

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, November 26, 2007

Chairman 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: Chairman Spadoni, Poivey, D'Auria, McGreevy

Plan Commissioners absent: O'Connell, Lobdell, President Pollitt

Also present: Anthony Coletti, Kimberly Dabertin, Administrator Kelly E. Hayden-Staggs, Rob Ireland, Trustee Patrick Kenny, Raymond Lefebvre, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Mac Niven, Building Inspector Ron Nyman, Lucy Sandy, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that first day for candidates to circulate Nomination Papers for Spring 2008 Election is Saturday, December 1, 2007; the monthly meeting of the Village Board will be held Monday, December 3, 2007, at 6:00 pm; a joint meeting of Village Board and CDA will be held on Wednesday, December 5, 2007, at 5:00 pm; the monthly meeting of the CDA Board will be held Wednesday, December 5, 2007, at 6:00 pm; the annual VOF Holiday Party will be held at the Abbey Resort on Monday, December 10, 2007, at 6:00 pm; the VOF Newsletter article deadline is Thursday, December 13, 2007, at 5:00 pm; the next monthly meeting of the Plan Commission will be held Monday, December 17, 2007, at 5:30 pm; and the Village Hall will be closed for the Christmas holiday from December 22 to 25, 2007.

Approve Minutes

D'Auria/McGreevy 2nd made a MOTION to approve the minutes for the meeting held October 29, 2007, and the MOTION carried without negative vote.

Public Hearings

Public Hearing on Petition to Amend the Zoning Code Section 18-27, Accessory Uses and Structures, of the Village of Fontana Municipal Code

Spadoni opened the public hearing at 5:32 pm. After no comments were made, Spadoni closed the public hearing at 5:33 pm. The village staff report states that the zoning code amendment is being proposed to make three significant changes to the existing ordinance that regulates accessory uses and structures: to relocate exterior lighting to its own section (proposed Section 18-35); to include sheds, storage units and other like-use accessory structures in the computation for maximum allowable accessory structures on a lot and maximum size of all accessory structures; and to require green space between concrete patios, driveways and parking areas, and property lines.

Poivey/D'Auria 2nd made a MOTION to recommend Village Board approval of the proposed zoning code amendment as presented, and the MOTION carried without negative vote.

Public Hearing on Petition to Amend the Zoning Code Section 18-35, Exterior Lighting, of the Village of Fontana Municipal Code

Spadoni opened the public hearing at 5:33 pm. After no comments were made, Spadoni closed the public hearing at 5:34 pm. The village staff report states that the amendment is being proposed to relocate the exterior lighting standards to their own section.

McGreevy/Poivey 2nd made a MOTION to recommend Village Board approval of the zoning code amendment as presented, and the MOTION carried without negative vote.

Public Hearing on Petition to Amend the Zoning Code Section 18-65 (j), Landscaping, of the Village of Fontana Municipal Code

Spadoni opened the public hearing at 5:34 pm. After no comments were made, Spadoni closed the public hearing at 5:35 pm. Hayden-Staggs stated at last month's meeting that the proposed amendment makes municipal property exempt from the landscaping subsection in order to accommodate the plan to replace the fence along the beach. The proposed addition to the last paragraph states that "municipal property shall be exempt from this paragraph. The approval of fencing on municipal property, including, but not limited to location, height and material, shall be left to the discretion of the Village Board."

D'Auria/Poivey 2nd made a MOTION to recommend Village Approval of the zoning code amendment as presented, and the MOTION carried without negative vote.

General Business

Building, Site and Operational Plan Filed by All For Ewe, 148 Fontana Boulevard

McCarthy stated that the applicant currently operates a business of the same name and use at 110 West Main Street. The business is slowly being relocated to the property at 148 Fontana Boulevard and at present both businesses are in operation. McCarthy stated that the property at 148 Fontana Boulevard is located in the Village Center Preservation District, and, while considered a permitted use, it requires BSOP approval. McCarthy stated that the BSOP application pertains to the main level only and does not include the existing upper level residential units. McCarthy stated that the Department of Building and Zoning recommends approval of the BSOP as submitted with three conditions: a complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any proposed signage. BSOP approval shall not alleviate the applicant from securing all required permits. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code; the temporary "All For Ewe" banner shall be removed within 30 days to allow the applicant adequate time to secure alternate business identification signage permits and approvals; and all outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed. Kimberly Dabertin stated that she would like consideration to install a free standing signage at the business because the front of the building features an extensive overhang which would obscure a wall-mounted sign. Dabertin stated that if a sign is mounted under the overhang, it will not be visible from the street. Dabertin stated that she would like permission to erect the free-standing sign about one-foot out from the concrete slab in front of the building; however, she is open to suggestions. The Plan Commission was in consensus that the signage request should adhere to the zoning code, and the exact placement of the signage should be worked out with village staff prior to final approval by the Village Board.

McGreevy/Poivey 2nd made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan as submitted, with the conditions that the applicant and Village staff work out the signage plan to adhere to the Zoning Code prior to final Village Board action; that a complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any proposed signage. BSOP approval shall not alleviate the applicant from securing all required permits. Proposed signage shall be made in accordance to the Village of Fontana Municipal Code; and all cost recovery fees applicable to this project shall be paid

prior to the issuance of any building and zoning permits. The MOTION carried without negative vote.

Par Development Third Amendment to Precise Implementation Plan – Update Only

Hayden-Staggs stated that the applicants are still finalizing the engineering plans with Village Engineer Joe Eberle. Hayden-Staggs stated that other issues that still need to be resolved are the erection of three flag poles along the entrance road into the subdivision, the placement of an antique stone crusher, signage issues, and the proper delineation of a pedestrian path leading from the subdivision to the Duck Pond Recreation Area. Hayden-Staggs stated that the three flag poles were erected and the antique stone crusher placed in the entrance boulevard without approval. The staff members were in consensus that one flag pole would be appropriate, and that the other two should be removed. Thorpe stated that if the Village approves a flag pole and the placement of the stone crusher, an easement could be drafted to resolve all the right-of-way issues. Hayden-Staggs stated that the other signage issues have been resolved with the removal of “No Trespassing” signs. Hayden-Staggs stated that the amended PIP also has to delineate that the pedestrian path is a public path, not a private path. Following a discussion on the lighting ordinance and federal flag flying regulations, the Plan Commission was in consensus that the three flag poles should be removed; however, the historic stone crusher can remain in the location that it has been placed at the entrance to the subdivision. All of these items will be relayed to Par for inclusion in the third amendment to the PIP.

Amended Conditional Use Permit Filed by Barton and Joan Love, 928B South Lakeshore Drive – Schedule January Public Hearing

Staff recommended setting a public hearing for the matter; however, because of publication requirements and the rescheduling of the next monthly meeting to Monday, December 17, 2007, there is not enough time to have the required notices publishing prior the December meeting. Poivey/McGreevy 2nd made a MOTION to schedule a public hearing to consider the amended Conditional Use Permit application filed by Barton and Joan Love, 928B S. Lakeshore Drive, on Monday, January 28, 2008, beginning at 5:30 pm. The MOTION carried without negative vote.

Lakefront Zoning Ordinance Draft Proposal

Thorpe stated that he revised the draft of the proposed amendments to Village lakefront zoning ordinance. Thorpe stated that the draft is slightly reduced from the version previously distributed on September 19, 2007. Thorpe stated that the draft was revised to address issues and concerns raised by Village Planner Mike Slavney in his memo dated October 18, 2007 and Trustee Turner’s comments from an email dated November 4, 2007. It also includes suggestions and ideas from at least two meetings on this subject, including a staff meeting held on November 14, 2007 that was attended by the Village President and two trustees and at least one member of the public. The five proposed principle changes are: 1. The proposed increase in residential density was dropped. It remains 40,000 square feet per dwelling unit in the RS-1 district. 2. Likewise, the proposed increase in minimum lot width was dropped in the RS-1 district. 3. A cap was placed on the size of caretaker’s quarters at the lesser of 50 percent of the size of the principle structure or 1,500 square feet, whichever is smaller. Thorpe stated that both Slavney and Trustee Turner made this suggestion. 4. A prohibition on Planned Development rezones out of the RS-1 zoning district has been added. This came out of the staff meeting last week. 5. A new requirement was added specifying that minimum lot width must be met per dwelling unit on an individual parcel. So although 100 feet of lot width is still the requirement, it must be met for each unit added. So if, for example, there are to be three units, then the parcel must be 300 feet wide (3 by 100). This is meant to address situations where so called “pencil lots” with plenty of overall area are proposed to be subdivided or made into a condominium association – this new regulation would effectively prevent a second tier of houses on narrow lots. Number five is a significant addition that was suggested several times by Slavney. Thorpe stated that staff also felt that the Village Board and Plan Commission should devote time and

energy in drafting a so-called “McMansion” ordinance along the lines of the samples provided on September 19, 2007 and including the suggestion to take a look at the ordinances in place in Jupiter FL, per a suggestion made by Trustee Turner. Thorpe stated that the staff members felt that this was a future problem that could be prevented if addressed now. Thorpe stated that the draft of the proposed amendments was not being presented for approval that night, just for review and consideration to move the amendment process forward. Thorpe stated that a more detailed study of the lakefront lots also needs to be completed prior to finalizing the draft of the proposed amendments. Spadoni stated that the proposed amendments will really affect the owners of lakefront parcels, and the Village should make sure all the property owners of lakefront parcels are contacted and notified about the proposed amendments and the public hearing. Spadoni stated that the property owners of lakefront parcels may be upset if zoning code amendments are adopted that prevent them from receiving approval for development proposals similar to projects that may have been completed in past years by the owners of neighboring parcels. Spadoni stated that the Village should make sure all the lakefront property owners are aware of the proposed amendments. Hayden-Staggs stated that the Village follows the Municipal Code with regard to posting public hearings in the newspaper, and proposed amendments also are posted on the Village website. Hayden-Staggs stated that the Village may be setting a precedent if all the owners of lakefront parcels are contacted for a proposed lakefront zoning code amendment when the same contact is not made for other proposed zoning code amendments and public hearings. Thorpe stated that the redrafted amendments are much less burdensome than the initial draft. McGreevy stated that he agrees with Spadoni with regard to contacting the property owners, and he also has a concern about limiting property owners from receiving approval to construct a new garage with upper level living quarters on their property. Spadoni stated that he has a concern with Section 7 of the proposed ordinance to amend the zoning code. Spadoni stated that most of the lakefront lots only have 100 feet of lakefront footage, and the owners of those lots should not be absolutely prohibited from constructing a guest house on their very valuable property. Thorpe stated that the proposed amendments are more liberal than the zoning codes in the other Geneva Lake municipalities. Following further discussion, the Plan Commission was in consensus that all the owners of the lakefront parcels should be personally contacted to inform them of the proposed zoning code amendments and the date of the public hearing. Spadoni asked if the proposed amendments could be moved forward with Section 7 eliminated. Thorpe stated that any or all of the sections could be eliminated from the proposed amendments, but the sections all address areas of concern previously mentioned by the Village officials. Thorpe stated that if the amendment proposal is weakened, it will not address the stated problems. Spadoni suggested that the Plan Commission vote to table the matter until the next monthly meeting on Monday, December 17, 2007 when all of the Plan Commission members will be present for the meeting and a final draft can be approved. The Plan Commission could then vote at the December 17, 2007 meeting to hold a public hearing to present the proposed amendments at the monthly meeting on Monday, January 28, 2008. In response to a question from Thorpe, Spadoni stated that the Plan Commission should get through the approval process for the proposed amendments to the lakefront zoning regulations before the “McMansion” issue is addressed. Spadoni stated that the Plan Commission also should be presented with a list of the all the owners of lakefront parcels. All the owners of the lakefront parcels will be notified of the proposed zoning code amendments and provided with the date of the public hearing

Poivey/D’Auria 2nd made a MOTION to table the matter until the December 17, 2007 Plan Commission meeting, at which time the draft of the proposed amendments to the lakefront zoning code will be finalized and a public hearing scheduled. The MOTION carried without negative vote.

Proposed Ordinance Amendment to Section 18-95: C-4 Resort Commercial District

The village staff report states that the proposed amendment to the C-4 zoning district is to expand the language of subsection (g) to include any residential zoning district. The village staff report states that at the time of the creation of the C-4 zoning section, the Abbey Resort was the only resort in the village and the adjacent property consisted of R-1 zoning only. The village staff report states that it is

believed the intent of subsection (g) was to create adequate setbacks between all residential zoning use districts and not just limit it to the R-1 district. The village staff report states that the R-1 district has the largest minimum lot size, whereas other residential use districts are much smaller. These smaller sized districts should receive the same setback consideration from a large resort as the R-1 district. The village staff report states that hypothetically, if an existing R-1 lot is rezoned to a different residential zoning district – such as RS-3 – the resort could contend that the existing 45-foot setback of their existing two-story building is no longer required, and they could seek to expand to the minimum 25-foot setback required for all other zoned properties. In response to a question if Abbey Resort representatives Edwin Snyder or Cary Kerger had been contacted with regard to the proposed amendment, McCarthy stated that her calls and emails have not been answered. The Plan Commission directed McCarthy to make sure to contact Snyder or Kerger to inform them of the proposed amendment to the C-4 Resort Commercial District, which was created during the settlement of a potential lawsuit between the Abbey and the Village.

McGreevy/Poivey 2nd made a MOTION to schedule a public hearing for Monday, January 28, 2008 beginning at 5:30 pm to consider the proposed amendment to Section 18-95, and the MOTION carried without negative vote.

Abbey Springs PIP Amendment Proposal for Clubhouse Renovation – Introduction Only

Abbey Springs submitted proposed plans for the clubhouse renovation on Wednesday, November 21, 2007, and staff has not had an opportunity to review the submitted documents. Raymond Lefebvre presented the clubhouse renovation plans, which have been scaled back from the plans that were presented last year. Lefebvre stated that although the plans have been scaled back, the design and concept have not changed. The main difference is the work planned for the lower level has been eliminated from the proposal. Lefebvre stated that the footprint of the building will be slightly increased, but the height of the building will be not increased. The materials for the exterior renovations will match the existing building, and the proposal adheres to the Village lighting ordinance. Spadoni stated that the proposed new portion of the building will be facing the south and it will not be visible from South Lakeshore Drive. The renovation plan for the north side of the building is a slight change to the entryway and it will not be visible from South Lakeshore Drive. Spadoni stated that most of the other work is all proposed for the interior of the current building. The Plan Commission members were in consensus that they did not have any concerns with regard to the proposal, pending staff review of the plans. Spadoni stated that the applicant should be sure to work with staff between now and the next Plan Commission meeting to make sure that all of the required plans are submitted on a timely basis. In response to a question from McCarthy, Lefebvre stated that the pro shop will be the same total square footage as existing, the new restaurant in the clubhouse will have seating for about 100 people, and the new banquet room facility will have a 200-person capacity for special events. Hayden-Staggs stated that the applicants should be sure to provide existing signage and lighting plans, with an overlay delineating the proposed changes; a parking plan and total spaces calculations to determine if the proposed new volume of the building will create the necessity for more parking spaces; and a HVAC plan. The Plan Commission directed the applicants to meet with the Village staff to make sure all the required documents are submitted for review prior to action on the proposed amendment to the PIP. The Plan Commission also reminded the applicants that the December meeting is scheduled to be held the third Monday of the month, so they should be aware of the 20-day document submittal deadline. The Plan Commission cautioned the applicants that if they proceed with obtaining a permit to raze current building, it does not guarantee that the PIP amendment will be approved as submitted. The Plan Commission also cautioned the applicants that if the submitted landscaping plan is changed in the future, the PIP will have to be amended again. The Plan Commission directed the applicants to meet with the Village staff to determine what documents still must be filed in order for the staff members to complete a review prior to Plan Commission action on the proposal.

Pending Items for Future Agendas

1. Abbey Springs Boat Storage Expansion – PIP Amendment Proposal (Tabled 12-18-06, 1-29-07)
2. Mill Street Condominium Association PIP Amendment – Signage Proposal (Tabled 8/27/07 and 9/24/07)
3. Brick Church Hotel and Spa BSOP Proposal

Adjournment

McGreevy/Poivey 2nd made a MOTION to adjourn at 6:56 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: 12/17/07