

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, August 25, 2008

Chairman Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:36 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Poivey, O'Connell, President Pollitt, Lobdell, Chairman Spadoni

Plan Commissioner absent: D'Auria, McGreevy

Also present: Liz Accola, Steve Beers, Administrator Kelly E. Hayden-Staggs, Bob Hehr, Rob Ireland, Trustee Pat Kenny, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Michelle Peterson, Lucy Sandy, Village Attorney Dale Thorpe, Cindy Wilson, Director of Public Works Craig Workman, Robert Youngquist

Visitors Heard

None

Announcements

1. Blue Ribbon Lakefront Building Committee Meeting – **Thursday, August 28, 2008, 5:00 pm in Conference Room**
2. Annual Association Presidents Meeting at Village Hall – **Saturday, August 30, 2008, 9:00 to 10:00 am**
3. Mill House Pavilion & Porter Court Plaza Open House Events – **Saturday, August 30, 2008, 1:00 to 3:00 pm**
4. Pig in the Park Little Foot Playground Fund-Raising Event in Reid Park – **Saturday, August 30, 2008, 3:00 to 10:00 pm**
5. Village Board Monthly Meeting – **Tuesday, September 2, 2008 at 6:00 pm**
6. Open Book at Village Hall – **Wednesday, September 3, 2008, 9:00 am to 5:00 pm**
7. CDA Monthly Meeting – **Wednesday, September 3, 2008 at 6:00 pm**
8. Open Book at Village Hall – **Thursday, September 4, 2008, 9:00 am to 4:00 pm**
9. Open Book at Village Hall – **Saturday, September 6, 2008, 9:00 am to Noon**
10. Partisan Primary Election – **Tuesday, September 9, 2008, 7:00 am to 8:00 pm**
11. Toddler Time Program at Fontana Library – **Thursday, September 11, 2008 at 10:30 am**
12. Finance Committee Budget Meetings – **Thursdays, September 11 & 18, 2008 at 5:00 pm**
13. Ad Hoc Committee on Joint Services Meeting at Fontana Village Hall – **Monday, September 15, 2008 at 4:00 pm**
14. Protection Committee Meeting – **Monday, September 15, 2008 at 5:00 pm**
15. Park Commission Meeting – **Wednesday, September 17, 2008 at 6:00 pm**
16. Board of Review – **Wednesday, September 28, 2008, 2:00 to 4:00 pm**
17. Plan Commission Monthly Meeting – **Monday, September 29, 2008 at 5:30 pm**

Approve Minutes

O'Connell/Poivey 2nd made a MOTION to approve the minutes as submitted for the meeting held July 28, 2008, and the MOTION carried without negative vote.

Public Hearings

Public Hearing Regarding the Proposed Project Plan Amendment of Tax Incremental District No. 1 in the Village of Fontana on Geneva Lake, Wisconsin

- a. **Review & Discuss Project Plan Amendment**

Chairman Spadoni opened the public hearing at 5:37 pm. Ehlers & Associates Vice President Jim Mann stated that the proposed amendment to the Project Plan for Tax Increment Financing District No. 1 addresses two projects; however, the proposal does not expand the previously approved spending authority or TID boundaries. Mann stated that the first aspect of the proposed text amendment seeks authority to add the reconstruction of Kinzie Avenue to the Highway 67 project because of related storm water runoff problems that were created when the highway was reconstructed in 2005. Mann stated that a report from Village engineering firm Ruckert-Mielke, Inc., verifies that the storm water runoff problems occurring on Kinzie Avenue were created when Highway 67 was reconstructed. Mann stated that since the Kinzie Avenue project area is located within one-half mile of the TID boundaries and the project is related to a previously approved TIF project, it is eligible for TIF funding. Mann stated that there are enough funds in the previously approved spending authority to finance the Kinzie Avenue infrastructure project. Mann stated that the second aspect of the proposed amendment to the Project Plan is a text amendment to the previously approved lakefront building project. Mann stated that the text amendment clarifies the potential scope of the Lakefront Tourism and Activity Center. Mann stated that the initially approved Project Plan features very generic language with regard to the proposed lakefront building. Mann stated that the legal counsel for the Village of Fontana Community Development Authority recommended the text amendment regarding the proposed lakefront building. The proposal for the new lakefront building to replace the current marina building is in the preliminary stages of planning by the Village of Fontana Blue Ribbon Lakefront Building Committee. Once a proposal is finalized by the committee and approved by the Village Board, it will have to be approved in a referendum. Roman Kamin, 446 Hillcrest Drive, stated that he is not opposed to the proposed amendment; however, he asked what was included in the proposed new lakefront building. Kamin stated that he read an article in the newspaper that the building will contain a coffee shop, a library room with wireless Internet access and other rooms. Spadoni stated that the Blue Ribbon Committee recently formed by the Village Board is just starting the planning process for the lakefront building proposal. Spadoni stated that the committee will eventually make a recommendation to the Village Board and he encouraged Kamin and other residents to attend the Blue Ribbon Committee meetings. Kamin stated that he and many other residents were opposed to the new beach house on the lakefront, and the bathroom facility constructed by the Country Club Estates Association in their lakefront parking lot looks like an outhouse. Kamin stated that the buildings were constructed after being planned by a small group of people. Spadoni stated that the new beach house the Village constructed on the lakefront was designed after public input was solicited and considered by the Village Board, committee and commission members at hundreds of meetings and during hundreds of hours spent planning the proposal that was ultimately approved in a public referendum. CDA and Blue Ribbon Committee member Cindy Wilson stated that the Blue Ribbon Committee is developing a survey that will be sent to the property owners. Wilson stated that the committee is just starting its work and the survey will solicit public input during the preliminary stages of the planning process. Wilson stated that the committee is considering all building options, including the option to revert the area back to green space. Poivey stated that the allegation made by Kamin that the beach house and Country Club Estates Association restroom and storage facility at the lakefront were constructed after a small group of people made the decision is not accurate. Poivey stated that meeting and public hearing notices are posted and published by the Village, and the association holds an annual meeting. Poivey stated that he respects Mr. Kamin's opinion and he encourages public input during the planning process; however, input is required during the planning process, not criticism after the approval process and construction has been completed. O'Connell stated that she voted to approve the Kinzie Avenue project because she favors it, but she asked if the project is appropriate for TIF funds since it is not creating a business opportunity – it is fixing a water runoff problem. Mann stated that since the water runoff problem has been determined to be created by the TID funded Highway 67 project, TIF financing can be used to pay for the Kinzie Avenue infrastructure project because the area is located within one-half mile of the TID boundaries. President Pollitt asked Mann to confirm that the proposed amendments are addressing a definition for an existing proposal in the Project Plan, and

adding two more blocks of infrastructure construction to the Highway 67 project that can be funded with the previously approved TIF Project Plan Budget. Mann stated that the lakefront building funding is included in the Project Plan Budget, and the funds needed for the Kinzie Avenue project are available in the spending authority that already has received approval. Lobdell stated that she is not opposed to the proposed TID Project Plan amendment, but she would have liked to review the details of the proposed amendment prior to the meeting. Mann stated that he had to make an amendment to the proposed text language and he was not able to deliver the proposals to the Village in time for the meeting packets that went out Friday, August 22, 2008. Poivey stated that he favored the proposal, but he wanted to make sure that the amendment would not create any additional costs. Mann stated that Poivey was correct and if approved, the amendment will not create any additional Project Plan costs. After Chairman Spadoni asked if there were any other comments from the audience, he closed the public hearing at 5:55 pm.

b. Action Regarding the Proposed Amendment of Project Plan for Tax Incremental District No. 1 in the Village of Fontana on Geneva Lake, Wisconsin and Approval of the Project Plan Amendment (See the Resolution Approving a Project Plan Amendment for Tax Incremental District No. 1, Village of Fontana on Geneva Lake, Wisconsin)

The proposed Plan Commission Resolution contained one typo in the sixth paragraph where the phrase “client type” had to be changed to “the Village.”

President Pollitt/O’Connell 2nd made a MOTION to approve Plan Commission Resolution 08-25-08-01 as presented, with the phrase “client type” in the sixth paragraph changed to “the Village.” The MOTION carried without negative vote.

Public Hearing on Petition to Amend Lakefront Zoning Sections 18-17, 18-27(b)(4) and 18-80(c)(10) of the Village of Fontana Municipal Code

Chairman Spadoni opened the public hearing at 5:56 pm. Spadoni stated that the public hearing was the third scheduled to consider proposed amendments to the lakefront zoning ordinance. Spadoni stated that after receiving valuable public input, the proposed amendments were narrowed down to only address accessory living quarters. McCarthy stated that the amendments being considered that night are essentially the same as those considered last month, with the exception that the word “contained” was changed to “located” in Section 18-27. Two other minor changes directed at last month’s meeting to the amendments being proposed to Section 18-27 were item “e” was redrafted to read: “Shall not be considered an additional principal structure on a lot;” and item “g” was redrafted to read: “ALQs shall not be sold separately from the remainder of the property.” Former Trustee Bob Youngquist stated that the Plan Commission did a good job studying the lakefront zoning ordinance and narrowing down the amendments to the proposal being considered that night. Youngquist stated that the proposed amendments clarify the issue of developing accessory living quarters on lakefront lots that do not meet the current density standards for two residential structures. Spadoni stated that the proposed amendments do not seek to amend the current setback and density standards in the lakefront building ordinance. Cindy Wilson stated that she was concerned that the proposed amendments do not affect the restrictions of the Village’s primary environmental corridor overlay district. Thorpe stated that the environmental regulations have not changed and the same restrictions would still exist in the zoning ordinance if the proposed amendments are approved. Spadoni closed the public hearing at 6:04 pm.

O’Connell/Lobdell 2nd made a MOTION to recommend Village Board approval of the proposed amendments to Lakefront Zoning Sections 18-17, 18-27(b)(4) and 18-80(c)(10) of the Village of Fontana Municipal Code as presented. The MOTION carried without negative vote.

General Business

Review CUP Issued to Carl Bergersen, Ship Shape Marine

Nyman stated that he inspected the business, and Bergersen has not yet completed the project to create a private club. Staff recommended that the first annual review of the business be delayed to no

later than September 15, 2009, and that a subsequent review take place no later the September 15, 2013.

O'Connell/Lobdell 2nd made a MOTION to delay the first annual review of the business to no later than September 15, 2009, and that a subsequent review take place no later the September 15, 2013, and the MOTION carried without negative vote.

Proposal to Amend/Adopt Regulations With Regard the Windmill Electrical Generators - Tabled 7/28/08

Thorpe stated that the research for the proposal has not been completed.

O'Connell/President Pollitt 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Building, Site and Operational Plan Filed for Salt H2O Chick, 138 Fontana Boulevard

Michelle Peterson stated that her proposed Building, Site and Operational Plan seeks approval for a natural spa business that will offer an interactive experience. McCarthy stated that a signage issue has been worked out and the BSOP now features only on-wall signage. Peterson asked if a provision in the BSOP could be that the upstairs units can be used for residential or for commercial purposes. Thorpe stated that as long as there are no current issues with the residential quarters located on the upper level, provisions can be incorporated into the BSOP to allow for either residential use or commercial use of the upper units. In response to a question, Peterson stated that she agrees that the upper units can be used for strictly residential use, or strictly commercial use – not both at the same time. The Plan Commission was in consensus that provisions could be incorporated into the BSOP to allow for either residential use or commercial use of the upper units; however, the amended language should be incorporated into the proposed BSOP within a week so that the amended documents will be available for Village Board approval at its monthly meeting on Tuesday, September 2, 2008. Other conditions for approval recommended in the Village staff report are:

1. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code. 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 proposed signage. BSOP approval shall not alleviate the applicant from securing all required permits. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
2. The existing parking area may be repaved/resurfaced and at such time shall be paved and striped according to the requirements of the Fontana Municipal Code. Future additional parking modifications shall be proposed through a BSOP amendment approved by the Village of Fontana.
3. The lighting plan shall consist of the three existing exterior on-building lights, and may also include new exterior illumination of signage, and solar-powered motion-sensor landscape lighting. All lighting, with the exception of motion-sensor landscape lights, must be extinguished no later than 10:00 pm. Future additional lighting shall be proposed through a BSOP amendment approved by the Village of Fontana.
4. An interior site plan shall be provided prior to the issuance of any signage permits.
5. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of any interior construction. BSOP approval shall not alleviate the applicant from securing all required permits.
6. All outstanding cost recovery 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.
7. A Certificate of Compliance shall be applied for and an inspection scheduled within 15 days of approval of this BSOP. The Certificate of Compliance shall be subject to the terms and conditions of Section 18-304(d) of the Village of Fontana Municipal Code.

In response to a question from Peterson, McCarthy stated that a Tree Removal Permit will have to be secured to take down an evergreen on the site.

O'Connell/President Pollitt 2nd made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan Filed for Salt H2O Chick, 138 Fontana Boulevard, with the following eight conditions:

1. Provisions shall be incorporated into the BSOP within five days of the Plan Commission meeting date to allow for either residential use or commercial use of the upper units.
2. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code. 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 proposed signage. BSOP approval shall not alleviate the applicant from securing all required permits. Future proposed modification of signage shall be proposed through a BSOP amendment approved by the Village of Fontana.
3. The existing parking area may be repaved/resurfaced and at such time shall be paved and striped according to the requirements of the Fontana Municipal Code. Future additional parking modifications shall be proposed through a BSOP amendment approved by the Village of Fontana.
4. The lighting plan shall consist of the three existing exterior on-building lights, and may also include new exterior illumination of signage, and solar-powered motion-sensor landscape lighting. All lighting, with the exception of motion-sensor landscape lights, must be extinguished no later than 10:00 pm. Future additional lighting shall be proposed through a BSOP amendment approved by the Village of Fontana.
5. An interior site plan shall be provided prior to the issuance of any signage permits.
6. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of any interior construction. BSOP approval shall not alleviate the applicant from securing all required permits.
7. All outstanding cost recovery 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.
8. A Certificate of Compliance shall be applied for and an inspection scheduled within 15 days of approval of this BSOP. The Certificate of Compliance shall be subject to the terms and conditions of Section 18-304(d) of the Village of Fontana Municipal Code.

The MOTION carried without negative vote.

Pending Items for Future Agendas

1. Certified Survey Map Filed by Myron and Geraldine Audino
2. Condominium Plat Filed by Steve Beers
3. Conditional Use Permit Application Filed by US Cellular
4. Brick Church Hotel and Spa BSOP Proposal

Adjournment

Poivey/President Pollitt 2nd made a MOTION to adjourn at 6:16 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: 09/29/08