

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

**(Final Minutes)**

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

**Monday, April 24, 2023**

Chairman Petersen called the monthly meeting of the Plan Commission to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Cindy Wilson, Sarah Lobdell, Chairman Petersen, Lisa Laing, Bob Ahern, Tara Ramljak, Trustee Pappas

**Plan Commissioners absent:**

**Also Present:** Kevin Day, Drew Lussow, Kathy Perkins, Wally Perkins, Bonnie Schaeffer, Dale Thorpe, Attorney Dan Draper, Attorney Tony Coletti, Bill Henry, Kim Dabertin

**Visitors Heard**

None

**Approve Minutes**

**February 27, 2023**

The minutes from the February 27, 2023 Plan Commission meeting were distributed.

Commissioner Lobdell/Commissioner Ramljak 2<sup>nd</sup> made a MOTION to approve the minutes from the February 27, 2023 Plan Commission meeting, and the MOTION carried without negative vote.

**Public Hearing**

**Planned Development Amendment Application Filed by Clear Sky Lodge Located at 1100 South Lakeshore Drive to Amend the Village's Planned Development Ordinance 8-1-88-1**

Chairman Petersen opened the public hearing at 5:01 pm. Attorney Dan Draper gave a brief background for the request from Clear Sky Lodge. Attorney Draper stated that the request really boils down to a request to amend the number of boat slips at their piers. Attorney Tony Coletti on behalf of Clear Sky then spoke and stated that the original ordinance allows for 2 moorings however after speaking with the DNR they stated they could have up to four. He reiterated that this is not Clear Sky's intention and that they are only seeking to allow four personal watercrafts (PWC) and two boats per each pier. Commissioner Trustee Pappas stated the moorings on the piers in Clear Sky Lodge are limited by the planned development zoning documents hence the reason they are seeking this change. Commissioner Wilson brought up the original ordinance from 1988 and recited that the language in that ordinance states specifically that this is not to be amended or changed. Attorney Draper stated while the language is strong in that old ordinance it doesn't mean that the Commission can't amend it if agreeable nor is it mandatory to amend it. Commissioner Ramljak then asked a question of approximately how many PWC and Boats would there be if this was approved. Attorney Coletti stated that if the amended ordinance is approved it would allow for 11 PWC between all four piers along with a boat for each as well. After that clarification there were no more questions for or against this matter. The public hearing was closed at 5:16 pm.

**Amending Ordinance Section 18-165(b) Regarding Exterior Lighting Standards**

Chairman Petersen opened the public hearing at 5:17 pm. Village Attorney Dale Thorpe gave a brief background of the proposed ordinance amendment regarding the exterior lighting standards.

Attorney Thorpe stated the Village is seeking to amend its exterior lighting standards. Attorney Thorpe relayed that the change is being made in reference to the public and private streetlights since a fair amount of the roadways and streetlights in the Village of Fontana can be considered "private". Commissioner Trustee Pappas raised concerns that the proposed ordinance is still too broad and didn't do enough to regulate the lights. Attorney Thorpe stated that the lights will still have to satisfy

and be approved by the public safety requirements for lights and that in the past there didn't seem to be any issues with abiding by these requirements. Attorney Thorpe stated that this change will also allow the Village to have Glenwood Springs regulate the few lights that were for some reason being paid for by the Village. The public hearing was closed at 5:23 pm.

**Amending Ordinance 05-03-21-01 to Repeal and Recreate Section 18-56(g), 18-57(d) and Amend Sections 18-27, 18-36, 18-41, 18-42, and 18-54 to Correct a Numbering Error**

Chairman Petersen opened the public hearing at 5:24 pm. Attorney Thorpe gave a brief background on the proposed amendments to Ordinance 050321-01 and stated that this amendment allows for the cleanup of the previous ordinance regarding numbering errors found throughout the ordinance. This would satisfy a request that was made by the company the Village uses for codification of its ordinances. The public hearing was closed at 5:28 pm.

**Plan Commission General Business**

**Planned Development Amendment Application Filed by Clear Sky Lodge Located at 1100 South Lakeshore Drive to Amend the Village's Planned Development Ordinance 8-1-88-1**  
Commissioner Trustee Pappas/Commissioner Ahern 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the planned development amendment application filed by Clear Sky Lodge located at 1100 South Lakeshore Drive to amend the Village's Planned Development Ordinance 8-1-88-1 subject to the following staff recommendations:

1. The Owners of the Clear Sky Lodge shall amend the Condominium Declaration to reflect the amendments and shall properly record such a document with the Walworth County Register of Deeds.
2. The Owners of the Clear Sky Lodge shall properly record the amended Conservation Easement with the Walworth County Register of Deeds.

The MOTION carried 6-1 with Commissioner Wilson opposed.

**Recommendation of Approval of Clear Sky Lodge Conservation Easement for Properties Located at 1100 S. Lakeshore Drive**

Commissioner Trustee Pappas/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Clear Sky Lodge Conservation Easement for properties located at 1100 S. Lakeshore Drive, as presented, and the MOTION carried without negative vote.

**Amending Ordinance Section 18-165(b) Regarding Exterior Lighting Standards**

Commissioner Laing /Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Ordinance Section 18-165(b) regarding Exterior Lighting Standards, as presented, and the MOTION 6-1 with Commissioner Trustee Pappas opposed.

**Amending Ordinance 05-03-21-01 to Repeal and Recreate Section 18-56(g), 18-57(d) and Amend Sections 18-27, 18-36, 18-41, 18-42, and 18-54 to Correct a Numbering Error**

Commissioner Laing/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of amending Ordinance 05-03-21-01 to repeal and recreate Section 18-56(g), 18-57(d) and amend Sections 18-27, 18-36, 18-41, 18-42, and 18-54 to correct a numbering error, as presented, and the MOTION carried without negative vote.

**Recommendation on Site Plan Application Filed by Wally Perkins / Southbound Development LLC for Little Bar at 138 Fontana Boulevard**

Zoning Administrator Schaeffer spoke about the application that was submitted by Wally Perkins / Southbound Development LLC for the Little Bar. She stated that the application initially came forward for approval of outdoor seating, but upon review by staff noticed some things were out of compliance and have worked with the applicant to correct. These things included fencing for outdoor seating which does not comply with the 2020 approval, an ADA compliant bathroom based

on capacity which includes outdoor seating, dumpster enclosure, and a few other minor items. Attorney Thorpe stated that some of this was in part due to prior staff who had incorrectly approved the outdoor seating area without an ADA compliant bathroom. Commissioner Trustee Pappas asked a question about the location of the bathroom and asked if they had thought about positioning it to the north so the neighbors to Little Bar would not have to see people leaving and entering it. Architect Bill Henry on behalf of the Little Bar clarified that they have tried to make numerous positions work however if positioning it that way would interfere with the back door of the kitchen of the Little Bar and wouldn't allow for easy entrance for that door or the ADA bathroom. Kim Dabertin, a business owner located next to the Little Bar, relayed safety issues based on the location of the bathroom and how guests sometime travel in the parking lot of the Little Bar. She also raised concerns about patrons of the Little Bar being over capacity and still not having enough bathrooms for all the customers and has on more than one occasion caught people relieving themselves outside the property. Bill Henry stated that the addition of the 2<sup>nd</sup> bathroom would help alleviate those concerns and that the bathroom will only be present for those increased capacity times during the summer season. Attorney Thorpe made an inquiry into whether the applicant would be agreeable to incorporating a 2-year look back period to help alleviate concerns of the commission members. This lookback period would evaluate the performance and review how things were being handled at the Little Bar and allow the Commission to take note if it should proceed. Wally Perkins stated that he consented to the look back period and would have no issues with incorporating that into a potential approval recommendation if it would help. No other additional comments or questions were made regarding the presented topic at this time.

Commissioner Wilson/Commissioner Ahern 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Site Plan Application filed by Wally Perkins / Southbound Development LLC for Little Bar at 138 Fontana Boulevard with a 2 year look back period to evaluate performance and review application consented by the applicant and subject to the following staff recommendations: 06/18/2020 SITE PLAN APPROVAL CONDITIONS:

1. The patio area shall remain as grass or other pervious surface approved by Village staff. No additional impervious surface is permitted.
2. The applicant shall install a permanent barrier of fencing around the entire seating area. The fencing shall be a minimum of 3 feet in height picket or other open style and not be removeable.
3. Two toilet rooms located in the vacant upstairs apartment must be accessible for use by outdoor seating patrons.
4. The owner is made aware that the sign is non-conforming because it is located partially within the Village right of way. The owner should consider removal of the non-conforming sign and replacement with a conforming sign at the soonest possible opportunity.
5. Subject to Village approval of a liquor license amendment.

APPLICANT REQUESTED AMENDMENTS:

1. Amend previous condition #2 to utilize a post and rope seating area fence in place of 3' high picket or open style fence. The post and rope shall be reconfigured so as to not extend beyond the south property line.
2. Amend previous condition #3 to utilize an accessible portable toilet rather than the upstairs restroom. The portable toilet is proposed to be located behind the northeast corner of the building and will be in place seasonally between March 15<sup>th</sup> and November 15<sup>th</sup>. The portable toilet would be screened with 6' high solid wood fencing stained white to match the existing building. Outdoor signage directing customers to the accessible portable toilet would be installed.
3. Approve the newly relocated fire pit directly behind the front property line. The previously approved site plan showed the fire pit to be close to the front of the building.

4. Remove a portion of the asphalt paving at the southwest corner of the seating area to increase the pervious surface area onsite.
5. Install a dumpster enclosure with gates at the northeast corner of the site.

STAFF COMMENTS:

1. Per the building inspector, use of the upstairs bathroom is not code compliant because it is not accessible. An accessible bathroom is required by code for additional outdoor customer seating (in excess 25 persons including the indoor seating). The Plan Commission should consider whether it is appropriate for a business to be allowed to utilize a portable toilet to increase their seating capacity for eight (8) months of the year.
2. The accessible parking space and dumpster enclosure must be completed during 2023 regardless of the decision regarding permissibility of a portable toilet.

The roll call vote was as follows:

Commission Chairman Trustee Petersen – No

Commission Trustee Pappas – No

Commission Member Laing – Aye

Commission Member Wilson – Aye

Commission Member Ahern – Aye

Commission Member Ramljak – Aye

Commission Member Lobdell – Aye

The MOTION passes 5-2 due to achieving the required positive votes from the Plan Commission Members in order for this Site Plan Application to be favorably recommended to the Village Board.

**Adjournment**

Commissioner Ramljak/Commissioner Trustee Pappas 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:56 pm, and the MOTION carried without negative vote.

Minutes prepared by: Drew Lussow/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: 05/30/2023