

**VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN**

(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, February 25, 2019

Chairman Dave Prudden called the monthly meeting of the Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Bob Kirkland, Sarah Lobdell, Trustee Petersen, Trustee Prudden, Bob Grant

Plan Commissioner Absent: F.J. Frazier, Bob Ahern

Also present: Joel Bikowski, Suzy Brady, Tony Coletti, Kevin Day, Christina Green, Theresa Loomer, Joe Mesler, Kathie Perkins, Wally Perkins, Todd Reschke, Bonnie Schaeffer, Ed Snyder, Dale Thorpe, James Whowell

Visitors Heard

None

Approve Minutes

Commissioner Lobdell/Commissioner Kirkland 2nd made a MOTION to approve the minutes from the January 28, 2019 meeting, and the MOTION carried without negative vote.

Public Hearings

Outdoor Boat Display and Sales Ordinance Amendment

The public hearing was opened at 5:31 pm. The proposed ordinance would amend Sections 18-13, 18-38, 18-39 and 18-56 and would define 'Boat' using the state definition. Currently, boats are categorized with vehicles. The ordinance amendment would allow for boat display, regardless of whether or not it is associated with a building, through a conditional use permit application process. No one spoke for or against the ordinance amendment. The public hearing was closed at 5:33 pm.

Conditional Use Permit Application filed by Jerry's Marine for 102 W. Main Street for Outdoor Boat Display

The public hearing was opened at 5:34 pm. Jerry's Marine filed a conditional use application for outdoor boat display on the vacant lot at 102 W. Main Street in conjunction with the outdoor boat display ordinance amendment. The site plan submitted depicts ten boats displayed on the site. Jamie Whowell stated he is in favor of approval of the application. No one spoke against the application. The public hearing was closed at 5:34 pm.

Zoning Map Amendment for Property at 329 Third Avenue, Parcel SRA 00039, from Institutional to Village Center Zoning

The public hearing was opened at 5:35 pm. The Village initiated a zoning map change after agreeing to enter into a lease with Maryanne Bruss from the Coffee Mill for a second Coffee Mill location. The current zoning designation is Institutional which is not the appropriate zoning for a coffee shop. The proposed zoning is Village Center which is consistent with the surrounding parcels. No one spoke for or against the zoning map amendment. The public hearing was closed at 5:36 pm.

Zoning Map Amendment for Property at 105 W. Main Street, Parcel SOP 00058, from Planned Development to Village Center Zoning

The public hearing was opened at 5:38 pm. Due to a mapping error, 105 W. Main Street was designated on the last official map as planned development; however, it is not part of a planned development. The public hearing is to amend the zoning and zoning map of the parcel to Village Center, which was also the previous zoning designation. No one spoke for or against the zoning map amendment. The public hearing was closed at 5:39 pm.

General Business

Outdoor Boat Display and Sales Ordinance Amendment

Trustee Petersen/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the outdoor boat display and sales ordinance amendment, as presented, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by Jerry's Marine for 102 W. Main Street for Outdoor Boat Display

An initial motion was made by Commissioner Lobdell and seconded by Commissioner Kirkland to recommend approval of the conditional use permit application. Trustee Petersen questioned Staff Recommendation No. 5 which requires boat display area must be located on a gravel surface or be paved with concrete or asphalt. The commissioners discussed continuing the boat display on grassy surface as to not increase impervious surface. Commissioner Lobdell and Commissioner Kirkland agreed to amend their motions to remove staff recommendation No. 5 as part of the requirements. Commissioner Lobdell/Commissioner Kirkland 2nd made a MOTION to recommend Village Board approval of the CUP application filed by Jerry's Marine for outdoor boat display at 102 W. Main Street with the following conditions:

1. Granted to a specific operator.
2. Granted up to a maximum of five years.
3. The maximum number of boats shall be established by the Limited Conditional Use. The display of "boats" shall be limited to watercraft as defined by Wisconsin DNR Boat Certificate Title requirements.
4. The following watercraft and equipment may not be displayed outside:
 - a. Personal watercraft (i.e. jet skis)
 - b. Manually propelled (i.e. canoe, kayak, raft, inflatable paddle boats, paddle boats, surf boards).
 - c. Empty trailers and/or other boats accessory equipment.
5. ~~Boat display area must be located on a gravel surface or be paved with concrete or asphalt.~~
6. ~~Boat display land uses may be established without a principal building on-site.~~
7. Signage is limited to a monument sign or a temporary business sign. Signs on individual boats shall be less than 1 square foot.
8. The use of outdoor display shall be seasonal in nature and shall be restricted to April 1 to November 1, at which time all boats, trailers, stands, blocks and steps shall be removed from the property.
9. Sales are restricted to boats only; sales of vehicles is expressly prohibited.
10. Boats shall be displayed horizontal in nature; no stacking or vertically angled display is allowed.
11. Boat display shall not occur within ten feet of the rights-of-way of St. Hwy 67 or West Main Street.

The MOTION carried without negative vote.

Zoning Map Amendment for Property at 329 Third Avenue, Parcel SRA 00039, from Institutional to Village Center Zoning

Trustee Petersen/Commissioner Kirkland 2nd made a MOTION to recommend Village Board approval of a zoning amendment for 329 Third Avenue, Parcel SRA 00039, from Institutional to Village Center, and the MOTION carried without negative vote.

Site Plan Application Filed by Maryanne Bruss for Coffee Mill By the Water Located at 329 Third Avenue

Maryanne Bruss filed a site plan application for 329 Third Avenue for Coffee Mill By the Water. In response to a question about the parking requirement, the board previously agreed to allow the four parking spaces, up to the property line, to be used for outdoor seating. The parking requirement listed under staff recommendation No. 1 was waived.

Commissioner Lobdell/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the Site Plan Application submitted by Maryanne Bruss for Coffee Mill by the Water at 329 Third Avenue with the following conditions:

1. Indoor and outdoor restaurants require a minimum of one parking space for every 400 square feet of primary floor area. Two (2) onsite parking spaces should be available according to the zoning ordinance requirements.
2. During any and all hours of operation, the operator shall erect a temporary vehicular barrier parallel to and three feet south of the marked pedestrian crosswalk directly north of the marked vehicle parking stalls and then continue southerly to the northwest corner of the building. The western end of this barrier shall not extend westerly so as to block the access driveway west of the Park House building. This barrier shall be attractive and durable, such as a portable metal picket or resin lattice fence sections. Access into the dining area shall be provided from the crosswalk, and not from the drive on the west side of the area.
3. The seating area behind the building should remain landscaped/pervious.

The MOTION carried without negative vote.

Zoning Map Amendment for Property at 105 W. Main Street, Parcel SOP 00058, from Planned Development to Village Center Zoning

Commissioner Grant/Commissioner Lobdell 2nd made a MOTION to recommend Village Board approval of the Zoning Map Amendment for 105 W. Main Street, Parcel SOP 00058, from Planned Development to Village Center, and the MOTION carried without negative vote.

Site Plan Application Filed by Todd Reschke and Suzy Brady for Blue Heaven Ice Cream Located at 105 W. Main Street

The site plan application filed for 105 W. Main Street is for approval to convert 240 square feet of the main floor of the S.S. Fontana building to an ice cream shop where they will sell 24 flavors of ice cream. Outdoor seating in the open space adjoining the driveway is also proposed in the application.

Commissioner Lobdell/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the Site Plan Application filed by Todd Reschke and Suzy Brady for Blue Heaven Ice Cream at 105 W. Main St. with the following conditions:

1. The outdoor seating area shall remain landscaped (pervious) in order to maintain the 20% minimum landscape surface area ratio required in the VC District.
2. During any and all hours of operation, the operator shall erect a temporary vehicular barrier between the seating area and the driveway/parking lot. This barrier shall be attractive and durable, such as a portable metal picket or resin lattice fence sections.
3. Any proposed signage must comply with the Village ordinances and shall not be erected until such time as all requirements have been met and permits have been issued.

The MOTION carried without negative vote.

Site Plan Application Filed by Southbound Development, LLC, for Proposed Amendment to Existing Site Plan Approval at 138 Fontana Boulevard

Attorney Christina Green presented the site plan application and pictures of 138 Fontana Boulevard. Green stated the application is a request to extend the original application submitted in 2016 and amended in 2017, for a period of five years through April 30, 2025. She stated the applicant is currently focusing their efforts on the new building at 158 Fontana Boulevard but has also purchased

138 Fontana Boulevard and would like to see an extension of the prior approval to avoid having a vacant building at the entryway into the community. Wally Perkins stated a new building on the site is still a viable option for the future but currently they would like to focus their energy on the 158 Fontana Boulevard location. At the staff meeting earlier in the month, staff requested size and dimensions of boat display area, green areas shown outside of the display area, landscaping, outdoor lighting and signage types and locations. The information was submitted Friday afternoon and staff is still reviewing the information. Thorpe recommended that if the commissioners were in favor of the application, to approve it subject to the condition of staff review and approval.

Commissioner Grant/Commissioner Lobdell 2nd made a MOTION to recommend Village Board approval of the Site Plan Application filed by Southbound Development, LLC., for Proposed Amendment to Existing Site Plan Approval for 138 Fontana Blvd., subject to staff's review and the following conditions:

1. Granted to a specific operator.
2. Granted up to a maximum of 5 years.
3. The maximum number of boats be established by the Site Plan approval. The display of "boats" shall be limited to watercraft as defined by Wisconsin DNR Boat Certificate of Title requirements.
4. The following watercraft and equipment may not be displayed outside:
 - a. Personal watercraft (i.e. jet skis).
 - b. Manually propelled (i.e. canoe, kayak, raft, inflatable paddle board, paddle boats, surf boards).
 - c. Empty trailers and/or other boat accessory equipment.
5. Boat display area must be located on a gravel surface or be paved with concrete or asphalt.
6. Signage is limited to a monument sign or a temporary business sign. Signs on individual boats shall be less than 1 square foot.
7. Signage, landscaping, and lighting plans must be submitted and reviewed prior to the Village Board approval.

The MOTION carried without negative vote.

Project Update: Discussion of Conservation Easement Status and Related Building Setbacks for 1100D S. Lakeshore Drive, Clear Sky Lodge Planned Development Amendment

An application was submitted to amend the Clear Sky Lodge planned development, condominium plat and conservation easement to allow the homeowner at 1100 D. S. Lakeshore Drive to construct a carriage house with a garage on the first floor and sleeping quarters on the second floor. Attorney Coletti explained the desire of his client is to add additional living quarters to be used when the residents have family and guests visit. The proposed location on the east side of the driveway suits the client both aesthetically and because the utilities are located on the west side of the driveway. While staff expressed several concerns about the proposal, including that the structure would be only 5-feet from the property line, and the original PD ordinance indicates that the ordinance could never be amended in the future, the biggest concern was the amendment to the 50-foot conservation easement. Attorney Dan Draper reviewed the application and provided an opinion that both the original ordinance and the conservation could be amended, however, wrote, "the very definition of a conservation easement is to preserve "natural, scenic or open space values of real property." Another purpose is to protect natural resources and forest values in the area. These values are reflected in the layout and restrictions set forth in both the ordinance and the conservation easement." Village Planner Mike Slavney also recommended against amending the conservation easement. In response to a question posed by Trustee Petersen, Coletti stated the neighbors passed a resolution to approve the proposed structure. No one on the commission spoke in favor of amending the conservation easement to allow for the proposed carriage house and the applicant was asked to submit a new plan for review.

Tourist Rooming House Ordinance Amendment – Set Public Hearing

The proposed ordinance clarifies that vacation rental homes are allowed in the Abbey Springs Subdivision and the Resort Business Subdistricts including the Abbey Resort, Abbey Ridge and Abbey Villas. The ordinances also exempts the specified areas from the parking requirements. Additionally, it replaces the term “single family detached dwelling unit” with “residential land use”. Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to set a public hearing for the Tourist Rooming Ordinance Amendment at the next scheduled Plan Commission Meeting, and the MOTION carried without negative vote.

Adjournment

Trustee Petersen/Commissioner Kirkland 2nd made a MOTION to adjourn the meeting at 5:55 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Administrator/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: 04/04/19