

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

VIRTUAL MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, June 28, 2021

Trustee Petersen called the virtual meeting of the Plan Commission to order at 5:30 pm.

Plan Commissioners present by phone: Cindy Wilson, George Spadoni, Sarah Lobdell, Trustee Petersen, Bob Ahern

Plan Commissioners absent: Bob Kirkland

Also Present: Chief Cates, Kevin Day, Christina Green, Joan Hastings, Kim Howarth, President Kenny, Theresa Loomer, Mike Putrich, Jennifer Robson, Bonnie Schaeffer, Mike Slavney, Stephanie Smith, Nona Sorren, Dale Thorpe

Visitors Heard

None

Approve Minutes

June 1, 2021

The minutes from June 1, 2021 meeting were distributed.

Commissioner Prudden/Commissioner Lobdell 2nd made a MOTION to approve the minutes from the June 1, 2021 meeting, and the MOTION carried without negative vote.

Plan Commission Public Hearing

Conditional Use Permit Application Filed by Peter and Jennifer Robson to Build a Guest House on the Property Located at 221 Dade Road (Lot 1 Deer Valley Road)

The public hearing was opened at 5:33 pm. Attorney Christina Green was present on behalf of Peter and Jennifer Robson. The Robson's have applied for a conditional use permit to build an accessory dwelling unit. The zoning for the property is SR-1. The property is part of a two lot CSM that was approved in 2009. As part of the certified survey map that was approved in 2009 there was a depicted site disturbance area, and this proposed dwelling would be built within the site disturbance area. The proposed conditional use permit is to construct a one-story single-family accessory dwelling unit that is less than 1500 square feet, and the maximum building height is eighteen feet. Under the SR-1 zoning district one accessory dwelling unit is permitted per site. The principal building will be owner occupied and the accessory dwelling unit will be occupied by family members. Green stated the proposed accessory dwelling unit follows all of the Village zoning ordinances and on behalf of her clients Peter and Jennifer Robson would ask for approval. Village Planner Mike Slavney stated he has reviewed the application and agrees that all requirements for the regular conditional use permit, accessory structure and accessory dwelling unit have been met. Mark Robinson, 218 Dade Road, stated he had some concerns with the proposed unit becoming a rental and the increased amount of traffic with the dangerous intersection. John Gross, 253 Dade Road, had concerns with granting approval of the conditional use permit if this would allow the proposed unit to be rented as an air bnb. Gross expressed concern over the dangerous intersection and people not familiar with the area navigating the intersection. Mike Lebeau, 115 Lake Vista Circle, had questions regarding rental of the property and the number of trees being removed. Attorney Green stated a conditional use permit has no traffic requirements. The public hearing was closed at 5:52 pm.

Conditional Use Permit Application Filed by William Ring on Behalf of Big Foot Country Club for Major Outdoor Food and Beverage Seating at 770 Shabbona Drive

The public hearing was opened at 5:56 pm. Attorney Kim Howarth was present on behalf of Big Foot Country Club and the application is for a conditional use permit for major outdoor food and beverage seating. Howarth stated in late 2020 a conditional use permit application was submitted to the Village, and it was later determined the application was incomplete. In completing the application, it was discovered the current patio also needs a conditional use permit, so it complies. The members of Big Foot Country Club desire to have additional outdoor dining area because of the pandemic. The proposed patio pavers will match the existing patio pavers and provide some additional handicap accessibility. The closest residential property is located two hundred and sixty-six feet from the proposed patio. Sloping areas will have rock retaining walls constructed. Howarth stated he was advised the application is in conformance with Village ordinances and rules. The proposed lights are twenty-two inches and downward facing. The landscaping will keep with what is there currently and is lush and in good taste. The patio will have seating for one hundred fifty people and have reduced operating hours from 7:00 am to 11:00 pm. Howarth stated Big Foot Country Club is asking for approval of the 2014 patio and proposed patio addition for the purpose of outdoor food and beverage service. Howarth explained the concerns raised by neighbors were addressed in a meeting with them. Randi Wille, 237 Jensen, stated many of his concerns were addressed in the meeting with Big Foot Country Club, however he believes there needs to be some conditions placed on the conditional use permit. Included in the record is a five-page memo from Village Planner Mike Slavney dated June 23, 2021, and two written objections received from Nona Sorren and James Entwistle. The public hearing was closed at 6:10 pm.

Plan Commission Business

Plan Commission Recommendation on Conditional Use Permit Application Filed by Peter and Jennifer Robson to Build a Guest House on the Property Located at 221 Dade Road (Lot 1 Deer Valley Road)

Commission members questioned the concerns raised regarding rental of the unit. Slavney explained the proposed accessory dwelling unit complies with ordinance requirements and the Village is not able to prohibit short term rentals.

Trustee Prudden/Commissioner Spadoni 2nd made a MOTION to recommend Village Board approval of the conditional use permit application filed by Peter and Jennifer Robson to build a guest house on the property located at 221 Dade Road, subject to the following staff recommendations:

- a. The principal building must be owner-occupied.
- b. The accessory dwelling unit shall not be sold separately from the principal dwelling or the remainder of the property.
- c. Approval is based on the building plans dated 05-19-2021 and the site grading plan dated 06-14-2021.
- d. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
- e. An as-built survey shall be required depicting the location, size and height of the completed structure.

The MOTION carried without negative vote.

Plan Commission Recommendation on Conditional Use Permit Application Filed by William Ring on Behalf of Big Foot Country Club for Major Outdoor Food and Beverage Seating at 770 Shabbona Drive

Commissioner Spadoni/Trustee Prudden 2nd made a MOTION to recommend Village Board approval of the conditional use permit application filed by William Ring on behalf of Big Foot Country Club for major outdoor food and beverage seating at 770 Shabbona Drive, subject to the following staff recommendations:

- a. The conditional use permit be evaluated by the Village Plan Commission in the fall or winter of 2022 to determine whether the standard requirements of the Zoning Ordinance have been sufficient to control operational impacts, and whether additional requirements should be imposed such as reduced hours of operation and requirements for additional physical buffering such as fencing, berming or evergreen landscaping.
 - b. Any other conditions identified by the Village Staff, Plan Commission or Village Board.
- The MOTION carried without negative vote.

Plan Commission Recommendation on Amending Zoning Code Section 18-40.I. The Abbey Resort Subdistrict and 18-56(r) Regarding Commercial Land Uses for Resort Hotel – Tabled 6/7/21

Village Planner Mike Slavney stated he is still in discussions with the Abbey.

Commissioner Spadoni/Trustee Prudden 2nd made a MOTION to table the amendment to zoning code section 18-40.I. The Abbey Resort Subdistrict and 18-56(r) Regarding Commercial Land Uses for Resort Hotel, and the MOTION carried without negative vote.

Consider Action – Recommendation to the Village Board per Wisconsin Statutes Section 62.23(5) as to Proposed Acquisition of an Easement Title Interest from Abbey Springs for Permanent Storm Water Management Purposes

Attorney Dale Thorpe stated the State Statutes require the Plan Commission to give a recommendation to the Village Board.

Commissioner Spadoni/Commissioner Lobdell 2nd made a MOTION to recommend approval to the Village Board as to the proposed acquisition of an easement title interest from Abbey Springs for permanent storm water management purposes, and the MOTION carried without negative vote.

Amendments to Section 18-177 Regarding Tree Preservation Requirements – Set Public Hearing

Commissioner Spadoni/Commissioner Lobdell 2nd made a MOTION to set the public hearing for July 26, 2021, and the MOTION carried without negative vote.

Amendments to Section 18-84(7)b. Regarding Accessory Structures – Set Public Hearing

Commissioner Spadoni/Commissioner Wilson 2nd made a MOTION to set the public hearing for July 26, 2021, and the MOTION carried without negative vote.

Adjournment Plan Commission

Commissioner Spadoni/Trustee Prudden 2nd made a MOTION to adjourn the Plan Commission meeting at 6:23 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: 07/26/2021