

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, November 30, 2009

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: Mike Poivey, Derek D’Auria, Sharon O’Brien, President Arvid Petersen, Chairman George Spadoni

Plan Commissioners absent: Micki O’Connell, Sarah Lobdell

Also present: Ken Etten, Trudy Havens, Administrator/Treasurer Kelly Hayden, Alex Koldeway, Rob Ireland, Library Director Nancy Krei, Robert Leibsle, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Ron McCormack, Joseph McHugh, Gary Neilson, Building Inspector Ron Nyman, Tom O’Brien, Rick Pappas, Village Attorney Dale Thorpe, Tom Whowell, Director of Public Works Craig Workman, Ronald Zechel

Visitors Heard

None

Announcements

1. Read & Romp Program at Library – **Thursdays, December 3, 10 and 17, 2009, 10:30 am**
2. Joint Workshop Meeting for Lakefront Building Proposal – **Monday, December 7, 2009, 5:00 pm**
3. Village Board Monthly Meeting – **Monday, December 7, 2009, 6:00 pm**
4. CDA Board Monthly Meeting – **Wednesday, December 9, 2009, 6:00 pm**
5. Holiday Open House at Library – **Friday, December 11, 2009, 10:00 am to**
6. Village of Fontana Holiday Party at Lewis Residence – **Monday, December 14, 2009, 6:00 pm**
7. Plan Commission Staff Meeting – **Wednesday, December 16, 2009, 1:00 pm**
8. Quarterly Newsletter Article Deadline – **Friday, December 18, 2009**
9. Village Hall & Public Library Closed for Holiday – **Thursday through Saturday, December 24 to 26, 2009**
10. Plan Commission Monthly Meeting – **Monday, December 28, 2009, 6:00 pm**
11. Village Hall & Public Library Closed for New Year Holiday – **Thursday through Saturday, December 31 to January 2, 2010**

Approve Minutes

Commissioner O’Brien/Commissioner Poivey 2nd made a MOTION to approve the minutes for the meetings held October 26, 2009, and November 9, 2009 as presented, and the MOTION carried without negative vote.

Public Hearing

Updated Village of Fontana Park and Open Space Plan

Chairman Spadoni opened the public hearing at 5:30 pm. The updated plan was drafted and recommended for approval by the Park Commission. Sharon O’Brien stated that she noted one correction that has to be made on page 48 of the plan where it incorrectly refers to the “Mill Pond Natural Area.” That area is now called the Hildebrand Nature Conservancy. Also, O’Brien stated that

the Park Commission recommends incorporating into the updated plan the items delineated in a November 23, 2009 memo from Jessica Schmiedicke at Vandewalle & Associates, the Village's planning services firm. The additional items recommended by Vandewalle & Associates are a Needs Assessment that will allow the Village to establish a land dedication and fee in-lieu of dedication requirement; a Needs Assessment to allow the Village to establish a park improvement fee requirement; and a Future Park and Recreational Facilities Map to plan for long-term improvements. Chairman Spadoni closed the public hearing at 5:35 pm.

Commissioner O'Brien/Commissioner D'Auria 2nd made a MOTION to recommend Village Board approval of the updated Village of Fontana Park and Open Space as presented by the Park Commission, with the conditions that an error on page 48 be corrected to state "Hildebrand Nature Conservancy" instead of "Mill Pond Natural Area," and that the additional items delineated in a November 23, 2009 memo from Jessica Schmiedicke at Vandewalle & Associates be incorporated into the plan. The MOTION carried without negative vote.

General Business

CDA Request to Review Lakefront Zoning Regulations Regarding Sales Displays and Lakefront Congestion

The Village staff researched and provided copies of the records concerning the boat sales displays at the Gordy's, Jerry's and Lake Geneva Marina lakefront businesses. Tom Whowell stated that he wanted to express his concerns regarding the agenda item and the fact that two CDA Board members initiated the whole unnecessary review, which was just recently completed by the Lakefront and Harbor Committee. Whowell stated that the Plan Commission and CDA are not the appropriate bodies to review such complaints, and it is ridiculous that the lakefront business owners have to appear repeated times before the Plan Commission when they already have complied with all of the requests of the Lakefront and Harbor Committee. Whowell stated that it is not fair to put the lakefront business owners through repeated scrutiny, which causes unwarranted bad publicity for the Village and for the business owners and their family members. Whowell stated that he and Jerry Oglesby attended last month's Plan Commission meeting and several meetings of the Lakefront and Harbor Committee and they have been informed that there are no particular problems or concerns regarding sales displays and zoning regulations. Spadoni stated that staff reviewed the Village records and everything is in order. Spadoni stated that he would suggest that the Plan Commission consider at motion stating that until such time that staff receives concise direction as to how and to what the Village wants to achieve in this matter, the request should be removed from the agenda.

Commissioner Poivey/President Petersen 2nd made a MOTION to remove the request from the agenda until such time that staff receives concise direction as to how and to what the Village wants to achieve in this matter, and the MOTION carried without negative vote.

Building, Site and Operational Plan Application for Tennis Courts & New Structure at Big Foot Country Club

Spadoni stated that staff reviewed the BSOP filed to authorize resurfacing the existing tennis courts and adding a third tennis court, and razing and reconstructing the tennis shack and approval has been recommended. O'Brien stated that no information has been submitted by the applicant for signage and lighting and she was opposed to considering the application that night without that information. Spadoni stated that the staff report indicates that no changes to existing signage or lighting are being proposed. McCarthy stated that if and when the applicant wants to change the existing lighting or signage, an application will have to be filed and approved. The staff report indicates that the only clarification still being sought is with regard to the utilities for the new tennis shack.

President Petersen/Commissioner Poivey 2nd made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan application filed by the Big Foot Country Club for resurfacing and constructing a third tennis court and for razing and reconstructing the tennis shack as filed, with the condition that clarification is provided regarding the utilities that will run to the new tennis shack. The MOTION carried without negative vote.

Conditional Use Permit Application Filed by U.S. Cellular – Set Public Hearing

Chairman Spadoni stated that Ronald Zechel has filed a CUP application for U.S. Cellular to add equipment on the existing cellular tower on the Robert Stewart property at 202 W. Main Street. Spadoni stated that the Plan Commission meeting scheduled for December 28, 2009 is being cancelled and the public hearing should be scheduled for the next monthly meeting on Monday, January 25, 2010. O'Brien stated that the Plan Commission should not schedule the public hearing until all the required documents are submitted. O'Brien stated that the staff report indicates that more information is needed and all the required documents have not been submitted. Following the vote on the motion to schedule the public hearing, McCarthy stated that the Village staff does not need any more information and all the necessary documentation for the CUP application has been submitted. McCarthy stated that the staff report lists suggested conditions for approval if the Plan Commission considers a motion to approve the application, which has been recommended by staff. President Petersen/Commissioner Poivey 2nd made a MOTION to schedule a public hearing for the Conditional Use Permit application filed by U.S. Cellular Agent Ronald Zechel for the cellular tower located on the Robert Stewart property at 202 W. Main Street, on Monday, January 25, 2010 at 5:30 pm. The MOTION carried on a 4-1 vote, with Commissioner O'Brien opposed and Commissioners O'Connell and Lobdell absent.

Three Conditional Use Permit Applications Filed by Gary Neilson and Trudy Haven, 403 N. Lakeshore Drive – Set Public Hearings

Chairman Spadoni stated that Gary Neilson and Trudy Havens filed three CUP applications for an entrance gate proposal, a garage proposal and a boathouse proposal connected to their single-family residential development on the lot located at 403 N. Lakeshore Drive. Spadoni stated that staff has reviewed the applications with the applicants and their architect and engineer, and some additional documentation has been requested to be filed by December 8, 2009 for a January 25, 2010 public hearing on the three CUP applications. O'Brien stated that the Village should receive the staff requested documents before the Plan Commission considers scheduling the public hearing. Spadoni stated that he would suggest a motion that the public hearing be scheduled for January 25, 2010 with the condition that the additional documents requested by the staff are submitted by December 8, 2010. Spadoni stated that the staff and Plan Commission members will have the requested documents 48 days prior to a January 25, 2010 public hearing. Poivey stated that the Plan Commission has made similar accommodations for applicants in the past, and it has worked fine. Poivey stated that if the documents are not filed, the public hearing will not be scheduled. At a November 25, 2009 staff meeting with the applicant and project architect and engineer, staff members stated concerns with the proposed location of an outdoor patio being located in a sewer easement area; requested additional storm water calculations and a certification statement from the project engineer; and requested a utility plan for the proposed garage. Geneva Lake Conservancy Executive Director Joseph McHugh submitted a letter that requests the Plan Commission to deny the CUP application filed to construct a boat house within the 50-foot shore yard setback area. President Petersen/Commissioner Poivey 2nd made a MOTION to schedule the public hearings for the three Conditional Use Permit applications filed by Gary Neilson and Trudy Havens for the lot located at 403 N. Lakeshore Drive on Monday, January 25, 2010 beginning at 5:30 pm, with the condition that the applicants file with the Village Clerk by December 8, 2009 a revised site plan that removes a proposed outdoor patio from a sewer easement area, a utility plan for the proposed garage, and additional storm water calculations and a certification statement from the project engineer. The MOTION carried on a 4-1 vote, with Commissioner O'Brien opposed and Commissioners O'Connell and Lobdell absent.

Certified Survey Map Submitted by Shodeen Family Property Company, LLC – ETJ Review

Chairman Spadoni stated that staff reviewed the proposed CSM, which is located within the Village's extraterritorial plat review jurisdiction area and approval is recommended. The required

Environmental Checklist has been submitted, and the CSM has been reviewed by the Village engineer and the Wisconsin Department of Administration.

Commissioner Poivey/President Petersen 2nd made a MOTION to recommend Village Board approval of the extraterritorial plat review of the Certified Survey Map filed by Shodeen Family Property Company, LLC, and the MOTION carried without negative vote.

Request for Information on Homeowner's Associations – Tabled 10/26/09

a. RS-1 Zoning Amendment

b. DMA Reviews

Chairman Spadoni stated that staff prepared a proposed amendment to the RS-1 zoning district as directed last month. The proposed amendment would remove from the RS-1 District item No. 5 under the permitted uses by right, which states: "Public parks and recreation areas of an open space nature, including appropriate service buildings and facilities normally incident to such use, except that facilities for organized athletics, public swimming pools, and buildings such as field houses or natatoriums shall be permitted only as a conditional use;" and would remove from the permitted uses by conditional use permit item No. 8, which states: "Public facilities for organized athletics, field houses, natatoriums, swimming pools, and similar major recreational facilities." Spadoni stated that the DMAs are reviewed and recommended to the Village Board by the Lakefront and Harbor Committee. Staff also copied and distributed the lakefront zoning amendment proposals from Fall 2007; however, they were not discussed.

President Petersen/Commissioner Poivey 2nd made a MOTION to schedule a public hearing for Monday, January 25, 2010 beginning at 5:30 pm to consider the proposed amendments to Section 18-80 (a)(5) and Section 18-80 (c)(5) of the Municipal Code, and the MOTION carried without negative vote.

Adjournment

President Petersen/Commissioner Poivey 2nd made a MOTION to adjourn the Plan Commission meeting at 5:49 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: 1/25/2010