

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

(Final Minutes)

JOINT MEETING of the VILLAGE OF FONTANA PLAN COMMISSION & SPECIAL
MEETING of the VILLAGE OF FONTANA VILLAGE BOARD
Monday, October 24, 2022

Chairman Petersen called the monthly meeting of the Plan Commission to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Trustee Pappas called the special meeting of the Village of Fontana Village Board Meeting to order at 5:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners Present: Cindy Wilson, Tara Ramljak, Chairman Petersen, Lisa Laing, Bob Ahern

Plan Commissioners Absent: Sarah Lobdell

Trustees Present: Trustee Livingston, Trustee Pappas, Trustee Petersen, Trustee O'Neill

Trustees Absent: President Kenny, Trustee McGreevy, Trustee Marek

Also Present: Suzy Brady, Kelly Clow, Melissa Corey, Kevin Day, Attorney Donner, Mary Kay Frazier, Mary Beth Hicks, Cary Kerger, Jim Kutill, Sonja Kruesel, Bonnie Liptak, Theresa Loomer, Scott Lowell, Drew Lussow, Kathy Perkins, Wally Perkins, Mike Puttrich, Cherie Setteducate, Stacy Silversen, Dale Thorpe

Elect President Pro-tem

Trustee Livingston/Trustee O'Neill 2nd made a MOTION to elect Trustee Pappas as the president pro-tem for the meeting in President Kenny's absence, and the MOTION carried without negative vote.

Visitors Heard

Many visitors were in attendance, but all chose to speak during the public hearing portion of the meeting in regard to the proposed text amendments to the Village of Fontana's Comprehensive Plan.

Approve Minutes

September 26, 2022

The minutes from the September 26, 2022, Plan Commission meeting were distributed.

Commissioner Wilson/Commissioner Ahern 2nd made a MOTION to approve the minutes from the September 26, 2022, Plan Commission meeting, and the MOTION carried without negative vote.

Public Hearing

Plan Amendments to the Village of Fontana's Comprehensive Plan - Regarding Proposed Text Amendments to the Central Mixed Use Land Use Category

Chairman Petersen opened the public hearing at 5:03 pm. Village Attorney Thorpe gave a brief background of the matter being presented and then turned it over to Attorney Donner who was representing the applicant, Abbey Provident Venture. Attorney Donner began his presentation by explaining to the Plan Commission and Village Board that the Abbey Provident's application seeks to amend the Village of Fontana's Comprehensive Plan Central Mixed Use land category text by removing references to "second story" and "upper story" residential uses. Attorney Donner stated that most of the changes strike language in the text that would allow their planned development application for townhomes to move forward. Attorney Donner then turned it over to Jim Kutill who the Abbey Provident hired to prepare a market analysis of the land in question and the best uses for said land. Mr. Kutill explained that he and his firm have prepared a market plan for the property. Based on the data he and his firm collected he felt that the best use for this land would be to develop

for residential use. Mr. Kutill mentioned that his analysis suggested that the buying power in this market could not support a business and that if the space was developed as such it would eventually lead to a For Rent building that would sit vacant. The factors that Mr. Kutill mentioned that impacted this assessment included the seasonal residents, the lack of a downtown/parking area for visitors, and lastly the competition that businesses might face from Lake Geneva. Wally Perkins, a resident at 834 S. Lakeshore Dr. and owner of the Little Bar, along with his wife Kathie, asked Mr. Kutill if he spoke to any surrounding businesses or business owners in the area to get an idea of how they are doing and if that was taken into account when preparing the study. Mr. Kutill explained it was only discussed with brokers and potential investors who might help fund or be interested in contributing to the property. Melissa Corey, 102 Montague, asked a question regarding the parking situation and how it could impact the Village. Cary Kerger answered this question by stating that all parking can still be accomplished on site and that the current project concept would not cause any parking issues since this lot was always used as an overflow lot for excess parking and staff. This led to resident, Kelly Clow, 1019 Tarrant Drive, following up with a question of her own. Ms. Clow asked how much rent per square footage would be necessary should a retail business look to obtain the space. This was answered by stating that the study showed that the Abbey Provident could increase overall profits better with a residential unit of the space per square foot than what would be required for a retail space per square foot. Stacey Silverson (no address stated) stated that retail in this Village supports one another and although the data might show one thing, she believes that a retail space would thrive here due to the great support of other local businesses and strong relationship with local customers. A few more residents, Cherie Setteducate, 418 Wauban Drive; Bonnie Liptak, 846 Sauganash Drive; Mary Beth Hicks, 996 Tarrant Drive, and Suzy Brady, 221 Reid Street; also spoke and added comments that they were opposed to the idea of adding more residential in that area and would like to see the pursuit of a retail sector first since it would be harder to change it to a retail once it has been approved as a residential. After a majority of the questions and comments from the public who attended had been addressed, the Village's Planner, Sonja Kruessel presented the plan commission options based on her expertise. First, Ms. Kruessel gave some background on the application submitted by Abbey Provident and some concerns from her standpoint. She stated that while this meeting is only regarding the text amendments that some issues such as density, volume, parking, and setbacks would raise other issues down the line. She also presented two compromise options that had not been brought up prior. These compromises included a residential property with a retail first floor, or have it built as a "retail ready" property in the case a retail option becomes viable. Attorney Donner was then afforded the last word on the matter prior to the public hearing being closed. Attorney Donner reiterated that based on the market study he does not see how a retail property would thrive and that a residential building as proposed would be the best option. He did include that the Abbey Provident wishes to work with the Village and would potentially be adaptable to one of the compromises that was first mentioned tonight and interested in further discussions working toward that. As a matter for the record the Village also took notice that five separate letters were written into the Village on behalf of residents who could not attend the meeting in person but were in opposition to the proposed text amendment change. These residents included: Mr. Peter Graves who resides at 221 2nd Ave; Mr. and Mrs. Michels who reside at 234 3rd Ave; Mr. and Mrs. Zabowski who reside at 344 Church Dr.; Ms. Kolder who resides at 1020 S Lakeshore Dr; and lastly Mr. and Mrs. Vilona who reside at 879 Van Slyke. Chairman Petersen thanked everyone for their time and for all the discussions. He then had the public hearing closed at 5:50 pm.

Plan Commission General Business

Plan Commission's Adoption of Resolution Recommending Plan Amendments to the Village of Fontana's Comprehensive Plan - Regarding Proposed Text Amendments to the Central Mixed Use Land Use Category

Attorney Thorpe summarized what he believed has been discussed up to this point regarding the agenda item. He stated that the Village has the ability to review the Comprehensive Plan

amendments. If the Plan Commission should vote to deny the amendments, then the current application dies and no further action would be necessary, if it received a favorable vote, it could then go to the Village Board to discuss for further action. Thorpe then explained that compromise positions could also be discussed and entertained at this point as well if they wish to pursue that route. Thorpe lastly mentioned that if it did make it to the Village Board that it most likely would need to come back at a future meeting for final discussion and approval of the zoning documents. Commissioner Wilson/Commissioner Laing 2nd made a MOTION to adopt the resolution 102422-01, as submitted, and deny the applicants proposal to amend the Village of Fontana's Comprehensive Plan regarding the text amendments to the central mixed use land use category, and the MOTION carried without negative vote.

Village Board General Business

Village Board's Adoption of Ordinance Approving Plan Amendments to the Village of Fontana's Comprehensive Plan - Regarding Proposed Text Amendments to the Central Mixed Use Land Use Category

Village Attorney Dale Thorpe stated that due to the decision made by the Plan Commission that it effectively results in a veto of any amendments to the comprehensive plan and therefore a decision does not need to be made by the Village Board since there is nothing for the Village Board to decide. Attorney Thorpe stated this matter can be placed on the next Village Board meeting as an informative update to any other Board members not in attendance and if any future update needs to be provided to any staff.

Adjournment Plan Commission

Commissioner Ahern/Commissioner Ramljak 2nd made a MOTION to adjourn the meeting at 5:56 pm, and the MOTION carried without negative vote.

Adjournment Village Board

Trustee Pappas/Trustee Livingston 2nd made a MOTION to adjourn the meeting at 5:57 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: 01/30/2023