

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
and JOINT SESSION with JOINT EXTRATERRITORIAL ZONING COMMITTEE  
(Village of Fontana, Town of Linn, Town of Walworth)  
**Monday, July 29, 2019**

Chairman Dave Prudden called the monthly meeting of the Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: Trustee Petersen, Sarah Lobdell, Trustee Prudden, FJ Frazier, Bob Ahern

**Plan Commissioners absent:** Bob Kirkland, Bob Grant

**Fontana ETZ Members present:** Sarah Lobdell, Bob Ahern

**Fontana ETZ Members absent:** Bob Grant

**Walworth ETZ Members present:** Ken Magowan, Jim Van Dreser

**Walworth ETZ Members absent:** Tom Rohleder

**Linn ETZ Members present:** Chris Todd, John Zils

**Linn ETZ Members absent:** Larry Aasen

**Also present:** Kevin Day, Christine Green, Craig Henninger, Theresa Loomer, Mike McKay, Bonnie Schaeffer, Mike Slavney, Harry Soling, Ryan Southwick, John Switer, Dale Thorpe

**Visitors Heard**

None

**Approve Minutes**

**June 24, 2019**

The minutes from the June 24, 2019 meeting were distributed.

Trustee Petersen/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes from the June 24, 2019 meeting, and the MOTION carried without negative vote.

**Joint Session Business**

**ETZ Recommendation on Amendment to Zoning Code Article XVI. – Extraterritorial Zoning to add Bed and Breakfast as an Allowable Land Use – Tabled 5/28/19 (Note – Village is Withdrawing its request for this Zoning Change)**

After extensive discussion at the ETZ Bed and Breakfast public hearing in May, staff reviewed the ordinance and compared it with the county zoning code. Based on feedback at the public hearing and additional staff research, the Village is withdrawing the original ordinance amendment and replacing it with a new amendment to be set for public hearing at next month's meeting.

**Plan Commission Recommendation on Amendment to Zoning Code Article XVI. – Extraterritorial Zoning to add Bed and Breakfast as an Allowable Land Use – Tabled 5/28/19 (Note – Village is Withdrawing its request for this Zoning Change)**

See above agenda item.

**Amend Zoning Code Article XVI. – Extraterritorial Zoning to add Bed and Breakfast as an Allowable Land Use – Set Public Hearing**

Slavney gave an update on the recent legislative changes regarding B&B's and the zoning requirements including the county's requirement of a CUP for approval, and the new formation of a

Bed & Breakfast zoning district where it is a permitted use by right. There was discussion about who issues and monitors liquor licenses and B&B permits. Liquor licenses are issued and monitored by the town and zoning permits that are issued through the Village are monitored by the Village. Trustee Petersen/Commissioner Ahern 2<sup>nd</sup> made a MOTION to schedule a public hearing for the zoning code amendments for Zoning Article XVI regarding the ETZ to add Bed and Breakfasts as an allowable land use at the next Plan Commission meeting scheduled for Monday, August 26, 2019 at 5:30 pm. The MOTION carried without negative vote.

Magowan/Zils 2<sup>nd</sup> made a MOTION to schedule a public hearing for the zoning code amendments for Zoning Article XVI regarding the ETZ to add Bed and Breakfasts as an allowable land use at the next Plan Commission meeting scheduled for Monday, August 26, 2019 at 5:30 pm. The MOTION carried unanimously by the ETZ members.

#### **Adjournment ETZ Committee**

Commissioner Lobdell/Commissioner Ahern 2<sup>nd</sup> made a MOTION to adjourn the ETZ Committee at 5:37 pm, and the MOTION carried without negative vote.

#### **Plan Commission Public Hearing**

##### **Ordinance Repealing and Recreating Section 18-13 and Creating Section 18-172(8) Regarding the Use of Permeable Surface**

The public hearing was opened at 5:38 pm. The modified ordinance allows for up to 15% or 2,500 square feet of greenspace to be replaced with permeable pavers for the purpose of water collection. When installed and maintained properly, permeable pavers can collect more water than grass. The ordinance would require additional staff work with accepting applications, and issuing and tracking permits and expirations as well as required maintenance.

#### **Plan Commission Business**

##### **Recommendation on Ordinance Repealing and Recreating Section 18-13 and Creating Section 18-172(8) Regarding the Use of Permeable Surface**

Trustee Petersen/Commissioner Ahern 2<sup>nd</sup> made a MOTION to recommend Village Board denial of the proposed ordinance repealing and recreating Section 18-13 and creating section 18-172(8) regarding the use of permeable surface. The MOTION carried without negative vote.

#### **120 – 126 W. Main Street Concept Review**

Attorney Christina Green was in attendance and explained the proposal for the half acre lot at 120 – 126 W. Main Street. She described the current building as run down and dilapidated. The proposal is to construct five residential townhome units and request a rezone, planned development zoning, and combine the lots through a CSM. The development will require a master plan amendment, but since the Village is going through the ten-year update right now, the applicant has decided against a spot amendment and will instead have their process coincide with the Village's process. Green stated they are asking for a deviation from the density and front yard setback since there is a large slope in the back of the house. She stated the building coverage will be much less than the maximum at 21%, the greenspace will be more than the minimum at 67%, and impervious surface less than the maximum at 11.8%. In response to a question, Henninger stated the price point will be at the high \$300's and low \$400's and the design style is modern farmhouse. There was discussion about the groundwater issues on the property. Trustee Petersen asked about the EPA monitoring well and Green stated she believes there is a NFR letter on that matter. Green requested the ability to move along with the public hearing for public comment and submission of the GDP and PIP, and also asked that the current application on file be tabled and agreed to waive the timeline requirements laid out in the ordinance. She also requested the GDP and PIP be approved at the same future meeting.

**CSM Application Filed by Harry & Denise Soling for Parcels SA359200002, SA359200003 & SA359200004 for Single Family Dwelling**

One of the conditions of the Conditional Use Permit approved earlier this year for a single family dwelling was for the property owner to file a CSM for the two lots off Indian Hills Road. There are no concerns with the application and it is recommended for approval.

Trustee Petersen/Commissioner Ahern 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the CSM filed by Harry and Denise Soling for parcels SA359200002, SA359200003 and SA359200004 for a single family dwelling. The MOTION carried without negative vote.

**PIP Amendment Application Filed by Mill Street Condominium Association, Inc., for Deck Removal and Replacement with Juliette Style Railings**

Property manager Ryan Southwick appeared to represent the Mill Street Condo Association. The decks, which are ten years old, are failing. Due to structural reasons, the association is requesting to remove the decks entirely and replace them with Juliette style railings. Southwick stated three options were posed to the six condo owners and they unanimously agreed on the Juliette style railings. The balconies are located on the inner side of the condos and are not visible from Highway 67. Since it is a minor change, it requires only a PIP amendment and Thorpe stated he would have a resolution drafted for the Village Board meeting.

Commissioner Frazier/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the PIP amendment application filed by the Mill Street Condominium Association, Inc., for deck removal and replacement with Juliette style railings. The MOTION carried without negative vote.

**Comprehensive Plan Update – Mike Slavney**

Slavney stated there were 27 attendees at the open house held in June and they had over 60 visitors at the tent at the Steak and Lobster Boil held the previous Saturday. He anticipates presenting the first draft of the comprehensive plan update at the August meeting.

**CUP Application Filed by John & Ann Porter for Guest House Repair and Remodel at 425 N. Lakeshore Drive – Set Public Hearing**

The applicant is requesting a minor addition to the guest house which requires them to go through the CUP process for approval.

Trustee Petersen/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to schedule a public hearing for the CUP application filed by John and Ann Porter for guest house repair and remodel at 425 N. Lakeshore Drive at the next plan commission meeting scheduled for Monday, August 26, 2019 beginning at 5:30 pm, and the MOTION carried without negative vote.

**Amend Zoning Code 18-56(i) Article 3 – Bed and Breakfasts – Set Public Hearing**

Commissioner Lobdell/Trustee Petersen 2<sup>nd</sup> made a MOTION to schedule a public hearing for the zoning code amendments for chapter 18-56(i) Article 3 regarding Bed and Breakfasts at the next Plan Commission meeting scheduled for Monday, August 26, 2019 at 5:30 pm. The MOTION carried without negative vote.

**Adjournment Plan Commission**

Trustee Petersen/Commissioner Frazier 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 6:11 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

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: 08/26/19