ORDINANCE NO. 120919-03

An Ordinance Amending the Village of Fontana-on-Geneva Lake Zoning Ordinance (and Accompanying Zoning Map)

WHEREAS, CALC Holdings, LLC (the APetitioner@) has petitioned the Village Board of the Village of Fontana-on-Geneva Lake to amend the Village Zoning Ordinance (and accompanying zoning map) with regard to the property described more specifically in Addendum AA@, which said Addendum AA@ is attached hereto and incorporated herein by reference as if set forth at length herein (the AProperty@); and

WHEREAS, the Petitioner has requested a rezone of the Property from the current underlying zoning district to PD, Planned Development District, pursuant to Sections 18-43 and 18-247 of the Municipal Code of the Village of Fontana-on-Geneva Lake; and

WHEREAS, the Petitioner has submitted a combined General Development Plan and Precise Implementation Plan, a summary of which is set forth on Addendum AB@, which said Addendum AB@ is attached hereto and incorporated herein by reference as if set forth at length herein, in conformity with the procedures of the Village of Fontana-on-Geneva Lake. Said combined General Development Plan and Precise Implementation Plan is incorporated herein by reference as if set forth at length herein; and

WHEREAS, said petition was referred to the Plan Commission for the Village of Fontanaon-Geneva Lake for a public hearing and recommendation as required by the Village Municipal Code and by Section 62.23 Wis. Stats.; and

WHEREAS, the Plan Commission, after due notice, did conduct a public hearing on the proposed amendment to the zoning ordinance (and accompanying zoning map) and did make required findings and a favorable recommendation to the Village Board for the Village of Fontana-on-Geneva Lake as to the proposed rezone of the property and the combined General Development Plan and Precise Implementation Plan; and

WHEREAS, the Village Board of the Village of Fontana-on-Geneva Lake, having given due consideration to the findings and recommendation of the Plan Commission and the submittals made by the Petitioner and the combined General Development Plan and Precise Implementation Plan, do make the determinations set forth herein.

NOW, THEREFORE, the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1. Incorporation of Recitals; Findings.

1. <u>Incorporation of Recitals.</u> The recitals set forth above are incorporated herein by reference as if set forth at length herein.

- 2. <u>Findings.</u> The Village Board makes the following Findings in connection with the adoption of this Ordinance:
 - A. The proposed planned development project is consistent with the overall purpose and intent of the Village Zoning Ordinances.
 - B. The proposed planned development project is consistent with the Village's comprehensive plan, as previously amended.
 - C. The proposed planned development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
 - D. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the planned development project, including but not limited to public sewer and water and public roads.
 - E. The proposed planned development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
 - F. The proposed planned development project design does not detract from areas of natural beauty surrounding the site.
 - G. The proposed architecture and character of the proposed planned development project is compatible with adjacent/nearby development.
 - H. The proposed planned development project will positively contribute to the physical appearance and functional arrangement of development in the area.
 - I. The proposed planned development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this chapter.
 - J. The applicant has provided a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

SECTION 2.

The Zoning Ordinance (and accompanying zoning map) of the Village of Fontana-on-Geneva Lake is hereby amended in the following respects:

With regard to the lands described in Addendum "A", attached hereto and incorporated herein by reference, said Village Zoning Ordinance (and accompanying zoning map) is hereby amended from its underlying district(s) to the PD, Planned Development District, pursuant to Section 18-43 and 18-240 of the municipal code of the Village of Fontana-on-Geneva Lake.

SECTION 3. USE REGULATIONS

1. <u>Compliance With The General Development Plan</u>. The use of the Property shall be subject to and in compliance with, the General Development Plan ("GDP") on file with the Village and incorporated herein by reference as if set forth at length herein and those additional regulations set forth in this Ordinance. A summary of said GDP components is set forth on Addendum "B", attached hereto and incorporated herein by reference. To the extent the GDP is inconsistent with the terms of this Ordinance, this Ordinance shall control.

2. Permitted Uses by Right:

A. Single-family dwellings constructed as a single multi-dwelling building as set forth in the GDP.

3. Permitted Accessory Uses:

- A. Private garages as set forth in the GDP.
- B. Any other use normally accessory to a permitted use.
- 4. General Size, Shape and Arrangement of Lots/Units:

The general size, shape and arrangement of dwelling units shall be as set forth more specifically in the GDP.

5. Approved Residential Density:

As set forth more specifically in the GDP, the approved residential density for this project shall be up to five (5) residential units in the locations and in the arrangement set forth more specifically in the GDP.

6. Signage:

Signage requirements shall be included in an approved Precise Implementation Plan or shall comply with the Village sign ordinance.

7. Requested Deviations from Current City Zoning Requirements:

Relief from the terms of the Village Zoning Ordinances is hereby granted per the two following terms:

Maximum Gross Density:	VC – Village Center 5 dwelling units per acre	Approved Deviation 5 dwelling units per .48
Maximum Gloss Density.	5 dwelling units per acre	5 dwening units per .46
		acres

Maximum Front or Street 15 feet, or 8 feet to 30 feet Setback: attached porch

8. <u>Deed Restriction Requirement:</u>

That the GDP shall include a deed restriction whereby the back portion of the Subject Property and located north of the improvements depicted in the GDP shall be restricted against any further improvement or construction, shall be preserved in an undeveloped state, and the trees and shrubs on said restricted area shall be protected and preserved. The benefit of said deed restriction shall run to the Village of Fontana and the Condominium Association for the abutting Cliffs of Fontana Condominium. The deed restriction satisfying this requirement is attached hereto as Addendum "C" and incorporated herein by reference.

SECTION 4. ADDITIONAL ZONING REQUIREMENTS.

All terms and conditions of the Village of Fontana municipal code and the Village of Fontana zoning code and subdivision code not inconsistent herewith are incorporated herein by reference as if set forth at length herein, including future amendments thereto.

SECTION 5. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon and from its passage, approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Lake Geneva, Walworth County, Wisconsin, this 9th day of December, 2019.

VILLAGE BOARD OF THE VILLAGE OF FONTANA-ON-GENEVA LAKE

By: Jakin Kan

Patrick Kenny, Village President

Attest: Theresa Loomer, Village Clerk

"The undersigned does hereby consent to the terms of the Petition and this Ordinance as required by Section 62.23(7)(b) Wis. Stats. and by the Fontana Municipal Code."

CALC HOLDINGS, LLC

By:

Attest:

Addendum "A"

LEGAL DESCRIPTION:

Lot 6 and the East 50 feet of Lot 7, Block 1 of the Assessor's Plat No. 1 of the C.L. Douglass Subdivision, in the Village of Fontana on Geneva Lake, Walworth County, Wisconsin.

Tax Key No: STFV 00176

Address: 120 and 126 W. Main Street

TAKEN FROM CHICAGO TITLE INSURANCE COMPANY POLICY NO. WA-5671. DATE OF POLICY OCTOBER 20, 2015.

Addendum "B" PLANNED DEVELOPMENT: THE MAIN AT FONTANA

APPLICANT: CALC HOLDINGS, LLC

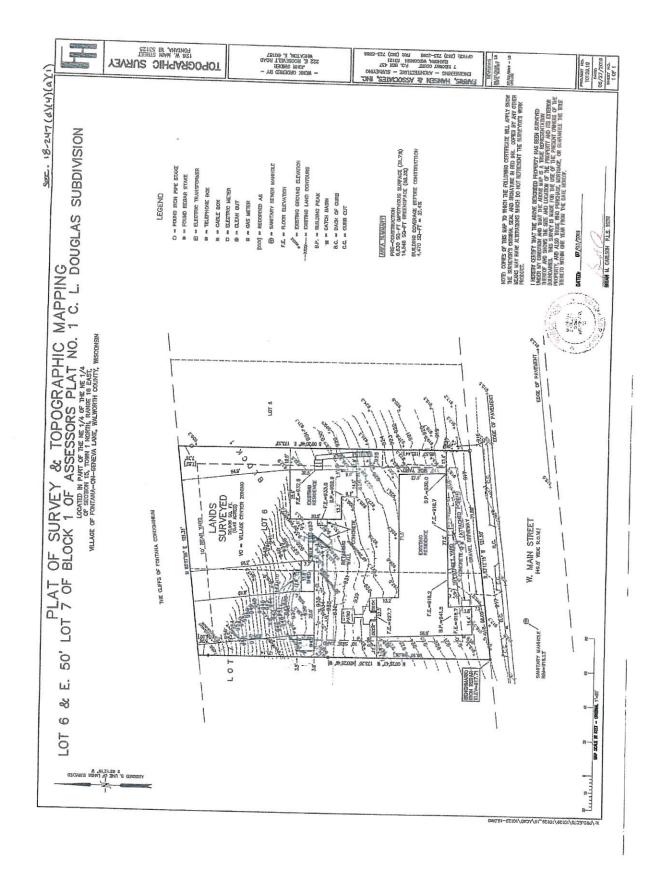
PARCEL: STFV 00176

VILLAGE OF FONTANA-ON-GENEVA LAKE, WALWORTH COUNTY, WI PHYSICAL ADDRESS: 120 & 126 W. MAIN STREET

CONTENTS OF GDP AND PIP SUBMITTAL

Village of Fontana Code Section	Description	Addressed by Applicant	Exhibit				
Sec. 18-247(b)(1)	Application:	Received by VoF: July 9, 2019					
	Planned Development, Rezone & Comprehensive	Received by VoF: July 23, 2019					
	Plan Amendment	Received by VoF: August 6, 2019					
	100 CO-000 CO-000 CO-000 FOR PRODUCTION OF CO	*note: CSM Application: Received by VoF Oct. 23,					
		2019					
Sec. 18-247(d)(1)	Pre-Application Conference	July 1, 2019 with Bonnie Schaeffer July 15, 2019 at Village Staff Meeting					
Sec. 18-247(d)(2)	Concept Plan Review	July 29, 2019 (1 of 2)					
500. 20 247 (4/(2)	Consept Fait Newsear	August 26, 2019 (2 of 2)					
Sec. 18-247(d)(4)(a)(1)	Existing Conditions Map	Plat of Survey; Brian Carlson, Farris, Hansen &	A				
Sec. 10-247 (d)(4)(d)(1)	Existing Conditions Map	Assoc.; Dated 6/14/2019					
		Plat of Survey & Topographic Mapping; Brian	2 pages				
		Carlson, Farris, Hansen & Assoc., Dated 7/3/2019					
Sec. 18-247(d)(4)(a)(1)(i)	Lands within 200' of subject site boundaries GIS Map Overview (color)						
Sec. 18-247(d)(4)(a)(1)(ii)	Names and addresses of owners within 200' of	List	С				
01 to 150 (665) 455(150)	subject site boundaries		200				
Sec. 18-247(d)(4)(a)(1)(iii)	Current Zoning of subject property and adjacent	GIS Map Overview (color)	D				
	properties						
Sec. 18-247(d)(4)(a)(1)(iv)	Existing utilities and recorded easements	Included on Existing Conditions Map	See Exhibit A				
Sec. 18-247(d)(4)(a)(1)(v)	Lot dimensions of subject site	Included on Existing Conditions Map	See Exhibit A				
Sec. 18-247(d)(4)(a)(1)(vi)	Graphic scale with north arrow	Included on Existing Conditions Map	See Exhibit A				
Sec. 18-247(d)(4)(a)(2)(i)&(ii)	PIP Map: Lot layout, arrangements of buildings,	Site, Grading, Drainage & Erosion Control Plan &	E				
	roads, driveways, walkways and parking	Plat of Survey; Brian Carlson, Farris, Hansen &					
		Assoc., Dated 10/31/2019					
Sec. 18-247(d)(4)(a)(2)(iii)	PIP Map: Specific treatment and location of	To be addressed at subsequent Condominium	***************************************				
	recreational and open space areas	Plat submittal (Filing deadline 11/5/2019 for					
	and whendered minutes the set of the	11/25/2019 meeting)					
		* *					
Sec. 18-247(d)(4)(a)(3)	Grading Plan	Site, Grading, Drainage & Erosion Control Plan &	See Exhibit E				
		Plat of Survey; Brian Carlson, Farris, Hansen &					
		Assoc., Dated 10/23/2019					
Sec. 18-247(d)(4)(a)(4)	Specific Landscaping Plan	Sheet A1.0 "Preliminary Site Plan" and Sheet A1.1	F				
		"Preliminary Landscape Plan," T.R. Knapp					
		Architects, with enlarged Plant List Table					
Sec. 18-247(d)(4)(a)(5)	Architectural Plans	Prepared by T.R. Knapp Architects, Revision Date	G				
sec. 18-247(u)(4)(a)(5)	Architectural Plans	7/27/2019					
Sec. 18-247(d)(4)(a)(6)	Engineering Plans	Site, Grading, Drainage & Erosion Control Plan &	18 pages See Exhibit E				
sec. 10-24/(u)(4)(a)(0)	ruRuicettiik Etatis		see EXHIDIT E				
		Plat of Survey; Brian Carlson, Farris, Hansen & Assoc., Dated 12/3/2019					
sec. 18-247(d)(4)(a)(7)	Signage Plans	Not applicable; No signage being requested					
cc. 10-24/(u)(4)(a)(/)	DIBLIGEC FIGUS	nace applicable, tao signage being requested					
ec. 18-247(d)(4)(a)(8)	Written Description	Narrative	Н				
			4 pages				
ec. 18-247(d)(4)(a)(8)(i)	Project themes and images	Color Renderings	ı				
			2 pages				
ec. 18-247(d)(4)(a)(8)(ii)	Specific dwelling types and land uses	Narrative: 5-single family attached townhouses;	See Exhibit H				
		residential use					
ec. 18-247(d)(4)(a)(8)(iii)	Densities and landscape surface ratio	Narrative and Impervious Surface Calculations	J				
was seeden and the transfer		Worksheet	and see Exhibit H				
ec. 18-247(d)(4)(a)(8)(iv)	Parklands and natural features	Not applicable; parkland not proposed; no	I So Eximit!				
		sensitive natural features					
ec. 18-247(d)(4)(a)(8)(v)	Relationship to nearby properties and streets	Narrative	See Exhibit H				
1 (all 1)(all 0)(al	installation in the treat of properties and servets		and evillate II				

Sec. 18-247(d)(4)(a)(8)(vi)	Statistical data	Narrative	See Exhibit H
Sec. 18-247(d)(4)(a)(8)(vii)	Rationale	Narrative	See Exhibit H
Sec. 18-247(d)(4)(a)(8)(viii)	Base zoning standards	Narrative	See Exhibit H
Sec. 18-247(d)(4)(a)(8)(ix)	Phasing Schedule	Not applicable; single phase development	
Sec. 18-247(d)(4)(a)(9)	Agreements, Bylaws, Covenants and other documents	To be addressed at subsequent Condominium Plat submittal (Filing deadline 11/5/2019 for 11/25/2019 meeting)	
Sec. 18-247(d)(4)(a)(10)	Consistency of PIP with GDP	Not applicable; GDP and PIP submittal and approval are running concurrent	
Sec. 18-247(d)(4)(a)(11)	Proof of Financing Capability	Letter dated 7/25/2019 from Providence Bank & Trust	К
Sec. 18-247(d)(4)(b)	Environmental Concerns	Environmental Concerns report	L 3 pages

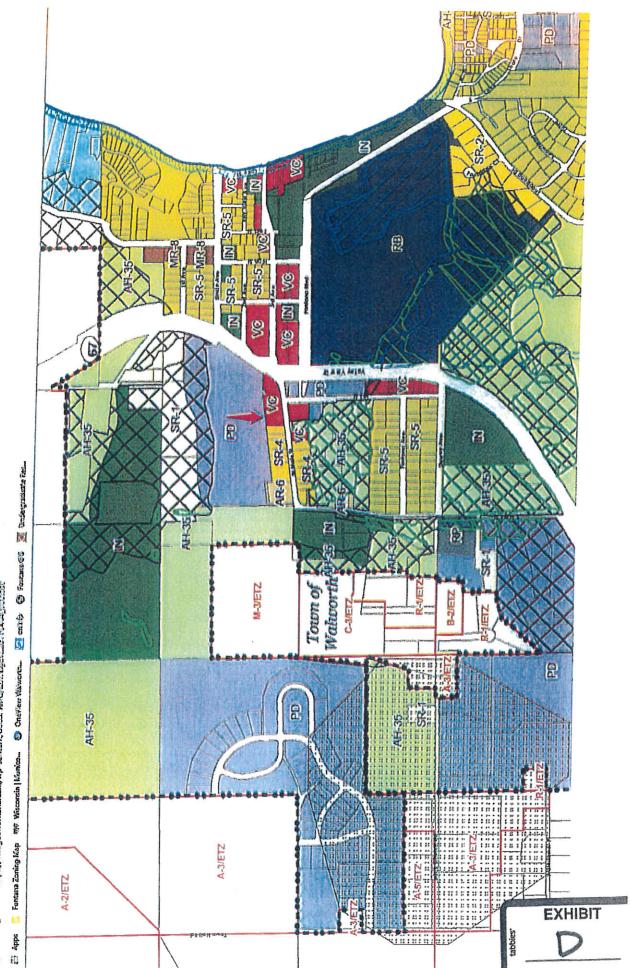


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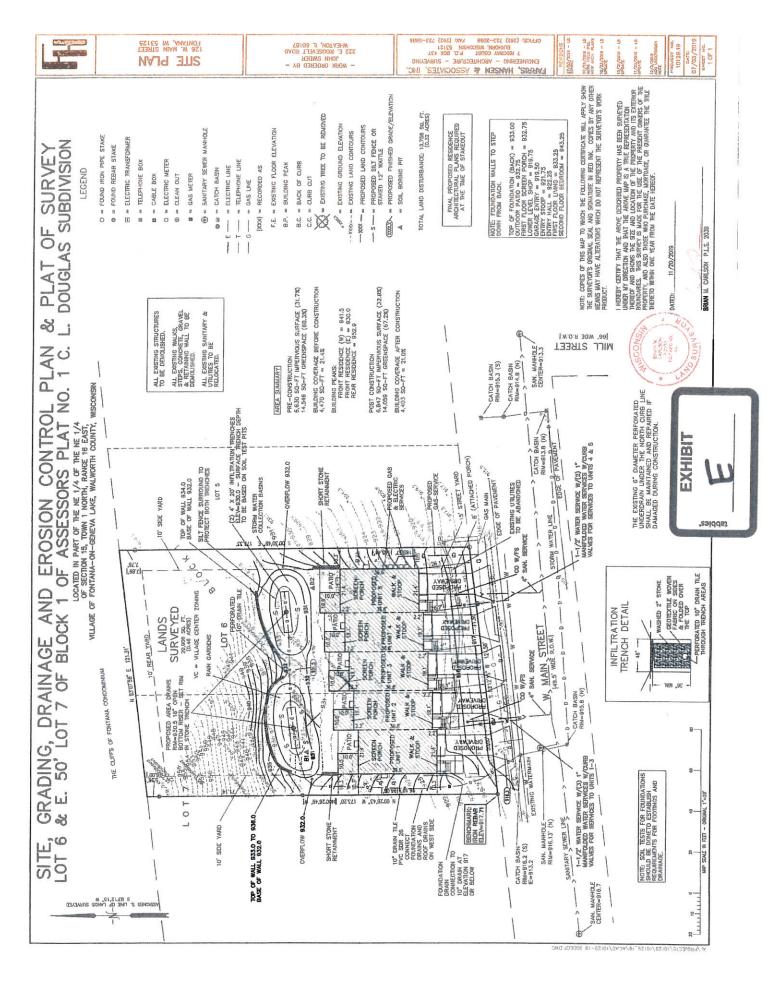
Names and addresses of all property owners within 300 feet of the subject property.

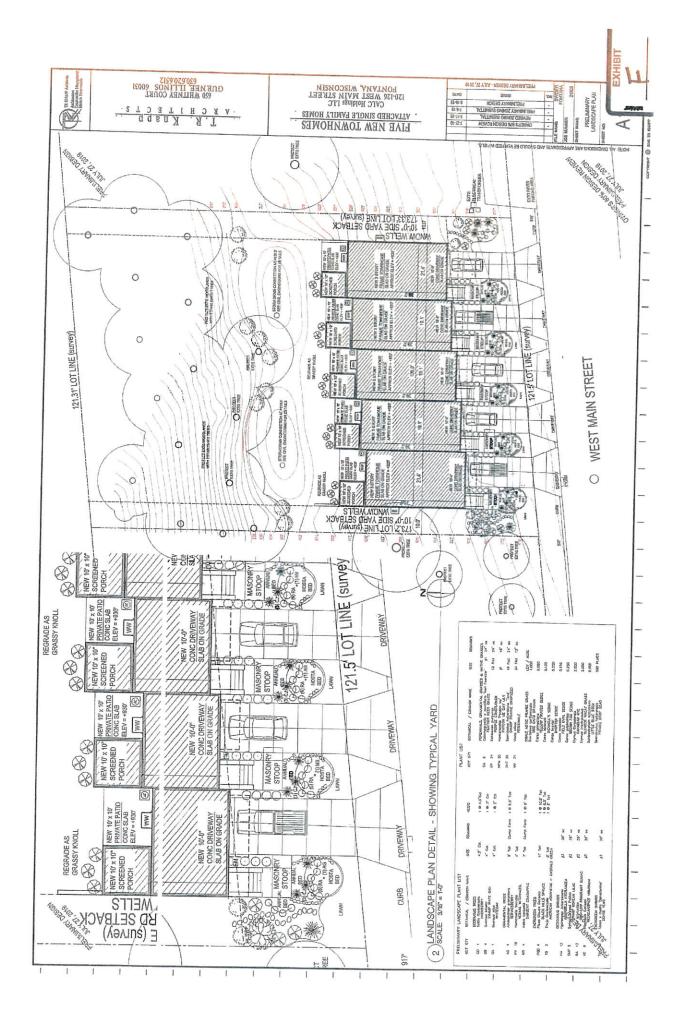
owner	address	city	state	zip code
Current Resident	126 Lake Vista CIR	Fontana	WI	53125
Charles Kapinske	127 Lake Vista CIR	Fontana	WI	53125
FREDERICK M ISELE	4226 Mccune Ave APT 306	Dublin	OH	43017
John Fowler	129 Lake Vista CIR	Fontana	WI	53125
George Sargent	130 Lake Vista CIR	Fontana	WI	53125
Current Resident	131 Lake Vista CIR	Fontana	WI	53125
Curt Volkmann	132 Lake Vista CIR	Fontana	WI	53125
Summer Retreat LLC	133 Lake Vista CIR	Fontana	WI	53125
Joseph Dimaggio Jr.	134 Lake Vista CIR	Fontana	WI	53125
Current Resident	135 Lake Vista CIR	Fontana	WI	53125
Michael Puttrich	136 Lake Vista CIR	Fontana	WI	53125
Karen House	137 Lake Vista CIR	Fontana	WI	53125
Richard Laporte Trust	138 Lake Vista CIR	Fontana	WI	53125
Thomas L Dubinski	139 Lake Vista CIR	Fontana	WI	53125
Jennie Cox Trust	155 Lake Vista CIR	Fontana	WI	53125
Current Resident	156 Lake Vista CIR	Fontana	WI	53125
Thomas Schwalie	157 Lake Vista CIR	Fontana	WI	53125
Michael Wall	158 Lake Vista CIR	Fontana	WI	53125
Kevin Flynn	4 Willow Bay Dr.	South Barrington	IL	60010
Brian Blume	1150 Stanton Rd	Lake Zurich	IL	60047
John Dodson	161 Lake Vista CIR	Fontana	WI	53125
Michael J Mason	162 Lake Vista CIR	Fontana	WI	53125
Michael J Mason	162 Lake Vista CIR	Fontana	WI	53125
Richard Jeffers	163 Lake Vista CIR	Fontana	WI	
Donald Hermanek	4 Carleton Ct	Inverness	IL	53125
Sabrina Maria Falcione	105 W MAIN ST	FONTANA	WI	60010
Bridgett G Steinke	105A W MAIN ST	FONTANA	WI	53125
Sherry Lyn Ostrowski	106 W MAIN ST	FONTANA		53125
Morgan J Skidmore	110 W MAIN ST		WI	53125
Kristine Marie Gordon	112 W MAIN ST	FONTANA FONTANA	WI	53125
Full Potential Association	114 W MAIN ST	FONTANA	WI	53125
Mrs. Violet Sarti	126 W MAIN ST	FONTANA	WI	53125
Robert W Hallstrom	132 W MAIN ST		WI	53125
Tina A Nebergall	144 W Main St	FONTANA	WI	53125
Scott R J Liebnow I	153 W MAIN ST	Fontana	WI	53125
Mr. Matthew J Liebnow		FONTANA	WI	53125
Ron Anderson	153 W MAIN ST # A	FONTANA	WI	53125
Mr. John Edward Noyer	153B W MAIN ST	FONTANA	WI	53125
James Robert Frost	154 W MAIN ST	FONTANA	WI	53125
Matthias F Balck	156 W MAIN ST	FONTANA	WI	53125
	161 W Main St	Fontana	WI	53125
Lynn M Antonelli Yvonne E Malone	171 W Main St	Fontana	WI	53125
	176 W Main St	Fontana	WI	53125
Ingrida Zukauskas Zukauskas	179 W MAIN ST	FONTANA	WI	53125
John J Oleary	187 W MAIN ST	FONTANA	WI	53125
Hermine L Watkins	197 W MAIN ST	FONTANA	WI	53125
M. Brian Keith Layoff	202 W MAIN ST	FONTANA	WI	53125
Prabhsimran Thind	286 VALLEY VIEW DR	FONTANA	WI	53125
Town News & Announcements	398 MILL ST	FONTANA	WI	53125
Pie High Pizza	441 MILL ST	FONTANA	WI	53125
Fanika Plather	450 MILL ST	FONTANA	WI	53125
Fontana Family Dentistry	450 MILL ST # 101	FONTANA	WI	53125
Heather Dawn Dalton	450 MILL ST # 102	FONTANA	WI	53125
Fontana Elementary School	450 S MAIN ST	FONTANA	WI C	EXHI
				Em./A.ITE

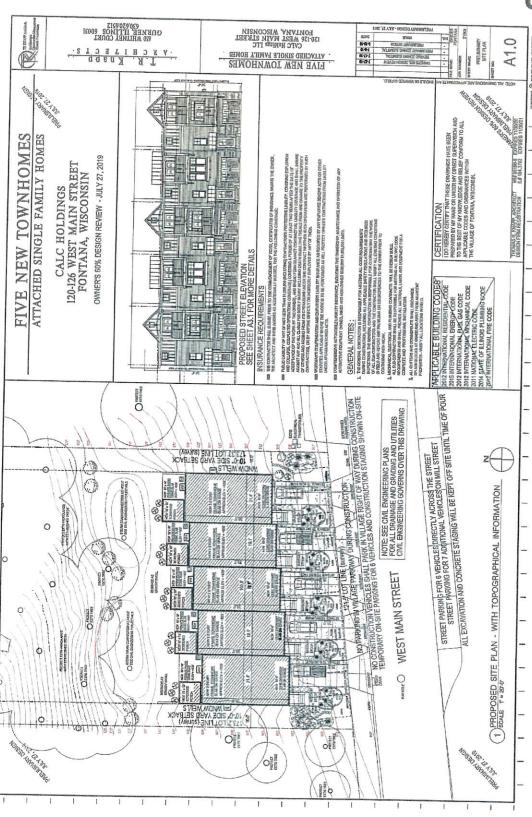
EXHIBIT C



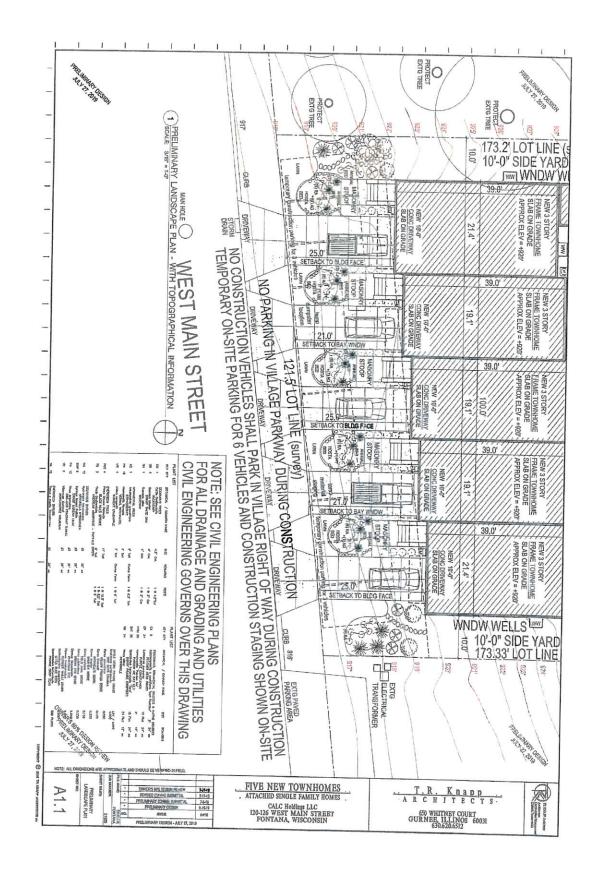
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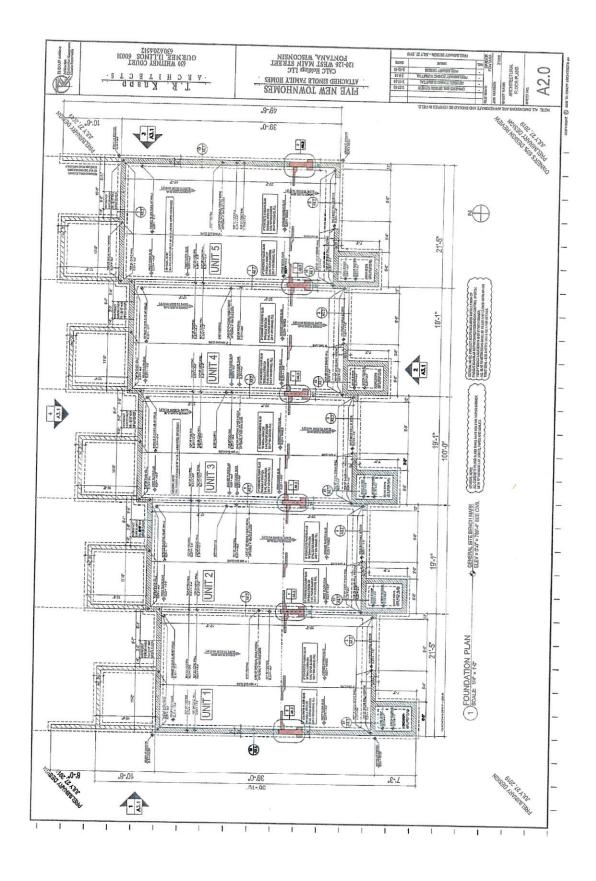


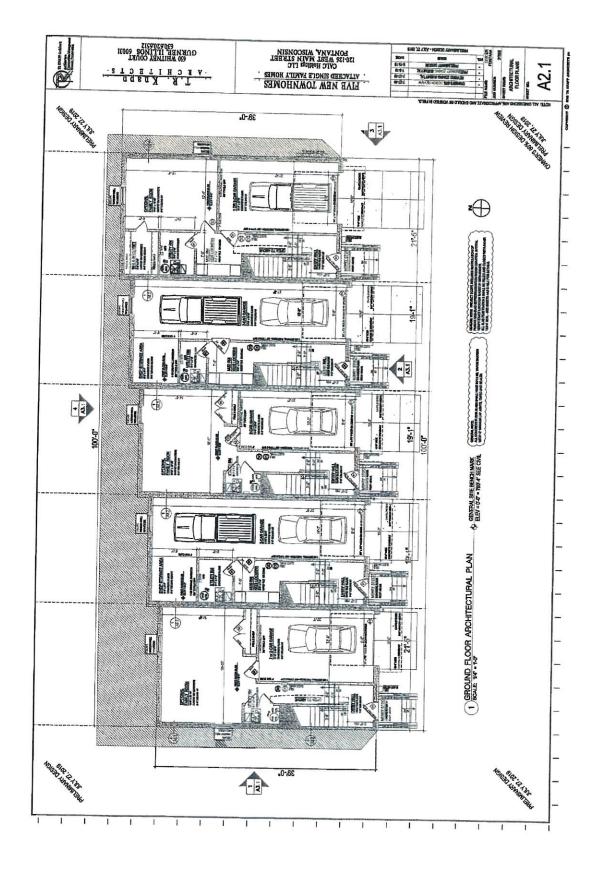


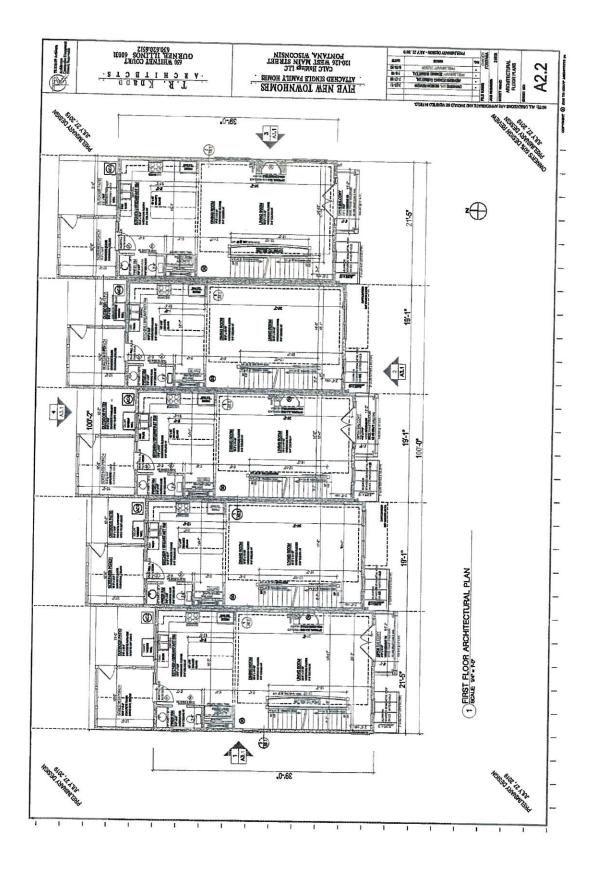


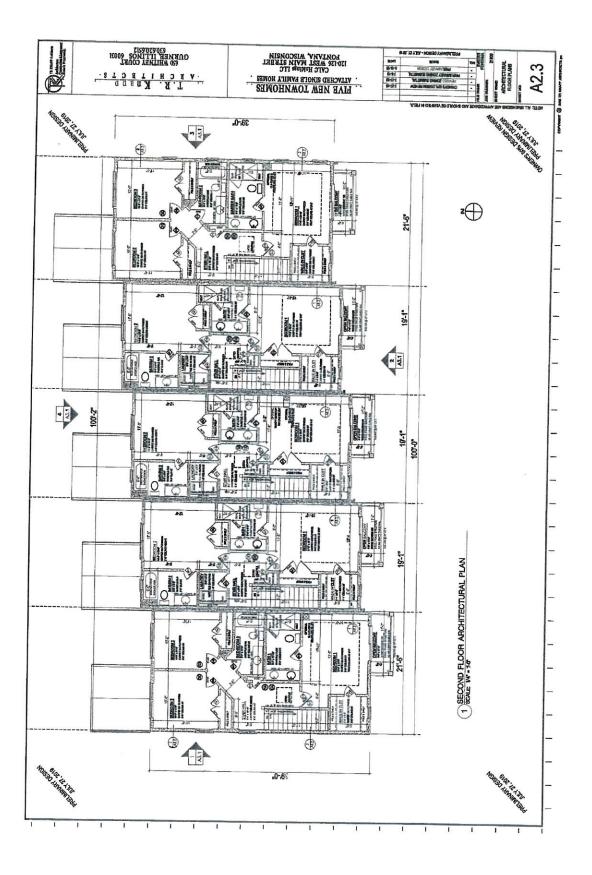


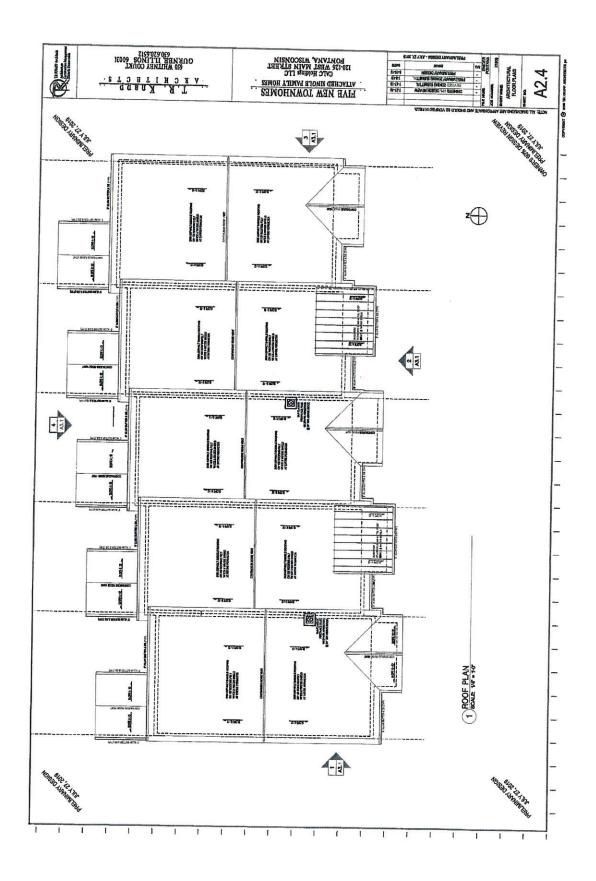


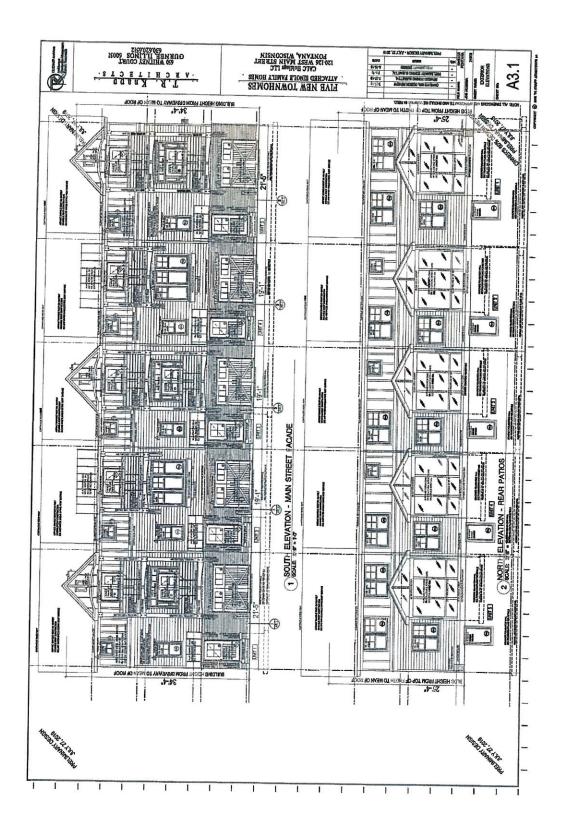


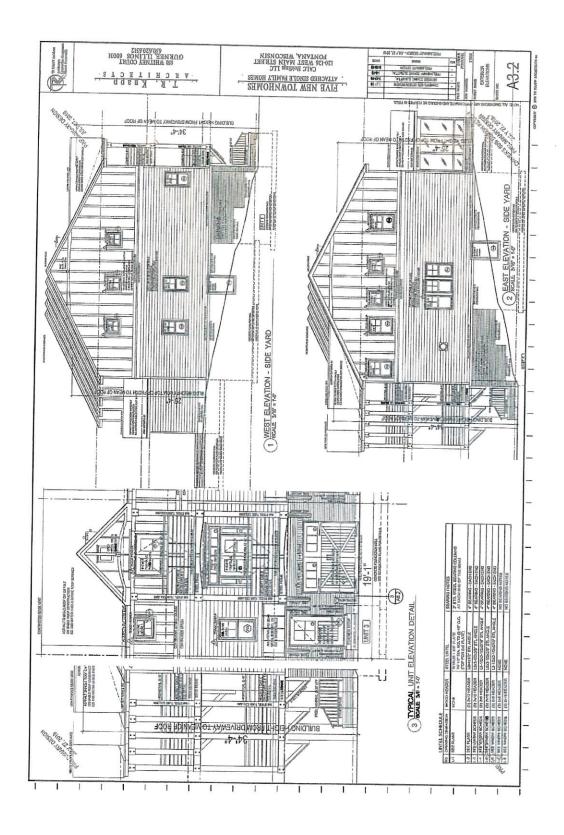


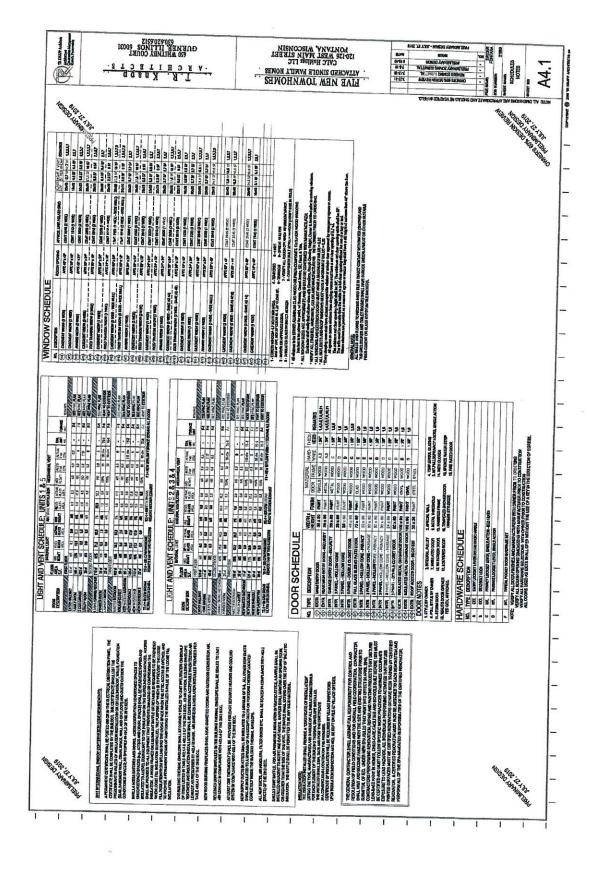


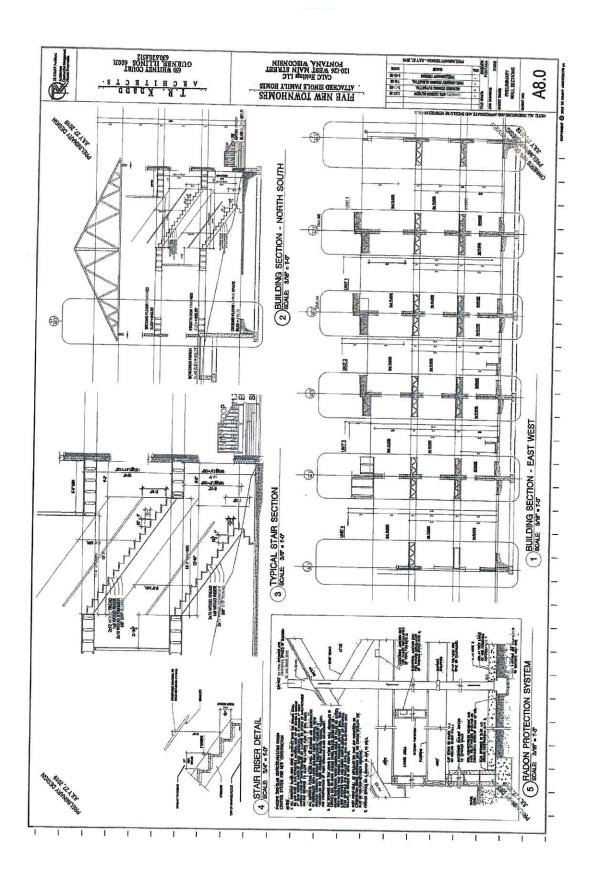


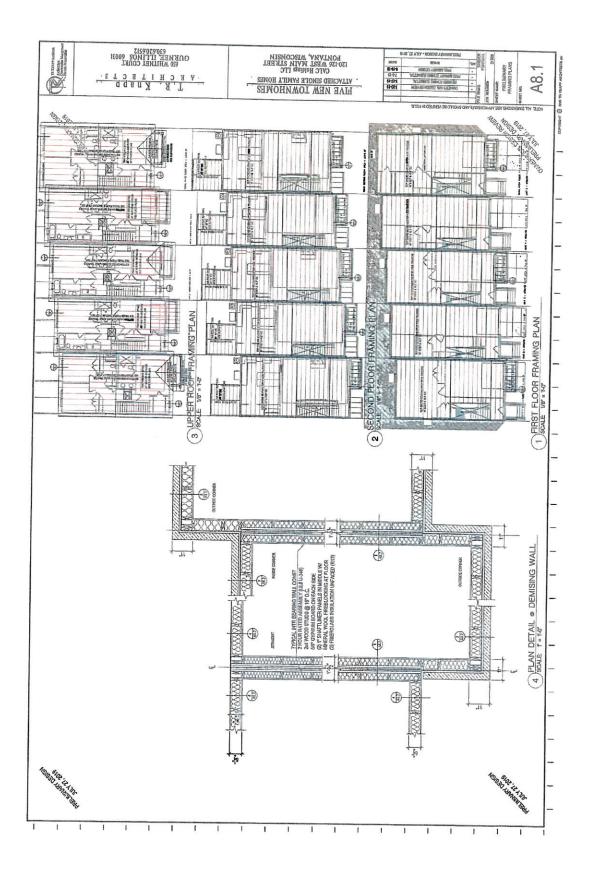


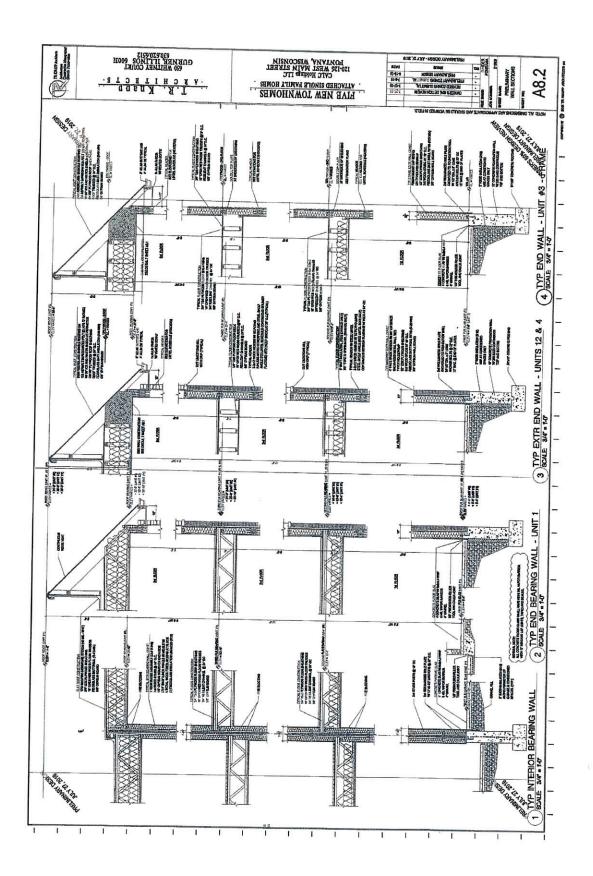


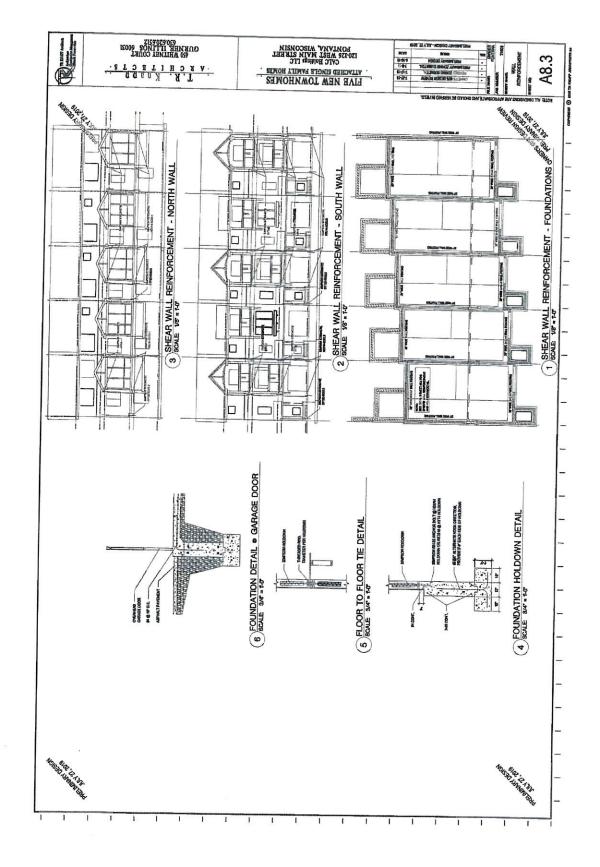


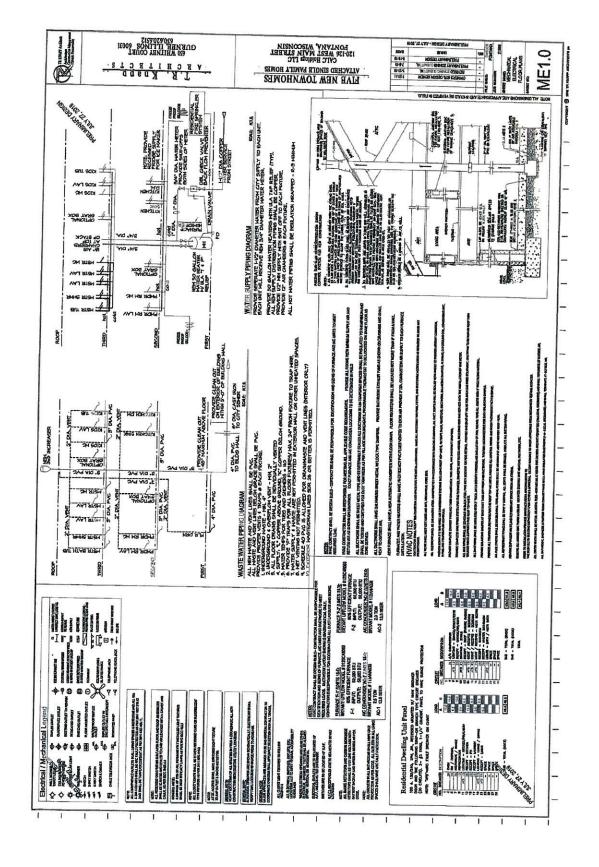


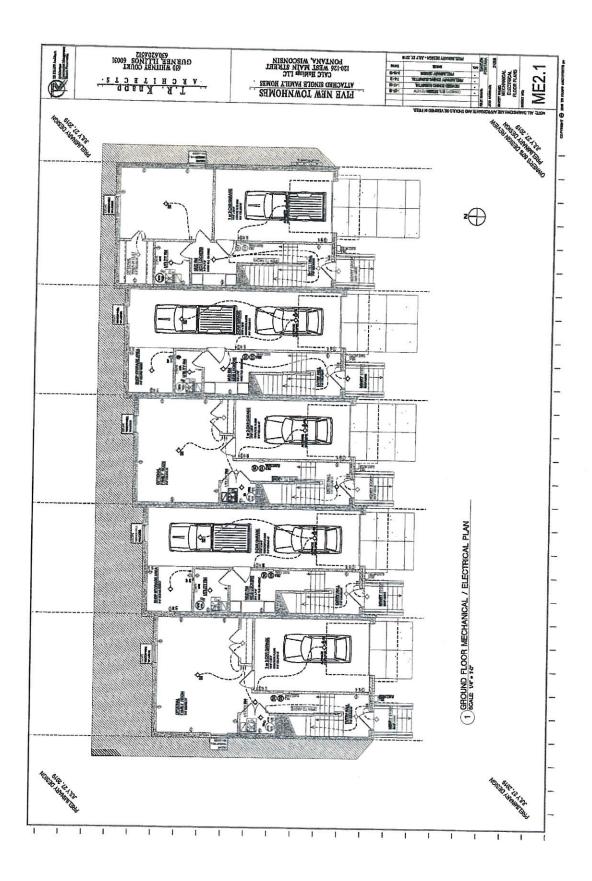


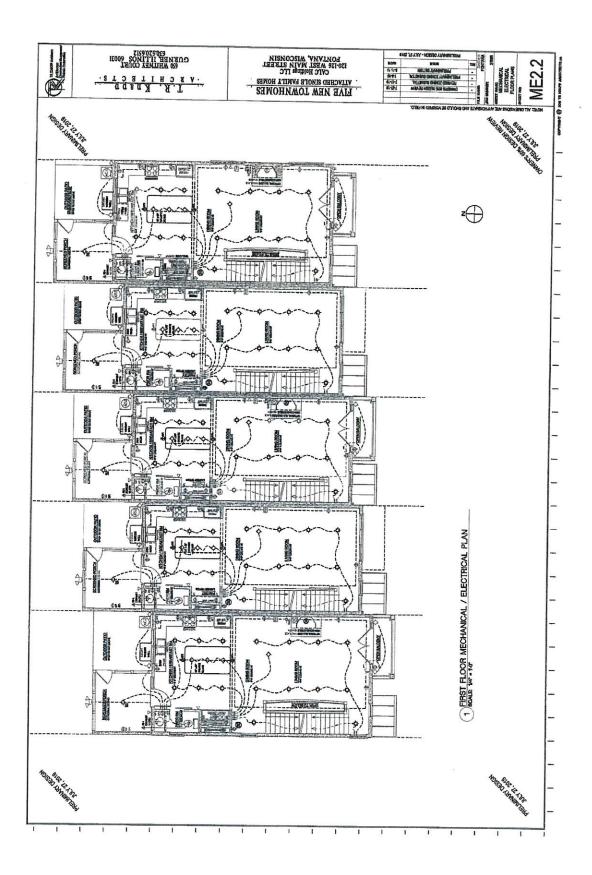


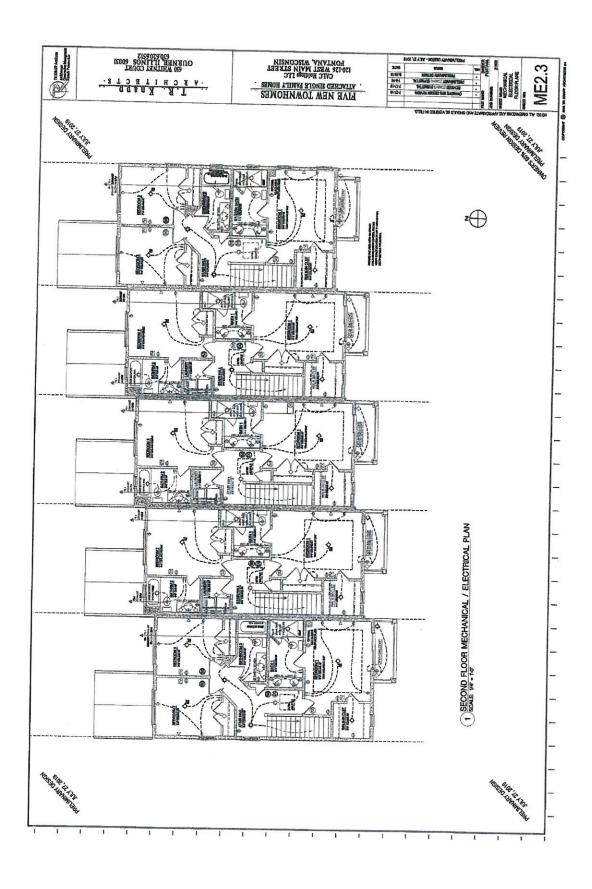












PLANNED DEVELOPMENT: THE MAIN AT FONTANA

APPLICANT: CALC HOLDINGS, LLC PARCEL # STFV 00176 VILLAGE OF FONTANA-ON-GENEVA LAKE, WALWORTH COUNTY, WI PHYSICAL ADDRESS: 120 & 126 W. MAIN STREET

LEGAL DESCRIPTION:

Lot 6 and East 50'of Lot 7 in Block 1 of Assessors Plat No. 1 C.L. Douglass Subdivision, located in the Northeast ¼ of Section 15, Town 1 North, Range 16 East, Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin.

PROPERTY DESCRIPTION:

The 20,906 square foot (0.48 acres) property is located on the west side of 67, near the intersection of 67 and Main Street, at 120-126 W. Main Street and is currently zoned VC – Village Center, and is also located within the Village of Fontana's TID – Tax Incremental District.

There currently exists two (2) separate dwelling units and two (2) small sheds within the property, all in dilapidated condition. We believe the property was once used for auto repair and the structure located at the front of the property visually supports this. The applicant is proposing to remove all existing structures.

There is a high density Planned Development (Cliffs of Fontana) directly adjacent to the north of the property. The adjacent property to the east is being utilized as commercial office space and is zoned VC – Village Center. Across the street to the south of the property is the Geneva Lake Conservancy, as well as a vacant wooded parcel owned by the Village of Fontana. The property adjacent to west is zoned SR-4, Neighborhood Residential District, and is being utilized as single family residential. Please note, the SR-4 district requires a minimum of just 10,000 square feet in lot area and is one of the Village's smaller, single family residential districts.

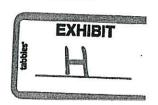
PROPOSED USE OF PROPERTY AND COMPATIBILITY TO ADJACENT PROPERTIES:

The applicant is requesting a rezone from VC – Village Center to PD - Planned Development and is proposing five- (5-) single-family, attached townhomes.

The proposal will blend well within the high-density residential, commercial and single-family residential uses existing in this area. Removing the dilapidated structures and improving the overall aesthetic of the neighborhood will be a welcome improvement to neighboring properties.

The two (2) requested deviations from the current VC – Village Center zoning district for the PD – Planned Development at this time are as follows:

	VC – Village Center	Requested Deviation
Maximum Gross Density	5 dwelling units per acre	5 dwelling units per .48 acres
Maximum Front or Street	15 feet, or 8 feet to attached	30 feet
Setback	porch	



The property consists of a steep slope at the rear of the property which naturally pushes development toward the front of the parcel, consistent with the current VC – Village Center zoning, which requires front or street building setbacks at a prescribed maximum, rather than a minimum. In order to accommodate on-site parking, as well as to soften the building setbacks between those zoned VC – Village Center and those zoned residential, the applicant is requesting a modification to the required maximum front or street setback to thirty (30) feet. It is our understanding any balconies or cantilevered windows will be considered in determining front or street building setbacks.

Again, because of the natural terrain of the property, the building envelope which best honors and respects the existing terrain is limited. By allowing parking to stay at the front of the property, soil disturbance to the natural steep slope of the terrain is minimal. It should also be noted that public, on-street parking exists at the front of the existing commercial building adjacent to the east. Parking will continue to blend with the existing neighboring property to the east by entering from the front of the property.

The existing VC -Village Center zoning district requires a maximum building coverage of 40% and a minimum landscape surface ration of 40% for residential uses, which allows for 20% other impervious surface areas.

This proposal will result in an approximate 21% building coverage, 67.2% greenspace and 11.8% other impervious surface area. The increase in greenspace alone is beneficial to filtering groundwater and protecting the Village's watersheds from pollutants.

STORMWATER MANAGEMENT:

A stormwater management plan intended to regulate construction site erosion and stormwater runoff was designed by Warren Hansen of Farris, Hansen & Associates, Inc. The design ensures no increase in the rate of surface water drainage during or after construction, reduces flood damage to property, and protects public and private property from runoff.

The design includes several elements during and after construction, such as erosion control and silt fencing, infiltration trenches, storm water collection basins, overflow areas, and connecting foundation drains and roof drains on the west side of the proposed structure to direct any runoff underground.

COMPATIBILITY TO COMPREHENSIVE PLAN:

The applicant is aware that this proposal does not comply with the Future Land Use depicted in the Village's 2009-2030 Comprehensive Plan. The current future land use is described as Neighborhood Commercial. Therefore, the applicant is requesting an amendment to the Comprehensive Plan for 120 & 126 W. Main Street to reflect the Mixed Residential future land use as described on pages 39 and 50 of the Village's 2009-2030 Comprehensive Plan.

ARCHITECTURAL DESIGN STANDARDS:

Architectural Design Standards shall be in accordance with the Village's municipal code. The proposed classic and enduring Arts and Crafts style of the development includes pleasing architectural features and articulations with detail and craftsmanship. Building materials will be fiber-cement siding (commonly referred to as Hardie board) with stonework.

Variation of roof lines, balconies, exterior appurtenances and staggered facades support the Village's long-term architectural goals for the community. The front façade will include such architectural detail as brackets, bay windows, and balconies offered at differing elevations. Rear screen porches and patios will be constructed both on-grade and at the 2nd level (main grade). The decorative garage doors add to the aesthetic appeal of this professionally designed development intended to instill the look and feel of a single-family home.

ADDITIONAL PROJECT INFORMATION:

Additional information from the Applicant in response General Application Requirements:

1. The establishment, maintenance, or operation of the Planned Development shall not be detrimental to the public health, safety, morals, comfort, convenience, and general welfare;

RESPONSE: The redevelopment of the property, which is currently zoned VC, if rezoned to a Planned Development will act as a quality transition from commercial on the east to residential on the west and north. It will not be detrimental to the public health, safety, morals, comfort, convenience, and general welfare.

2. The Planned Development shall not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted and not substantially diminish property values within the neighborhood;

RESPONSE: The development will remove dilapidated structures, replacing them with a professionally designed structure consistent with the Village's Design Standards and will continue to be well maintained. This will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, rather, by redeveloping this property to an attractive residential property, area property values within the neighborhood will increase and will not be diminished.

3. The establishment of a Planned Development shall not impede the normal and orderly development and improvement of the surrounding property for uses already permitted;

RESPONSE: The surrounding area is generally developed. The redevelopment of this property will not impede any further redevelopment for uses already permitted.

4. Adequate utilities, access ways, drainage, and other necessary facilities shall be provided;

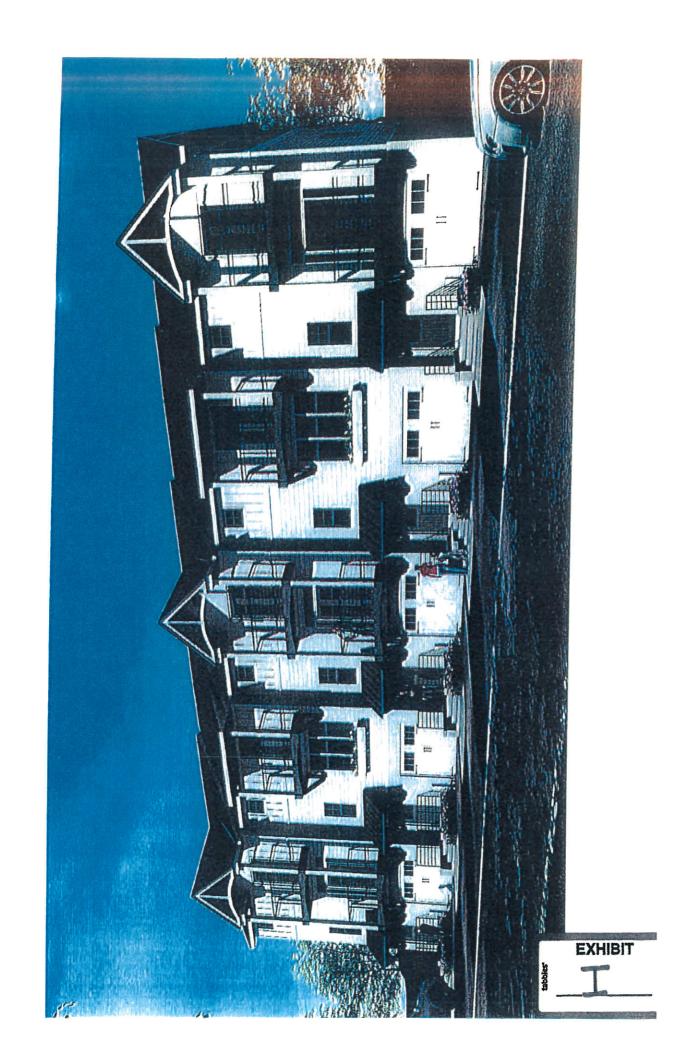
RESPONSE: The redevelopment of the property will supply adequate utilities, access ways, drainage, and any other necessary facilities. Specific details for utilities, access, drainage and other facilities will be provided in the General Development Plan (GDP), as required by the Village's ordinance.

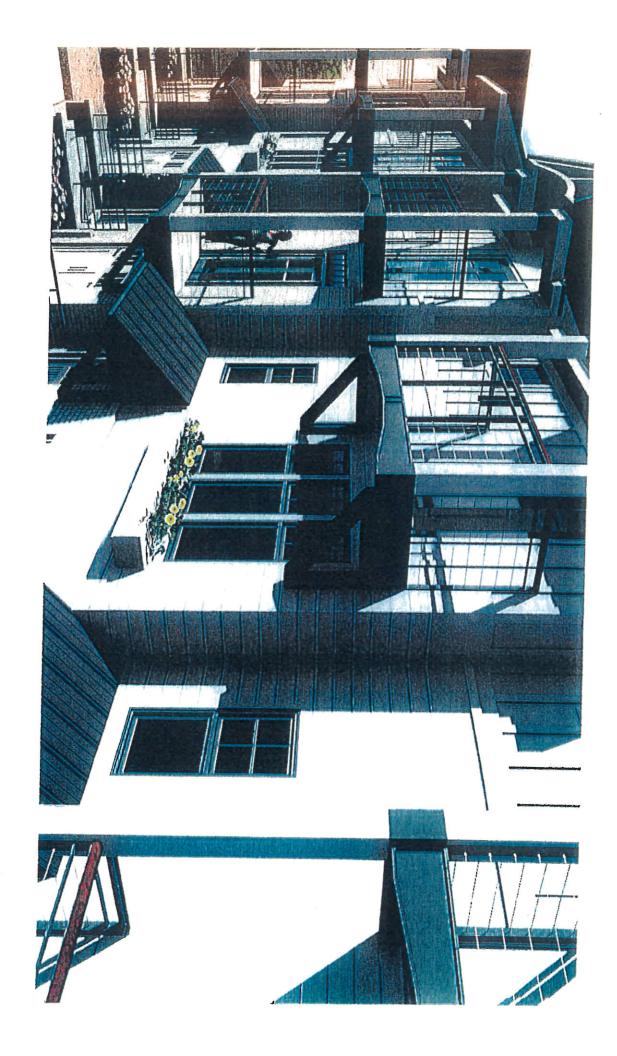
5. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic congestion;

RESPONSE: Ingress and egress to the development will be coordinated to minimize traffic congestion in the public streets, and closely mimics the current access already existing on the site, as well as the on-street public parking available to the east. Individual access will be provided per unit.

This project has all the charm and design the Village of Fontana requires, as well as offers new construction at a competitive price point. The site layout, location and design all come together to provide beautiful low-maintenance housing that fits well in the surrounding neighborhood.

We want to be a positive influence and presence in the Village of Fontana by creating a lasting design and structure. We have and continue to believe in the people, schools, parks, businesses, and other amenities of the Fontana community and are excited to be a part of its growth and development, and to be part of the community for years to come.





FHA 10129.19

Impervious Surface Calculations

Walworth County permit addendum - worksheet

STFV 00176 Tax Parcel Number:

Zoning Permit Number:

	126 W MAIN STREET / FONTANA, WI S3125
Property Owner(s)	Property Address

42 20,906 Lot Size (1 acre = 43,560 sq.ft.)_

following: (a) A riparian lot or parcel or (b) A non-riparian lot or parcel that is retaining walls, firepits, etc.) The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of The impervious surface area calculations are required per Walworth County water mark of any navigable take, pond, flowage or waterway on any of the Surface Area includes, but is not limited to, all structures (homes, porches, garages, sheds, boathouse, decks, patios, driveways, sidewalks, stairways, ANY impervious surface that is located within 300 feet of the ordinary high Code of Ordinances - Shoreland Zoning - Chapter 74-174. An Impervious located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

- 15% impervious surface as calculated above. A property may exceed the approved permit and mitigation plan and measure implemented by the General impervious surface standard: A lot or parcel is allowed up to impervious surface of 15% but not more than 30% with a county property owner and secured by deed. ď
- Highly developed shoreline impervious surface standard: A lot or parcel approved permit and mitigation plan and measure implemented by the on a DNR approved highly developed shoreline is allowed up to 30% impervious surface as calculated above. A property may exceed the impervious surface of 30% but not more than 40% with a county property owner and secured by deed

Highly Developed Shoreline Commercial impervious surface standard: A approved permit and mitigation plan and measure implemented by the impervious surface as calculated above. A property may exceed the lot or parcel on a DNR approved highly developed shoreline with a impervious surface of 40% but not more than 60% with a county commercial, industrial or business land use is allowed up to 40% property owner and secured by deed.

	rksheet	Notes																
Impervious Surface Calculations	it addendum - wo	Post-Construction ft²	4,403		162					1,353	428		501			6,847	32.8%	200 117 010 4 4
Impervious Sur	Walworth County permit addendum - worksheet	Pre-Construction ft ²	4,243		11	227	21			1,690	168	76	125	69		6,630	31.7%	14 5 45 / 50 30/
	Walv	Impervious Surface	a. Dwelling	b. Garage	c. Accessory Structure #1	d. Accessory Structure #2	LEAN TO e. Accessory Structure #3	f. Accessory Structure #4	g. Accessory Structure #5	h. Driveway(s) (including paved, gravel or paver areas	I. Sidewalk(s) (including paved, gravel, paver areas	j. Stairway(s)	k. Patio(s)	i. Deck(s)	m. Miscellaneous Structures	TOTAL	% LOT COVERAGE	GREENSPACE / %

1,470 / 21.4% BUILDING / %

4,403 / 21.0%

nces from the proposed project to all PROPERTY LINES, ROAD RIGHT OF WAYS, EASEMENTS, SEPTIC SYSTEMS, WELLS, LAKES, RIVERS, WETLANDS, DRAINAGE DITCHES AND Ich a site plan (to scale) or a plat of survey, on paper measuring at least 8 ½ x 11"; labeling items a. through I. (as applicable). On the site plan also label and include setback DPLAINS that are applicable to the property. (Sec. 74-248)

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e (OWNET)

acknowledge responsibility for the accuracy of the information provided. Inaccuracles may result in a violation of the Walworth County Shoreland Zoning Ordinance, Chapter 74.



7/25/19

To Whom It May Concern:

Please be advised that Craig Henninger & CALC Holdings are excellent clients of our bank and should be considered a "Pre-Qualified Buyer" for future purchases & construction projects. Craig has handled all banking matters with Providence Bank & Trust as agreed and has the assets and credibility for future purchases.

Providence Bank & Trust has financed several projects for Craig in the past and continues to have confidence in his future projects. It should be noted that this is not a loan commitment or an approval for a specific loan amount.

If you have any questions, feel free to contact me at the number below.

Very truly yours,

Nathan Diepstra | Vice President | Commercial Lending

Providence Bank | 1051 E. Roosevelt Road | Wheaton, IL 60187

Phone 630-589-3130 / Fax 630-871-1915 | ndiepstra@providencebank.com

EXHIBIT

ENVIRONMENTAL CONCERNS

PARCEL: STFV 00176 VILLAGE OF FONTANA-ON-GENEVA LAKE, WALWORTH COUNTY, WI PHYSICAL ADDRESS: 120 & 126 W. MAIN STREET

- (1) A closure letter in regard to the prior monitoring wells on the property was issued by the Wisconsin Department of Natural Resources on July 5, 2005 (attached).
- (2) There may be the possibility of some remaining contamination under a small corner of the existing house. Once the house is removed from the property, the affected soils will need to be tested and, if found to be contaminated, remedied in compliance with Wisconsin Department of Natural Resources standards.
- (3) The applicant and engineer are both aware of the strong potential of natural springs on the site and are prepared to engineer appropriately.





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor Scott Hassett, Secretary Gloria L. McCutcheon, Regional Director

Waukesha Service Center 141 NW Baratow St. **Room 180** Waukesha, Wisconsin 53188 Telephone 282-574-2100 FAX 282-574-2117

July 5, 2005

Mr. Alan Fidler N8398 Bell School Road East Troy, WI 53120

FID# 265125520 BRRTS# 03-65-001149

Subject: Final Case Closure for Lakes Area Auto, 126 West Main Street, Fontana

Dear Mr. Fidler:

On June 3, 2003, the Wisconsin Department of Natural Resources (Department) notified you that conditional closure was granted to this case. These conditions were the abandonment of monitoring wells and the recording of a deed restriction. On March 1, 2005, the Department received correspondence indicating that you have complied with the conditions of closure. Based on the correspondence and data provided, it appears that your case has been remediated to Department standards in accordance with s. NR 726.05, Wis. Adm. Code. The Department considers this case closed and no further investigation, remediation of other action is required at this time? ; .. Carried Broken Will William & Francisco

Your site will be listed on the DNR Remediation and Redevelopment GIS Registry of Closed Remediation Sites! Information that was submitted with your closure request application will be included on the registry. To review the sites on the GIS Registry web page, visit http://gomapout.dnr.state.wi.us/org/at/et/geo/gwur/index.htm If your property is listed on the GIS Registry due to groundwater contamination exceeding ch. NR 140 standards at the time of closure, and you intend to construct or reconstruct a well, you will need Department approval. Department approval is required before construction or reconstruction of a well on a property listed on the GIS Registry, in accordance with s. NR 812.09(4)(w). To obtain approval, Form 3300-254 needs to be completed and submitted to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at the web address listed above.

Please be aware that this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety or welfare, or the environment.

We appreciate your efforts to restore the environment at this site. If you have any questions regarding this letter, please contact me at (262) 574-2140.

Sincerely.

Brenda H. Boyce? P.G. and Map of the appropriate of the angular one

Hydrogeologist and the second second

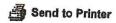
Bureau for Remediation & Redevelopment

C: 4: 2. Scott Bartling = Environmental Associates, Inc. , 1. pp, eq s

from the work of the fire of the age Quality Natural Resources Management Through Excellent Customer Service

Wisconsin DNR - Identify Results

Report generated August 06, 2007 - 09:33 PM



- 000 T UT 1

Coordinate Position

42° 32' 58" N, 88" 34' 52" W Lat/Lon: Decimal Lon/Lat: -88.581159, 42.549553

UTM 16N: WTM91 (x,y):

370183, 4712007 636489, 231770

Municipalities

Name: Fontana-on-Geneva Lake

Local Roads Name: W Main St Name: W Main St Name: Porter Ave Name: Mill St Name: Mill St County Boundary Name: Walworth County FIPS: 127

Region Name: Southeast Region Offsource Contamination BRRTS ID No: 0365001149

Offsource ID No: 3924 Address:

398 Mill St

Sites Closed with Residual Contamination

ACTIVITY_DETAIL_NAME: LAKE AREA AUTOMOTIVE

ACTIVITY_DETAIL_NO: 0365001149

Facility ID No: Facility Name:

265125520 LAKES AREA AUTOMOTIVE

Address:

126 W MAIN ST

Date Action Opened: 658454400000 1120521600000

Date Closed: Public Survey Unit:

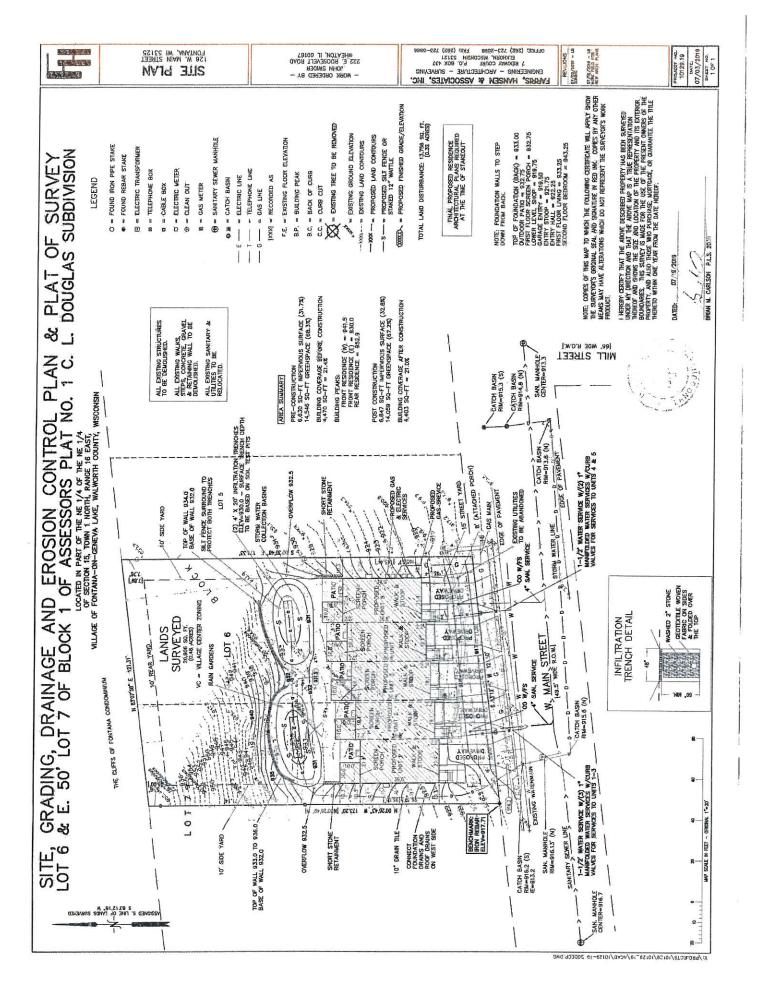
NENE1501N18E Activity Type Open Closed: LUST closed

Contaminated Media:

Groundwater and Soil

Offsource Contamination: DEEDED_AND_RIGHT_OF_WAY

[Close Report Window]



Document Number

CALC HOLDINGS, LLC, an Illinois limited liability company (the "Declarant") is the owner in fee simple of the real property located in Walworth County, Wisconsin, which is legally described on the attached Exhibit "A" (the "Deed Restricted Area").

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant promises and declares that no structures shall be placed within the Deed Restricted Area.

This Restrictive Covenant (i) runs with the Deed Restricted Area and shall be binding upon the Declarant and its successors and assigns, (ii) shall inure to the benefit of the Village of Fontana-on-Geneva Lake (the "Village") and to the Cliffs of Fontana Condominium Association, Inc. ("Cliffs of Fontana"), and (iii) may be amended, released or enforced by the Village.

Cliffs of Fontana shall have the right, but not the obligation, to enforce a material breach of this Restrictive Covenant through any proceeding at law or in equity. The Village shall have the right, but not the obligation, to enforce this Restrictive Covenant through the denial of any site plan approval or any building permit request or through any proceeding at law or in equity.

In the event an action is brought to enforce the terms of this Restrictive Covenant, the costs of litigation, including reasonable attorney's fees, shall be awarded to the prevailing party.

This Restrictive Covenant shall be governed by, construed and enforced in accordance with the law of the State of Wisconsin.

Name and Return Address:

Atty. Christina M. Green Sweet & Maier, S.C. PO Box 318 Elkhorn, WI 53121

Part of Parcel Identification Number (PIN):

Dated as of the day of, 20
CALC HOLDINGS, LLC, an Illinois limited liability company
By:
STATE OF WISCONSIN)) ss COUNTY OF WALWORTH)
Personally came before me on, 20, the above-named, to me known to be the person who executed the foregoing instrument and acknowledged the same.
* Notary Public, State of Wisconsin

IN WITNESS WHEREOF, the Declarant has signed this Restrictive Covenant as its free and

voluntary act for the uses and purposes set forth herein.

Prepared by: Atty. Christina M. Green Sweet & Maier, S.C. P.O. Box 318 114 N. Church St. Elkhorn, WI 53121 Phone: 262-723-5480

EXHIBIT A TO RESTRICTIVE COVENANT (LEGAL DESCRIPTION OF THE DEED RESTRICTED AREA)

DEED RESTRCITED AREA

PART OF LOT 6 AND THE EAST 50 FEET OF LOT 7 OF BLOCK 1 OF THE ASSESSORS PLAT NO. 1 OF C.L. DOUGLASS SUBDIVISION LOCATED IN PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 15, TOWN 1 NORTH, RANGE 16 EAST, VILLAGE OF FONTANA-ON-GENEVA LAKE, WALWORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE COUNTY MONUMENT FOUND MARKING THE EAST 1/4 CORNER OF SECTION 15. TOWN 1 NORTH, RANGE 16 EAST: THENCE ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 15, SOUTH 89 DEGREES 49 MINUTES 38 SECONDS WEST, 450.78 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 22 SECONDS WEST, 1494.31 FEET TO AN IRON REBAR STAKE FOUND MARKING THE SOUTHWEST CORNER OF THE EAST 50 FEET OF LOT 7 OF BLOCK 1 OF THE ASSESSORS PLAT NO. 1 OF C.L. DOUGLASS SUBDIVISION: THENCE NORTH 01 DEGREE 40 MINUTES 25 SECONDS WEST. 140.89 FEET TO AND THE POINT OF BEGINNING: THENCE NORTH 01 DEGREE 40 MINUTES 25 SECONDS WEST, 32.31 FEET TO THE NORTHWEST CORNER OF SAID EAST 50 FEET OF LOT 7; THENCE NORTH 81 DEGREES 54 MINUTES 16 SECONDS EAST, 121.46 FEET TO THE NORTHEAST CORNER OF LOT 6 OF SAID SUBDIVISION; THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOT 6. SOUTH 01 DEGREE 41 MINUTES 29 SECONDS EAST, 40.00 FEET; THENCE SOUTH 85 DEGREES 31 MINUTES 47 SECONDS WEST, 120.86 FEET TO THE POINT OF BEGINNING. CONTAINING 4,364 SQUARE FEET OF LAND, MORE OR LESS.