

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, September 27, 2010

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

Plan Commissioners present: Roll call: Mike Poivey, Derek D'Auria, Micki O'Connell, President Arvid Petersen, Sarah Lobdell

Plan Commissioner absent: Chairman George Spadoni, Harry Nelson

Also present: Brandee Brown, Al Haeger, Administrator/Treasurer Kelly Hayden, Rob Ireland, Alex Koldeway, Library Director Nancy Krei, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Zoning Administrator/Building Inspector Ron Nyman, Mike Slavney, Village Attorney Dale Thorpe, Carol and Jamie Whowell, Public Works Director Craig Workman

Elect Chairman Pro-Tem

Commissioner O'Connell/Commissioner D'Auria 2nd made a MOTION to elect Commissioner Mike Poivey as the chairman pro-tem, and the MOTION carried without negative vote.

Visitors Heard

None

Announcements

1. Lakefront and Harbor Committee Meeting – **Wednesday, September 29, 2010, 4:30 pm**
2. Finance Committee Budget Meeting – **Thursday, September 30, 2010, 6:00 pm**
3. Village Board Monthly Meeting – **Monday, October 4, 2010, 6:00 pm**
4. CDA Monthly Meeting – **Wednesday, October 6, 2010, 6:00 pm**
5. Walworth County Clean Sweep Program – **Friday and Saturday, October 8 & 9, 2010**
6. Plan Commission Staff Meeting – **Wednesday, October 13, 2010, 1:00 pm**
7. League of Wisconsin Municipalities Conference – **Wednesday to Friday, October 13 to 15, 2010**
8. Finance Committee Budget Meeting – **Thursday, October 14, 2010, 6:00 pm**
9. Protection Committee Meeting – **Monday, October 18, 2010, 5:45 pm**
10. Village Board/Finance Committee Budget Meeting – **Monday, October 18, 2010, 6:30 pm**
11. Library Board Meeting – **Wednesday, October 20, 2010, 10:00 am**
12. Park Commission Meeting – **Wednesday, October 20, 2010, 6:00 pm**
13. Plan Commission Monthly Meeting – **Monday, October 25, 2010, 5:30 pm**

Approve Minutes

Commissioner O'Connell/Commissioner D'Auria 2nd made a MOTION to approve the minutes for the meeting held August 30, 2010 as presented, and the MOTION carried without negative vote.

General Business

Consideration and Potential Recommendation for Adoption to the Village Board of Proposed Amendment to Village of Fontana Comprehensive Plan – Specifically A Proposal to Amend Map 5: Future Land Use, to Change the Designation of A Parcel on South Side of Willow Bend Road, Between Town Hall Road and Six Corners Road, From the Agricultural/Vacant Land Use Category to the Single-Family Residential (Septic) Land Use

Category

Village Planner Mike Slavney stated that the amended Map 5 that was distributed reflects the change in land use category for the James and Carol Whowell parcel on Willow Bend Road to the Single-Family Residential (Septic) Land Use Category, as previously discussed. Slavney stated that if the Plan Commission is inclined to recommend approval of the proposed amendment, the motion should include the following five findings to support the motion: 1. Subject property is not part of a larger agricultural property. 2. Subject property will not fragment an intact- or historically-farmed area. 3. Subject property will merely add two developable lots in an area already characterized by residential development of a comparable lot size. 4. Subject property occupies a relatively shallow area located between existing single-family development, and the private driveway and public road providing access to said existing homes. 5. Subject property is also located in an area that will not tend to result in a significant development intrusion into an agriculture area in that it is located close to the Village limits; close to the Urban Service Area boundary; adjacent to large commercial operation; and between a large Secondary Environmental Corridor area and a public road. A public hearing will be held before the Village Board and Plan Commission to present the proposed amendment on Monday, November 1, 2010 beginning at 6:00 pm.

Commissioner O'Connell/Commissioner D'Auria 2nd made a MOTION to approve Plan Commission Resolution No. 092710-01, recommending an amendment to the Comprehensive Plan for the Village of Fontana on Geneva Lake in Walworth County, Wisconsin, as presented, with the following five findings of fact:

1. Subject property is not part of a larger agricultural property.
2. Subject property will not fragment an intact- or historically-farmed area.
3. Subject property will merely add two developable lots in an area already characterized by residential development of a comparable lot size.
4. Subject property occupies a relatively shallow area located between existing single-family development, and the private driveway and public road providing access to said existing homes.
5. Subject property is also located in an area that will not tend to result in a significant development intrusion into an agriculture area in that it is located close to the Village limits; close to the Urban Service Area boundary; adjacent to large commercial operation; and between a large Secondary Environmental Corridor area and a public road.

The MOTION carried without negative vote.

Proposed Lakefront Zoning Code Ordinance Amendment to Prohibit Assignment of Riparian Rights to Lots Located Across Road From Lakefront

Thorpe stated that as directed by the Plan Commission he looked into the transfer of riparian rights and outlined his findings in the distributed memorandum. Thorpe stated that the summary of his research indicates that no other municipality in Walworth County currently regulates the pyramiding of riparian rights, but many municipalities in Waukesha County have adopted ordinances. Thorpe stated that he drafted a preliminary ordinance using the Waukesha County ordinances as a guideline; however, the draft ordinance still needs to be reviewed by staff for potential additional input. Thorpe stated that the draft ordinance includes sections for Chapters 17 and 18 of the Municipal Code, and the regulations and definitions for pyramiding contained in the draft are taken from ordinances that are already adopted in other municipalities. Slavney stated the transferring of development rights to separate lots is already prohibited, but the adoption of the draft ordinance would be a proactive approach to the issue. Thorpe stated that if the Plan Commission members were inclined to consider setting a public hearing to consider the draft ordinance, the ordinance should be reviewed by staff to make sure all the necessary sections are addressed. O'Connell asked if the Village could enact a moratorium on development applications until the ordinance amendment is adopted. Thorpe stated that the Village can enact a moratorium when specific sections of the Zoning Code are being amended, or if the entire code is being amended; however, if a moratorium is going to be considered,

there is a formal procedure that has to be followed in order to make the moratorium defensible. Thorpe stated that a moratorium was not on the agenda for consideration that night. Thorpe stated that if an application is filed between now and the adoption and publication of an ordinance amendment, the application will be subject to the terms of the current Zoning Code. In response to questions from McCarthy, Thorpe stated that staff should meet and make sure the draft ordinance addresses all the necessary sections of Chapters 17 and 18. In response to a question from Thorpe, Joseph McHugh of the Geneva Lake Conservancy stated that the proposed ordinance amendment is a good start, but the entire lakefront zoning code needs to be reviewed as a whole and rewritten in its entirety to guarantee that any loopholes or undesired provisions are eliminated.

Commissioner O'Connell/President Petersen 2nd made a MOTION to schedule a public hearing for Monday, October 25, 2010 beginning at 5:30 PM to consider the proposed creation of a new Section for Chapter 18 of the Municipal Code, titled "Lake Access by Offshore Lots," and a new Section for Chapter 17 of the Municipal Code, titled "Lake Access by Subdivision, Condominium, and Other Developments" as presented, and with any necessary amendments deemed necessary by the Plan Commission staff members incorporated into the draft ordinances. The MOTION carried without negative vote.

Proposed Raze Order for Residence Located at 489 Waubun Drive, Tax Parcel No. SCTE 00023

McCarthy stated that the required inspections have been performed by Building Inspector Ron Nyman on the residence owned by Danny Ilich and Alexandra Ilich at 489 Waubun Drive, and there has been no response to the violation notices issued by the Village. McCarthy stated that staff is recommending that the raze order process be initiated. President Petersen stated that there has been no activity in many years at the residence.

Commissioner O'Connell/Commissioner D'Auria 2nd made a MOTION to recommend Village Board approval of the Order for Razing the Principal Structure at 489 Waubun Drive, Tax Key No. SCTE 00023, and the MOTION carried without negative vote.

Report on RFPs Received for Planning Services

Hayden stated that the Finance Committee directed Village staff to send out Requests for Proposals for all the village's contracted services, and the submission deadline was August 31, 2010. Six firms, including the Village's current provider Vandewalle and Associates, submitted RFPs for planning services. Hayden stated that she has not had a chance to review the planning service RFPs or prepare a spreadsheet highlighting the proposals, but it will be presented next month.

Adjournment

Chairman Lobdell/Commissioner D'Auria 2nd made a MOTION to adjourn the meeting at 5:57 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: 10/25/10