

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

JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
and the
JOINT EXTRATERRITORIAL ZONING COMMITTEE

Monday, September 26, 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: Spadoni, Treptow, President Whowell, Larson, Eakright, O'Connell

Plan Commissioner late: Poivey

Move Meeting for CUP Application Site Visit

President Whowell announced the Plan Commissioners were going to take a field trip to the Hannigan residence, 653 Hazel Court, in order to gather information for the public hearing.

President Whowell announced the Plan Commission was still in session at 6:00 pm

Chairman Poivey called the special meeting of the Joint ETZ Committee to order at 6:00 pm.

ETZ Committee members present: Roll call vote: Village of Fontana representatives Mike Poivey, Rick Treptow, George Spadoni; Town of Linn representatives Bill Grunow, Larry Aasen; Town of Walworth representatives Dennis Jordan, Jim van Dreser

ETZ Committee members absent: Town of Linn representative Linda O'Hare, Town of Walworth representative Ken Magowan

Also present: David Audino, Cheryl Bartz, Jim and Meagan Feeney, Therese Gulbransen, Joanne and Patrick Hannigan, Administrator Kelly Hayden-Staggs, Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Interim CDA Director Joseph McHugh, Building Inspector Ron Nyman, John O'Neill, Trustee Pete Petersen, Brian Pollard, Trustee Ron Pollitt, Treasurer Peg Pollitt, Village Planner Mike Slavney, Paul Sloth, Attorney Tim Swatek, Village Attorney Dale Thorpe, Cindy Wilson

Visitors Heard

Speaking as a Fontana resident, Spadoni stated that he wanted to inform the public of a pool hall with a full liquor license proposed in the Village of Walworth. Spadoni stated that residents should contact Village of Walworth officials if they share his concerns.

Announcements

Hayden-Staggs announced that the Village Board's monthly meeting will be held Monday, October 3, 2005, at 6 pm; the CDA Board meeting will be held Wednesday, October 5, 2005, at 6 pm; Accurate Appraisal will hold office hours at the Fontana Village Hall on Friday, October 7, 2005, from 10 am to 3 pm; and the next Plan Commission meeting will be held Monday, October 24, at 6 pm.

Public Hearings

Public Hearing on ETZ Boundary Amendment Petition Filed by William Grunow, W4355 Basswood Drive, Linn Township, Wisconsin

President Whowell opened the joint Public Hearing before the Plan Commission and the Joint ETZ Committee at 6:07 pm. Grunow, who stepped down from his ETZ Committee position, stated that he currently owns three parcels that are within the ETZ District, and he would like to have his fourth

parcel added at this time. Grunow stated that he will eventually present a residential development proposal for the 62-acre parcel, and it may include a restaurant. Grunow stated that he filed the petition to amend the ETZ District because he would like to work with one governmental body in order to forward his development proposal for the parcels he owns. Thorpe stated in a letter dated September 26, 2005 that Grunow will have to deal with multi-jurisdictional approvals from Walworth County and the Town of Linn even if the parcel is added to the ETZ District. Thorpe also stated that if approved and added to the ETZ District, Grunow could not have the parcel removed from the ETZ District at a later date. President Whowell stated that Grunow may want to get an initial response on his actual development proposal before the ETZ Committee and Plan Commission make a recommendation on the petition to amend the boundaries, and the Village Board potentially approves the proposal. Grunow stated that he already has presented an artist's rendering of his development concept to the Linn Plan Commission and a Walworth County committee, and he can present it to the Village of Fontana Plan Commission and the Joint ETZ Committee at the next meeting on Monday, October 24, 2005. Grunow stated that the current A5 zoning could be changed to Planned Development if the parcel is added to the ETZ Boundary. Linn Town Chairman David Bollweg requested that the matter be tabled until the township's attorney can be present at the next meeting. Bollweg stated that the Linn Town Board is opposed to the proposal to have the parcel added to the ETZ District. Jim Selano, of the Geneva Lake Conservancy, stated that the ETZ Committee and Plan Commission should recognize that the location is very visible from all points on Geneva Lake, and the parcel will impact the entire area. Thorpe stated that Grunow should provide an engineered survey of the site that delineates all the environmental and topographical features and easements on the parcel. President Whowell closed the public hearings at 6:20 pm.

ETZ Committee Village of Fontana representative Spadoni/Village of Fontana representative Poivey 2nd made a MOTION to table action on the petition until the October 24, 2005 meeting, and the MOTION carried without negative vote. Grunow abstained.

Plan Commissioner Treptow/Commissioner Spadoni 2nd made a MOTION to table action on the petition until the October 24, 2005 meeting, and the MOTION carried without negative vote.

Conditional Use Permit Application filed by SBC Wisconsin, 301 E. Milwaukee Street, Janesville, WI 53545, for property owner, Franklin and Hilda Karcher, W4218 South Lakeshore Drive, Lake Geneva, WI 53147 (Linn Township), to install a weatherproof Fiber Cabinet for high-speed voice and data circuits

President Whowell opened the public hearing before the Village of Fontana Plan Commission at 6:20 pm. Staff reported that there already is one box on the site, and the proposal is to add a second for high-speed voice and data circuits. Staff recommended approval of the CUP application as submitted with three conditions: that the applicant fully comply with all other state and local building codes and ordinances; that the applicant apply for and secure all appropriate zoning permits, as required within the ETZ district, with the Village of Fontana Building and Zoning Department; and that the applicant pay all cost recovery bills prior to issuance of the permit. President Whowell closed the public hearing at 6:28 pm.

Plan Commissioner Spadoni/Commissioner Treptow 2nd made a MOTION to approve the CUP application as submitted with the conditions that the applicant fully comply with all other state and local building codes and ordinances; that the applicant apply for and secure all appropriate zoning permits, as required within the ETZ district, with the Village of Fontana Building and Zoning Department; and that the applicant pay all cost recovery bills prior to issuance of the Condition Use Permit, and the MOTION carried without negative vote.

Adjourn ETZ Committee

ETZ Committee Village of Fontana representative Treptow/Village of Fontana representative Poivey 2nd made a MOTION to adjourn the ETZ Committee, and the MOTION carried without negative vote.

Approve Plan Commission Minutes

Plan Commissioner Spadoni/Commissioner Poivey 2nd made a MOTION to approve the minutes for the August 29, 2005 and September 6, 2005 meetings, and the MOTION carried without negative vote.

Plan Commission Public Hearing

Conditional Use Permit Application filed by Patrick and Joanne Hannigan, 653 Hazel Court, Fontana, WI 53125 (Tax Parcel No. SGS 00048), to raze the existing residence and construct a new two-story house under the Nonconforming Lots Amendment to the Village of Fontana Municipal Code

President Whowell opened the public hearing at 6:32 pm. Patrick Hannigan stated that after meeting with their architect and an attorney, they wanted to stick with their initial proposal that was presented at the August 29, 2005 meeting. After it was explained that the posted public hearing was with regard to amended plans submitted by the Hannigans, and the amended plans were the only plans that could be considered that night, the Hannigan's attorney stated after a five-minute recess that the Hannigans wanted to have the amended plan acted on. The amended plan added a second off-street parking stall to the site, and reduced the volume of the second floor. Specifically, the amended plan shifted a 15.5-foot by 4.0-foot portion of the basement and first floor of the initially proposed new home back from the corner of Hazel Court and Myrtle Avenue; and eliminated approximately 71 square feet of living area from the initially proposed second floor. The amended plan represents a 6.35 percent reduction in the floor area and in volume of the second floor. The reduction in total area on the first and second floors is 3.18 percent. The total square footage of the first and second floors would be 2,159, if approved as submitted. To address some of the concerns of the neighboring property owners, staff recommended that the height of the basement wall be reduced by one foot, and the total height of the upper floors be reduced by one foot, thereby reducing the total height of the new structure by 2 feet. An attorney and an engineer hired by Brian Michel stated that if approved, the new home would block the view of Geneva Lake from Michel's home. The real estate agent who sold Michel his home also stated that if the current view of Geneva Lake from the Michel's residence is blocked, the home will not be worth as much money as residences that do have views of Geneva Lake. Therese Gulbransen, president of the Glenwood Springs Association, stated that off-street parking is an issue throughout the association, and the trees located adjacent to the Hannigan property are on association property. The association opposes all requests to cut down trees that are on association property, Gulbransen stated. One of the Hannigan's neighbors stated that he is opposed to the "big box" being proposed. Four other neighbors stated that they support the amended plans. President Whowell closed the public hearing at 7:31 pm. Hayden-Staggs stated that the Plan Commissioners should take into consideration the character of the neighborhood when acting on the CUP application. President Whowell stated that the amended plans appeared to have addressed the tree and parking issues stated at the August 29, 2005 public hearing. Poivey stated that if approved, the new home would add value to the neighborhood. Eakright stated that with the 11 conditions recommended by the building and zoning staff, he supports the amended plan. Larson stated that the 11 conditions outlined by the staff are basic documents that should have been submitted prior to the Plan Commission acting on the proposal. If the Plan Commissioners don't see the final plans prior to action, Larson stated they will not know if the neighborhood concerns have been addressed. Spadoni stated that he does not have a problem having staff review the final plans to make sure they adhere to the conditions. Slavney stated that according to the sketch provided by the Hannigans, there would be only room for one conforming, off-street parking stall. The smallest stall allowed in the Village code for compact automobiles is a minimum of 8-by-16 feet. Slavney stated that an engineering site plan would be needed to make an exact determination. Spadoni stated that he wanted to make a motion to approve the amended plan as submitted, with the exception that there only be one off-street parking stall instead of two, and with all the other conditions suggested in the staff report.

Plan Commissioner Spadoni/Commissioner Treptow 2nd made a MOTION to approve the amended CUP application plan as submitted with the following conditions: that total height of the basement wall be reduced by one foot, and the total height of the upper floors be reduced by one foot; that one off-street parking stall be designed on the site to meet the minimum standards for compact automobiles in the Village of Fontana Municipal Code; that the applicant fully comply with Section 18-28, Natural Resource Conservation Ordinance, and all other state and local building codes and ordinances; that prior to issuance of the permit, the applicant submit mitigation plans in accordance to Section 18-28, Natural Resources Conservation Ordinance, subject to approval by the Village of Fontana Building and Zoning Department; that prior to permit issuance, the applicant provide in writing an agreement from all adjacent property owners with regard to tree protection and tree remediation for potential loss of trees due to construction, subject to approval by the Village of

Fontana Building and Zoning Department; that prior to permit issuance, the applicant shall give written notice to all adjoining property owners as required by Comm. 21.13 “Excavations adjacent to adjoining property owner,” and provide copies of those written notices to the Village of Fontana Building and Zoning Department; that prior to permit issuance, the applicant submit architectural plans for review and approval by the Village of Fontana Building and Zoning Department, which shall depict an accurate representation of all approved modifications, as determined by the Plan Commission; that prior to permit issuance, the applicant submit a survey for review and approval by the Village of Fontana Building and Zoning Department, which shall depict the placement of all proposed structures; that prior to permit issuance, the applicant submit a landscape plan for review and approval by the Village of Fontana Building and Zoning Department, which shall depict the placement of retaining walls and/or terraces and the use of water permeable pavers in the parking area; that all exterior building construction work, with the exception of landscaping, shall not take place during the months of June, July or August, in keeping with the Glenwood Springs Association requirements; that the applicant provide a foundation survey prior to continuing with any framing construction; that the applicant provide certification of height within 10 days of completion of roof framing; and that prior to issuance of the occupancy permit, the applicant shall pay in full all cost recovery bills, and shall have all applicable tree mitigation monies deposited in full. The MOTION was approved on a 4-2 vote, with Commissioners Larson and O’Connell opposed, and President Whowell abstaining.

General Business

Certified Survey Map Filed by Anthony and Diane Urlakis, Linn Township (Tabled August 29, 2005)

Hayden-Staggs stated that the applicant requested that the matter remain tabled. Staff requested that the proposal be tabled on August 29, 2005 after concerns were voiced with regard to its adherence with the extraterritorial zoning requirements, street frontage, and to make sure the proposal to split the one lot into two would result in two 5-acre lots, which is the minimum requirement of the zoning district

John Tracy Update – Highlands of Fontana Board No. 5 Concept & Preannexation Agreement

Tim Swatek, representing John Tracy, stated that planning has continued with village staff and another meeting has been scheduled for October 6, 2005 with Tracy’s engineering firm. A preannexation agreement also is being drafted for the proposal.

Review of FairWyn, Ltd. CUP Conditions Approved October 25, 2004

Hayden-Staggs suggested that the Plan Commission table the first annual review of the CUP issued to FairWyn for its professional building since the building has just recently been occupied. Plan Commissioner O’Connell/Commissioner Treptow 2nd made a MOTION to table the item for one month, and the MOTION carried without negative vote.

CUP Concept Introduction by John O’Neill to Amend CUP Approved March 1, 2005, to Renovate and Add a Second Floor on the existing residence at 323 Bayview Drive, Fontana, WI 53125 (Tax Parcel No. SRA 00044)

O’Neill stated during construction of the new residence approved as a CUP on March 1, 2005, he decided to alter the plans to include a service door entrance, two outdoor spiral staircases for the decks, a small roof over one of the deck doors, two windows, and an increase in total area to the front porch. Also, a bedroom area on the initially approved interior plans now calls for a dining room and a laundry room. The initially approved CUP also calls for the removal of a retaining wall area that is in the public right-of-way, and O’Neill stated he would like this condition removed with the amended CUP application. O’Neill stated that the neighbors requested that the retaining wall remain on the front portion of the building. Plan Commissioners and staff members stated that one of the main benefits for the public in approving the CUP was the elimination of the structure from the public right-of-way, and it will have to remain a condition if the amended CUP plans are approved. O’Connell stated that the new roof and door on the amended plans already are constructed, and asked why O’Neill did not seek approval prior to altering the plans. Staff stated that O’Neill will have

to file engineering site plans that delineate all the proposed changes prior to the posting of the public hearing for the amended CUP application.

Plan Commissioner Poivey/Commissioner O'Connell 2nd made a MOTION to hold a public hearing on Monday, October 24, 2005, to consider the amended CUP application filed by John O'Neill to renovate and add a second floor on the existing residence at 323 Bayview Drive, Fontana, WI 53125 (Tax Parcel No. SRA 00044), and the MOTION carried without negative vote.

Planned Development Submittal Concept Review for Audino Quarry Project, Set Public Hearing

Par Development planners presented the Planned Development proposal for 33 duplex buildings on the 24.16-acre site, which also will include a pool and recreation area if approved. The 66 total units would be priced in the \$425,000-\$450,000 range. A public road would lead off Highway 67 to a circle turn-around for school busses, and the rest of the subdivision streets would be private, if approved. Hayden-Staggs stated that the applicants will have to file a Certified Survey Map for the public street, and a developer's agreement will have to be negotiated and approved if the PD receives approval following the public hearing. Village Planner Mike Slavney stated that he is concerned with the proposal as submitted because it would not provide additional students for the elementary school district; it is not a mixed-use proposal, as called for in the Village Master Plan; and the units are high quality, but their styles are not diverse and there is not a variety of roof and exterior materials to break up the "snout-house" appearance of the buildings. Slavney stated that if the planners incorporate side-loading garages in the proposed site layout, it would reduce their negative impact since all of the garages would not be sticking out toward the street. Slavney also suggested the addition of front porches and sidewalks. Spadoni stated he had concerns with the initial concept plan with regard to its density, its lack of a public park and sidewalks and the limited number of architectural designs. Spadoni stated he also would have liked the development proposal to include some sort of business along Highway 67. O'Connell stated that the site plan should include more space between the buildings. A more spread out layout will give the development a more appropriate lake area/lazy atmosphere, O'Connell stated. Treptow stated that the site layout is too congested and it does not look good. Larson stated that as proposed, the buildings look like those used in the Monopoly board game. Larson stated that a wider variety of styles should be incorporated, and the backs of the buildings also should be improved. Eakright stated that he feels the layout as proposed is too dense, and the plan requires side-loaded garages as suggested by Slavney. Eakright and O'Connell stated that if the approved plan is not going to include a mixed use, the Village Master Plan should be amended to reflect the nature of the development. Hayden-Staggs stated that as proposed, the development feels more like something that would be approved in Madison or Milwaukee, not the Village of Fontana. McCarthy stated she also feels more architectural and building material styles are needed, and a sidewalk should be incorporated to lead residents out of the subdivision to the village center. Par Development planners stated they will work with the village staff members on the general layout, a wider variety of building elevations, and the addition of sidewalks to the subdivision.

Plan Commissioner Spadoni/Commissioner Poivey 2nd made a MOTION to hold a public hearing on Monday, October 24, 2005, for the Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana from General Commercial, Primary Environmental Corridor Overlay and Performance Standard-Mixed to Planned Development, filed by Par Development, Inc., East Dundee, IL, 60118, for property owners Myron and Geraldine Audino, 600 Higgins Road, Park Ridge, IL, 60068, for a 24.16-acre parcel of land located adjacent to State Highway 67 to the west of the Fontana Village Hall on the former site of the Geneva Lake Gravel and Sand Company Works of Fontana, and the MOTION carried without negative vote.

Contractor's Office Proposal Concept Review for Prudden Property, 212 3rd Avenue

Swatek stated that the proposal calls for a contractor's office on the first floor and an apartment unit on the second floor. The building currently is empty; however, it previously housed a shop on the first floor and an office on the second. Thorpe stated that staff will have to meet with Swatek to determine if the current zoning designation will allow for a residential use on the second floor.

Concept Review for Village Inn Condominium Conversion Proposal

Swatek stated that the purchasers of the Village Inn have altered their initial concept for converting the hotel into a condo-hotel. Swatek stated that the purchasers want to change the hotel units into individually owned condominiums, but they wouldn't be used as primary residences. If approved, the new owners would have to change the present zoning designation, which allows the units to be rented on a nightly basis. In response to a question, Swatek stated that the new owners had a marketing study completed, and it indicated that it would be a better financial risk to simply convert the hotel units into condominium units instead of going with the initial proposal. Staff will review the proposal to determine what type of residential zoning would be required for the parcel.

Natural Resources Conservation Ordinance Amendment

Hayden-Staggs stated that Plan Commissioners should submit their concerns with regard to the ordinance, which will be presented for consideration at the next Plan Commission meeting on October 24, 2005.

Nonconforming Lot Ordinance Amendment

Hayden-Staggs stated that Plan Commissioners should submit their concerns with regard to amending the Nonconforming Lot Ordinance. The Village Board approved a Resolution on September 12, 2005, that established a 90-day moratorium on accepting CUP applications under the Nonconforming Lot Ordinance.

Pending Items for Future Agendas

1. Hubertz Annexation

Adjourn Plan Commission

Plan Commissioner Larson/Commissioner O'Connell 2nd made a MOTION to adjourn the meeting at 9:50 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 the Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 10-24-05