

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

MONTHLY & SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE

Monday, April 27, 2009

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

Plan Commissioners present: Roll call: Lobdell, Chairman Spadoni, Poivey, McGreevy, O'Connell, President Petersen

Plan Commissioners absent: D'Auria

Also present: Amber Benson, Administrator Kelly Hayden-Staggs, Rob Ireland, Library Director Nancy Krei, Laurie Larson, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Building Inspector Ron Nyman, Sharon O'Brien, Margaret Reuland, Village Planner Mike Slavney, Village Attorney Dale Thorpe, Jamie Whowell, Cindy Wilson, Director of Public Works Craig Workman

Visitors Heard

Jamie Whowell stated that he discussed the Third Avenue Project landscaping plans with Craig Workman prior to the meeting. Whowell stated that he would like to enhance the plans for the north side of Third Avenue, across the street from Reid Park and he asked if the Village would authorize him to work with the Park Commission. Spadoni stated that Whowell's request was a great idea. Spadoni stated that Whowell always does work and he stated that Whowell should contact the Park Commission. Joseph McHugh stated that he noted that the Steve Beers condominium plat proposal and the William Turner development concept agenda items were moved under "pending items" on the agenda and he asked if there were formal applications filed for the projects that had to be acted on by the Village within a defined timeframe. Thorpe stated that the application for the Beers development proposal is still not complete and the Turner development proposal is only at a conceptual stage. Thorpe stated that the Village has official files on both proposals, but neither proposal has a complete application on file with the Village.

Announcements

1. Village Board Organizational Meeting – **Tuesday, April 28, 2009, 5:00 pm**
2. Walworth County Computer Round-Up Program – **Friday, May 1, 2009**
3. Village Board/Plan Commission Master Plan Update Meeting – **Monday, May 4, 2009, 5:00 pm**
4. Village Board Monthly Meeting – **Monday, May 4, 2009, 6:00 pm**
5. CDA Board Monthly Meeting – **Wednesday, May 6, 2009, 6:00 pm**
6. Toddler Time at the Fontana Public Library – **Thursdays, May 7 & 14, 2009, 10:30 am**
7. Library Board Meeting – **Wednesday, May 20, 2009, 10:00 am**
8. Park Commission Meeting – **Wednesday, May 20, 2009, 6:00 pm**
9. Village Hall and Public Library Closed for Memorial Day – **Monday, May 25, 2009**
10. Plan Commission Monthly Meeting – **Tuesday, May 26, 2009, 5:30 pm**

Approve Minutes

Commissioner O'Connell/Commissioner Poivey 2nd made a MOTION to approve the minutes for the meetings held March 30, 2009 & April 6, 2009, and the MOTION carried without negative vote.

General Business

Tree Ordinance Amendments – Tabled 1/26/09 & 3/30/09

Spadoni stated that the initial recommendations made by Village Planner Mike Slavney on the proposed amendments to the Tree Ordinance will resolve many of the concerns with the current ordinance; however, there are still some deficiencies that need to be addressed. Spadoni stated that a section also needs to be incorporated to address tree farms. Spadoni stated that Park Commission member Sharon O'Brien, McCarthy and Slavney met briefly prior to the meeting and they will be able to finalize during the next month the proposal to be presented at a public hearing.

Commissioner O'Connell/Commissioner McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

PIP Amendment Filed by Abbey Springs for Boathouse Structure Modifications – Tabled 3/30/09

McCarthy stated that staff is still waiting for the applicants to submit site surveys and information on what portions of previous amendments to the PIP have been completed and what previously approved projects in those amendments will not be completed. Thorpe stated that he met with the applicant's attorney and explained what documentation the Village staff needs in order to move the approval process along. McCarthy stated that the Village has supplied the applicants with copies of the most recent amendments to the Abbey Springs PIP and the exhibits. Thorpe stated that the previous amendment applications have to be reconciled with the current application. O'Connell asked a question regarding trees on a proposed site plan that was submitted February 3, 2009 by the applicants, and McCarthy stated that is some of the information that staff has been requesting.

Commissioner O'Connell/Commissioner McGreevy 2nd made a MOTION to table the item, and the MOTION carried without negative vote.

Cost Recovery Collection Policy Amendment to Section 18-311 – Set Public Hearing

The proposed amendment was recommended by the Finance Committee to authorize the Village to place delinquent cost recovery invoices on tax bills for collection. At the Finance Committee meeting, Hayden-Staggs stated that if legal and planning review fees are specified as "special charges" in the cost recovery and village administrative chapters of the Municipal Code, delinquent invoices for those charges can be placed on tax bills for collection.

President Petersen/Commissioner O'Connell 2nd made a MOTION to schedule a public hearing for Tuesday, May 26, 2009 beginning at 5:30 pm to consider the proposed amendment to Section 18-311 (c) of the Municipal Code, and the MOTION carried without negative vote.

Lakefront Zoning Ordinance Amendments to Section 18-79 – Set Public Hearing

Thorpe stated that the proposed amendment is one of the proposed amendments that were considered but not adopted by the Village during its review of the lakefront zoning ordinance last year. Thorpe stated that the proposed amendment, which was slightly modified, proposes to require that any land area claimed for density factor requirements must be from a lot that is located directly contiguous to the subject lot, and may not be located on lands lying on the opposite side of a public or private road.

President Petersen/Commissioner O'Connell 2nd made a MOTION to schedule a public hearing for Tuesday, May 26, 2009 beginning at 5:30 pm to consider the proposed amendment to Section 18-79 (e) of the Municipal Code, and the MOTION carried without negative vote.

Zoning and Building Department Fee Schedule Amendment

Hayden-Staggs stated that the proposed Resolution amends the fee schedule pursuant to Section 18 of the Fontana Municipal Code. The Resolution proposes increases of \$25 to the application fees for Board of Appeals petitions, Conditional Use Permit applications and Petitions to Amend the Zoning Ordinance; proposes the establishment of \$325 fees for Building, Site and Operational Plan

applications if they are deemed major by the Building and Zoning Department, and for proposed amendments to Planned Development Precise Implementation Plans; and proposes the establishment of a \$125 fee for Building, Site and Operational Plan applications if they are deemed minor by the Building and Zoning Department. Hayden-Staggs stated that the proposed amendments to Section 14-65 of the Municipal Code were distributed to the Plan Commission members for informational purposes.

Commissioner McGreevy/Commissioner O'Connell 2nd made a MOTION to recommend Village Board approval of the proposed Resolution establishing fees and charges for zoning items pursuant to Section 18 of the Municipal Code as presented, and the MOTION carried without negative vote.

Pending Agenda Items

1. Condominium Plat Application Filed by Stephen P. Beers, 454 N. Lakeshore Drive, Fontana, WI, to Authorize Density Shift Between Parcels (453, 454 and 457 N. Lakeshore Drive and Lot 2 CSM 1515 on Stearns Road) for a 4-Unit Condominium Association in the RS-1 Residential Zoning District – Tabled 3/30/09
2. Condominium Plat & CUP Filed by William Turner, 393 North Lakeshore Drive – Conceptual Presentation – Tabled 3/30/09

Chairman Spadoni called for a recess of the Plan Commission meeting until 6:00 pm.

Chairman Spadoni called the Plan Commission meeting to back to order at 6:00 pm.

The Joint ETZ Committee meeting was called to order by Village Clerk Martin at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

ETZ Committee Members present: Roll Call vote: Town of Linn representatives Jerry Polek and John Zils; Town of Walworth representatives Ken Magowan and Jim van Dreser; Village of Fontana representatives Mike Poivey and Sarah Lobdell

ETZ Committee Members absent: Village of Fontana representative Derek D'Auria, Town of Walworth representative Dennis Jordan, Town of Linn representative Larry Aasen

Elect Chairman Pro-Tem for ETZ Committee

Since ETZ Committee Chairman D'Auria was absent, a chairman pro-tem had to be elected for the meeting.

Village of Fontana representative Lobdell/Town of Walworth representative van Dreser 2nd made a MOTION to elect Poivey as the chairman pro-tem of the Joint ETZ Committee, and the MOTION carried without negative vote.

Approve Joint Meeting Minutes

Town of Linn representative Polek/Village of Fontana representative Lobdell 2nd made a MOTION to approve the Joint ETZ Committee minutes for the meetings held January 26, 2009 and March 30, 2009, as presented, and the MOTION carried without negative vote.

ETZ-Plan Commission Public Hearing – 6:00 pm

Petition for Amendment of the ETZ Zoning Ordinance Chapter 18-278(d)(3)(tt) A-4 ETZ Zoning Ordinance Filed by Jamie Howell for Addition of Boat Service to A-4 District Allowable Uses by CUP

Plan Commission Chairman Spadoni and ETZ Committee Chairman Pro-Tem Poivey opened the public hearings at 6:01 pm. The proposed amendment adds boat service to the allowable uses by Conditional Use Permit in the A-4 ETZ Zoning District. Jamie Howell stated that he favors the proposed amendment. There were no other comments made before the public hearings were closed at 6:02 pm.

Joint Session General Business

Recommendation on Petition to Amend Chapter 18-278(d)(3)(tt) A-4 ETZ Zoning Ordinance Filed by James Whowell for Addition of Boat Service to A-4 District Allowable Uses by CUP

Chairman Spadoni stated that there were no concerns stated with regard to the proposal and he commended Whowell for working with staff to complete the application and approval process. Commissioner O'Connell/Commissioner McGreevy 2nd made a MOTION to recommend Village Board approval of the petition to amend Chapter 18-278(d)(3)(tt) of the Municipal Code as presented, and the MOTION carried without negative vote.

Town of Walworth representative van Dreser/Town of Walworth representative Magowan 2nd made a MOTION to recommend approval of the petition to amend Chapter 18-278(d)(3)(tt) of the Municipal Code as presented, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by James Whowell to Add Boat Service to the Existing Business at W6175 Willow Bend Road, Walworth, WI in the A-4 ETZ Zoning District – Set Public Hearing

Jamie Whowell filed an application to amend the Conditional Use Permit for his boat storage business at W6175 Willow Bend Road, Walworth Township. The amendment is to authorize boat servicing in an existing building on the site.

Commissioner McGreevy/Commissioner Lobdell 2nd made a MOTION to schedule a public hearing for Tuesday, May 26, 2009 beginning at 6:00 pm to consider the Conditional Use Permit application filed by James Whowell to add boat service to the existing business at W6175 Willow Bend Road, Walworth Township, in the A-4 ETZ Zoning District. The MOTION carried without negative vote.

Town of Walworth representative Magowan/Town of Linn representative Polek 2nd made a MOTION to schedule a public hearing for Tuesday, May 26, 2009 beginning at 6:00 pm to consider the Conditional Use Permit application filed by James Whowell to add boat service to the existing business at W6175 Willow Bend Road, Walworth Township, in the A-4 ETZ Zoning District. The MOTION carried without negative vote.

Adjourn Joint ETZ Committee

Chairman Pro-Tem Poivey/Village of Fontana representative Lobdell 2nd made a MOTION to adjourn the meeting of the Joint ETZ Committee at 6:04 pm, and the MOTION carried without negative vote.

Adjourn Plan Commission

Commissioner Lobdell/Commissioner McGreevy 2nd made a MOTION to adjourn the Plan Commission meeting at 6:04 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

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: 5/26/09 – PC & Jt. ETZ Committee