

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

VIRTUAL MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, April 26, 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:** Rodney Carter, Chief Cates, Kevin Day, Christina Green, Craig Henninger, Kim Howarth, President Kenny, Theresa Loomer, Michael Lucero, Rick Pappas, Bill Ring, Bonnie Schaeffer, Mike Slavney, Stephanie Smith, Nona Sorren, John Swider, Dale Thorpe, Randi Wille

**Visitors Heard**

None

**Approve Minutes**

**March 29, 2021**

The minutes from March 29, 2021 meeting were distributed.

Commissioner Lobdell/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to approve the minutes from the March 29, 2021 meeting, and the MOTION carried without negative vote.

**Plan Commission Public Hearing**

**Amend Zoning Code Section 18-56(g) Regarding Outdoor Entertainment and related additional amendments to Sections 18-27 Agricultural Holding (AH) District, 18-36 Institutional (IN) District, 18-37 Neighborhood Business (NB) District, 18-38 Village Center (VC) District, 18-39 Community Business (CB) District, 18-41 Office Park (OP) District and 18-42 Research Park (RP) District**

The public hearing was opened at 5:32 pm. Attorney Dale Thorpe explained this ordinance comes to the Plan Commission following meetings that took place several months ago. It was brought to the Village's attention there might be problems with the implementation of current ordinance regarding the subject of Outdoor Dining and Outdoor Entertainment. The Village President had asked staff to investigate the ordinance and scan other communities to see how they deal with the same subject. The current ordinance is ten years old and could be updated to better address concerns raised by neighbors. The ordinance in front of the Plan Commission is the result of months of work and a more comprehensive way of regulating businesses and protecting neighbors. Staff has looked over all concerns and the current ordinance is ten years old. Village Planner Mike Slavney presented a chart that provides a summary of the proposed code. Slavney explained he researched communities around Fontana and communities that have updated their code in the last four years, and it is his observation that outdoor eating and drinking is a very popular activity all over the country. Currently the Village has two categories which are outdoor commercial entertainment and intensive outdoor commercial use. Slavney explained the problem the Village has run into over the last few years is with the very light intensity uses such as an ice cream shop or coffee shop and the current ordinance requires a harsh and a lengthy process. Slavney stated other communities are reducing restrictions on the very light intensity uses to permitted by right. The amendment to the code creates four categories to handle everything from light intensity uses to waterparks and racetracks. The precise rules for each category are included in the ordinance. Slavney pointed out that it is important to remember that anything that requires a conditional use permit, the Plan Commission could impose tougher requirements and often does. Slavney stated the changes made do not affect The Abbey Resort as they have a unique zoning district. Randi Willie, 237 Jensen Drive, stated he objects to the changes in

the ordinance. Willie explained the ordinance seems to bend the rules for the existing patio and relieve the opacity for Big Foot Country Club to expand their patio. Nona Sorren, 209 Jensen Drive, stated she would like to voice her neighborhoods objection to the weaking of the zoning code. Sorren explained she feels no consideration was given to how the weaking of the code will adversely affect residents. Sorren stated her concerns are the reduced bufferyard, hours of operation and the maximum seating being allowed. Sorren explained she feels the revisions appear to accommodate the patio expansion at Big Foot Country Club. Attorney Rod Carter, from Husch and Blackwell, stated he was speaking in opposition of the neighbors surrounding Big Foot Country Club. Carter explained the statements made tonight were very well done and have merit. Carter stated he would like the Plan Commission to take the opportunity to review the written correspondences that were shared from neighbors. Carter explained he is asking the Plan Commission to protect the interest of the neighbors and the Country Club is unique in that it borders residential area. Carter stated he has some concern and wondered if there has been any outreach to the neighbors. Attorney Kim Howarth, from Godfrey law firm, stated he is speaking on behalf of Big Foot Country Club and does not want the public hearing to be all about the Country Club this evening. Howarth stated he is a resident of the City of Delavan and he is very happy with the changes the City and the Village Planner have made regarding the outdoor dining and it seems to have brought a new sense of vibrancy to the City. Howarth explained that every state and county are adapting to the new normal and embracing the changes. Howarth stated the complaints that have been made tonight regarding ruining the Fontana lifestyle are speculative at best. Howarth explained he would encourage the Plan Commission to approve the ordinance as presented to provide future opportunities the Village of Fontana deserves. Commissioner Spadoni stated he appreciates all the work done and supports the changes. Commissioner Wilson questioned the hours of use. Village Planner Mike Slavney stated the hours reflect the historical hours. Trustee Prudden stated he had done some research on noise issues and Chief Cates confirmed there have not been any noise complaints made in the last five years. Commissioner Ahern commented that he thinks it would be a great idea to keep an open dialogue between Big Foot Country Club and the neighbors. Commissioner Kirkland commented that he feels the changes proposed in the ordinance will help keep the Fontana lifestyle vibrant and that is what makes the community special. Administrator Loomer stated there were three letters of opposition received and distributed to the plan commission members which will be included as part of the record. Trustee Petersen stated the reputation of Fontana revolves around being called the quiet end of the lake. The public hearing was closed at 6:11 pm.

### **Plan Commission Business**

**Plan Commission Recommendation on Amending Zoning Code Section 18-56(g) Regarding Outdoor Entertainment and related additional amendments to Sections 18-27 Agricultural Holding (AH) District, 18-36 Institutional (IN) District, 18-37 Neighborhood Business (NB) District, 18-38 Village Center (VC) District, 18-39 Community Business (CB) District, 18-41 Office Park (OP) District and 18-42 Research Park (RP) District**

Commissioner Spadoni/Trustee Prudden 2<sup>nd</sup> made a MOTION to recommend Village Board amend zoning code section 18-56(g) regarding outdoor entertainment and related additional amendments to Sections 18-27, 18-36, 18-37, 18-38, 18-39, 18-41 and 18-42 as presented and include a future amendment stating there are no changes to The Abbey Resort, and the MOTION carried without negative vote.

### **Overview of Comprehensive Plan Amendment Process**

Village Planner Mike Slavney stated the comprehensive plan amendment before the Commission tonight is to amend the future land use map from single family to multi family. The applicant plans to build five townhomes. Slavney explained if the Plan Commission gives a negative recommendation the process ends and if the Plan Commission gives a positive recommendation it will go to the Village Board for approval.

**Plan Commission Recommendation on Comprehensive Plan Amendment for the properties located at 132 & 144 W. Main Street from Single Family Residential (Sewered) to Mixed Residential**

Village Planner Mike Slavney stated he wanted to correct an error in his report. Slavney explained in his report he had noted a bed and breakfast, and it should be an Inn. Attorney Christina Green from Sweet and Maier, was present and representing CALC Holdings, LLC. Green stated they are requesting the Plan Commission to allow the comprehensive plan amendment to move forward to the Village Board so a public hearing can be set. Green explained the public hearing is the first step in the lengthy process of amending the comprehensive plan and the public hearing would allow for public input. Green explained the proposed development blends together seamlessly. The current homes are dilapidated and not desirable. Green stated there was concern with the increased density and proposed change would only add four additional homes. Many families are choosing townhomes because they are more affordable and more convenient. Trustee Petersen stated there was no mention of the Conservancy that borders the proposed development. Commissioner Lobdell questioned if the applicant was following the comprehensive plan amendment process that was approved at the March meeting. Attorney Dale Thorpe explained that the applicant is grandfathered in because they were in touch before the new process was approved. Commissioner Kirkland stated the applicant took the ugliest piece of property in Fontana and did a wonderful job with the townhomes that were just built. Commissioner Spadoni stated he is concerned with starting something that cannot stop and have nothing but townhomes.

Commissioner Kirkland/Trustee Prudden 2<sup>nd</sup> made a MOTION to recommend Village Board approval of amending the Comprehensive Plan for the properties located at 132 & 144 W. Main Street from Single Family Residential (Sewered) to Mixed Residential.

The MOTION was as follows:

Commissioner Lobdell – Nay

Trustee Prudden – Aye

Commissioner Kirkland – Aye

Commissioner Wilson – Nay

Commissioner Ahern – Nay

Commissioner Spadoni – Nay

Trustee Petersen - Nay

The MOTION failed on a 2-5 vote.

Commissioner Lobdell/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to not recommend Village Board approval of amending the Comprehensive Plan for the properties located at 132 & 144 W. Main Street from Single Family Residential (Sewered) to Mixed Residential.

The MOTION was as follows:

Trustee Petersen – Aye

Commissioner Spadoni – Aye

Commissioner Ahern – Aye

Commissioner Wilson – Aye

Commissioner Kirkland – Nay

Trustee Prudden – Nay

Commissioner Lobdell - Aye

The MOTION failed on a 5-2 vote.

**Consider Plan Commission Resolution Authorizing an Amendment to the Comprehensive Plan for the Properties Located at 132 & 144 W. Main Street from Single Family Residential (Sewered) to Mixed Residential**

No action taken.

**Adjournment Plan Commission**

Trustee Prudden/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 6:35 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: 06/01/2021