

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

REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, July 31, 2006**

President Whowell called the monthly meeting of the Plan Commission to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: Poivey, Larson, McGreevy, President Whowell, O'Connell, Treptow (arrived at 5:40 pm)

**Plan Commissioner absent:** Spadoni

**Also present:** Village Engineer Joe Eberle, Attorney Noah Fiedler, Village Administrator Kelly E. Hayden-Staggs, Library Director Nancy Krei, Village Clerk Dennis Martin, Maureen Mayrand, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Brian Pollard, Trustee Ron Pollitt, Don Roberts, Rick Rosenow, Dan Shepard, Village Planner Mike Slavney, Ryan Trottier, Village Attorney Dale Thorpe

**Visitors Heard**

None

**Announcements**

Hayden-Staggs announced that the CDA monthly meeting will be held Tuesday, August 1, 2006 at 6:00 pm; Accurate Appraisal will hold office hours at the Village Hall on Friday, August 4, 2006, from 10:00 am to 4:00 pm; a Town Hall Meeting will be held at the Village Hall on Saturday, August 5, 2006, at 9:00 am; the next monthly meeting of the Village Board will be held Monday, August 7, 2006, at 6:00 pm; and the Highway 67 construction project will force local road closures during Phase II, from August 21 to early November.

**Approve Plan Commission Minutes**

O'Connell/Poivey 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held June 26 and July 19, 2006, and the MOTION carried without negative vote.

**Public Hearing**

**Amended Conditional Use Permit Application filed by FairWyn, Ltd., 851 Park Drive, No. 104, Lake Geneva, WI, to add two attached/projected signs to the Professional Building, 450 Mill Street**

President Whowell opened the public hearing at 5:34 pm. Brian Pollard stated that he and his tenants are seeking approval for two attached, hanging signs in the same design at the old-fashion hanging shingle signs for doctor's offices. Pollard stated that they would like to have the signs hung over the railing on the front porch of the building. Pollard stated the signs would not hang over a pedestrian walkway. Nyman stated that the staff report for the proposal indicates two areas of concern with regard to the proposal for hanging signs. Nyman stated that the signs could create a safety concern, and the staff felt the building would look better aesthetically if the signs would be erected in another area not directly in front of windows. Pollard stated that the proposed location for the signs will not block the windows, and the dentist who occupies the affected room supports the proposal. With regard to the safety issue, Pollard stated that the signs would be hung with chains that would be dead-bolted into the ceiling. Nyman stated that a safety concern with regard to hanging signs is that they could swing in high winds and possibly strike a pedestrian or be blown off their mounting

chains. Slavney stated that if the Plan Commission was to consider the proposal for hanging signs, approval could be made contingent on having the signs mounted with fixed brackets instead of chains. Pollard responded that he would be willing to mount the signs with fixed brackets. Larson asked Pollard why he did not propose another location on the north end of the building facade to have signage erected. Pollard stated that after touring the building, the tenants favored the proposed location by the front door. The Plan Commission was in consensus that they favored the design of the signs, but discussed at length other locations for their placement. Nyman asked Pollard if there was going to be any illumination proposed for the signage, and Pollard stated that if it was not included at this time, he will not come back to the Plan Commission for approval in the future. Pollard stated that he has attended enough Plan Commission meetings with regard to the signage for the building and he will not be making any further proposals. President Howell closed the public hearing at 5:48 pm. The Plan Commissioners were in consensus that they like the design of the two signs, but they preferred that the signs not be hanging free to blow in the wind.

Poivey/Treptow 2<sup>nd</sup> made a MOTION to approve the CUP application as submitted, with the conditions that the signage shall not be increased in size from the proposed signage dimensions as submitted of 2.5-foot-by-5-foot each; that the signage be mounted with fixed brackets rather than chains; that approval of the signage as submitted in this particular amendment proposal shall not, in any way, be perceived as the guaranteed approval for future signage on this property, or on any other property the applicant may wish to develop; and that in the event this property may be rezoned and/or included in a larger development, signage shall be reviewed and reevaluated for conformance, and in the event the rezoning of the property causes the signage approved to be considered non-conforming, the Plan Commission may require all signage to be brought into conformance to the standards and requirements of the code at that time. The MOTION carried without negative vote.

#### **General Business**

#### **Building, Site and Operational Plan Filed by Fontana Family Dentistry, 450 Mill Street, Suite 104**

Pollard stated that Fontana Family Dentistry has been in business for about one year, but Dr. Todd Hehli was not aware of the requirement to have a Building, Site and Operational Plan submitted and approved by the Plan Commission. Pollard stated that Dr. Hehli loves being in the Village of Fontana and his business continues to grow. Nyman stated that the BSOP submittal brings the Village up-to-date on permits for the Professional Building. Nyman stated that the submittal is very complete and the Village Building and Zoning Department has all the information it needs, and then some, with regard to the BSOP.

O'Connell/Larson 2<sup>nd</sup> made a MOTION to approve the BSOP as submitted, and the MOTION carried without negative vote.

#### **Precise Implementation Plan Filed by Par Development for Cliffs of Fontana Project on Audino Quarry Site**

Ryan Trottier of Par Development thanked the Village staff for working with the developers during the last several weeks to finalize the PIP submittal for the 66-unit development on 24.1 acres of land. Following direction from the Plan Commission, all but 800 feet of the front retaining wall has been eliminated from the proposed engineering. The back of the lot will still feature a 23-foot-high retaining wall, featuring three levels of landscaped terraces, with a decorative fence erected along the top of the ridge for safety purposes. The retaining wall will be colored beige with brown accents. If approved, all of the existing trees will have to be cut down prior to site excavation in order to facilitate the establishment of the new grade. Also, by removing all of the existing trees, the new landscaping plan can be perfectly balanced for aesthetics. Thorpe stated that there are still two open issues that have to be finalized. Thorpe stated that construction easements have to be made permanent to memorialize the new slopes that the construction project will create, and the signage proposal has to be made compliant with the Municipal Code. Thorpe stated that the permanent easements are necessary for the areas where the existing grading on adjacent properties will be

altered. Thorpe stated that the staff members were in consensus that permanent easements that can be recorded are a necessity for the project. Dan Shepard responded that Par Development will pursue the permanent easements, but the issue just came up during the last week. Shepard stated the developers just started the process with temporary easement agreements because that's what the firm has always had with prior developments. Trottier stated that he worked with Assistant Zoning Administrator Bridget McCarthy on the signage, and there will be no problem in bringing the proposal into compliance with the Municipal Code, including illumination specifics. The signage proposal includes a temporary marketing sign and a permanent subdivision sign. Staff also had concerns with the landscaping management plan, and the developers stated they will incorporate more detailed language into the Developer's Agreement to make sure the landscaping is adequately maintained in the future. In response to questions about the storm water management and other engineering issues, Eberle stated that everything has been reviewed and staff is satisfied with the plans as submitted. The street lights will match the styles being used by the Village on Highway 67. Larson stated that the Plan Commission should table consideration of the PIP until the permanent easements are obtained by Par Development. Without having the easements in place, Larson stated the impact of the proposed grading on the current slopes cannot be determined. Larson stated all the large trees in the development area also should have been identified during the general development plan approval process. Thorpe stated that the Developer's Agreement includes language that requires the permanent easements prior to final approval; if the easements aren't secured, Par Development will have to start over with the approval process. Larson stated that she would like the PIP tabled until the easements are negotiated and the signage plan is amended, and so that the Plan Commission members can take another tour of the site. Thorpe stated that the easements and signage plan can be reviewed and approved by the Village staff. The developers stated that if the project is tabled for one more month, they would not commence construction until next year because the new slopes will have to be seeded so the new plants can start to grow in prior to winter and so the slopes can be stabilized prior to spring. Sheppard stated that if they received Plan Commission approval that night and Village Board approval on August 7, 2006, the project could be commenced in August. Larson stated that the engineering proposed with the PIP constitutes a major change for the approved General Development Plan. The professional staff members and the rest of the Plan Commissioners were in consensus that there were only a few minor changes made to the GDP, and those changes were requested by the Village. Thorpe stated that the engineering is part of the PIP not the GDP because of the related expense to the developer. Treptow stated that he likes the proposed development and it looks good. Treptow stated that the developers have done everything that the Village requested and he favors the proposal; however, when developed, the subdivision will be big change for the Village. O'Connell stated that she likes the changes the developers made to the PIP. Poivey stated that the developers have come a long way, and his concerns about safeguards being in place for the storm water issues have been addressed. With regard to the permanent easement issue, Poivey stated that the developers will not be able to move forward without receiving them, so the Village also is covered on that issue. Larson stated that she does not like the proposed change in the present slopes on the site. President Whowell stated that when the property was being operated as a gravel pit, there were slope problems and other business related issues the Village had to deal with. President Whowell stated that since the gravel pit closed, the property has stood vacant for more than 40 years and there have been no successful development proposals for the parcel. President Whowell stated that the proposed high-end residential development is in the community's style and it is a good step with regard to the Fontana Elementary School District's enrollment problem. President Whowell stated that although the development will create a dramatic change at the entrance to the Village, like other projects carried out in the past, its impact eventually will be absorbed into the fabric of the community. Thorpe stated that if the Plan Commission wanted to consider a motion to recommend Village Board approval of the PIP, two conditions would be appropriate. Thorpe stated that the approval should be with the condition that a final landscaping maintenance plan be submitted and favorably reviewed by the Village staff, and that a final signage plan that is compliant with the Municipal Code be submitted and favorably reviewed by the Village

staff. In response to a question, Thorpe stated that the final permanent easements required from owners of adjacent properties are included in the Developer's Agreement so the issue does not need to be covered under an additional condition of approval. Larson asked if the clear cutting aspect of the development required an additional Conditional Use Permit since the issue was not discussed when the Village approved the petition to amend the zoning on the parcel. Thorpe and Hayden-Staggs stated that the clear cutting does not require an additional CUP and it is covered in the PIP. Poivey/O'Connell 2<sup>nd</sup> made a MOTION to approve the Precise Implementation Plan as presented, with the conditions that a final landscaping maintenance plan is submitted and favorably reviewed by Village staff, and that a final signage plan that is compliant with the Municipal Code is submitted and favorably reviewed by Village staff. The MOTION carried with one negative vote cast by Larson.

**Building, Site and Operational Plan Amendment Filed by Park Place, LLC, 268 Reid Street – Tabled 06/26/06**

Attorney Fiedler stated that his clients have no objections to the staff report recommendations on their proposed BSOP amendment with the exception of a ruling on the monument sign. Fielder stated that since there is a "globe sign" for Universal Contractor Group mounted on top of the monument sign, the total sign constitutes a group sign. If approved, Fielder stated that the group sign would be modified to remove the globe from its top and the face of the sign would be replaced. Hayden-Staggs stated that the Village staff members have debated the issue with Fielder and it was determined by staff that the sign does not constitute a group sign. Hayden-Staggs stated that the globe was added to the top of the without prior approval or a building permit, and the rest of the sign is only for Contractors Corner. Thorpe stated that if the "globe sign" on top of the monument sign never received approval or a permit, it is not a legal sign. Zoning Administrator Nyman stated that it is his ruling that the sign is a monument sign, not a group sign. Thorpe asked Fielder if he had any evidence to show that the "globe sign" has received Village approval and Fielder said he did not. Fielder stated that his client would like to take down the globe and improve the facade of the sign. Thorpe stated that with the ruling by the Zoning Administrator, a variance would be required to approve the modification of the monument sign. Slavney recommended that the Plan Commission adhere to the staff report and approve the BSOP amendment with conditions 1 through 6 on the staff report. Poivey stated that he also wanted to add to the record the recommendation that the applicants address any possible discoloration on the facade of the building when the current signage is replaced by the new signage.

O'Connell/Poivey 2<sup>nd</sup> made a MOTION to approve the Building, Site and Operational Plan Amendment filed by Park Place, LLC, 268 Reid Street, as presented with the conditions that indoor/outdoor liquor sales/consumption cannot be approved through a BSOP, and must be applied for, reviewed by, and approved by the Village Board; that the existing monument sign may not be modified, altered, or changed in any way. The applicant may wish to continue the unmodified non-conforming use of this signage, or may choose to completely remove the non-conforming sign from the property, which shall include, but shall not be limited to, the removal of the sign face, base, sides, braces, and shall also include the restoration of grade and green space; that all proper building and zoning permits shall be applied for and reviewed by the Department of Building & Zoning to verify conformance with the Municipal Code and the conditions and approvals set with-in; that prior to the issuance of any building permits, all outstanding fees owed to the Village shall be paid in full; that the signage shall not be increased in size, illuminated, substantially modified in copy, style, or location from the proposed signage submitted, unless as otherwise directed by the Plan Commission; that approval of this particular signage as submitted in this particular amendment proposal shall not, in any way, be perceived as the guaranteed approval for future signage on this property, or any other approvals which the applicant may wish to apply for. The MOTION carried without negative vote.

**Building, Site and Operational Plan Filed by Garden of Seasons, 268 Reid Street**

Rosenow stated that the BSOP is not necessary because the tenants are no longer leasing the space.

**Conditional Use Permit Concept Presentation Filed by Craig and Tigr Workman, 280 Stearns Road – Set Public Hearing**

Craig Workman stated that a CUP is required because the proposed 960-square-foot residence does not meet the minimum square footage standard in the Municipal Code. Workman stated that they are proposing a two-bedroom, one bathroom cottage-like home on the 4.5-acre parcel. The residence also would feature a kitchen, a great room, a fieldstone fireplace and a back patio. The residence will be tied into the Village sewer and water. Staff indicated that the proposal adheres to the Municipal Code Performance Standards.

Larson/Poivey 2<sup>nd</sup> made a MOTION to hold a public hearing on Monday, August 28, 2006, at 5:30 pm to consider the CUP application, and the MOTION carried without negative vote.

**VOF Proposals to Amend Municipal Code Sections 18-27(f)(2) and 18-21 – Set Public Hearings**

Nyman stated that the amendments are being proposed to Section 18-21 to address a building setback issue with regard to a setback averaging parameter, and to Section 18-27 to clarify and give the Building Department a better definition for accessory structures and setback and location requirements. In response to a question on Section 18-21, Nyman stated that the 15 foot suggested minimum was selected by staff as a reasonable distance. Slavney stated that the proposed amendment handles the setback issue in the exact manner as shore-yard setbacks are determined for lakefront property. In response to a question on Section 18-27, Nyman stated that both sides of lakefront homes are considered front yards.

Poivey/O’Connell 2<sup>nd</sup> made a MOTION to hold a public hearing on Monday, August 28, 2006, beginning at 5:30 pm to consider the proposed amendments to Sections 18-27 (f)(2) and 18-21, and the MOTION carried without negative vote.

**Pending Items for Future Agendas**

1. Indian Hills Road Amended Residential Subdivision Concept – John O’Neill
2. Concept Review for CUP - Edward Lyon - Tabled 05/30/06 & 06/26/06
3. Minimum Lot Size Requirement Discussion - Tabled 06/26/06
4. Ed Lyon ETZ Proposal
5. Grunow ETZ Proposal
6. ETZ Ordinance Amendment
7. Rollette Oil BSOP
8. Abbey Harbor Condo Plat
9. Fontana Village Inn BSOP

**Adjournment**

Poivey/Larson 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, the official minutes will be on file at the Village Hall.

APPROVED: 08/29/06