

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

**(Final Minutes)**

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

**Monday, September 25, 2023**

Village Clerk Lussow called the monthly meeting of the Plan Commission to order at 5:00 pm on September 25, 2023 in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Trustee Rick Pappas, Cindy Wilson, Sarah Lobdell, Bob Ahern, Lisa Laing, Tara Ramljak

**Plan Commissioners absent:** Chairman Trustee Pete Petersen

**Also Present:** Sonja Kruesel, Theresa Loomer, Drew Lussow, Allison Schwark, Carol Whowell

**Visitors Heard**

None

**Elect Chairperson Pro-Tem**

Due to the absence of Chairman Trustee Petersen a chairperson pro-tem was needed to be appointed for the meeting. Village Clerk Lussow asked for one of the Plan Commissioners to make a motion to appoint a chairperson pro-tem.

Commissioner Wilson/Commissioner Ahern 2nd made a MOTION to appoint Commissioner Lobdell as Chairperson Pro-Tem for the meeting, and the MOTION carried without negative vote.

**Approve Minutes May 30, June 15, June 26, and August 28, 2023**

The minutes from the May 30, June 15, June 26, and August 28, 2023, meetings were distributed.

Commissioner Laing/Commissioner Pappas 2nd made a MOTION to approve the meeting minutes for the May 30, June 15, June 26, and August 28, 2023 meetings, as presented, and the MOTION carried without negative vote.

**Plan Commission Public Hearing**

**Ordinance Creating Sections 18-65(i) and 18-38(f)(10) and Amending Section 18-54 Regarding Temporary Parking Standards**

The public hearing opened at 5:01 pm. Village Planner Sonja Kruesel stated that the proposed ordinance pertains to the CUP application that is also on the agenda for approval. Village Planner Kruesel stated that the creation of this ordinance would provide a new land use in the Village Center (VC) zoning district and would allow for approval of the corresponding CUP application and any other future applications that might be submitted that meet the same criteria within the VC district. Village Planner Kruesel explained that the land use that is being created would provide for temporary parking on either grass, gravel, or an unpaved surface for 150 consecutive days or less within this zoning district. Caroll Whowell spoke in favor of the creation of the ordinance stating that her family owns a vacant lot across from the gas station and that they have received requests to use the lot for parking many times over the years especially during the busier summer months. Commissioner Lobdell asked if anyone else in attendance had anything to say on the subject whether for or against the proposed change. With no one else speaking on the topic, the public hearing was closed at 5:12 pm. Commissioner Lobdell asked if anyone on the Commission had any questions regarding the proposed change. Commissioner Wilson asked if there were any ways to allow Ms. Whowell's request without adopting the ordinance and to take any future requests from residents on a case-by-case basis to prevent everyone in that zoning district from trying to take advantage or abuse the Village Center zoning. Commissioner Wilson also brought up that if we approve this ordinance then what would prevent people from creating unpleasant views in the VC with vehicles parking all over the grass when they wanted. Village Planner Kruesel followed up by stating that while a potential con of

approving this ordinance could be that at times there might be aesthetically displeasing parking in the VC it would only be if the policy were to be abused. Attorney Thorpe stated there isn't a current mechanism in place to allow the Village to approve Ms. Whowell's request without having the code change and that this change would only be applicable to parking in the VC zoning. Attorney Thorpe mentioned that he didn't believe that there were too many residential or commercial properties in the VC that would meet the criteria to allow for them to have parking on the grass. Attorney Thorpe lastly reiterated that the intended use for approval of this ordinance is to allow extra parking in summer months when parking is scarce. Village Planner Kruesel stated that this came out of consensus of approval by the village staff group and that she too believes it would help alleviate summer parking issues and provide a proper avenue in place to have this kind of parking be properly permitted in the Village.

**Conditional Use Permit Filed by The Who Corporation / James Whowell for Seasonal Boat Display and Temporary Off Street and Offsite Parking for the Property Located at 102 W. Main Street**

The public hearing was opened at 5:13 pm. Village Planner Kruesel stated that this application is a request by The Who Corporation / James Whowell to allow for a seasonal boat display and temporary off street and offsite parking at the property located at 102 W. Main Street. This request can now be considered due to the Plan Commission approving the previous ordinance to allow for the new land use in the Village Center (VC) zoning. Carol Whowell stated that she supports the application and that their CUP request is to accommodate their employees and allow their employees during the "busy" season to park offsite and walk down to work if no parking is available in the regular parking areas. Ms. Whowell also mentioned the possibility of potentially putting down a pervious blacktop surface near the grass where people would park to allow for proper drainage and to help try and keep as much green space available as possible in the Village Center area. Commissioner Trustee Pappas stated that he believes this is the third time that the Whowell's have filed this application and asked if we need to keep approving it and having it come back every couple of years. Village Planner Kruesel stated that it is required by ordinance that the request be approved every 5 years. Commissioner Lobdell asked if anyone else had anything to say on the subject whether for or against the proposed change. With no one else speaking on the topic, the public hearing was closed at 5:15 pm.

**Plan Commission General Business**

**Recommendation on Ordinance Creating Sections 18-65(i) and 18-38(f)(10) and Amending Section 18-54 Regarding Temporary Parking Standards**

Commissioner Trustee Pappas/Commissioner Wilson 2<sup>nd</sup> made a MOTION to recommend approval to the Village Board on the ordinance creating sections 18-65(i) and 18-38(f)(10) and amending section 18-54 regarding temporary parking standards, as presented, and the MOTION carried without negative vote.

**Recommendation on the Conditional Use Permit Filed by the Who Corporation / James Whowell for Seasonal Boat Display and Temporary Off Street and Offsite Parking for the Property Located at 102 W. Main St**

Commissioner Laing/Commissioner Ramljak 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Conditional Use Permit filed by the Who Corporation / James Whowell for seasonal boat display and temporary off street and offsite parking for the property located at 102 W. Main Street, as presented, and the MOTION carried without negative vote.

**Discussion Regarding Procedures for Abbey Townhome Project**

Commissioner Laing stated that she requested to have this topic placed on the agenda. Commissioner Laing stated that her intent of asking to this on the agenda was to gain a better understanding about the procedures for all planned development applications but also had questions

about if the Abbey Provident's (APV) most recent planned development process went about normally compared to others or if there was something different about this process since the Village Board approved it after the Plan Commission voted against it. Attorney Thorpe attempted to clarify the roles between the Village Board and Plan Commission and address any concerns about the split between them. Attorney Thorpe stated that the most recent plan development request and process overall mirrored how others went that he has been a part of and that he felt like staff and the Plan Commission did a very thorough job in reviewing the application. Attorney Thorpe explained that a previous version of the zoning code required the Village Board to send an item back to the Plan Commission for a second review before the board could vote against an application the Plan Commission had recommended in favor of. Attorney Thorpe stated that while it is unusual for the Village Board to take action opposed to what Plan Commission recommends the Village Board is not bound by the Plan Commission recommendation and can proceed with something even if the Plan Commission recommends against it. Attorney Thorpe mentioned that this process is defined by the Village's code book which gives the Board this power. Attorney Thorpe stated however that village staff must deem applications complete before it can move forward and even be presented to the Plan Commission and Village Board, but that doesn't always prevent early concept ideas and plans from being requested to be placed on agendas. Attorney Thorpe felt a lot of these issues could be circumvented in the future by including both the Plan Commission and Village Board at the same concept review meetings. Commissioner Trustee Pappas stated he was disappointed with the Village Board decision and that the Plan Commission put a lot of work and review into the application process and gave the Village Board a recommendation based on their extensive review and felt that the Board didn't ask enough questions or consider their time since they made a total opposite decision. Commissioner Laing made a comment about having these projects come to the Plan Commission first rather than the Village Board since that is proper procedure and if the applicants want the Village Board's opinion, then the Plan Commissioners should be invited to those meetings as well so both groups have a chance to see it first at the same time. Zoning Administrator Schwark agreed with Commissioner Laing, and she mentioned that staff review it to make sure it is ready for Plan Commission and once Plan Commission makes the recommendation then the Board can review it. Attorney Thorpe stated while that makes sense, he also understands why the applicants ask to go to the Village Board first since they are the final vote, and as a practical matter, many applicants do not want to waste time or money on a project if the end result is the project is denied. Commissioner Ramljak suggested we make concept review on big projects both combined with the Plan Commission and Village Board, or the Plan Commission could invite Board when certain projects request or call for it. Commissioner Ramljak believes that more joint meetings will lead to better harmony and balance between the two bodies. Attorney Thorpe asked if the Plan Commission would like him to draft a letter to send to the Village Board to address the concerns raised by the Plan Commission members. It was the direction of the Plan Commission to have Attorney Thorpe work on a draft letter and distribute it amongst staff and the Commission upon completion.

### **Adjournment**

Commissioner Lobdell/Commissioner Ahern 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:59 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: 10/30/2023