

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

(Final Minutes)

SPECIAL MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Thursday, June 15, 2023

Chairman Petersen called the special meeting of the Plan Commission to order at 4:00 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: Pete Davis, Kevin Day, Kevin Day (Lowell Custom Homes), Rick Donner, Nicholas Jayne, Cary Kerger, Sonja Kruesel, Theresa Loomer, Scott Lowell, Drew Lussow, Jackie Mich, Erik Olsen, Allison Schwark, Erica Schwarz, Terry Tavera, Dale Thorpe

Plan Commission General Business

Proposed Planned Development Rezone and Condominium Development (Residences on Geneva Lake) Located on Tax Parcels SOP 00039, SOP 00041, SOP 00042, & SOP 00043 Filed by Abbey Provident Venture LLC, 1776 S. Naperville Road, #204B, Wheaton, IL 60189

Attorney Thorpe stated he hoped everyone had a chance to read and review the materials and now would be the best time to bring any questions, suggestions, or comments about the project forward. Attorney Thorpe also stated that the Village Planner is present and available to give their input from a planning perspective. Attorney Thorpe then asked if Mr. Lowell would like to say anything first. Mr. Lowell stated he believed a second public hearing would not be required based on having one already and now answering the Commissions questions at this meeting. Attorney Thorpe stated that the hearing has already been set and that the situation was explained to them at the last public hearing as to why a second one is needed. Attorney Thorpe then stated that we failed to hear much from our Village Planners at the last meeting and asked if they had any comments, feedback, or concerns on the project. Village Planners Sonja Kruesel and Jackie Mich gave a brief breakdown of what has been submitted for the project. Planner Mich stated that the current submittal is a request for a planned development which contains 17 residential and two commercial units in the project. The applicant plans on completing a certified survey map to combine the parcels they acquired for the proposed planned development and as such would allow them some flexibility when it comes to zoning standards. Planner Mich also stated that based on their proposal there would be a total of five separate buildings with three being completely residential in nature and the two closest to Fontana Boulevard containing one unit of commercial space each. Planner Mich elaborated that the Village's Master Comprehensive Plan states that the zoning for this area is listed as central mixed use and encourages if there is residential it is reserved for the upper story while there is some first floor commercial. Planner Mich also stated that this encourages offices, pedestrian traffic, commercial spaces, all to enhance the Village's downtown district. Attorney Thorpe then added to the discussion that based on his review that the applicant is also asking for some flexibility for their application. Some of these requests include a flexibility on the amount of greenspace for the project, a reduction of the side setback on Block 3, and a reduction on the pavement setback for the project. Attorney Thorpe also stated that based on the Village Center zoning of the area there are no requirements for parking as the zoning encourages walkability and a vibrant down-town area with usually a pedestrian orientated design. Lastly, Attorney Thorpe added that the project does provide for ample landscaping and includes some parking which the applicant acquired through a separate purchase of a lot to help appease some concerns that they heard from residents regarding the parking situation. Commissioner Ahern raised a question regarding the retaining wall and asked how tall it would be from the sidewalk as a person walking next to it. Pete Davis on behalf of the Abbey Provident answered that question by stating that at its highest point the retaining wall would measure a height of 6 feet 2 inches higher

than the sidewalk. Commissioner Ahern asked if that height included a fence or if that is without the fence. Pete Davis stated that it is without the fence addition. Commissioner Wilson made a comment about the retaining wall and offered a suggestion on how to improve it and brought her own renders to share with the applicant. She stated that this development should be open to the Village and be a part of it and not feel like something that is walled off from the rest of the boulevard. Scott Lowell addressed her comment by stating the land here is not great and in order to allow for leveling and proper sloping of the proposed building they had to raise it up and thus necessitated a need for the retaining wall. Attorney Thorpe raised a question about potential digging further down for the leveling or sloping of the project, but Mr. Lowell said the ground is not the most ideal for building and could lead to further sinking problems, much like the safety building across the street. In addition, if they were to dig down it would also eliminate some of the garage space for some of their units and they were not willing to sacrifice that portion of the project. Commissioner Trustee Pappas then asked a question regarding the side setbacks and about an area on one of the site plans that seems to bump out into it. Village Planner Kruesel stated that the Abbey is asking for flexibility in regard to the side setback to 5 feet for the setbacks compared to the typical 10 feet which is instituted to help prevent spread in case of fire or other disasters. However, the side bump out would encroach well into the 5 feet and would need to be amended since it is measured from the foundation and is not a permissible intrusion. Commissioner Laing made a comment about the imposingness of the height of the project and said she wasn't sure if we need a huge condominium project and number of buildings right off the main road of our downtown area. She also stated how it would seem to engulf all the other buildings on the road in comparison. Commissioner Trustee Pappas asked for the Village Planners' opinions on how the project currently fits in with the Village's Comprehensive Master Plan. Planner Kruesel responded that she believes the Abbey has feasible and substantial compliance with the Village's Comprehensive Master Plan however there are aspects to the plan she feels could also be added to and expounded on to further additional compliance. Owner Cary Kerger then spoke about how the project has been trying to speak with as many Board Members, Committee Members, Department Heads, and others to accomplish the most optimal results for this project. Kerger also stated that his plan for this project was to invoke pedestrian friendliness since he understands that parking could be an issue, but it is not the responsibility of the applicant to provide for the retail parking that the Village and residents continue to ask for and that was supported by the study the Abbey Provident had conducted to find what would be the most profitable and efficient use of this proposed property. Commissioner Ramljak asked a question regarding her concerns about the density of the project and the planned construction potentially having to take place during the summer which is the busiest season in the Village. Chief Cates addressed some of the concerns by stating that he believes traffic will be busy regardless of project or not and he and his staff are well prepared and equipped to handle it. Commissioner Laing asked if the applicant had thought of potentially using all the spaces as a "flex" space with options for retail or residential depending on the need of the community. Thorpe explained that zoning determines what can be built and used for in that space. Which then raised questions if Abbey Provident or any owner of a condominium unit would then try and convert the space into a short-term rental. Kerger stated they want to keep the short-term rental option on the table. Commissioner Lobdell and Laing expressed concerns about the overall size of the project and how it could impact the soil and surrounding areas, creating issues for neighbors and their land. Lowell addressed those concerns and stated that their engineers have taken precautions to ensure that the buildings would not have a negative impact on surrounding areas. Commissioner Ramljak asked to have one final statement and asked if a commercial unit isn't added here then where else can the Village look to have it in the future and stated that once a space is used as residential very rarely does it convert back into anything else. Commissioner Laing stated that while the Abbey Provident continues to refute having more commercial space, she counted at least 14 new businesses opening and thriving in the Fontana area and stated that the residents love to support their local businesses and that if they added the space, she was certain that it would be profitable for them. With no other comments, Attorney Thorpe asked the developer if they plan to address the bump out concerns raised by Commissioner Trustee Pappas and have updated

paperwork submitted prior to the second public hearing scheduled for June 26, 2023. The developer stated they would work to make sure those edits are made. Chairman Trustee Petersen then asked for a motion to adjourn the meeting.

Adjournment

Commissioner Lobdell/Commissioner Ramljak 2nd made a MOTION to adjourn the meeting at 5:18 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: 09/25/2023