

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, October 25, 2010

Chairman George Spadoni 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: Micki O'Connell, President Arvid Petersen, Sarah Lobdell, Chairman George Spadoni, Mike Poivey, Derek D'Auria, Harry Nelson

Also present: Steve Beers, Al Haeger, Administrator/Treasurer Kelly Hayden, Jim Howe, Rob Ireland, Library Director Nancy Krei, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Zoning Administrator/Building Inspector Ron Nyman, Village Attorney Dale Thorpe, Trustee Cindy Wilson, Public Works Director Craig Workman

Visitors Heard

None

Announcements

1. Lakefront and Harbor Committee Meeting – **Wednesday, October 27, 2010, 4:30 pm**
2. Public Safety Board of Appeals Meeting – **Thursday, October 28, 2010, 5:45 pm**
3. Village of Fontana Halloween Trick or Treat Hours – **Sunday, October 31, 2010, 3:00 to 7:00 pm**
4. Public Hearing on Master Plan Map Amendment – **Monday, November 1, 2010, 6:00 pm**
5. Village Board Monthly Meeting – **Monday, November 1, 2010, 6:15 pm**
6. 2010 General Election – **Tuesday, November 2, 2010, 7:00 am to 8:00 pm**
7. CDA Monthly Meeting – **Wednesday, November 3, 2010, 6:00 pm**
8. Police and Fire Commission Meeting – **Saturday, November 13, 2010, 9:00 am**
9. Protection Committee Meeting – **Monday, November 15, 2010, 5:45 pm**
10. 2011 Budget Public Hearing – **Monday, November 15, 2010, 6:30 pm**
11. Library Board Meeting – **Wednesday, November 17, 2010, 10:00 am**
12. Plan Commission Staff Meeting – **Wednesday, November 17, 2010, 1:00 pm**
13. Park Commission Meeting – **Wednesday, November 17, 2010, 6:00 pm**
14. Village Hall & Public Library Closed for Thanksgiving Holiday – **Thursday and Friday, November 25 & 26, 2010**
15. Plan Commission Monthly Meeting – **Monday, November 29, 2010, 5:30 pm**

Approve Minutes

Commissioner Poivey/Commissioner D'Auria 2nd made a MOTION to approve the minutes for the meeting held September 27, 2010 as presented, and the MOTION carried without negative vote.

Public Hearing

Zoning Code Amendment to Create Sections 17-7 (15) and 18-36, Amend Section 18-17 & Repeal Section 18-99 of the Village of Fontana Municipal Code

Chairman Spadoni opened the public hearing at 5:30 pm. The proposed ordinance amendment was drafted to regulate the pyramiding of riparian rights. Spadoni closed the public hearing at 5:31 pm.

Commissioner O'Connell/Commissioner Nelson 2nd made a MOTION to recommend Village Board approval of the proposed amendment as presented, and the MOTION carried without negative vote.

General Business

Recommendation on RFPs Received for Planning Services

Hayden stated that the Village received six proposals for planning services that were submitted by the current provider, Vandewalle and Associates, and by Batterman, civi-tek Consulting, LLC, Crispell-Snyder, Inc., Foth, and Graef. Hayden stated that given the upcoming project to rewrite Chapters 17 and 18 of the Municipal Code, staff recommends approval of the RFP submitted by Vandewalle and Associates and recommends approval of the distributed 2011 contract renewal with Vandewalle.

O'Connell stated that she concurs with the recommendation.

Commissioner O'Connell/Commissioner Nelson 2nd made a MOTION to recommend Village Board approval of the RFP for planning services submitted by Vandewalle and Associates, and to recommend approval of the 2011 contract renewal with Vandewalle and Associates as presented. The MOTION carried without negative vote.

Hawks Woods Condominium Plat Proposal Filed by Stephen P. Beers 1994 Revocable Trust, 454 North Lakeshore Drive

Combine the requirements of filing a preliminary plat and a final plat under Sections 17-4 3 and 17-4 4 into one plat.

Waive the requirement under Section 17-6 6. a. to provide public access at least 60 feet wide to Geneva Lake.

A new condominium plat application was filed by the Stephen P. Beers 1994 Revocable Trust, 454 North Lakeshore Drive, on October 4, 2010. The proposal is the same as the application that was withdrawn by the applicant on September 20, 2010. Following a staff meeting on October 13, 2010 and a meeting with the applicant and his attorney, Jim Howe, on October 20, 2010, the application is still considered incomplete. Thorpe stated that the application was withdrawn and filed new to address some of the parameters of the Zoning Code that were not specifically addressed during the initial application process. The proposed condominium association plat creates a three-unit association, with one single-family residence located on Unit 1 and Unit 2, and the undeveloped conforming lot designated Unit 3 which also can accommodate a single-family residence. There also currently is a 1,340-square-foot, free-standing guest house located on Unit 1 near North Lakeshore Drive. There is 115-feet of lake frontage, and the three slips that are on the current pier would not and cannot be increased. The proposal calls for no increases in what is already allowed on the three lots, it just creates a condominium association form of ownership of the land. If approved, the condominium declarations would afford the right to one of the current three slips to the owners of Unit 1, Unit 2 and Unit 3. Units 2 and 3 are located on the west side of North Lakeshore Drive. Unit 1 is located on the east side of the road. Thorpe stated that all the technical aspects of the zoning code were discussed at the staff meeting and at the meeting with the applicants, and two of the items that require Plan Commission consideration are listed on the agenda. Thorpe stated that the two code compliance issues are examples of items that need to be corrected in a rewrite of Chapters 17 and 18 of the Municipal Code. Thorpe stated that the approval process for condominium plats has been combined in the Fontana code with regulations governing the approval of subdivision plats. Thorpe stated that staff recommends that the Plan Commission allow the condominium plat approval process to be completed with the preliminary plat and final plat steps combined as one step. Thorpe stated that with a 3-unit condominium plat proposal it does not make sense to require a preliminary plat to be submitted and approved prior to the submission of a final plat. Thorpe stated that if inclined, the Plan Commission could approve a motion to waive the two-steps and allow for the submittal of the final plat. Thorpe stated that the other issue is not a waiver requirement as listed on the agenda, it is a code interpretation determination that the Plan Commission needs to make with regard to the 60-foot-wide public easement requirement for subdivision and plat proposals that create 5 or more lots. Thorpe stated that the Village of Fontana code does not differentiate as it should between small- and large-scale subdivisions and plats. Thorpe stated that since the Beers proposal is only creating three units, it is not required in the state statutes to create a 60-foot easement to access the common areas. Thorpe stated that a 3-unit or 3-lot subdivision or condominium plat does not apply to the state statute, which is applicable for proposals for the

creation of 5 or more lots or units. Thorpe stated that the provision in the village code also needs to be corrected in the rewriting project for Chapters 17 and 18. Howe stated that he agrees with Thorpe on the two issues. Howe stated that the final plat and condominium declarations are already drafted and filed, so there is no need for a preliminary plat. Howe stated that there are no public improvements connected to the condominium plat approval, so a developer's agreement is also not required. Lobdell asked if the application would still be deemed incomplete if the two items were approved that night. Thorpe responded that there would still be other items required, as delineated in letters from the village Building and Zoning Department sent to Howe October 13 and 20, 2010. Howe stated that the remaining items should be filed by Wednesday or Thursday. In response to a question from Poivey, Thorpe stated that if the Plan Commission approved the two items that night it would not constitute a vote to recommend approval of the condominium plat application.

Commissioner Poivey/Commissioner Nelson 2nd made a MOTION to authorize the consolidation of the condominium plat approval process into a single step and to not require the submission and approval of a preliminary plat as called for in Section 17-4 of the Municipal Code since the proposal is for a 3-unit association. The MOTION carried without negative vote.

Chairman Spadoni/President Petersen 2nd made a MOTION to interpret Municipal Code Section 17-6 (6) that it does not apply to the condominium plat application filed by the Stephen P. Beers 1994 Revocable Trust, 454 North Lakeshore Drive, because the provision does not apply to condominium plats that create less than 5 units. The MOTION carried without negative vote.

Pottawatomie Construction Project Utility Easements Approval Recommendation

Workman stated that the utility easements are needed to complete storm water work as part of the Pottawatomie Drive reconstruction project. The Village Board approved a motion at a October 18, 2010 meeting to approve the utility easements for the properties owned by Fontana Builders (Jim Accola), 1019 Tarrant Drive; Raymond and Brenda Rubacha, 908 Sauganash Drive; Allan and Janet Kaminski, 905 Tarrant Drive; and Tom and Jennifer McGreevy, 897 Tarrant Drive, for \$10 each, with the exception of the Fontana Builders property easement which will cost an additional \$248 in credit for a past-due utility bill, and subject to review by the Plan Commission.

Commissioner Poivey/Commissioner Lobdell 2nd made a MOTION to approve the utility easements for the properties owned by Fontana Builders (Jim Accola), 1019 Tarrant Drive; Raymond and Brenda Rubacha, 908 Sauganash Drive; Allan and Janet Kaminski, 905 Tarrant Drive; and Tom and Jennifer McGreevy, 897 Tarrant Drive, for \$10 each, with the exception of the Fontana Builders property easement which will cost an additional \$248 in credit for a past-due utility bill. The MOTION carried without negative vote.

Upper Garden Easement

Workman stated that the easement is needed for a sanitary sewer and water main project in the Upper Gardens subdivision. Thorpe stated that the proposed easement will encompass all the private roads in the subdivision.

Commissioner O'Connell/Commissioner Nelson 2nd made a MOTION to recommend Village Board approval of the easement with the Upper Gardens Homeowners Association, and the MOTION carried without negative vote.

Adjournment

Chairman Lobdell/Commissioner D'Auria 2nd made a MOTION to adjourn the meeting at 5:47 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: 11/29/10