

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

PLAN COMMISSION MEETING

**Monday, May 23, 2005**

President Whowell called the Plan Commission to order on Monday, May 23, 2005 at 6:06 pm in the Village Hall located at 175 Valley View Drive, Fontana, Wisconsin.

**Roll Call**

**Commissioners Present:** Roll Call: O'Connell, Spadoni, Treptow, President Whowell, Poivey, Larson, Eakright

**Also Present:** Bob Chanson, Jim Celano, David Coates, Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Building Inspector Ron Nyman, reporter Jordan Modarsky, Trustee Pete Petersen, Brian Pollard, Trustee Ron Pollitt, Village Planner Mike Slavney, Ed Snyder, Village Attorney Dale Thorpe, CDA Executive Director Cindy Wilson, James Winquist

**Visitors Heard**

None

**Announcements**

Hayden-Staggs stated the first meeting of the Board of Review will be held Friday, May 27, 2005, at 10 am; Accurate Appraisal will be at the Village Hall for office hours on Friday, May 27, 2005, from 10 am to 3 pm; the next CDA Board meeting is scheduled for Wednesday, June 1, 2005, at 6 pm; a Town Hall Meeting on 2005 Reassessment will be held Saturday, June 4, 2005 at the Village Hall; the next Village Board meeting will be on Monday, June 6, 2005, at 6 pm; and the third quarter VOF Newsletter article deadline is Friday, June 10, 2005, at 4 pm.

**Approve Minutes**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the minutes for the May 2, 2005 Joint Session with the CDA and Village Board, and the MOTION carried without negative vote. Commissioner Eakright abstained.

**Public Hearing**

**Public Hearing on Proposed Amendment to Chapter 18-28 Natural Resource Conservation Ordinance of the Village of Fontana Municipal Code**

President Whowell opened the public hearing at 6:10 pm. Larson stated that the Park Commission has been working on the proposed ordinance amendment for the past year and a half. Larson stated that comments received at a previous public hearing, from an attorney representing Abbey Springs, from Village Planner Mike Slavney, and from Plan Commissioners have been incorporated into the amendment. The Park Commission also received input from two arborists and the Wisconsin DNR. Thorpe stated that he reviewed the amendment, and "it's a vast improvement over what we have right now." Nyman stated that according to the amendment, property owners will not be charged a permit fee to have dead or diseased trees cut down; however, they will still have to apply for a permit before they can remove a tree. A fee schedule is being developed for property owners who want to cut down trees that are not dead or diseased. Jim Celano of the Geneva Lake Conservancy suggested that the Village solicit an opinion on the proposed amendment from the Wisconsin Woodland Owners Association. President Whowell responded that an opinion will be solicited before the Village Board meeting scheduled for Monday, June 6, 2005. President Whowell closed the public hearing at 6:17 pm.

**General Business**

**Plan Commission Recommendation on Proposed Amendment to Chapter 18-28 Natural Resource Conservation Ordinance of the Village of Fontana Municipal Code**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to forward the proposed amendment to Chapter 18-28 Natural

Resource Conservation Ordinance to the Village Board for approval as written, and the MOTION carried without negative vote.

### **Precise Implementation Plan Filed by Brian Pollard for the FairWyn, Ltd. Mill Street Development**

Pollard stated that changes suggested at the last Plan Commission meeting were implemented in the PIP, but the final documents will not be ready for approval until the June 27, 2005 meeting. The proposed height of Buildings E and F were lowered to meet the Village of Fontana Municipal Code, and windows were added to the side elevations. Thorpe stated that site, landscaping and drainage plans and other documents all have to be submitted and reviewed by the Village professional staff members before the Plan Commission will be in a position to act on the PIP. Pollard stated that he will have the final plans submitted to the Village in time for review prior to the June 27, 2005 meeting. Following a PowerPoint presentation, Larson stated that she does not like the appearance of Buildings E and F, even more so now that their proposed heights have been lowered. Pollard asked the Plan Commission if he should have the project architects completely change the two buildings, or if Larson's statement was just her opinion. Celano stated that architectural diversity is good for a community and the Geneva Lake Conservancy supports the plan as presented. Trustee Petersen stated that the CDA also supports the plan, which has been presented in the current design for more than one year. CDA Commissioner Bob Chanson stated that the CDA Board knew all along that it wanted diversity with regard to the FairWyn development. Hayden-Staggs and Slavney stated the additional windows on the side elevations alleviated their concerns with the PIP. Larson stated that although she feels the two residential buildings look out of place, she supports the overall plan. The rest of the Plan Commissioners were in consensus that they favored the PIP as presented. Celano asked that the Village require low impact techniques with regard to the storm water management plan, and that the plan be something more than a simple swale.

### **Abbey Resort Signage Approval**

Nyman reported that he completed a sign survey of the Abbey Resort property and it showed that existing sign square footage is about 395 square feet. The proposed new signage would result in a reduction in size of total signage to about 311 square feet. "This is mostly a result of downsizing the 'A,'" Nyman stated in his report. "The two existing signs, one at the main entrance off Fontana Boulevard, and the other near the corner of Highway 67, are 70 square feet in size. This is 20 square feet larger than what is allowed by the current ordinance in the C-4 zoning district. However, these signs may have met the zoning requirements when they were erected," Nyman stated in his report.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to approve the signage plan submitted by the Abbey Resort, and the MOTION carried without negative vote.

### **CSM Filed by Alliant Energy/WP&L for Electrical Substation Site in Walworth Township**

Hayden-Staggs stated that the proposed CSM reflects what was approved by the Plan Commission and the Joint ETZ Committee with regard to the new electrical substation off Cobblestone Road in Walworth Township. Hayden-Staggs stated that the Village professional staff members recommended approval.

Spadoni/Treptow 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the CSM filed by Alliant Energy/WP&L, and the MOTION carried without negative vote.

### **Introduction of Conditional Use Permit Application Filed by David Coates for James Winquist Property at 304 Kinzie Avenue**

Coates presented the plans for the Winquist proposal under the Nonconforming Lots Amendment to the Municipal Code. Coates stated that the proposal to raze the current residence and construct a new three-level home, with a family room above an attached garage, does not encroach on the setbacks any more than the current residence. Coates stated that the overall height of the new residence, if approved, would be 34 feet, 10 inches from the lowest point to the highest point – which is 9 feet, 1 inch taller than the existing residence. Coates stated that the new residence would feature cedar-like siding and the landscaping plan will preserve the existing features of the lot, including as many trees as possible. Slavney stated that the Village design standards require at least one window on the wall of the proposed garage. Nyman stated that although the proposal is for a very good quality home, if the CUP is approved, the new residence will overwhelm the lot. Also the new garage, which is a current detached car-port, would abut the neighbor's garage, Nyman stated. And the roofs of both garages will be over the lot lines. Spadoni stated that he supports the proposal because it meets all the standards of the current zoning ordinance. O'Connell stated that she likes that fact that the proposal has received the support of the Buena Vista Club, but she has not actually viewed the site. Treptow

stated that although the proposed new garage will be directly abutting the neighbor's garage, a window should be added to the wall. Poivey stated that he likes the proposal. Larson stated that the proposal calls for a very fine quality home; however, she is concerned that the Village allows property owners to use connected car-ports in the calculations for total square footage of existing residences. Larson stated that there are very many car-ports on residences in the Village, and if they are allowed to be developed into living spaces, it will adversely affect the look and density of neighborhoods throughout the Village. Eakright stated that he supports the proposal because it is in compliance with the zoning code and it will be a beautiful addition to the neighborhood. Hayden-Staggs stated that she is concerned if the Plan Commission approves a CUP for the project, the former car-port will be located right up to the public right-of-way on North Lakeshore Drive. Hayden-Staggs stated that if approved, the proposed residence will create a big presence at the corner of North Lakeshore and Kinzie Avenue. Thorpe stated that although the Village Municipal Code includes in its definition of footprint any concrete pad that has an over-hang, the Plan Commission should make sure it really wants to approve proposals that call for an increase in the height of current residences. In response to a suggestion that Coates move the location of the proposed new residence further back on the lot, Coates stated that some of the trees on the lot would have to be cut down, and it would encroach on the neighboring home.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to set a public hearing for the CUP application for the June 27, 2005 Plan Commission meeting, beginning at 6 pm or as soon thereafter as the matter may be heard, and the MOTION carried without negative vote.

#### **Introduction of Conditional Use Permit Application Filed by Bob Chanson, 340 Home Avenue**

Coates presented the CUP proposal for the Chanson residence under the Nonconforming Lots Amendment to the Municipal Code. The proposal calls for renovating the current second-floor loft bedroom and expanding by 20 square feet the first-floor dining room. The current residence is nonconforming because it does not meet the minimum setback on its east and north sides. Chanson stated that although the proposal calls for expanding the dining room, that side of the residence would still be setback from the lot line by more than the 25-foot minimum. Chanson stated the proposal was prompted by the fact that he needs to replace the roof on the residence and he would like to renovate the current loft-style bedroom. Slavney asked that if one of the conditions of approval of the CUP could be to push the current car-port back on the lot so it is not in the public right-of-way. Chanson responded that the topography of the lot and a retention wall would make a car-port relocation plan very costly and it would adversely disrupt the site. Larson stated that under the Nonconforming Lots Amendment to the Municipal Code there is no allowance for increasing the footprint of the existing structure. Following discussion, the Village professional staff members agreed with Larson's interpretation of the code. President Whowell asked Chanson if he would be willing to submit a proposed new site plan that meets the requirements of the code. Chanson responded that he will remove the dining room expansion proposal from the CUP application, and only apply for approval of the renovation to the second-floor loft bedroom.

Treptow/Spadoni 2<sup>nd</sup> made a MOTION to set a public hearing for the CUP application for the June 27, 2005 Plan Commission meeting, beginning at 6:30 pm or as soon thereafter as the matter may be heard, and the MOTION carried without negative vote.

#### **Introduction of Conditional Use Permit Application Filed by Jorndt/Fahey Remodeling, Delavan, for Bob and Patti Madden Property at 545 Lower Brookwood**

Hayden-Staggs stated that the addition/remodeling proposal does not qualify for a CUP because the current residence and its lot are in conformance with the Municipal Code. If the property owners want to attempt to gain approval of their proposal to construct an addition that exceeds the 35-foot maximum height requirement of the Municipal Code, they will need a variance.

#### **Hubertz Annexation Proposal**

Thorpe stated that he has been working with Mr. Hubertz on annexing the vacant portion of his lot into the Village of Fontana. The half of the lot that the Hubertz residence is located on is in the Village. Thorpe stated that if the annexation proposal is going to proceed through the approval process, a legal description of the parcel is needed. If the expense to obtain a legal description is authorized by Mr. Hubertz, Thorpe will contact a surveyor and proceed with the process. In his written report, Thorpe also stated that a change made in the state's annexation law in 2003 calls for the Village to pay for five years the Town from which the property was annexed an amount equal to the amount of property taxes that the township levied on the annexed territory in the year in which the annexation was finalized.

**ETZ Ordinance – PRD Language**

Thorpe stated that the printing error made by MuniCode when it recodified the Village of Fontana Municipal Code that was discovered last year also accounted for the inadvertent error with regard to the Planned Residential District. Thorpe stated that the PRD District already is incorporated in the ETZ Ordinance, so no Village Board action is required.

**VOF Zoning Map Adoption**

Hayden-Staggs stated that the process to prepare a new Village of Fontana zoning district map has been completed. Hayden-Staggs stated that the official map now includes all of the Village of Fontana zoning districts, including the ETZ, TID and various overlay districts.

Spadoni/O’Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Zoning Map, and the MOTION carried without negative vote.

**Follow-up on May 4, 2005 Lakefront Architecture and Styles Workshop With CDA**

Hayden-Staggs stated that the Architecture Guide Book distributed at the May 4, 2005 workshop will be updated and reviewed with PDI and the CDA Board of Directors at the next Plan Commission meeting on Monday, June 27, 2005.

**Building Inspection Activity Report**

The Building Inspection Department issued permits for 23 different projects for the period from May 2, 2005 to May 23, 2005. Nyman stated that the Building and Zoning Department needs direction with regard to exact definitions for accessory structures and building footprints.

**Adjournment**

Poivey/O’Connell 2<sup>nd</sup> made a MOTION to adjourn at 8:09 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: 06/27/05