

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

REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, August 28, 2006

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

Plan Commissioners present: Roll call: McGreevy, O'Connell, Spadoni, Treptow, President Whowell, Larson

Plan Commissioner absent: Poivey

Also present: 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, Village Attorney Dale Thorpe, Public Works Director Craig Workman, Carol and Jamie Whowell

Visitors Heard

None

Announcements

Hayden-Staggs announced that the Beach House Grand Opening/Open House event will be held Monday, September 4, 2006, from 10:00 am to noon; the monthly meeting of the Village Board will be held Tuesday, September 5, 2006, at 6:00 pm; the monthly meeting of the CDA will be held Wednesday, September 6, 2006, at 6:00 pm; Phase II of the Highway 67 construction project is underway and it will cause road closures through early November; a Village of Fontana Referendum will be held at the Partisan Primary Election on Tuesday, September 12, 2006, with polls open from 7:00 am to 8:00 pm; the CDA will hold a Lakefront Workshop Town Hall Meeting on Saturday, September 30, 2006, at 9:00 am; and the CDA will hold a Duck Pond Workshop Town Hall Meeting on Saturday, October 21, 2006, at 9:00 am. Martin announced that the summer meeting schedule ended with this meeting, and the schedule adopted last year calls for the Plan Commission to hold its regular meetings on the last Tuesday of the month, beginning at 5:30 pm. President Whowell asked the Plan Commissioners to contact the administration with their preferences for the regular meeting date.

Approve Minutes

Spadoni/O'Connell 2nd made a MOTION to approve the minutes for the meeting held July 31, 2006, and the MOTION carried without negative vote.

Public Hearings

Conditional Use Permit Application Filed by Craig and Tigrr Workman, 280 Stearns Road, Fontana, WI, to construct a single-family home on Lot 2 of Certified Survey Map 3902, a 4.5-acre parcel in the RS-1 Zoning District

President Whowell opened the public hearing at 5:34 pm. Craig Workman stated that a CUP is required because the proposed 960-square-foot residence does not meet the 1,500-square-foot minimum in the Municipal Code. Workman stated that the proposal calls for a two-bedroom, one bathroom cottage-like home on the 4.5-acre parcel. The residence, which will not be visible from Stearns Road or Highway 67, will feature a kitchen, a great room, a fieldstone fireplace and a back patio. The residence will be tied into the Village sewer and water. The staff report states that the

proposal adheres to the Municipal Code Performance Standards. President Howell closed the public hearing at 5:37 pm. In response to a question from Larson, Workman stated that the left elevation will include two windows.

Spadoni/McGreevy 2nd made a MOTION to approve the CUP application as submitted, and the MOTION carried without negative vote. President Howell abstained.

Petition to Amend Sections 18-21 and 18-27(f)(2) of the Village of Fontana Municipal Code

President Howell opened the public hearing for the Petition to Amend Section 18-21 at 5:39 pm. Nyman stated that the amendment to Section 18-21 was proposed by the professional staff members to address setback averaging discrepancies in the Municipal Code. The current averaging method delineated in the code could result in new residences being constructed within a few feet from the road. The amendment would establish a minimum distance of 15 feet. Spadoni stated that he was concerned the amendment would not allow property owners to raze and reconstruct residences to their existing sizes. Nyman responded that the amendment will not prevent property owners from reconstructing their residences on the existing footprints. President Howell closed the public hearing at 5:44 pm.

O'Connell/Larson 2nd made a MOTION to recommend Village Board approval of the Petition to Amend Section 18-21 as presented, and the MOTION carried on a 5-1 vote with Commissioner Spadoni opposed and Commissioner Poivey absent.

President Howell opened the public hearing for the Petition to Amend Section 18-27 (f)(2) at 5:45 pm. Nyman stated that the amendment to Section 18-27 (f)(2) was proposed by the professional staff members to address complaints the Village has received concerning accessory structures in the front yards of residential neighborhoods. Spadoni stated that he was concerned that the Village would be getting “way out of bounds” with building and zoning regulations if the amendment were approved as presented. Spadoni stated that if approved, the Village would not be allowing property owners to erect playground equipment in their front yards and that’s not fair for owners of properties where the residences are located abutting the back property lines. Spadoni stated that the Village will be telling its residents that “kids can’t play in front yards in the Village of Fontana” if the amendment is approved. Larson stated that the amendment is appropriate to address basketball hoops and play areas that have been erected abutting the streets and have created safety issues. Larson stated that the amendment would be approvable if there were a way to address the situations where current residences do not have back yards. Hayden-Staggs stated that the amendment was proposed because the Village has received complaints from property owners with regard to equipment and structures being erected in front yards. Don Roberts stated that he was concerned that some property owners may be unaware of the ordinance and purchase playground equipment without knowing the standards of the Municipal Code. Carol Howell stated that she agrees with Spadoni that the amendment as proposed is not good because it would ban playground equipment at many existing residences located in the Village. McGreevy stated that the amendment as proposed is not fair for owners of residences that are located abutting the back property line. Thorpe stated that owners of such residences may qualify for a variance. In response to a question from O’Connell, Nyman stated that structures that were erected legally would be able to remain as nonconforming structures if the amendment is approved. Treptow asked if there is a way to tweak the proposed amendment to create an approval process for owners of residences that abut the back property lines. President Howell stated that there are other issues in the staff report that also have to be included in the proposed amendment. The Plan Commission was in consensus that the proposed amendment should be tabled and the proposal tweaked by the Village staff to address the concerns stated that night and in the staff report. The redrafted proposed amendment will be presented at the Plan Commission meeting scheduled for Tuesday, September 26, 2006, and if favorably received, set for a public hearing at the Plan Commission meeting scheduled for Tuesday, October 31, 2006.

O'Connell/Spadoni 2nd made a MOTION to table the proposed amendment to Section 18-27 (f)(2), and the MOTION carried without negative vote.

General Business

Offer to Purchase Vacated Portion of Big Foot Street – Jamie and Carol Whowell

Hayden-Staggs stated that Jamie and Carol Whowell submitted an \$18,000 offer to purchase the vacated portion of Big Foot Street, which is \$2,000 greater than the \$16,000 appraised value of the parcel.

Spadoni/McGreevy 2nd made a MOTION to recommend Village Board approval of the Offer to Purchase as submitted, and the MOTION carried without negative vote. President Whowell abstained.

Abbey Ridge Condominium Plat Amendment

Thorpe stated that before the proposed plat amendment can be considered for approval by the Plan Commission or the Village Board, the applicants will have to submit an amendment to the existing condominium declaration. Thorpe stated that the condominium declaration would have to incorporate the proposed plat amendment and would have to be submitted by the party with authority to amend the condominium declaration, pursuant to the terms of the original condominium declaration. The staff report states that clarification is needed on how the association is planning on handling requests from owners of upper units to extend their decks when the owner of lower units do not wish to extend their decks. The staff report states that the Village should be made aware of the steps the association is taking to preserve the quality of the development, and if the amendment is approved, the building permits must be pulled by the association, and not by individual homeowners. The staff report also states that building permits which are issued must be commenced within six months, and must be completed within two years. Hayden-Staggs stated that Ed Snyder contacted the Village just prior to the meeting and requested that the item be removed from the agenda.

Puskar/Clear Sky Lodge PIP Amendment - Concept Review

Joe Lopez contacted the Village and requested that the agenda item be removed because related issues with the Clear Sky Lodge Association covenants have to be resolved prior to Village consideration.

Hannigan CUP Extension Request Update

Hayden-Staggs stated that the Hannigans have submitted the required documents to obtain a building permit and the project is underway, so the extension request may not be necessary. The Hannigans are required to have 20 percent of the estimated cost of the project completed by September 26, 2006.

Pending Items for Future Agendas

Indian Hills Road Amended Residential Subdivision Concept – John O’Neill

John O’Neill contacted the Building and Zoning Department and indicated he is no longer pursuing the Indian Hills Road proposal. The item will be removed from the list of Pending Items for Future Agendas.

Concept Review for CUP - Edward Lyon - Tabled 05/30/06 & 06/26/06

Hayden-Staggs stated that Edward Lyon is working with Attorney Randall Leece to modify the initial proposal.

Minimum Lot Size Requirement Discussion - Tabled 06/26/06

Hayden-Staggs stated that the staff is researching the issue and a workshop meeting will be scheduled.

Ed Lyon ETZ Proposal

Hayden-Staggs stated that the item should have stated “Ross Lyon ETZ Proposal;” however, nothing new has been submitted for several months and the item will be removed from the list of Pending Items for Future Agendas.

Grunow ETZ Proposal

William Grunow has not submitted anything since a preliminary concept and reports have been received that the proposal is not being advanced. The item will be removed from the list of Pending Items for Future Agendas.

ETZ Ordinance Amendment

Hayden-Staggs stated that the amendment concerns the inadvertent removal of the Planned Development zoning district from the ETZ Ordinance in the Municipal Code. The corrective action has to be initiated by the Joint ETZ Committee meeting, which will be meeting in September.

Rollette Oil BSOP

Hayden-Staggs stated that the exterior lighting issue that prompted the proposed amendment to the Building, Site and Operational Plan has been addressed at Fontana Citgo, and the Village is no longer receiving complaints. The item will be removed from the list of Pending Items for Future Agendas.

Abbey Harbor Condo Plat

The Village has not received any further submittals from the Abbey, but the item will remain on the list of Pending Items for Future Agendas.

Fontana Village Inn BSOP

Hayden-Staggs stated that the applicants reportedly are rethinking the plan to convert the Village Inn into privately owned condominium units; however, the item will remain on the list of Pending Items for Future Agendas.

FairWyn Ltd. Mill Street Plaza PIP

Brian Pollard presented drawings of the site plan and building elevations for the retail building in the FairWyn Ltd. Mill Street Planned Development. Pollard stated that he will be submitting the documents for the Precise Implementation Plan for consideration at the Plan Commission’s next meeting scheduled for Tuesday, September 26, 2006. Hayden-Staggs stated that there have been initial discussions with regard to combining into one Planned Development the Mill Street development at 451 Mill Street with the Professional Building at 450 Mill Street in an attempt to accommodate a group signage proposal for the both buildings.

Adjournment

Spadoni/Larson 2nd made a MOTION to adjourn the meeting at 6:26 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: 09/26/06