

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, November 26, 2012**

Chairman George Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: Cynthia Nickolai, Micki O'Connell, President Arvid Petersen, Trustee Spadoni, Scott Vilona

**Plan Commissioners absent:** F.J. Frazier, Sarah Lobdell

**Also present:** Jade Bolack, Administrator/Treasurer Kelly Hayden, Cary Kerger, David Lindelow, John Maier, Village Clerk Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Trustee Rick Pappas, Dean Richards, Mike Slavney, Dale Thorpe, Director of Public Works Craig Workman

**Visitors Heard**

Chairman Spadoni welcomed Cynthia Nickolai to the Plan Commission and thanked her for her interest in serving the community. Trustee Pappas stated that there is conflicting language with regard to the Board of Appeals membership in the new Chapter 18 and in the existing Chapter 2 of the Municipal Code. The new Section 18-234(a) states that two of the five members of the Board of Appeals shall be Village Board members and that three shall be citizens. Section 2-231 states that the five members shall be citizens.

**Announcements**

1. Library Board Meeting – **Wednesday, November 28, 2012, 10:00 am**
2. Lakefront and Harbor Committee Meeting – **Wednesday, November 28, 2012, 4:30 pm**
3. First Day to Circulate Nomination Papers for Spring Election – **Saturday, December 1, 2012**
4. Village Board Meeting – **Monday, December 3, 2012, 6:00 pm**
5. Village Holiday Party & Bon Voyage for Craig Workman – **Friday, December 7, 2012, 6:00 pm**
6. FW/WPCC Board Meeting – **Tuesday, December 11, 2012, 7:30 pm**
7. GLLEA Board Meeting – **Wednesday, December 12, 2012, 10:00 am**
8. CDA Board Meeting – **Wednesday, December 12, 2012, 6:00 pm**
9. GLEA Board Meeting – **Thursday, December 13, 2012, 7:00 pm**
10. Library Board Meeting – **Wednesday, December 19, 2012, 10:00 am**
11. Park Commission Meeting – **Wednesday, December 19, 2012, 6:00 pm**
12. Plan Commission Staff Meeting – **Wednesday, December 19, 2012, 1:00 pm**
13. Deadline to File Notification of Noncandidacy – **Friday, December 21, 2012, 5:00 pm**
14. Village Hall & Library Closed for Holidays – **Monday & Tuesday, December 24 and 25, 2012**
15. Village Hall & Library Closed for Holidays – **Monday & Tuesday, December 31, 2012 and January 1, 2013**

**Approve Plan Commission Minutes**

President Petersen/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to approve the minutes for October 1 and 11, 2012, as presented, and the MOTION carried without negative vote.

**General Business**

**Certified Survey Map Filed by Roger Stedronsky, 532 Sauk Trail**

Attorney John Maier, representing Roger Stedronsky, stated that he has read the previous meeting minutes and memos and has attended the staff meetings at which the CSM application has been discussed by staff. Maier stated that the CSM application was filed July 27, 2012, after the village moratorium on land division applications had expired and before the new Chapters 17 and 18 were adopted by the Village. Maier stated that the application states that it is seeking approval of the two-

lot CSM to authorize the current zoning of the site, which was RS-3; and the proposed type of structure and use of structure for the new lot is residential. Maier stated that the old Chapter 17 land division regulations have been followed with the proposed CSM; however, the staff report states that the property is now in the new Lakefront Residential (LR-o) District and the new lot would not meet the minimum lot area requirements for development. Maier stated that he would like the Plan Commission to consider the legal principal of vested rights for the property since the application was filed under the parameters of the old Chapters 17 and 18 and his client already “had his foot in the door before it was slammed shut.” Thorpe stated that if Maier’s interpretation is correct, the applicant would be in essence grandfathered in and be able to follow the regulations of the former RS-3 Zoning District to secure building permits for a residence on the new lot being proposed in the CSM application. Thorpe stated that he had not yet researched the vested rights issue brought up by Maier. Spadoni stated that the Stedronsky CSM application is the only application that was filed after the moratorium ended and prior to the adoption of the new Chapters 17 and 18, and if the vested rights issue is verified by the Village attorney, the CSM and building permits should be authorized under the old code that was in effect when the application was filed. Spadoni stated that he is not an attorney, but it is his opinion that Stedronsky should be able to use the old code for the residential building proposal. Hayden stated that although the CSM application was filed under the old code, the application for a zoning permit has not been filed. Thorpe stated that the situation is unique and he will have to research the vested rights issues before he can make a recommendation. Thorpe stated that as pointed out in the staff report, the applicant could also withdraw the CSM application and file for a Conditional Use Permit for the existing lot to authorize the construction of an accessory residential structure on the same lot under the new LR-o Zoning District. Thorpe stated that if inclined, the Plan Commission could also make a recommendation on the CSM as filed as the applicant has addressed the staff concerns listed in the engineering review and the other requirements of the former Chapter 17 have been met, including the mapping of the environmental corridor at the lakefront. Thorpe stated that the third option that night would be for the Plan Commission to table the item and direct him to do legal research on the vested rights issue brought up by Maier. Spadoni stated that the issue is pretty straight forward and if the vested rights are in place for Stedronsky, the CSM can be approved and the building permits can be applied for by the applicant. Thorpe stated that since the environmental corridor was delineated on the proposed CSM and the updated CSM was filed with the Village on October 29, 2012, the application is now deemed complete and there is a statutory time restraint that the Village has to follow for the approval process. O’Connell stated that she is concerned with storm water on the parcel and the applicant did not even notify the Indian Hills homeowner’s association of his proposal. O’Connell stated that she cannot support the creation of a second lot, and if Stedronsky wants to construct an accessory residential structure on the lot, he can file for a CUP under the current code. Spadoni stated that the Plan Commission should wait for the village attorney to review the vested rights issue before considering a recommendation on the CSM application.

President Petersen/Commissioner Vilona 2<sup>nd</sup> made a MOTION to table the item and to direct the Village attorney to research the vested rights issues with regard to the CSM application. The MOTION carried on a 4-1 vote, with Commissioner O’Connell opposed, and Commissioners Lobdell and Frazier absent.

### **Abbey Resort 50<sup>th</sup> Anniversary Package Proposals**

The Abbey Resort submitted a 50<sup>th</sup> anniversary renovation proposal package that its attorney, Dean Richards, requested be reviewed by staff since it is the first significant project undertaken by the Abbey since the village adopted the new zoning code. Richards requested in the application filed November 6, 2012 that it be reviewed by staff and that an item placed on the Plan Commission meeting agenda in case there is action required for some aspects of the proposal. Village Planner Mike Slavney stated that he reviewed the proposal and issued a memo with his findings that states two aspects of the proposal would require a conditional use permit if pursued. Slavney stated that the proposal to install vinyl siding will have to be approved through the CUP process, because it is

prohibited in all zoning districts unless a CUP is obtained. Slavney stated that the request to replace the main exterior resort signage and to install a new, larger monument sign will also require a CUP. Slavney stated that all of the other items being requested by the Abbey, including some new lighting, can be reviewed and approved at the staff level. Hayden stated that the CDA Board also will have to make a recommendation on the proposal since the property is located in the TID and the total project cost will exceed the \$10,000 threshold. Hayden stated that one CUP application could be filed by the Abbey and a public hearing scheduled for the two CUPs that will be required. The Plan Commission members discussed possible dates for a meeting in December and all the commissioners in attendance other than O'Connell stated that they could attend a meeting on Thursday, December 27, 2012 beginning at 5:00 pm. Martin stated that there will be adequate time for the required hearing notices to be published in the Regional News for a December 27, 2012 public hearing date.

President Petersen/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to schedule a public hearing for Thursday, December 27, 2012 beginning at 5:00 pm to consider Conditional Use Permits for the Abbey Resort vinyl siding and new monument sign renovation proposals. The MOTION carried without negative vote.

Richards stated that the new code also calls for the exterior renovation materials and colors to be reviewed by the Architectural Review Board, which is the Plan Commission. Samples of the siding and roof materials, and the new bricks for the spa entrance were displayed for the Plan Commission to review. There were no concerns, only compliments made by the Plan Commission members. Commissioner O'Connell/Commissioner Vilona 2<sup>nd</sup> made a MOTION to approve the architectural review of the proposed exterior renovation materials and colors for the Abby Resort and Spa, as presented, and the MOTION carried without negative vote.

#### **Amendment to New Chapter 18 to Adopt Existing Joint ETZ District Code**

Thorpe stated that the existing Extraterritorial Zoning District portion of the Municipal Code was not and could not be altered during the recently completed rewrite of Chapters 17 and 18; however, the ETZ section needs to be codified back into the new Chapter 18. Thorpe stated that the Village Board can approve an ordinance to simply have the ETZ section put back in the zoning code. Thorpe stated that other staff suggested amendments to the ETZ portion of the code to update it and make a few corrections will have to be presented at a future meeting of the Joint ETZ Committee for a recommendation, and then to the Plan Commission for a recommendation before final approval consideration by the Village Board.

#### **Reschedule or Cancel December 2012 Monthly Meeting**

President Petersen/Commissioner Nikolai 2<sup>nd</sup> made a MOTION to schedule the next monthly meeting of the Plan Commission on Thursday, December 27, 2012 beginning at 5:00 pm, and the MOTION carried without negative vote.

#### **Adjournment**

President Petersen/Commissioner Vilona 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:26 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: 12/27/2012