construction. CUP approval shall not alleviate the applicant from securing all required permits.
5. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
6. Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval.
7. The structure shall not be converted to habitable living space. Per the existing Village of Fontana Municipal Code an additional living space would need to meet the density requirement of the RS-1 zoning district (40,000 square feet/dwelling unit) and accessory living quarters may not be located in a nonconforming accessory structure (of which the existing structure is classified due to its nonconforming offset).

Ken Rodeck stated that he owns the property to the west at 676 South Lakeshore Drive and he asked what structure the CUP was for and how tall it is. McCarthy showed Rodeck the location of the

garage on a site plan and stated that current structure is 16-foot-tall. Rodeck stated that he has no objections regarding the proposal. Petersen stated that the public hearing was closed at 6:05 pm. President Petersen/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit application as filed, with the following seven conditions:

1. All applicable findings and comments from the attached Ruckert-Mielke correspondence dated November 30, 2011 shall be complied with; specifically comments 1, 2, 3, 6 and 7.
2. The applicant shall secure a permanent 20-foot-wide easement with the Village of Fontana for the existing sanitary sewer main crossing the property. Such easement shall be recorded with Walworth County and a copy provided to the Village of Fontana prior to receiving a final occupancy of the structure.
3. The maximum building height shall not exceed 24 feet and 3 inches as measured from the lowest existing grade adjacent to the perimeter of the proposed structure.
4. A complete submittal for building and zoning permits shall be applied for and obtained prior to the commencement of any construction. CUP approval shall not alleviate the applicant from securing all required permits.
5. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
6. Actual construction shall be as depicted on the approved plans submitted for CUP approval. Interior modifications may be allowed pending approval by the Building Inspector. Exterior modifications may require an amendment to this CUP approval.
7. The structure shall not be converted to habitable living space. Per the existing Village of Fontana Municipal Code an additional living space would need to meet the density requirement of the RS-1 zoning district (40,000 square feet/dwelling unit) and accessory living quarters may not be located in a nonconforming accessory structure (of which the existing structure is classified due to its nonconforming offset).

The MOTION carried without negative vote.

### **General Business**

#### **Clear Sky Lodge Planned Development PIP Amendment Application**

Attorney John Clair stated that the application was filed by his clients, the Margaret M. Lombardo Trust, and by the Clear Sky Lodge Condominium Association Inc., to amend the Precise Implementation Plan and allow for a second slip to be added to the Lombardo pier at 1100D South Lakeshore Drive. Clair stated that although the initial approval documents call for two slips per pier in the Planned Development, the PIP has to be amended to address a pier layout plan that was included in the initial PIP back in 1988. Clair stated that the approved documents call for two slips per pier; however, the attached plan exhibit does not depict two slips on each of the four piers in the Planned Development. Clair stated that although the pier permit for a new pier on the Lombardo property has received approval from the Wisconsin DNR, the Lakefront and Harbor Committee and Village Board, the pier permit from the DNR may have to be renewed. Thorpe stated that his firm has represented the Clear Sky Lodge Association in the past and he requested that the Plan Commission provide consent for him to provide comments on the application.

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to consent to allow Attorney Thorpe to continue to consult the Plan Commission on the Clear Sky Lodge Planned Development PIP amendment application, and the MOTION carried without negative vote.

Thorpe stated that all of the piers in the planned development have been modified from the 1988 exhibit; however, the piers only have two slips per pier as initially approved. Thorpe stated that he would suggest drafting new documents for the General Development Plan and the Precise Implementation Plan to lock in the total number of moorings approved, but to remove the pier configuration drawings since the Village only regulates total moorings.

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Clear Sky Lodge Planned Development PIP Amendment Application as filed, and the MOTION carried without negative vote.

**Reschedule May 2012 Monthly Meeting – Tuesday, May 29, 2012**

The monthly meeting has to be rescheduled from Memorial Day. Petersen stated that if the meeting was going to be rescheduled to the next day, he would like it to begin at 6:00 pm instead of 5:30 pm. Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to reschedule the monthly Plan Commission for May 2012 to Tuesday, May 29, 2012 beginning at 6:00 pm. The MOTION carried without negative vote.

**Adjournment**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 6:14 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: 6/4/12