

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, February 26, 2018

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: Trustee Prudden, F.J. Frazier, Bob Grant, Bob Kirkland, Sarah Lobdell, Trustee Petersen

Plan Commissioner Absent: Bob Ahern

Also present: Dave Dewey, Suzy Grady, Jim Howe, Theresa Loomer, Michael Lucero, Bridget McCarthy, Jim Privoznik, Ron Nyman, Todd Reschke, Village Planner Mike Slavney, Ed Snyder, Craig Surta, Attorney Dale Thorpe, T Welsh

Visitors Heard

None

Approve Minutes

Trustee Petersen/Commissioner Kirkland 2nd made a MOTION to approve the minutes for the meeting held on January 29, 2018, and the MOTION carried without negative vote.

Public Hearings

Planned Development Amendment Application for Clear Sky Lodge, Filed by Jolynn Blair, as Trustee of Michael D. Blair 2012 Irrevocable Trust, for Property Located at 1100C South Lake Shore Drive

Trustee Prudden opened the public hearing at 5:31 pm. Representing Attorney Jim Howe stated the homeowners are requesting an amendment to allow for the construction of a three car garage which will not be visible from the lake, the street or by neighbors. The outer materials used will match the primary residence. The five other homeowners in the Clear Sky Lodge PD have given consent for the garage in addition to the association board. No one spoke for or against the Clear Sky Lodge PD amendment. The public hearing was closed at 5:34 pm.

Create Ordinance Section 18-40 (IV.)(d)(3) of the Municipal Code Regarding Abbey Harbor Zoning Sub-District

The proposed zoning ordinance change would allow the following use in the Abbey Harbor zoning sub-district: "Indoor entertainment limited to an outdoor service bar with two bathrooms and concession area serving the unit owners of the Abbey Harbor Condominium and their guests; provided however, said outdoor service bar shall be limited to no more than 400 square feet, a capacity of not more than 25 persons, a building height of 18 feet, and 30 foot shoreyard setback." The ordinance amendment is in conjunction with the conditional use permit application filed by Ed Snyder of the Abbey Harbor Condominium Association to construct an outdoor service bar with two bathrooms. The public hearing was opened at 5:35 pm. Michael Lucero from the Abbey Resort presented a letter of opposition on behalf of the Abbey Resort Condominium Association. The letter lists concerns regarding residential hotel buildings that will face or have views of the proposed outdoor bar and the "loud noise and noxious behavior often associated with such a facility" which might disrupt the guests of the resort. Additionally, the letter states the zoning change will "create acrimony between Associations" and points out that two other drinking venues already exist in the marina. There are concerns listed in the letter about the proposed location of the building situation

so close to the wedding venue which could disrupt their wedding business and the impact of the view of the lake for the guests in the harbor rooms. The letter states there are still unanswered questions such as whether parking will be adversely affected and whether the marina intends to connect the outdoor bar facility to the Resort's sewer system. Vice President Craig Surta of the Abbey Harbor Condominium Association Board addressed the concerns posed by Lucero. He stated the structure will be located south of the flagpole area and will have two ADA accessible bathrooms and service bar for members and guests. The proposed height of the building is 12.5-feet and the structure will match the other amenities in the area. The Abbey Harbor would amend their liquor license premise map through the Village to include the proposed service bar. Thorpe provided a history of the Resort Business Subdistrict which was created in 2010 and was considered "complete" at that time. Surta stated that the diversity of ownership has changed since that time and the harbor now caters more to "day boaters" than rather than "night boaters" as it had in the past and would like the amenities to support the change in ownership. The purpose of the outdoor bar facility and bathrooms is so boaters won't have to walk all the way to the Harbor House to use the restroom or purchase a soda. Surta stated the proposed hours of operation will be 10:00 am to 8:00 pm on weekends and holidays; for nine specific events per year, the hours will be extended to 10:00 pm. The nine events include Memorial Day, Fourth of July, Labor Day, the boat show and five events hosted by the Abbey Harbor Yacht Club. There were concerns about added noise, but Surta stated there will be no live entertainment or music speakered out. Jim Privoznik from the Abbey Villas Condominium Owners Association stated their association is in favor of the proposed service bar. A favorable letter was submitted on behalf of the Abbey Villas Association and was read into the record. Trustee Petersen asked about the sewer line and Surta stated the line wraps around the harbor and connection will not be an issue. The public hearing was closed at 6:06 pm.

Amend Ordinance Section 18-40. I. (i)(1), and Creating Appendices A, B, C and D to Section 18-40 of the Municipal Code Regarding Resort Business (RB) District

McCarthy explained this is a housekeeping issue; a date was included for the sign inventory and appendices were added. An updated inventory list for the Abbey Ridges was also added. The public hearing was opened at 6:23 pm. No one spoke for or against the proposed ordinance change. The public hearing was closed at 6:23 pm.

Amend Zoning Ordinance Section 18-153(a)(4) of the Municipal Code Regarding Shoreland-Wetland Zoning District

The ordinance amendment removes the zoning map date. Each time the zoning map is updated and adopted, it requires an ordinance amendment and codification in multiple sections of the code book to reflect the most recent zoning map change. The public hearing was opened at 6:24 pm. No one spoke for or against the proposed ordinance change. The public hearing was closed at 6:24 pm.

Conditional Use Permit Application for Outdoor Bar Service with Bathrooms, Filed by Ed Snyder for the Abbey Harbor Condominium Association, LTD, for the Property Located at 271 Fontana Boulevard

This item is in relation to the proposed code change under Item No. 2. The public hearing was opened at 6:07 pm. Abbey General Manager Michael Lucero referenced the letter put into the record written by the Abbey Condo Hotel Board which opposes the outdoor service bar with bathrooms. Commissioner Frazier compared the proposed structure to the beach house built on the Country Club Estate beach. He stated the CCE beach house and proposed bar look similar with bathrooms occupying nearly 50% of the structure. Trustee Petersen posed a question on ADA compliance and owner of Home Design Mfg. Jerry Sjoberg replied that the bathrooms are ADA compliant. The public hearing was closed at 6:13 pm.

Amend Zoning Ordinance Sections 18-38 regarding Village Center (VC) District and 18-110 regarding Lakeshore (LS) Overlay Zoning District to Reflect Impervious Surface Ratios in

the Commercial Lakefront Area

Several years ago, the Village Board voted to “abate enforcement” of the required impervious surface ratios in the commercial lakefront area. The lakefront area in the Village Center district is treated uniquely as there are no other similar areas in the Village. The code amendment recognizes the existing patterns of use in front of Chucks and Gordy’s and codifies it. The proposed amendment states there may be up to 100% impervious surface ratio in the Commercial Lakefront area. The amendment also states that patios and/or decks may be combined with walkways to cover up 100% of the area within the Lakeshore Overlay Zoning District for the Commercial Lakefront area. The public hearing was opened at 6:25 pm. Suzy Grady asked whether Chucks would be permitted to expand their patio and McCarthy answered that any expansion would require submission of a site plan. Commissioner Lobdell requested more information on how it would affect the dead-end sidewalk across from Gordy’s.

Repeal and Recreate Zoning Ordinance Section 17-7(c)9 Regarding Dedication and Improvement of Public Parks and Other Public Sites

The public hearing was opened at 6:32 pm. The dedication of improvements and fees in lieu were recognized in the 2016 – 2021 Park and Open Space Plan which was adopted in 2016 but never codified. The proposed ordinance requires that new development must dedicate park land to the Village or fee in lieu of park land dedication, and imposes a recreation facilities improvement fee. McCarthy posed several situations to Slavney about which situations might have the fees imposed. Slavney stated that on a platted piece of land it would require a land division, vertical condo or the creation of new units. This includes the creation of a duplex or the division of a wide lot. Commissioner Grant commented on the timeline of using the collected fees, because if residents don’t see parkland improvements for many years, they are going to feel like it was an additional tax. The public hearing was closed at 6:41 pm.

General Business

Planned Development Amendment Application for Clear Sky Lodge, Filed by Jolynn Blair, as Trustee of Michael D. Blair 2012 Irrevocable Trust, for Property Located at 1100C South Lake Shore Drive

Trustee Petersen/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval of the Planned Development Amendment Application for Clear Sky Lodge, Filed by Jolynn Blair, as Trustee of Michael D. Blair 2012 Irrevocable Trust, for Property Located at 1100C South Lake Shore Drive, and the MOTION carried without negative vote.

Create Ordinance Section 18-40 (IV.)(d)(3) of the Municipal Code Regarding Abbey Harbor Zoning Sub-District

Commissioner Grant/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval to create ordinance Section 18-40(IV.)(d)(3) of the Municipal Code regarding Abbey Harbor Zoning Sub-District, and the MOTION carried without negative vote. Trustee Prudden abstained.

Amend Ordinance Section 18-40. I. (i)(1), and Creating Appendices A, B, C and D to Section 18-40 of the Municipal Code Regarding Resort Business (RB) District

Trustee Petersen/Commissioner Grant 2nd made a MOTION to recommend Village Board approval to amend ordinance Section 18-40. I. (i)(1), and Creating Appendices A, B, C and D to Section 18-40 of the Municipal Code Regarding Resort (RB) District, and the MOTION carried without negative vote.

Amend Zoning Ordinance Section 18-158(a)(4) of the Municipal Code Regarding Shoreland-Wetland Zoning District

Commissioner Lobdell/Commissioner Grant 2nd made a MOTION to recommend Village Board

approval of the amendment to zoning ordinance Section 18-158(a)(4) of the Municipal Code Regarding Shoreland-Wetland Zoning District, and the MOTION carried without negative vote.

Conditional Use Permit Application for Outdoor Bar Service with Bathrooms, Filed by Ed Snyder for the Abbey Harbor Condominium Association, LTD, for the Property Located at 271 Fontana Boulevard

Trustee Petersen/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit Application for Outdoor Bar Service with Bathrooms, Filed by Ed Snyder for the Abbey Harbor Condominium Association, LTD, for the Property Located at 271 Fontana Boulevard with the following conditions:

1. Approval of a CUP to allow for an outdoor service bar with two bathrooms and a concession area [Sec. 18-40(IV)(d)(3)]
2. Approval of a CUP to allow for exceeding existing density, intensity and bulk regulations within the Abbey Harbor Marina Subdistrict. [Sec. 18-40(IV)(n)]
3. Approval of a CUP to allow for the following requested exemptions of Article X, Design Standards. [Sec. 18-162]
 - o Sec. 18-164(b): Building Form and General Architectural Style
 - o Sec. 18-164(c): Architectural Details
 - o Sec. 18-164(e): Building Materials
4. The structure shall not exceed 400 square feet in size.
5. The structure shall not exceed 12'-6" in height as measured from the lowest existing grade to the highest peak of the roof, excluding the cupola.
6. The structure shall be located a minimum of 30' from the water's edge.
7. The exterior of the structure shall be of materials made to match the principal building (Harbor House).
8. All Building, electric & zoning permits shall be completed, submitted, and paid for in full within ten (10) days of the date of this approval.
9. Construction plans shall be reviewed and stamped (signed off by) a Wisconsin certified architect or engineer.
10. 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.
11. An as-built survey shall be required depicting the location, size and height of the completed structure.
12. No outdoor speakers or live music shall be permitted at this structure.

The MOTION carried without negative vote. Trustee Prudden abstained.

Amend Zoning Ordinance Sections 18-38 regarding Village Center (VC) District and 18-110 regarding Lakeshore (LS) Overlay Zoning District to Reflect Impervious Surface Ratios in the Commercial Lakefront Area

Commissioner Frazier/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of Zoning Ordinance Sections 18-38 regarding Village Center (VC) District and 18-110 regarding Lakeshore (LS) Overlay Zoning District to Reflect Impervious Surface Ratios in the Commercial Lakefront Area, and the MOTION carried without negative vote.

Repeal and Recreate Zoning Ordinance Section 17-7(c)9 Regarding Dedication of Improvement of Public Parks and Other Public Sites

Commissioner Lobdell/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval to repeal and recreate zoning ordinance Section 17-7(c)9 regarding dedication of improvement of public parks and other public sites, and the MOTION carried without negative vote.

Resolution to Adopt Revised Provisions for Park Land Dedication, Fees in Lieu of Dedication and Playground Facility Improvements

The resolution lists the imposed park land fees. Park Land Dedication Requirements: 993 square feet per dwelling and 248 square feet per institutional residential dwelling unit. Fee in Lieu of Park Land Dedication Requirements: \$863 per dwelling unit or \$216 per institutional residential dwelling unit. Recreation Facilities Improvement Fee: \$505 per dwelling unit or \$127 per institutional residential dwelling unit.

Commissioner Lobdell/Commissioner Kirkland 2nd made a MOTION to approve Plan Commission Resolution 022618-01 and recommend Village board approval to adopt revised provisions for Park Land Dedication, Fees in Lieu of Dedication and Playground Facility Improvements and the MOTION carried without negative vote.

Amend Zoning Code Section 18-335(b) – A-5 ETZ: Single Family Residential Use – Set Public Hearing

The inclusion of one single-family dwelling was inadvertently left out of Zoning Code Section 18-335(b) as a principal land use permitted by right.

Commissioner Grant/Trustee Petersen 2nd made a MOTION to set a public hearing on Zoning Code Section 18-335(b) – A-5 ETZ: Single Family Residential Use for the next monthly Plan Commission meeting scheduled for Monday, March 26, 2018, and the MOTION carried without negative vote.

Rezone Application filed by Robert Stewart for Property Located at 202 and 208 W. Main Street to Rezone from AH-35 to SR-1

The rezone application was filed with the Village but the proposed rezone does not fit with the Village’s master plan. Slavney confirmed the Village would not need to amend the Master Plan for the rezone and the next step is for the applicant to request to amend the Village’s Land Use Map.

Adjournment

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to adjourn the meeting at 6:52 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: 04/30/18