

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

VIRTUAL MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, January 25, 2021**

Trustee Petersen called the virtual meeting of the Plan Commission to order at 5:30 pm.

**Plan Commissioners present by phone:** Trustee Prudden, Cindy Wilson, George Spadoni, Sarah Lobdell, Bob Ahern, Bob Kirkland, Trustee Petersen

**Also Present:** Corey Baker, Ed Breen, Rodney Carter, Maria DeCaprio, Bruce Donash, Craig Henninger, Kevin Day, Cary Ger, Gary Gibson, Christina Green, Karen House, President Kenny, Theresa Loomer, Michael Lucero, Tim Lynch, Carolyn Musselman, George Nassos, Rick Pappas, Jim Privoznik, Mike Puttrich, Todd Reschke, Lee Roupas, Tom Rucker, Bonnie Schaeffer, Mike Slavney, Stephanie Smith, Ryan Southwick, John Strong, John Swider, Dale Thorpe, Dan Wrocinski

**Visitors Heard**

None

**Approve Minutes**

**November 30, 2020**

The minutes from November 30, 2020 meeting were distributed.

Commissioner Lobdell/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to approve the minutes from the November 30, 2020 meeting, and the MOTION carried without negative vote.

**Plan Commission Public Hearing**

**Amend Zoning Code Section 18-56(r) regarding Resort Hotel**

The public hearing was opened at 5:32 pm. Attorney Christina Green was present and representing the Abbey Resort Condominium Association. Attorney Green Stated the Abbey Resort is looking to amend section 18-56(r) of the Village code to add housing for employees of resort hotels. The current code has several examples of land use flexibility listed. The list of examples in the definition does not include employee housing and to make it clearer Attorney Green explained they would like to list employee housing in the definition. Attorney Green stated by adding housing of employees of the resort hotel in the definition it helps clarify that section of the Village code. The project is over 3,000 square feet so a conditional use permit is also required. Attorney Green took a few moments to address some concerns that have been raised by the public. Some of the main concerns expressed are crime and property values. The Abbey Resort has hired seasonal employees for years and most of the seasonal employees are interns in culinary or management. In the past the Abbey Resort has always housed the seasonal employees off-site in Fontana by renting homes in the Village. Attorney Green stated to their knowledge there has never been any police complaints filed. The Abbey hires high-end employees, they have to go through prescreening, background checks and abide to strict rules and expectations. By housing the employees on-site this would allow security to monitor closely and they would be under direct supervision. The need for the employee housing is to make the Abbey more competitive. Attorney Green stated many other resorts in the area already offer onsite housing and for the Abbey to attract interns from the hospitality industry they need to be able to provide the same attractive benefits. The Abbey Resort would have strict guidelines in place for the employee housing such as no visitors, no alcohol, no gatherings, no pets and have quiet hours from 9 pm - 9 am. Neighbors have complained how unsightly the storage/landscaping area currently occupying this space is. By constructing the employee housing building it will not only provide thirteen studio apartments for seasonal employees but also a place to store landscaping equipment and it would be out of site. The building would be architecturally compatible to the current hotel buildings. Lee

Roupas, an owner at Abbey Villas stated he would like to express his concerns and opposition in regard to the location selected for the employee housing building. Roupas described the building as baric style housing squeezed into a tiny little parking lot that is located in a highly traveled area. Attorney Rodney Carter from Husch Blackwell represents the Abbey Villa Condo Association expressed concern over constructing the building in the area that has been selected. Carter stated he believes the application is inconsistent with the Village's zoning code and comprehensive plan. Carter stated he believes this project would have a negative impact on property values and he would urge the Plan Commission to really study the plans and size of the unit as it seems to be a high-density type of development. In addition, Carter expressed concerns over landscape buffers, traffic hazards, storm water drainage concerns and decline in property values. Bruce Donash, an Abbey Villa owner, stated he would like to share his concerns and opposition regarding the proposed project. Donash stated in the application the Abbey asserts the parking lot is currently only used for landscaping equipment and storage and not used for parking, which he believes is not true as he has seen vehicles and boat trailers parked there on numerous occasions. Donash stated the parking is inadequate and he believes a parking or traffic study needs to be completed during the busy months of July through September before moving forward with this project. During summer months or weekends there are vehicles parked in spots that are not even for parking making it very difficult and dangerous to travel in the proposed area. Donash stated he believes the selected location will create more problems for the people in the Abbey Villas. Dan Wrocinski an owner at the Abbey Villas stated he would like to express opposition regarding the temporary housing project. Wrocinski does not believe the temporary housing project will promote the values of the Villas, which is a family friendly environment and has concern over the location of the project. Ed Breen is a Villa owner and represents the Abbey Marina Dockominium Association Board. Breen stated the board has some concerns; however, they are confident the Abbey Resort will have very stringent rules that will address any concerns they may have. Breen explained there has been some problems with the aesthetics of this area and this will now be taken care of with a nice new building. He stated that on behalf of the Abbey Marina Dockominium Association Board, he believes this a good project for all and a win-win scenario. Ryan Southwick, owner of Lakes Property Management and representing six condo associations within one mile radius of the Abbey Resort, stated when talking with the associations many concerns were raised with safety, density of the project, location of the structure, landscape buffering, parking and traffic were some of the concerns. All parties Southwick is representing strongly oppose this project. Michael Lucero on behalf of the Abbey Resort stated he appreciates the opportunity to listen to these concerns. The Abbey has done extensive planning regarding this project and had a couple overall goals they were looking to achieve. Lucero stated it has always been a concern from the Villa owners on the aesthetics of the property and that was a goal they were looking to accomplish as well as the opportunity to attract employees. Lucero stated they have looked at the concerns mentioned about parking as well as other concerns. Lucero explained as Breen mentioned earlier, employees are held to a strict policy and they are hoping to bring in graduates from the culinary and hospitality management. These employees are quality employees and there has been no incidents in the past. Maria DeCaprio, an owner at the Abbey Villas for twenty-seven years, stated she has seen a lot of things come and go. DeCaprio is strongly opposed to the location selected for employee housing because it is a narrow two-lane road that is going to create a tremendous amount of congestion and accidents. DeCaprio stated the proposed structure is not located in a discrete location and the density is far too big. The proposed building is unattractive and hotel guests, who pay a fair amount for a night stay as well as guests at the spa will be looking directly at this building. DeCaprio stated this building would be a detriment to the Abbey Villa owners as well as the Abbey Resort hotel and should not be built. Jim Provoznik stated he is the President of the Abbey Villa Board and he has fielded dozens of calls from owners who are not able to be present tonight. Provoznik stated on his own behalf he would like comment on the location, as others have mentioned this is a bad location and the building is being stuffed in. The proposed building is located 150 feet from the Villa building and is going to create even more traffic congestion. The temporary housing project does not promote the values of Fontana and Provoznik

believes this is inconsistent with what the Village has promoted in housing and zoning. Provoznik stated Abbey Villas had made numerous complaints in the past with regards to noise disturbance and believes this will add to the problems. It was mentioned there are many rules that would have to be followed and Provoznik stated rules are worthless unless there is a police mechanism in place to enforce them. Attorney Dale Thorpe stated he has counted forty-one letters from various interested parties that he would like to add to the record with the permission of the Plan Commission. Attorney Christina Green stated she would like to respond to some of the concerns raised. There was a concern raised regarding the congestion and danger in the proposed location. Green stated this will help reduce the congestion because what used to be twenty-three parking spaces will now be a garage and will have a maximum of sixteen parking spaces which will be used for resort vehicles. Most of the employees that would be living on-site will not have vehicles. The proposed structure was referred to as baric style housing and Green stated the employee housing building would consist of thirteen studio apartments. The apartments would be limited to two people per apartment and some of the units will have balconies to fit in with the architectural design of the hotel. Green stated it was mentioned quite well by DeCaprio earlier that Spa and Hotel guests will be looking out at the proposed building. Green explained the Abbey would not want to construct something that would be unattractive for guests to look at. Regarding the concerns raised on the comprehensive plan and zoning code, Green quoted Section 18-40 of the resort district zoning code, which states the purpose is to provide land use flexibility and modest expansion. Green stated the purpose of the Village code is to allow for changes to the Abbey Resort and allow it to be a high-end resort. A comment was made about the comprehensive plan and the Green quoted the Village of Fontana comprehensive plan states the Abbey Resort is an established use within the Village and encourages distinct land use and continuation of resort and lake-based recreation activities to protect the integrity of the Abbey Resort. Green Stated employee housing is quite common with high end resorts. There were concerns raised regarding the parking and Green stated there was a parking study completed in 2008 and the Abbey Resort has not expanded since that time. At the time the plan was established the Abbey Resort had thirty more spaces that what is required by the Village code. The proposed structure would eliminate twenty-three spots and would still follow the Village code. Southwick mentioned in his comments the watershed and Green stated they do have an Engineer addressing the project and all Village Zoning codes will be complied with. The public hearing was closed at 6:22 pm.

**Conditional Use Permit Application Filed by Michael Lucero on behalf of Abbey Resort Condominium Association for an employee housing building at 269 Fontana Boulevard**

The public hearing was opened at 6:22 pm. Green stated this project meets all the review requirements of a conditional use permit. The proposed structure does not increase the number of employees and reduces the parking by seven spaces. Green stated this project will allow the Abbey Resort to recruit high end employees. The proposed project will require utility hook-up and will have a maximum of twenty-eight people using the housing and utilities. Attorney Thorpe stated with the Plan Commission's approval he would like to add the forty-one letters received from various interested parties in the record. The public hearing was closed at 6:26 pm.

**Amend Zoning Code Section 18-84(7) regarding Accessory Structure Setback Intrusions**

The public hearing was opened at 6:55 pm. Zoning Administrator Bonnie Schaeffer stated this came up in a staff meeting when she was doing her day-to-day enforcement of ordinances and there was some question on the intent and what is allowed as an accessory structure. The amendment is for clarification so it is clearly understood any deck or patio or uncovered structure may intrude into setbacks as long as it is a low lying structure. The public hearing was closed at 6:56 pm.

**Plan Commission Business**

**Plan Commission Recommendation on Amending Zoning Code Section 18-56(r) regarding Resort Hotel**

Commissioner Ahern questioned if the purpose of the amendment is only to clarify the language. Attorney Thorpe stated he would not agree that the purpose of the amendment is only to clarify the language, but it is necessary to allow this use as it has been depicted and the text amendment is necessary for the conditional use permit. Commissioner Spadoni questioned based on the staff report does the Plan Commission have any legal basis to deny the request. Attorney Thorpe explained the discretion of the Plan Commission is not limited to what is written in the staff report and the Plan Commission is the body conducting the hearing and making the findings. Trustee Prudden questioned if staff has reviewed, and the proposed text amendment meets all requirements, what would the outcome be if this request were denied. Attorney Thorpe stated the legal standards for a text amendment are much different than those of a conditional use permit and that is why the hearings are being held separately. The Villages discretion on a text amendment is much greater than a CUP. The denial of a conditional use permit is limited by statues. Attorney Thorpe stated it is his opinion that the text amendment must be approved before the conditional use permit can be approved.

Commissioner Spadoni/Trustee Prudden 2<sup>nd</sup> made a MOTION to recommend Village Board approval of amending zoning code section 18-56(r) regarding Resort Hotel, and subject to the following staff recommendations:

- a. Advances the purposes of this chapter as outlined in section 18-3. The overall purpose of this chapter is to implement the Village of Fontana Comprehensive Plan to the extent possible under zoning, as authorized by Wisconsin Statutes. The Abbey Resort is an established use within the Village and the comprehensive plan encourages continuation of resort and lake-based recreational activities and the protections of the integrity of the Abbey Resort as a distinct land use within Fontana's downtown.
- b. Advances the purposes of the general article in which the amendment is proposed to be located. Staff or employee housing is not inconsistent or incompatible with the definition of resort hotel.
- c. Advances the purposes of the specific section in which the amendment is proposed to be located. Staff or employee housing is a common type of use within high-end resort hotel complexes.
- d. Is in harmony with the recommendations of the comprehensive plan. Supports economic development and provides more diverse and affordable housing options.
- e. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts. The proposed development is consistent with the height of nearby buildings used for resort and for residential purposes.
- f. Addresses any of the following factors that may not be addressed in the current zoning text:
  1. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s). The project is necessary for functionality of a resort hotel.
  2. New methods of development or types of infrastructure. NA
  3. Changing governmental finances to meet the needs of the government in terms of providing and affording public services. NA

The MOTION was as follows:

Commissioner Lobdell – Aye

Commissioner Ahern – Aye

Trustee Prudden – Aye

Commissioner Wilson – Nay

Commissioner Spadoni – Aye

Trustee Petersen – Aye

Commissioner Kirkland - Aye

The MOTION carried on a 6-1 vote.

Trustee Prudden/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to adopt Resolution 1-25-21-1 as submitted.

The MOTION was as follows:

Commissioner Lobdell – Aye

Commissioner Ahern – Aye

Trustee Prudden – Aye

Commissioner Wilson – Nay

Commissioner Spadoni – Aye

Trustee Petersen – Aye

Commissioner Kirkland - Aye

The MOTION carried on a 6-1 vote.

**Plan Commission Recommendation on Conditional Use Permit Application Filed by Michael Lucero on behalf of Abbey Resort Condominium Association for an employee housing building at 269 Fontana Boulevard.**

Commissioner Spadoni stated as explained earlier the conditional use permit is held to much higher standards for denial and he does not believe there are any grounds for denial of the conditional use permit as submitted. Commissioner Lobdell questioned if there are any concerns with storm water since there are creeks on both sides and the current surface is impervious. Attorney Thorpe explained the conditional use permit does not eliminate the obligation to comply with all terms and conditions of the Villages stormwater management chapter. Commissioner Wilson questioned how close to the creek the property is located. Zoning Administrator Bonnie Schaeffer stated she does not believe the exact distance to the creek is known but believes it is farther than the required 50-foot setback or a navigable creek. Commissioner Ahern questioned if the size of the project could be reduced. Attorney Green stated that Warren Hansen is looking at the engineering plans of the project and if it needed to be reduced from an engineering standpoint then they could reduce. But Green noted the project is only housing twenty-eight employees so there is not a lot of room to reduce. Commissioner Wilson questioned what happens to the building in the off-season. Attorney Thorpe stated in his review of the application he believes the building is being used for housing year-round. Commissioner Wilson also asked how the construction of the building will improve the aesthetics of the property. Attorney Green stated that the proposed building area currently houses landscape material and equipment and with the new construction that would be stored inside making the area more attractive.

Commissioner Spadoni/Commissioner Kirkland 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the conditional use permit application filed by Michael Lucero on behalf of Abbey Resort Condominium Association for an employee housing building at 269 Fontana Boulevard, and subject to verification of shoreyard setbacks and to the following staff recommendations:

- a. Is in harmony with the recommendations of the comprehensive plan, to support economic development and to provide more diverse and affordable housing options.
- b. Will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety or general welfare, either as they now exist or as they may in the future. The proposed development is located in an area already developed for parking and occasional storage and will provide 16 total parking spaces. The Abbey Resort currently exceeds the minimum required parking by 30 spaces and the proposed development will reduce that number by (7) seven spaces.
- c. Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property. The proposed development is consistent with the height of nearby buildings used for resort and for residential purposes.

d. The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property. The proposed development area is currently served by all necessary public facilities, utilities, and services.

e. The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts. The proposed development is located within the Abbey Resort core development area, which is regulated in a manner that allows the resort to evolve over time to accommodate the changing tourism market.

- The exterior of the structure is proposed to be of earth tone siding and stone veneer to match the style of existing buildings which will complement the character of nearby resort and residential development.
- Construction plans shall be reviewed and stamped (signed off by) a Wisconsin certified architect or engineer.
- All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
- An as-built survey shall be required depicting the location, size and height of the completed structure.

The MOTION was as follows:

Commissioner Lobdell – Aye

Commissioner Ahern – Aye

Trustee Prudden – Aye

Commissioner Wilson – Nay

Commissioner Spadoni – Aye

Trustee Petersen – Aye

Commissioner Kirkland - Aye

The MOTION carried on a 6-1 vote.

Commissioner Spadoni/Commissioner Kirkland 2<sup>nd</sup> made a MOTION to adopt Resolution 1-25-21-2 as submitted:

The MOTION was as follows:

Commissioner Lobdell – Aye

Commissioner Ahern – Aye

Trustee Prudden – Aye

Commissioner Wilson – Nay

Commissioner Spadoni – Aye

Trustee Petersen – Aye

Commissioner Kirkland - Aye

The MOTION carried on a 6-1 vote.

### **Plan Commission Recommendation on Amending Zoning Code Section 18-84(7) regarding Accessory Structure Setback Intrusions**

Commission members had some questions regarding pergolas and if they are considered accessory structures. Attorney Thorpe asked Schaeffer if she could discuss the changes that were proposed. Schaeffer explained the changes include limiting the height and clarifying roofed versus unroofed. Village Planner Mike Slavney stated the amendment includes more examples of covered versus uncovered using the same language.

Commissioner Spadoni/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of amending zoning code section 18-84(7) regarding accessory structure setback intrusions.

The MOTION was as follows:

Commissioner Lobdell – Aye

Commissioner Ahern – Aye

Trustee Prudden – Nay

Commissioner Wilson – Aye

Commissioner Spadoni – Nay

Trustee Petersen – Aye

Commissioner Kirkland - Aye

The MOTION carried on a 5-2 vote.

### **Conceptual Presentation for Townhomes at 132 and 144 W. Main Street**

Attorney Green stated she is presenting a concept plan review for her clients Calc Holdings LLC to gather input or concerns on the construction of townhomes at 132 and 144 W. Main Street. Green described these as the two units directly to the west of the recently finished townhomes at Mill and Main Street. The approximate construction is 23,714 square feet. Green stated her clients would be coming forward with a comprehensive plan amendment as the property is currently located in the SR-4 district. Attorney Green stated her clients are looking to expand on the newly constructed townhomes by adding a second building and six additional units. Trustee Petersen stated the bigger picture is if we really want townhomes up and down Main Street. Attorney Thorpe stated there are several issues that have to be resolved and this will be coming back to the Plan Commission and the Village Board as it moves forward. The bigger picture is that this will require a comprehensive plan amendment which can be a costly endeavor that the client would be responsible for. Attorney Thorpe stated that no vote will be taken tonight and this is only a concept review to take the temperature of the plan commissioners. Commissioner Lobdell stated she has some concerns with starting to rezone from single family to multi-family homes and changing the comprehensive plan. Commissioner Ahern expressed concern about the project and a need for single family homes in Fontana and get away from so many townhomes and condominiums. Trustee Prudden stated he is in favor of the same concept as the five that were just built and feels they are attractive. Commissioner Spadoni stated the Main Street has been underdeveloped for years and believes this could benefit the Village, however it is too early in the process to have an opinion one way or another. Commissioner Kirkland stated in general he is in favor of the project and believes the first part of the project turned out nice and has no concerns. Trustee Petersen stated he has concerns with the amount of traffic with the grade school at the end of the street and the gravel pit.

### **Consider Adopting a Schedule for Comprehensive Plan Amendments**

Village Planner Mike Slavney explained the property just mentioned previously would need to rezone for multifamily and the state law requires an amendment to the comprehensive plan to change the property from the current zoning of single family. The state process would allow the Village to conclude at the April Village Board meeting and applicants are traditionally responsible for charges that are incurred to amend the comprehensive plan. Attorney Thorpe explained the applicant has already applied for the comprehensive plan amendment.

Commissioner Prudden/Commissioner Kirkland 2<sup>nd</sup> made a MOTION to recommend the Village Board initiates the process of amending the comprehensive plan.

The MOTION was as follows:

Commissioner Lobdell – Nay

Commissioner Ahern – Nay

Trustee Prudden – Aye

Commissioner Wilson – Nay

Commissioner Spadoni – Aye

Trustee Petersen – Nay

Commissioner Kirkland - Aye

The MOTION fails for lack of majority on a 3-4 vote.

**Update on Conditional Use Permit Application filed by Big Foot Country Club for Patio Expansion**

Loomer stated at the November Plan Commission meeting the Big Foot Country Club patio expansion was recommended in favor of to the Village Board. At the December Village Board meeting the application was tabled as it was discovered it did not meet all zoning requirements. Loomer stated staff had a meeting with Big Foot Country Club earlier and they are doing field work and it is anticipated they will submit updated information to the Village once complete.

**Adjournment Plan Commission**

Trustee Prudden/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 7:21 pm, and the MOTION carried without negative vote.

Minutes prepared by: Stephanie Smith, Deputy Clerk/Treasurer

Note: These minutes are subject to further editing. Once approved by the Plan Commission and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 2/22/21