

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

(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION and SPECIAL
JOINT VILLAGE BOARD MEETING
Monday, March 25, 2024

Chairman Trustee Arvid Petersen called the monthly meeting of the Plan Commission to order and President Pat Kenny called the Village Board to order at 5:00 pm on March 25, 2024 in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Trustee Arvid Petersen, Trustee Rick Pappas, Cindy Wilson, Sarah Lobdell

Plan Commissioners absent: Bob Ahern, Lisa Laing, Tara Ramljak

Village Board Members present: President Kenny, Trustee Rowe, Trustee Petersen, Trustee O’Neill, Trustee Livingston, Trustee Pappas, Trustee Marek

Village Board Members absent:

Also Present: Jeff Cates, Kevin Day, Mark Francis, Roxanne Johnson, Sonja Cary Kerger, Kruesel, Theresa Loomer, Kathie Perkins, Allison Schwark, Dale Thorpe

Visitors Heard

None

Approve Minutes January 29, 2024

The minutes from the January 29, 2024 Plan Commission Meeting were distributed.

Commissioner Trustee Pappas/Commissioner Lobdell 2nd made a MOTION to approve the Plan Commission meeting minutes for the January 29, 2024 meeting, as presented, and the MOTION carried without negative vote.

Plan Commission Public Hearing

Zoning Ordinance Amendment Application filed by Indian Hills Association, P.O. Box 556, Fontana, WI 53125, to Amend Village Ordinance Sections 18-65(j)(2) and (4) Regarding Kayak and Non-Motorized Watercraft Storage Rack Capacity and Distance Pertaining to the Storage Racks from the Lakefront

The public hearing opened at 5:01 pm. Zoning Administrator Allison Schwark explained the ordinance amendment allows for one kayak rack, with a maximum of 20 spaces, to be placed within 25-feet of the shoreyard. Additional racks would be required to meet the minimum shoreyard setback of 50-feet. The only modification from the current ordinance is the increase from 12 spaces to 20 spaces. The original application requested 40 spaces on one rack, but after discussion with staff and at the last plan commission meeting, both the plan commission and applicant were agreeable to one rack with 20 spaces. Mark Francis, 647 Ayataia Way, stated the association needs and supports the 20 spaces. The public hearing was closed at 5:05 pm.

Planned Development Zoning Amendment Application Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for property located on Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 and proposing to amend previously approved Ordinance No. 071023-02 General Development Plan

The public hearing was opened at 5:07 pm. Applicant Cary Kerger described the requested zoning amendments. Due to concerns with funding the project, he stated he is requesting approval to phase the project starting with the two easternmost buildings first, then sequentially working to the west. Phase I also includes all roads, parking, water, and sewer. Kerger stated there is no change to the architecture, parking, or utilities previously proposed. The request to phase is a direct result of not

selling enough units as the lender requires 50% of the units to be under contract in order for financing to be approved. Kerger stated there are currently four units under contract. Kerger stated that if the phasing is approved, he plans to begin construction the second week in April. The benefit to the village is the disruptive pile driving will be completed prior to Memorial Day. In the event he is able to sell enough units, it is possible the second phase may also begin right away with the first phase. Attorney Dale Thorpe explained the phasing request was not made last year during the initial application and therefore was not included in the final approvals granted in July 2023, however, he stated it is not an uncommon request for a project this size. In order to make the requested changes regarding phases, staff had concerns about the flexibilities written in the 2023 ordinance. The proposed ordinance has some unusual terms that are meant to regulate the property in a way that does not require the village to treat the property as four separate lots. The requested phasing requires a four lot CSM which then opens the possibility that each lot is sold separately; however, the project is being regulated by the zoning ordinance as one contiguous lot. Going forward, the planned development can only be amended by consent of the unit owners and all owners must agree and sign off on any future amendments. Finally, if the amendment is approved, the ordinance and protections will be recorded against the lots. State statutes allow the terms of planned development for a period of five years, with a possible five-year extension. The original approval included the standard five-year term, and Kerger is now requesting an additional five-year extension for a maximum of ten years to build the development. Lobdell questioned if there were any changes to the condo declaration regarding the ability to convert the commercial units to residential if those units could not be filled. Kerger stated the condo declaration only changed regarding phasing, and everything else stayed the same. Lobell and Pappas expressed concern about the extension of the planned development from five to 10 years, and about the possibility the site may end up with no retail. In response to a question, Thorpe pointed out the property owner is the one that benefits from an additional five-year extension. Trustee Pappas made a motion to deny the proposed planned development ordinance amendment, but it failed for lack of a second. There was additional discussion on the findings needed for the plan commission resolution and whether it meets the criteria set forth in Section 18-247(e)(1) through (10), which the plan commission ultimately voted that it does not.

General Business – Plan Commission

Recommendation on the Zoning Ordinance Amendment Application filed by Indian Hills Association, P.O. Box 556, Fontana, WI 53125, to Amend Village Ordinance Sections 18-65(j)(2) and (4) Regarding Kayak and Non-Motorized Watercraft Storage Rack Capacity and Distance Pertaining to the Storage Racks from the Lakefront

Trustee Pappas/Commissioner Lobdell 2nd made a MOTION to recommend village board approval of the ordinance amendment application filed by Indian Hills Association, PO Box 556, Fontana WI, to amend village ordinance Sections 18-65(j)(2) and (4) regarding kayak and non-motorized watercraft storage rack capacity and distance pertaining to the storage racks from the lakefront, to allow for a maximum of 20 non-motorized watercraft within the shoreyard setback with a minimum distance of 25-feet to the lake, and the MOTION carried without negative vote.

Plan Commission Recommendation on Proposed Amendment to Planned Development as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 and to amend previously approved Ordinance No. 071023-02 General Development Plan

Commissioner Wilson/Commissioner Lobdell 2nd made a MOTION to recommend village board approval of the planned development amendment as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 and to amend previously approved Ordinance No. 071023-02 General Development Plan, as presented, but limit the term to five years.

The roll call vote was as follows:

Trustee Petersen – Aye

Commissioner Lobdell – Nay
Trustee Pappas – Nay
Commissioner Wilson – Aye
The MOTION failed on a 2-2 vote.

Trustee Pappas/Commissioner Lobdell 2nd made a MOTION to recommend the village board deny the planned development amendment as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 and to amend previously approved Ordinance No. 071023-02 General Development Plan with the changes proposed by Mr. Kerger.

The roll call vote was as follows:

Commissioner Lobdell – Aye
Trustee Pappas – Aye
Commissioner Wilson – Nay
Trustee Petersen – Nay

The MOTION failed on a 2-2 vote.

Commissioner Wilson/Commissioner Lobdell 2nd made a MOTION to recommend village board deny the proposed planned development amendment as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 and to amend previously approved Ordinance No. 071023-02 General Development Plan with the understanding the project is being offered with a compromise of five years only with no extension.

The roll call vote was as follows:

Trustee Pappas - Aye
Commissioner Wilson – Aye
Trustee Petersen – Aye
Commissioner Lobdell – Aye

The MOTION carried on a 4 – 0 vote.

Commissioner Pappas/Commissioner Lobdell 2nd made a MOTION to adopt Resolution 032524-01 recommending denial of the proposed rezone ordinance amendment to as filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 and to amend previously approved Ordinance No. 071023-02 General Development Plan and make a negative finding on Item No. 2 and no finding on Item No. 1 and Item No.'s 3 – 10.

The roll call vote was as follows:

Commissioner Wilson – Aye
Trustee Petersen – Aye
Commissioner Lobdell – Aye
Trustee Pappas – Aye

The MOTION carried on a 4- 0 vote.

Plan Commission to Consider Action on Proposed Amendment to Previously Approved Certified Survey Map as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043
The CSM application divides the property into four lots.

Trustee Pappas/Commissioner Lobdell 2nd made a MOTION to approve the Certified Survey Map, as presented, and the MOTION carried without negative vote.

Plan Commission Recommendation on Proposed Amendment to Previously Approved Condominium Plat as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road,

#204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 Known as the Residences of Geneva Lake Condominium

Additional phases, now called expansion areas, will need to come back for approval but will not require a public hearing.

Trustee Petersen/Commissioner Wilson 2nd made a MOTION to recommend village board approval of the amended condo declaration regarding expansion areas, as submitted, and the MOTION carried without negative vote.

General Business – Village Board

Action on on the Zoning Ordinance Amendment Application filed by Indian Hills Association, P.O. Box 556, Fontana, WI 53125, to Amend Village Ordinance Sections 18-65(j)(2) and (4) Regarding Kayak and Non-Motorized Watercraft Storage Rack Capacity and Distance Pertaining to the Storage Racks from the Lakefront

Trustee Livingston/Trustee Marek 2nd made a MOTION to approve Ordinance 032524-01 amending sections 18-65(j)(2) and (4) regarding kayak and non-motorized watercraft storage racks, as presented, and the MOTION carried without negative vote.

Action on an Ordinance amending Ordinance No. 071023-02 so as to amend previously approved Planned Development Zoning as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for a Condominium Development Known as Residences on Geneva Lake Including Residential and Commercial Uses Located on Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 General Development Plan.

Trustee O’Neill/Trustee Livingston 2nd made a MOTION to adopt Ordinance 032524-02 amending previously approved planned development ordinance as filed for a condominium development known as Residences on Geneva Lake including residential and commercial uses located on tax parcels SOP 00039, SOP 00041, SOP 00042 and SOP 00043, excluding the requested five-year extension, and the roll call vote was as follows:

Trustee Rowe – Aye

Trustee Petersen – Aye

Trustee O’Neill – Aye

Trustee Livingston – Aye

Trustee Pappas – Nay

Trustee Marek – Aye

President Kenny – Aye

The MOTION carried on a 6-1 vote.

Action on Plan Commission Recommendation on a proposed Amendment to a previously approved Condominium Plat as Filed by Abbey Provident Venture LLC, at 1776 S. Naperville Road, #204B, Wheaton, IL 60189 for Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 Known as The Residences of Geneva Lake Condominium

Trustee O’Neill/Trustee Livingston 2nd made a MOTION to approve the amended condominium plat as filed by the Abbey Provident Venture LLC, for Tax Parcels SOP 00039, SOP 00041, SOP 00042 and SOP 00043, subject to recording the declarations as submitted, and the MOTION carried without negative vote.

Adjournment

Commissioner Lobdell/Trustee Pappas 2nd made a MOTION to adjourn the plan commission meeting at 5:43 pm, and the MOTION carried without negative vote.

Trustee Livingston/Trustee O’Neill 2nd made a MOTION to adjourn the village board meeting at 5:43 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Administrator

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: