

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
and JOINT SESSION with JOINT EXTRATERRITORIAL ZONING COMMITTEE
(Village of Fontana, Town of Linn, Town of Walworth)
Tuesday, May 28, 2019

Clerk Theresa Loomer 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: Sarah Lobdell, Trustee Petersen, F.J. Frazier, Bob Grant (arrived at 6:08 pm), Bob Ahern

Plan Commissioner Absent: Trustee Prudden, Bob Kirkland

Town of Linn ETZ Members Present: Larry Aasen, Chris Todd, John Zils

Town of Walworth ETZ Members Present: Tom Rohleder, Ken Magowan, Jim Van Dreser

Also present: Jeff Cates, Kevin Day, Theresa Loomer, Kathy Perkins, Wally Perkins, Ben Rohr, Bonnie Schaeffer, Dale Thorpe

Elect Chairman Pro-Tem

Commissioner Frazier/Commissioner Lobdell 2nd made a MOTION to elect Trustee Petersen as the Chairman pro tem. The MOTION carried without negative vote.

Visitors Heard

None

Approve Minutes

Commissioner Grant/Commissioner Frazier 2nd made a MOTION to approve the minutes from the April 29, 2019 meeting, as presented, and the MOTION carried without negative vote.

Public Hearings

Amend Zoning Code Article XVI. – Extraterritorial Zoning to add Bed and Breakfast as an Allowable Land Use

The public hearing was opened at 5:32 pm. Thorpe stated the amendment to add bed and breakfasts to the ETZ is to bring the Village into compliance with state law which now forces communities to allow for transient rentals. Aasen asked numerous questions regarding whether the ordinance matches the county requirements and whether it is specific to the business zoning district. Staff was unsure if the ordinance mirrored county zoning verbatim, but noted the intent of the ordinance was the same and also that due to the law change, it is now a permissible use in all zoning districts and must comply with all other legal requirements. There was discussion about the guidelines that bed and breakfasts must follow and that anyone looking to operate a bed and breakfast must apply for a conditional use permit. Any unique situations can be addressed by placing additional conditions on a property. There was continued discussion by the ETZ members regarding mirroring the county ordinance. The public hearing was closed at 5:44 pm.

Amend Zoning Code Sect. 18-246(g) regarding Conditional Use Permit

The public hearing was opened at 5:53 pm. The amendment is a housekeeping item to change the required public hearing timeline after the submission of an application from 45 days to 60 days. No one spoke for or against the amendment. The public hearing was closed at 5:54 pm.

Conditional Use Permit Application Filed by Southbound Development, LLC, for Parcel SOP 00052, 138 Fontana Boulevard for Outdoor Boat Display

The public hearing was opened at 5:54 pm. Wally Perkins spoke in favor of the application and explained he would like to continue with the boat display on the corner lot without having a building at the same site – and the office for Munson Marine would be just down the road at the new building at 158 Fontana Boulevard. There were concerns from the commissioners about the ever changing plans at the location and the promise the Munson’s made from three years ago to redevelop the site. Perkins responded that there is still a future intention to develop the site, but they are only able to focus on the project at 158 Fontana Boulevard at this time. There was concern from the commissioners that Munson’s may leave their location at 158 Fontana Boulevard, and leave the Village, but have the boat display remain on the corner. By code, the conditional use approval is for a term up to five years, but the commissioners asked that the approval mirror the term of the lease which is for three years with a two year option to extend. Perkins explained they are not real estate developers and the Munson’s have been good tenants and the change is completely a business decision. He urged the commission to consider the five-year approval term. There was additional discussion about the boat display area becoming permanent and concern the Munson’s would leave the area. Lobdell recommended including in the staff conditions that the term of the approval would be contingent on the lease at 158 Fontana Boulevard. There was discussion about the liquor license application that was filed at the premise at 138 Fontana Boulevard and Perkins explained the intent to open a small tavern in the current building. The hearing was closed at 6:13 pm.

General Business

Plan Commission Recommendation on Amendment to Zoning Code Article XVI. – Extraterritorial Zoning to add Bed and Breakfast as an Allowable Land Use

Van Dreser/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval to add Bed and Breakfast as an allowable use in the Walworth ETZ, and the roll call vote was as follows:

Rohleder – Aye

Magowan – Nay

Van Dreser – Aye

Commissioner Lobdell – Aye

Commissioner Grant – Aye

Commissioner Ahern – Aye

The MOTION carried on a 5-1 vote.

Commissioner Ahern/Commissioner Lobdell 2nd made a MOTION to recommend Village Board approval to add Bed and Breakfasts as an allowable use in the Linn ETZ, and the roll call vote was as follows:

Aasen – Nay

Todd – Nay

Zils – Nay

Commissioner Lobdell – Aye

Commissioner Grant – Aye

Commissioner Ahern – Aye

The MOTION failed on a 3-3 vote.

After further discussion, the representatives from the Town of Linn requested additional information on how the code amendment matches up with county zoning and also the specific conditions required for operation of a bed and breakfast.

Aasen/Zils 2nd made a MOTION to table the item until the next monthly meeting and ask staff to provide information on whether the amended ordinance matches the county zoning and also the specific conditions for a bed and breakfast, and the roll call vote was as follows:

Aason – Aye

Todd – Aye

Zils – Aye

Commissioner Lobdell – Aye

Commissioner Grant – Aye

Commissioner Ahern – Aye

The MOTION carried on a 6-0 vote.

Adjournment ETZ Members

Magowan/Rohleder 2nd made a MOTION to adjourn the Town of Walworth and Town of Linn ETZ meeting, and the MOTION carried without negative vote.

Plan Commission Recommendation on Amendment to Zoning Code Sect. 18-246(g) regarding Conditional Use Permit

Commissioner Lobdell/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the zoning code amendment to Section 18-246(g) regarding conditional use permit, and the MOTION carried without negative vote.

Plan Commission Recommendation on Conditional Use Permit Application Filed by Southbound Development, LLC, for Parcel SOP 00052, 138 Fontana Boulevard for Outdoor Boat Display

Commissioner Ahern/Commissioner Lobdell 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit application subject to the conditions in staff's memo, and relay to the Board the concern about the length of the boat display, and the MOTION carried without negative vote.

Adjournment

Commissioner Lobdell/Commissioner Frazier 2nd made a MOTION to adjourn the meeting at 6:15 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: 06/24/19