

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

MONTHLY & SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE

Monday, September 25, 2006

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

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

Plan Commissioner absent: Poivey

Also present: Village Administrator Kelly E. Hayden-Staggs, Dave Hurkman, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Rudolph Oldeschulte, Brian Pollard, Trustee Ron Pollitt, Don Roberts, Edwin Snyder, Steve Targo, Kris and Manuel Toledo, Village Attorney Dale Thorpe, Public Works Director Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs announced that Fontana author Michael Keefe will be the guest at a book signing event at the Fontana Public Library on Thursday, September 28, 2006, from 5:00 to 7:00 pm; the CDA will host a Lakefront Workshop on Saturday, September 30, 2006, at 9:00 am; the Village Board will hold its monthly meeting on Monday, October 2, 2006, at 6:00 pm; the CDA Board will hold its monthly meeting on Wednesday, October 4, 2006, at 6:00 pm; the Big Foot FFA Alumni 2 Mile Run/Walk will be held on Saturday, October 7, 2006, beginning at 8:00 am at Big Foot High School; the CDA will host a Duck Pond Workshop on Saturday, October 21, 2006, at 9:00 am; and Highway 67 construction will dictate road closures until early November.

Approve Minutes

Spadoni/O'Connell 2nd made a MOTION to approve the minutes for the meeting held August 28, 2006, and the MOTION carried without negative vote.

Plan Commission General Business

FairWyn, Ltd. Mill Street Plaza PIP

Pollard presented the Precise Implementation Plan for the retail portion of the Mill Street development and addressed concerns that were discussed at the September 20, 2006 Plan Commission staff meeting. Pollard presented photographs of the proposed Dumpster area and of the light pole for the parking lot, which will serve one or two units depending on the tenant or tenants that Pollard is able to secure. Pollard also presented an amended plan that adds windows to the east side of the building. Pollard stated that he initially planned for 11 parking stalls; however, if the Plan Commission members agree with the staff recommendation and the Commissioners directs him to do so, he can amend the parking lot layout to add a 12th parking stall. In response to multiple inquiries regarding retaining walls, Pollard stated that the site of the retail building is very flat and there will be no retaining walls required. Nyman stated that the staff review of the project also

produced the recommendation to add windows to the south elevation of the new building. When Pollard stated that he does not have any tenants secured for the new building and mentioned a possible real estate office, a discussion ensued on whether the new building can only house retail businesses and not professional offices. When the Plan Commission was in consensus that a professional office or a retail business would be appropriate for the site, Thorpe stated that the zoning language for the PIP can be easily amended. Hayden-Staggs stated that the proposal to combine the Mill Street Plaza Condominium/Retail Building site on the east side of Mill Street with the FairWyn Professional Building on the west side of Mill Street also will provide an opportunity to clearly delineate what type of businesses and professional offices are appropriate for the site. Larson stated that if the Village approves a professional office for the site, the business will not be generating any sales tax. Spadoni stated that it is hard for a retail business to operate year-round and it may be hard to find a tenant if the site is not available for a real estate or other professional office. In response to a question about landscaping, Pollard stated that he is working with PDI, the landscape architect firm hired by the CDA. PDI presented and received approval for a landscaping plan for the Plaza common area adjacent to the building site at the September 20, 2006 Park Commission meeting. Nyman stated that Pollard should be aware that the loading and unloading of trucks is not allowed on Village streets, so plans have to be in place for loading to take place in the off-street parking lot. Pollard stated that the proposed building will be 31-feet-9-inches-tall at its highest point. O'Connell stated that she was having a hard time understanding the proposal because of all the various plans that were submitted, and she would like to see something more definite. Pollard stated that the minor plan amendments he submitted to the Village on September 22 and 25, 2006 address staff concerns that were stated on September 20, 2006 and included in the staff report that he received on September 22, 2006. Larson stated that she does not consider photographs of the proposed Dumpster area and the light fixture plans and she also asked if concerns stated by Village Engineer Joe Eberle have been addressed. Pollard stated that he will abide by the Municipal Code standards regarding the Dumpster area and he is using the same light fixture that has been approved by the Park Commission for the CDA projects. With regard to storm water run-off and erosion control measures mentioned in Eberle's staff review of the PIP, Pollard stated that the previously approved storm water management plan for the entire Mill Street site is not being altered with the development of the retail building site – which is less than one acre in total size and will be lined with a silt fence to control erosion during construction. Spadoni stated that the three issues addressed in the late submittals are all simple items and the PIP should be approved with conditions. President Whowell then called for a break in consideration of the agenda item at 6:00 pm so the Plan Commission could conduct a joint session with the Joint ETZ Committee.

Village of Fontana Joint ETZ Committee member Rick Treptow called the meeting of the Joint ETZ Committee to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin, because Chairman Mike Poivey was absent.

Joint ETZ Committee members present: Roll call: Village of Fontana representatives Treptow and Larson, Town of Linn representatives Larry Aasen and Jerry Polek, Town of Walworth representatives Jim van Dreser, Dennis Jordan and Ken Magowan (arrived at 6:03 pm)

Joint ETZ Committee member absent: Village of Fontana representative Poivey
The Town of Linn has not appointed a citizen to fill the vacant position on the Joint ETZ Committee that was created when Linda O'Hare recently moved and resigned her position.

Plan Commission-ETZ General Business

Toledo Petition to Amend ETZ Zoning Concept Review – Set Public Hearing

Attorney Rudolph Oldeschulte stated that he was representing the petitioners, Kris and Manuel Toledo, owners of the subject property at W6189 N. Walworth Road, Walworth Township. Oldeschulte stated that the small landscaping business being operating on the site fits in comfortably

with the neighboring properties. There are nine employees who all work off-site and only park their automobiles on the back of the property and drive together in company vehicles to the job sites. Oldeschulte stated that there is no advertising or business activities conducted at the site and there have been no problems with the neighbors concerning the property or business. Oldeschulte stated that the zoning amendment is being requested to authorize the construction of a 42-by-54-foot pole barn to serve as an off-season storage facility. Dennis Jordan stated that he visited the site and it has a nice visual appearance at this time; however, he would hate to see another building constructed on North Walworth Road. The proposal calls for the pole barn to be constructed behind the current residence and former bunk house building located on the site. Jim van Dreser stated the proposed business zoning may not be appropriate for the property because it would allow too many undesirable uses that future owners of the parcel could establish without further municipal approval. Nyman stated that the current zoning designation for the parcel does not allow for the landscaping businesses being operated on the site. In response to a question about Walworth County zoning districts, Nyman stated that the county's agriculture zoning districts do not allow for more than two employees at an approvable business site and it limits the size and number of buildings on the site. Jim van Dreser stated that he has no objections to the proposal for a new pole barn on the site, since it will be obscured by trees, but he would prefer the zoning designation to remain agriculture in nature with an allowable use to be horticulture related. A discussion ensued on what type of zoning designation would be most appropriate to approve the proposal, but to restrict potential future parcel owners from opening a different business without first obtaining a conditional use permit or another zoning amendment. Ken Magowan stated that the Toldeos operate a good business, there is a need for their service in the area, and the site is an appropriate place for the landscaping service business; however, he is opposed to the B-2 zoning classification because of all the other businesses that are allowed under that designation. The Plan Commissioners stated that they favor the proposal; however, an appropriate zoning designation has to be found that will not open the door for undesirable businesses to be established on the site. Van Dreser stated that he has no problem with the proposal as long as all future businesses uses are subject to the conditional use permit approval process. Thorpe stated that he and Attorney Oldeschulte may be able to work with the existing code to find an appropriate district to accommodate the proposal. Thorpe stated that if directed to do so, he and Oldeschulte could work out a proposal and bring it back for consideration at the next meeting. Nyman asked if the Plan Commission or ETZ Committee members had any objections to two residences being located on the site. Jerry Polek asked if employees live in the other residential building located on the site. Kris Toledo stated that the building is a former bunk house and it is used only when friends of their children spend the night. Magowan stated that the proposal also should be presented to the Walworth Town Board for consideration prior to the issues being brought back for a recommendation by the Joint ETZ Committee. The Plan Commission and Joint ETZ Committee directed the applicants to meet with the staff to determine an appropriate zoning designation that will allow for the proposal but prevent any other business uses without further approval, and to present the proposal to the Walworth Town Board for consideration.

Adjourn Joint ETZ Committee

Treptow/van Dreser 2nd made a MOTION to adjourn the meeting of the Joint ETZ Committee at 6:17 pm, and the MOTION carried without negative vote.

Plan Commission General Business (Continued)

FairWyn, Ltd. Mill Street Plaza PIP

Hayden-Staggs stated that all of the comments made in the staff review of the PIP were addressed by Pollard; however, the amended plans have not yet been reviewed. Hayden-Staggs stated that if the Plan Commissioners favored the PIP, the review of the amended plans could be made a condition of approval if appropriate details are delineated to guide the review process. President Whowell asked the Plan Commission to provide direction on the window issue, and they were in consensus that the staff recommendation should be followed and two additional large windows should be included on

the south elevation and three long and narrow windows added to the east elevation. With regard to the staff recommendation on adding a 12th parking stall to the proposed lot, the Plan Commission was in consensus that 11 parking stalls are adequate. With regard to the light fixture to be erected in the parking lot, the Plan Commission was in consensus that the same “short-pole” fixture being used by the Village should be used by Pollard. In response to a request from Thorpe for a grading plan, Pollard stated that the site is very flat, and he will be able to create a grading plan from the submitted documents and submit it prior to the Village Board meeting on Monday, October 2, 2006, beginning at 6:00 pm. Hayden-Staggs stated that the signage other than the individual unit signs proposed to be mounted on the retail building façade, will be further defined in the Planned Development proposal to combine the FairWyn sites on both sides of Mill Street. In response to a question from Nyman, Pollard stated that the on-building lights for the retail building will be mounted under the building overhang, in can fixtures. Pollard stated that he will abide by the Village code with regard to the Dumpster enclosure, which will serve the condominium and retail buildings on the site.

Spadoni/McGreevy 2nd made a MOTION to recommend Village Board approval of the Precise Implementation Plan as submitted, with the conditions that two large windows be added to the south elevation, that the parking lot light fixture to be installed is the same “short-pole” light fixture selected by the Village of Fontana, that a construction grading plan be added to the PIP documents prior to the October 2, 2006 Village Board meeting, that the two signs to be mounted on the north side of the building be the exact dimensions delineated in the PIP, and that the Dumpster area be enclosed according to the specifications of the Municipal Code, and the roll call vote followed:

O’Connell – Yes

Spadoni – Yes

Treptow – Yes

President Whowell – Yes

Larson – No

McGreevy – Yes

The MOTION carried on a 5-1 vote, with Poivey absent.

Mill Street Office Development PD Concept Review – Set Public Hearing for Petition to Amend Zoning Code

Hayden-Staggs stated that the proposed Petition to Amend the Zoning Ordinance and Zoning Map of the Village of Fontana was distributed and unless there are some concerns, the Plan Commission should approve a motion to set the matter for a public hearing. The proposal combines the sites of the FairWyn Professional Building and the FairWyn Mill Street Plaza condominium/retail building developments under one PD.

Spadoni/Treptow 2nd made a MOTION to schedule a public hearing on Monday, October 30, 2006, beginning at 5:30 pm to consider the Petition to Amend the Zoning Ordinance and Zoning Map filed by Brian Pollard for the Mill Street Office Development, LLC, and the MOTION carried without negative vote.

Fontana Jeweler BSOP Amendment

Dave Hurkman stated that he was seeking approval to renovate the porch, roof and awning of his business, Fontana Jeweler, 553 Highway 67. Hurkman stated that he would like to have the project approved in time to coordinate construction with the construction of a new parking lot for all the businesses at the site. The lot and alley are being reconstructed with the ongoing Highway 67 construction project. Hurkman stated that the deck is in bad shape and the railing needs to be replaced on his building. The staff report states that there was not enough information submitted to allow for a complete and accurate review. The staff members stated that they are concerned about the aesthetics and compatibility of the project with the parking lot reconstruction plan, but not with the applicant’s capability to meet the standards of the Municipal Code. Larson asked why there are more steps proposed for the new porch than the current porch. McHugh responded that the new

grading for the parking lot and alley reconstruction plans will cause the area in front of the building to be lower than it is at the present time.

Spadoni/O'Connell 2nd made a MOTION to approve the porch, roof and awning renovation proposal as presented, with the condition the CDA Board and the Village of Fontana Building and Zoning Department staff reviews and approves the materials and facade plan, and to approve the BSOP amendment as presented, and the MOTION carried without negative vote.

Abbey Ridge Condominium Plat Amendment

Ed Snyder stated that the association members approved the amendment to the condominium association declarations and all of the Village staff concerns have been addressed. Thorpe stated that he discussed his concerns with the association's attorney, Dave Rasmussen, and he is satisfied that the amendment approval abides with the terms of the initial condominium declarations. At the May 30, 2006 Plan Commission meeting, Snyder stated that he was representing the Abbey Ridge Association with regard to its proposal to amend the condominium plat to authorize the construction of patio decks. When the proposal was presented last year, the applicants were advised to seek approval from the Wisconsin Department of Natural Resources and the Army Corps of Engineers because the site is in a delineated wetland area. Snyder stated May 30 that the DNR and the Army Corps of Engineers approved the proposal. Snyder stated that none of the 48 units that would potentially have the decks added are located in the wetland areas.

Spadoni/McGreeny 2nd made a MOTION to recommend Village Board approval of the Condominium Plat Amendment as presented, and the MOTION carried without negative vote.

Petition to Amend Chapter 18-21 (Site and locational regulations) of the Municipal Code – Referred Back to Plan Commission by Village Board

President Whowell stated that the proposed amendment was referred back to the Plan Commission after it was criticized by a Realtor and architect at the September 5, 2006 Village Board meeting. In response to a question, Nyman stated that the only subdivision association that responded to the Village staff solicitation for input on the proposal was Glenwood Springs, and the association still favors the proposal to establish a “not-less-than” number of 15 feet for the setback averaging parameters of Chapter 18-21. Spadoni stated that if approved, a number of smaller lots in the Buena Vista and Glenwood subdivisions “couldn't do anything” with regard to building renovation plans. Nyman responded that Spadoni was not correct and the amendment was only applicable if home owners propose to raze their current residences and reconstruct them in footprints that relocated or increased on conforming lots. McCarthy then explained the proposed amendment, and the Plan Commission was in consensus that the proposal addresses the situation without infringing on the rights of Village property owners. President Whowell stated that McCarthy did an excellent job explaining the proposed amendment and said that if McCarthy was at the Village Board meeting on September 5, 2006, the Village Board may have voted to adopt the ordinance amendment after hearing her explanation. In response to a question from Spadoni, Thorpe stated that the amendment as drafted by McCarthy should not be further amended because it addresses the issue without creating any other restrictive code regulations. The Plan Commission was in consensus that the amendment proposal should be sent back to the Village Board for consideration as approved following the August 28, 2006 public hearing, with an attached explanatory statement from the Building and Zoning Department that addresses the concerns stated at the September 5, 2006 Village Board meeting.

Treptow/O'Connell 2nd made a MOTION to recommend Village Board approval of the proposed amendment to Chapter 18-21 (Site and locational regulations) of the Municipal Code as presented at the August 28, 2006 public hearing, with an attached explanatory statement from the Building and Zoning Department that addresses the concerns stated at the September 5, 2006 Village Board meeting, and the MOTION carried without negative vote.

Gordy's Boat House BSOP Amendment

Rallee Whowell stated that she was seeking approval for renovation work completed on the doors and entrance to Gordy's Boat House. The minor modifications were made for comfort and safety reasons; however, Rallee Whowell stated that she did not realize a building permit was required. Since the entrance and building façade are part of the Building, Site and Operational Plan in the Municipal Code, an amendment was necessary to approve the project. Spadoni asked if there was a minimum cost figure that regulates the need to amend a BSOP, and was told no. Larson stated that if there is not currently a BSOP form on file with the Village for Gordy's Boat House, the Plan Commission could not vote to amend it. Hayden-Staggs stated that the BSOP form was made formal by the Building and Zoning Department when Nyman and McCarthy were hired as full-time Village employees, and the Village has been catching up during the last year by requiring business owners to file the BSOP forms with addition and renovation proposals. Hayden-Staggs stated that building, site and operational plans have been approved for all the Village businesses in the past; however, the BSOP form has not been an enforced requirement and there currently are only 11 on file with the Village clerk. Spadoni stated that before the Plan Commission considers the BSOP amendment and the form is placed on file, Rallee Whowell should make sure it is entirely and accurately completed. Spadoni suggested that the Plan Commission consider approving a motion to approve the issuance of a building permit for the work completed on the entrance to Gordy's Boat House, but to postpone consideration of the BSOP form until the applicant completes the entire form and reviews it with the Village staff for accuracy. Larson asked if the applicant signed a cost recovery agreement for the proposal and was told yes.

Spadoni/McGreevy 2nd made a MOTION to approve the issuance of a building permit for the work completed on the entrance to Gordy's Boat House, and to postpone consideration of the BSOP amendment until the applicant completes the entire form and reviews it with the Village staff. The MOTION carried on a 5-0 vote, with President Whowell abstaining and Commissioner Poivey absent.

Pending Items for Future Agendas

1. Concept Review for CUP – Edward Lyon (Tabled 5/30/06 & 6/26/06)
2. Minimum Lot Size Requirement Discussion (Tabled 6/26/06)
3. Abbey Harbor Condo Plat
4. Fontana Village Inn BSOP

Adjourn Plan Commission

O'Connell/Spadoni 2nd made a MOTION to adjourn the meeting at 7:33 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: 10/30/2006