

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

SPECIAL JOINT MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
with the CDA BOARD OF DIRECTORS

Monday, June 27, 2005

President Whowell called the monthly meeting of the Plan Commission to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call vote: Eakright, O'Connell, Spadoni, Treptow, President Whowell, Poivey, Larson

Also present: Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Building Inspector Ron Nyman, Trustee Pete Petersen, Treasurer Peg Pollitt, Bob Sandy, Village Attorney Dale Thorpe, Public Works Director Craig Workman

Move Meeting for CUP Application Site Visits

President Whowell stated that the monthly Plan Commission meeting convened one hour earlier than normal in order for the Plan Commissioners and professional staff members to visit the sites for Conditional Use Permit proposals at the James Winquist residence at 304 Kinzie Avenue and the Bob Chanson residence at 340 Home Avenue.

Reconvene Plan Commission Meeting at Village Hall

President announced that the Plan Commission was back in open session at 6:01 pm.

Also present: Carolyn Esswein, Megan and Jim Feeney, Treasurer Peg Pollitt, Code Specialist Bridget McCarthy, Jerry Oglesby, Skip Scherb, Tim Swatek, Sturges Taggart, John Tracy, Richard Torhorst, Jamie Whowell, Cindy Wilson

Visitors Heard

None

Announcements

Hayden-Staggs announced that the Village of Fontana fireworks display will be Monday, July 4, 2005, at dusk; the next CDA Board meeting will be Wednesday, July 6, 2005, at 6 pm; Accurate Appraisal will conduct office hours at the Village Hall on Friday, July 8, 2005, from 10 am to 3 pm; the annual Clerk/Treasurer Institute will be held in Green Bay from July 10 to 15, 2005; the next Village Board meeting will be held Monday, July 11, 2005, at 6 pm; Accurate Appraisal will conduct office hours at the Village Hall on Friday, July 22, 2005, from 10 am to 3 pm; and the next Plan Commission meeting will be held Monday, July 25, at 6 pm.

Approve Minutes

Commissioner Spadoni/Commissioner Poivey 2nd made a MOTION to approve the minutes for the May 23, 2005 Plan Commission meeting, and the MOTION carried without negative vote.

Public Hearings

Public Hearing on Conditional Use Permit Application filed by David Coates, 509 Forest Glen Drive, Fontana, for property owner James Winquist, to raze the existing residence at 304 Kinzie Avenue, Fontana (Lot 74 of the Buena Vista Club Subdivision), and construct a new two-story residence under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code

President Whowell opened the public hearing at 6:02 pm. Coates stated that he submitted new plans for the proposal that reduce the square footage of the new residence from 1328.19 to 1295.16.

Thorpe stated that the public hearing notice posted and published for the meeting was for the initial

proposal, not the new plan submitted Monday evening. Thorpe stated that another public hearing will have to be posted and published for the July 25, 2005 Plan Commission meeting, at which time the new plan may be considered by the Plan Commission. President Whowell asked Coates to present the new plan in order for the applicant to receive initial feedback from the public and Plan Commissioners. Coates stated that the new proposal decreases the total size of the proposed new residence, pulls the garage back further from the road, and relocates the footprint. Coates stated all the modifications were made after the applicant received initial feedback at a staff meeting. Thorpe stated that the applicant adhered to the suggestions made at the staff meeting; however, the new plan was not the subject of Monday's public hearing. Besides the letters submitted by neighbors in support of the CUP proposal, subdivision residents Mike Keeling, Tom Sullivan and Jill Ackola all spoke in favor of the proposal. Nyman stated that although the new plan downsized the proposed garage and a family room above the new garage, the proposal still calls for a tremendous increase of volume on the lot. Nyman stated that at least three large oak trees will be lost if the proposal is approved. McCarthy stated that the Plan Commissioners should take into consideration what the neighbors will propose for their lots if the Winquist proposal receives approval. Hayden-Staggs stated that the new plan appears to have addressed a lot of the concerns the staff members had with the initial proposal. President Whowell closed the public hearing at 6:23 pm. Spadoni stated that Winquist has worked with the village staff members to come up with a good plan. Treptow stated that he likes the changes made to the carport, but he is concerned that four oak trees eventually will be lost on the site. Poivey stated that he thinks the changes to the plan are good and he favors the new proposal. Larson stated that the plan shows a fundamental misunderstanding of the recently adopted nonconforming lots amendment to the Municipal Code. Larson stated that the Plan Commission is supposed to protect trees and improve the nonconforming conditions of existing homes and lots when approving conditional use permits under the amendment. Larson stated that although Winquist's proposal is for a very lovely home, the plan is not suitable for the lot. Larson stated that the purpose of the ordinance amendment was to improve bad situations in the Village, not to expand current residences and carports or to make bad situations worse. Larson stated that the proposed garage is located too close to the street, there is no room in the area for off-street parking, the impervious surface to green space ratio on the small lot is not sufficient and too many trees will be lost if the plan is approved. Larson reminded the Plan Commissioners that they are able to set conditions for approval on CUP applications. Eakright stated the he likes the changes to the initial plan. O'Connell stated that she thinks the proposal calls for too much volume on the small lot. O'Connell stated that the proposal for a family room above the new garage, which currently is a car port, will create too much volume. O'Connell suggested that the applicant keep the carport an open structure, and not propose a new garage/family room. Thorpe stated that if the applicant wants to have the Plan Commission consider the new plan, the initial plan would have to be withdrawn and the new plan will have to be filed and scheduled for a public hearing. The applicant then requested that the initial plan be withdrawn, and stated that the new plan will be filed with the Village Clerk. Commissioner Spadoni/Commissioner Treptow 2nd made a MOTION to table the Conditional Use Permit application pursuant to the request of the applicant and to forward the amended plan for a public hearing at the July 25, 2005 Plan Commission meeting, and the MOTION carried without negative vote.

Public Hearing on Conditional Use Permit Application filed by Bob Chanson, 340 Home Avenue, Fontana (Lot 39 of the Buena Vista Club Subdivision), to construct an addition to the second-floor of the existing residence under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code

President Whowell opened the public hearing at 6:41 pm. Coates stated that the CUP application is for a second-floor addition to the existing residence. The plan calls for the addition to remain within the current footprint, and the height will be lower than the 35-foot limit that is allowed in the Municipal Code. Subdivision resident Mike Keeling stated that the plan looked nice and if approved, it will be an improvement to the Chanson residence. Another unidentified neighbor also spoke in favor of the proposal. President Whowell closed the public hearing at 6:45 pm. The Plan Commissioners had no objections to the proposal as submitted. Commissioner Poivey/Commissioner Larson 2nd made a MOTION to approve the Conditional Use Permit application as submitted, and the MOTION carried without negative vote.

Call to Order CDA at 7:00 pm

President Whowell called the CDA to order in the absence of CDA Chairman Bill Turner at 6:58 pm.

CDA Board Commissioners present: Roll call vote: Petersen, Chanson, Bliss, McHugh

CDA Board Commissioners absent: Hibbard, Koepsel, Turner

General Business

Lakefront Architecture and Styles Workshop With Plan Commission, CDA and PDI

Bliss stated that the special joint meeting was scheduled to review the previously approved Fontana Guide Book. Carolyn Esswein of PDI presented the updated Fontana Guide Book, which features images that delineate the Design Standards in Article IV, Sec. 18-66 of the Municipal Code. Esswein stated that more local images were inserted into the guide book, which was designed to help potential developers and residents understand the design standards. Petersen stated that the book is exactly what the CDA asked for. Spadoni requested that some photographs be included in the book of recently constructed homes in the Pheasant Ridge and Glenwood Terrace subdivisions. Thorpe stated that the Plan Commissioners and CDA Commissioners should be aware the book is simply a guide book, and that the Municipal Code as it exists determines if a proposal is approvable. Bliss stated that it would be appropriate for the CDA to act on a motion to formally recommend the use of the guide book by the Plan Commission.

CDA Commissioner Chanson/CDA Commissioner McHugh 2nd made a MOTION to recommend that the Plan Commission use the Fontana Guide Book, with refinements, to provide examples of the Village Performance Standards, and the MOTION carried without negative vote.

Adjourn CDA

CDA Commissioner Petersen/CDA Commissioner Chanson 2nd made a MOTION to adjourn the special meeting of the CDA Board at 7:25 pm, and the MOTION carried without negative vote.

Plan Commission General Business

Amendment to Village of Fontana Municipal Code Article II, 18-17 Specific Words and Phrases – Building Height Definition

McCarthy stated that although the Village has used for the last 15 years a specific method to determine the height of buildings, the Municipal Code does not include the definition. McCarthy stated that her proposal puts the definition in writing. McCarthy stated, “Recently, our code has been questioned since the measurement method used is not explicitly expressed, but rather an ‘understood practice.’” The Village of Fontana measures building height from the existing grade (prior to construction) to the peak, or highest point of a roof.

Commissioner Larson/Commissioner Poivey 2nd made a MOTION to hold a public hearing on July 25, 2005 to present the proposed Amendment to the Municipal Code, and the MOTION carried without negative vote.

John Tracy Update – Highlands of Fontana Board No. 5

John Tracy and his attorney, Tim Swatek, stated that they have been meeting with village staff members to work on the previously proposed Board 5, which calls for annexing the parcel from Walworth Township into the Village of Fontana. If approved, the development will feature 106 units that will be a mixture of estate residences, town homes and single-family residences. Tracy stated that the new residences will be owner occupied and there will not be a rental pool proposed. Workman stated that he and Village Engineer Mike Bridwell had a couple meetings with Tracy and his project engineers at which they designed a more effective water system than what was drafted with the initial proposal a few years ago. Workman stated the reconfigured water and sanitary sewer lines will cost about \$1 million less than the initial plan. Tracy stated he would like to meet with the Public Works Committee to finalize the proposal and lock in a plan to be presented to the Plan Commission for approval. Tracy stated he will pay about 80 percent of the infrastructure costs, if approved. Fontana Elementary School Board of Education President Joy Brauer stated that the School Board supports the proposal because it will attract families into Fontana. Brauer stated that the proposal for the units to be owner occupied also bodes well for attracting new families into the school district. The Plan Commission took a straw vote that unanimously supported the proposal as presented. Tracy was

directed to move forward with planning with the village staff members and the Public Works Committee.

Introduction of Fontana Village Inn Condo/Hotel Unit Proposal

Tim Swatek stated that he was representing potential purchasers of the Fontana Village Inn. Swatek stated that the new owners are proposing to change the ownership form of the hotel to individually owned condominium rental units. Swatek stated that the new owners do not want to change any other aspect of the present operations or modify the building or its 22 units. The Plan Commissioners were in consensus that the proposal would provide an economic benefit to the Village, and there were no concerns voiced.

Jerry's Marine BSOP and Signage Proposal

Jerry Oglesby distributed a sketch of a proposed sign and a site layout for the vacant lot located on the west side of Highway 67 adjacent to the Audino quarry site, and photographs of other business signs in the area. Oglesby stated he wants to display boats on the lot and erect a monument sign, that would be landscaped and illuminated. Thorpe stated that the plans distributed at the meeting were not sufficient for the Plan Commission to make a determination at the meeting. Thorpe said a topographical survey of the site and landscaping, lighting and grading plans are required for the Plan Commission to act on building, site and operation plans. Thorpe stated that the sign as proposed fits the definition of an off-premises business sign, which are not allowed in the Municipal Code. Jamie Whowell, owner of the lot, stated that he would just like approval for the continued use of the lot for the display of boats. Jamie Whowell stated he would like direction on the wording of the sign and the size and design that would be approvable. Spadoni stated that Oglesby and Jamie Whowell should fill in the lines "that they left blank" on the application and bring it back to the next meeting of the Plan Commission. Spadoni stated that he also has concerns about allowing the lot to be left vacant for use as a display lot. In response to a question from Jamie Whowell, Spadoni stated that he would like to see a high-end showroom constructed on the lot. O'Connell stated that she does not favor the sign as proposed, and would prefer that it be illuminated from above, instead of from the ground up. Treptow stated that he would also prefer that a new building be constructed on the vacant lot, since it is located in the middle of the village and adjacent to Highway 67. Eakright stated that he was concerned that the sign proposed Monday constituted an off-premises sign on the vacant lot. Larson stated that she also classifies the proposed sign as an off-premises sign that is "essentially a billboard." Since the Highway 67 construction project is improving the area, Larson stated the village "could use an actual business" on the lot. Poivey stated that the lot is located in the C-2 zoning district and an allowable use is lake-related businesses, but they are subject to site review. Poivey stated that if the lot is zoned for the type of business Oglesby and Jamie Whowell are proposing, the Plan Commission and village staff should try to work with the applicants to come up with an approvable proposal. Poivey stated that as presented, the sign constitutes an off-premises sign. Thorpe suggested that the applicants work with the village staff to provide the detailed plans required for the approval process. Thorpe stated that if the BSOP process is completed, the village will have an exact record of what's supposed to take place on the property. Thorpe stated that Jamie Whowell could work with the Village Zoning Department to provide a topographical site map, a scaled landscaping plan, a plan for the sign that includes aesthetic and color details, a lighting plan, details on the proposed boat storage, a definition for "seasonally," and proposed hours of operation.

Scherb CUP Violation – New CUP Application Introduction

Developer Sturges Taggart and his attorney, Richard Torhorst explained why the plan approved for the new single-family residence was not followed, which caused the village building inspector to issue a stop work order on the project. Torhorst proposed a construction bond and a possible solution to correct a garage setback violation. Thorpe stated that the Conditional Use Permit will have to be amended, or the original plans have to be followed. To amend the CUP, another public hearing is required. When questioned by Spadoni how the village could prevent another home from being close to completely constructed before it is learned that the approved plans are not being followed, Thorpe stated the Village could amend the Municipal Code to require an as-built survey to be filed after the footings and foundation are poured for construction projects. Taggart was directed to file the required site surveys and plans and complete the CUP application he filed for an amended CUP. If

the CUP application is completed by Friday, July 1, 2005, the public hearing will be scheduled for the next meeting of the Plan Commission on Monday, July 25, 2005.

Building Inspection Activity Report

Nyman distributed the Activity Report for June 1 to 24, 2005, which states there were permits issued for 33 projects. The Village took in \$9,007 in permit fees during the period.

Pending Items for Future Agendas

1. ETZ Boundary Amendment Petition Filed by Bill Grunow, Linn Township
2. Audino Quarry Planned Development

Adjournment

Commissioner Spadoni/Commissioner Treptow 2nd made a MOTION to adjourn the meeting at 9:04 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 CDA Board, the official minutes will be on file at the Village Hall.

APPROVED: 07-25-05