

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
and JOINT SESSION with VILLAGE BOARD OR TRUSTEES  
(Village of Fontana)  
**Monday, January 25, 2016**

Village Board President Pat Kenny called the Plan Commission and Village Board meeting to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: F.J. Frazier, Robert Grant, Sarah Lobdell, Trustee Arvid Petersen

**Plan Commissioners absent:** Micki O'Connell, Trustee George Spadoni, Bob Ahern

**Village Board Members present:** President Pat Kenny, Tom Whowell, Rick Pappas, Dave Prudden, Arvid Petersen

**Village Board Members absent:** George Spadoni, Tom McGreevy

**Also present:** Jade Bolack, Christina Green, Jay Hicks, Merilee Holst, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Mark Munson, Mary Jo Munson, Building Inspector/Zoning Administrator Ron Nyman, Village Attorney Dale Thorpe

**Visitors Heard**

None

**Joint Session Business**

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to elect Trustee Petersen as the Chairman Pro-tem of the Plan Commission meeting in the absence of Chairman Trustee Spadoni, and the MOTION carried without negative vote.

**Site Plan Filed by Munson Marine for Lot Located at 138 Fontana Boulevard – Staff Review/Recommendation**

Martin said an Offer to Purchase was conditionally approved for the two lots at 138 Fontana Boulevard and two Site Plans were submitted two to three months ago, one for the use of the current building and site, and one conceptual plan for the construction of a new building. The Site Plan being brought forward at this meeting is the Site Plan to use 138 Fontana Boulevard without making any physical changes to the building or the lot. It has been reviewed by staff and will first go to the Plan Commission for a recommendation and then to Village Board for final approval consideration. Martin said the reason the Village is accommodating a joint meeting is because the Munsons, who made the Offer to Purchase, are optimistic and hope to close on the sale as soon as possible to provide notice to the current tenants in the building. Attorney Christina Green stated the Munsons are applying for Site Plan approval of Phase I for use of the property in its current state including the current driveway and landscape. A conceptual plan for Phase II was previously submitted and involves the demolition of the existing building and construction of a new building; however, it does not meet the current green space and parking requirements in the Village Center zoning district. The Munsons are requesting to have up to 10 boats for outdoor display during Phase I of the plan and requested to keep them on display from April 1<sup>st</sup> through November 1<sup>st</sup> unless there is inclement weather that would require earlier removal of the boats in the fall. There will be a maximum of three employees working at any time. Lobdell stated that the Village review mentions the approval of four to six boats; however, the Munson's are showing 10 boats. Green said the Munsons are requesting

approval for up to 10 boats which is what is approved for the lot across Highway 67 at Main Street owned by Carol and Jamie Whowell and used by Jerry's Marine. Petersen said that the boat display approved for the lot owned by Carol and Jamie Whowell had been approved several years ago, but that approval has expired and will need to be reapplied for by the property owners. Green said that once they can move to Phase II, four to six boats for outdoor storage would work because they will have an indoor showroom. Green said that currently, for Phase I, this will be the only sales location in Fontana or anywhere nearby for Munson Marine so to only have four to six boats on display anywhere in Walworth County would not work for them. Martin clarified that the Munson's proposal is being looked at under the current code while Jerry's Marine used the Building, Site and Operational Plan approval process from a previous code that was established at least eight years ago. The "not to exceed" number was included in the original approval and they are required, as is anyone with outdoor display, to have the verified buffer or setback from the displayed items. Martin said the most boats Jerry's Marine has ever been able to display on that lot is three or four boats. Martin explained the previous approval for the lot being used by Jerry's Marine has expired and that is also on the Plan Commission agenda to find out what should be approved going forward. The recommendation of four to six boats came after Bridget McCarthy's review of the plan and the required 10-foot buffer from the driveway and right-of-way and is a number to be considered by the Plan Commission and Village Board. FJ Frazier asked if four to six boats is recommended for Phase I or Phase II. Martin stated that Phase II has not been evaluated yet, but in staff's preliminary review of the final product, it was very close to meeting all of the requirements with the exception of landscape ratio; however, the complete review still has to be completed. Thorpe advised that it is up to the Plan Commission to make a recommendation to the Village Board and they can approve a resolution with conditions, including the number of boats allowed for outdoor storage and the length of the term of approval. Village Planner Mike Slavney recommended that in this situation where changes are happening on the property but the site is remaining relatively unchanged, the approval should be limited to the new owners. He said the expectation is that a short-term Site Plan will be followed by significant upgrades to the property leading to a higher tax base. Slavney stated that he recommends approving a duration of time, anywhere from two to four years for the Phase I proposal. He asked the Munsons if there will be any items for outdoor display besides boats. Mary Jo Munson replied no, that all pro shop items like rafts and life preservers would be located inside the sales building. Mark Munson pointed out that the reason they are asking for up to 10 boats is because they carry three to four major brands and each brand has 10 to 12 models. He said he knows he cannot display every model, but in order to make it worthwhile, they need to be able to show a reasonable amount of boats. Frazier asked about the timeframe to construct a new building. Mark Munson said they would ideally like to use the building as-is for one summer and then in a year from now start construction on the new building; however, with the current 40 percent green space and the number of parking spaces required in the VC District, they would need an exception on those items. Discussion followed regarding the length of time that should be allowed for Phase I and also the time it will take to make any necessary code amendments. Thorpe recommended that if it is desired to know what the ultimate use will look like, there is a way it can be built into the approval so that if there is a two or three-year length approval, and there will not be an expectation that it will be renewed as-is. At the end of the expiration, there is an expectation that there will be a new plan and new development. Grant asked if there are any limitations to the size of the boats that will be displayed. Mark Munson said that the largest boat will probably be 29-feet. Martin asked how the boats will be displayed and Mark Munson said some boats will be on trailers with wood stairs coming up the back, and the bigger boats will probably be set on blocks or stands which come up about a foot off the ground. Mark Munson stated that they will not be stacked or on racks. Petersen stated that he finds the expectation to amend the green space requirements in the VC District ridiculous and does not support changing it. He requested that Slavney explain the tax consequences of this type of property. Slavney stated that outdoor storage generates minimal property tax. Thorpe said that by law, the first year of an arm's length sales transaction will be very persuasive in setting future property value assessments. Slavney addressed the green space issue and explained that the current 40 percent

requirement came out of the old code which had the same requirement as residential and non-residential development and is quite a lot of greenspace. Slavney said it puts a damper on redevelopment and leads to small building footprints. The tradeoff is whether the Village wants to encourage development, a higher tax base, etc., or preserve a low key, high greenspace area. Thorpe stated continuity could be an issue if the 40 percent greenspace is required because the lot next door has much less greenspace. He stated the goal laid out in the Master Plan is for the district to look similar and not like there is an old part and new part. There are some lots in the VC District that currently feature as little as zero greenspace, which creates very different looks. Frazier asked about the boats allowed for display at Gordy's Lakefront Marine on Lake Street and if they fall under the same rules. McCarthy replied that the Gordy's business operations were approved through an initial CUP and that when the Zoning Code was rewritten a few years ago, all the existing non-conforming uses in the Village were made blanket conforming parcels. Thorpe added that at the direction of the Village Board, the lakefront properties in the VC District are also going to be treated differently as a subdistrict. Grant asked about the status of the driveway. McCarthy replied that they could leave the driveway as-is and it would be acceptable as an existing non-conforming use, but if they decide to change it, it must be brought up to standards to meet the code. Martin said there are a few more options than originally thought with the existing curb cut spots that are not currently worked into the Site Plan and will be reviewed if and when it progresses to that point. Thorpe suggested the biggest divergence has been the number of boats and asked for direction from the Village Board. He also noted that aesthetics are especially important in the VC District as noted in the code. Martin said that he spoke with Spadoni who is out of state and Spadoni stated that he would personally be comfortable with four boats on the lot. Merilee Holst, 744 Brickley Drive, asked what has gone into the thinking on traffic. She said it is a bottleneck intersection especially going westbound in the summer and it could be impossible to get out onto Highway 67. She said there might be more traffic congestion and more fender benders. Martin stated that traffic can only take a right turn out of the lot and cannot break the median. He said the old driveway cut located closest to State Highway 67 cannot be approved for regular use, but there can be exceptions made for certain circumstances like for example a semi that is delivering boat paint and then needs to get out without having to back up onto Fontana Boulevard. Grant asked the Munsons what happens if they do not get the approval of 10 boats for outdoor storage. Mark Munson said they would need to reconsider if the property is going to work for them or not. Mary Jo Munson said both her and her husband grew up in Lake Geneva and love Fontana; they want to bring beauty to the village. She said for the first season, since they cannot get into the building right away, they intend to use the existing building and display 10 boats outside. Going forward, Phase II would only have four boats outside. She said it is much easier to show boats inside than outside and wants to get the building up as soon as possible. She explained her desire for a wraparound driveway rather than using the shared driveway with the consignment shop in Phase II because someone who tries to back out with a boat and trailer could cause traffic problems. When asked if being limited to four boats is a deal breaker, the Munsons replied yes. Thorpe indicated he feels that the issue lies within the concern that if there is an approval for 10 boats, then they might end up having 10 boats on display for the next 25 years. He said the way to make sure that does not happen is to allow 10 boats for two or three years, but make the Phase I approval non-renewable and require a Phase II plan. Martin said they also might be able to get approval for 10 boats outside, but they might only be able to fit eight because they have to meet setback criteria. McCarthy brought up the suggested 10 staff conditions as listed on the Site Plan Proposal Staff Review and proposed to add No. 11 which was discussed earlier in the meeting to have the approval applicable to the Munsons and not the property. Thorpe noted they want to put it into a wholly owned corporate property, which the Plan Commissioners agreed to. The other request incorporated into the staff recommendation list is under No. 5 and modifies the allowed timeframe of outdoor storage from April 1 to November 1. The 10 staff conditions with the addition of No. 11 are listed below:

- 1) The site plan shall be reviewed by the Plan Commission and make a recommendation to the Village Board. The Village Board shall then review and act upon the site plan. The

- Village Board may approve the site plan as originally proposed, may approve the proposed site plan with conditions, or may deny approval of the proposed amendment.
- 2) The applicant and/or property owner shall work with in accordance with the Village of Fontana Municipal Code of Ordinances to develop a permanent use for the property.
  - 3) The submitted site plan shall become null and void at the completion of the approved timeframe, and all use of the property shall cease until a subsequent site plan proposal has been submitted and approved; that timeframe shall be two years from the date of Village Board approval.
  - 4) Signage is not included in this site plan. All signage must comply with Village ordinances and shall not be erected until such time as all approvals and permits have been received.
  - 5) The use of the outdoor display on this property as proposed shall be seasonal in nature and shall be restricted to ~~May 1~~ April 1 through ~~October 31~~ November 1, at which time all boats shall be removed from the property;
  - 6) Sales are restricted to boats and pro shop equipment only; Sales of vehicles is expressly prohibited.
  - 7) Service and boat storage shall not be permitted at the property. (The applicant may promote these as available off site and at other locations.)
  - 8) There shall not be storage of empty boat trailers allowed;
  - 9) A maximum number of four (4) to six (6) boats shall be determined by the Village Board for outdoor seasonal display at any given time;
  - 10) In accordance with Sec. 18-56(e)(4), display areas shall be separated from any circulation area by a minimum of ten (10) feet. This separation shall be clearly delineated by a physical separation such as a greenway, curb, fence or line of planters, or by a clearly marked paved area. The site plan submitted depicts two boats for outdoor display resting on parking areas. The location of all outdoor display shall meet the requirements of this section.
  - 11) Approval is limited to the wholly owned corporate property, and not the property itself.

**Plan Commission Recommendation on Site Plan Filed by Munson Marine for Lot Located at 138 Fontana Boulevard**

Trustee Petersen made an initial motion that was seconded by Commissioner Lobdell to accept the Site Plan Proposal per Section 18-245 as presented, including the 10 conditions as recommended by staff with the addition as No. 11, as presented, not to exceed four boats for outdoor display, and a timeframe not to exceed two years with no extensions in anticipation of a comprehensive redevelopment plan. Frazier stated he does not believe it is fair to have a business come into town and be hand tied to four boats until they get their new site constructed. Lobdell said she would be willing to look at more than four boats, but said that 10 is a lot. Trustee Petersen amended his motion to allow six boats.

Trustee Petersen/Commissioner Lobell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Site Plan Proposal per Section 18-245 as presented, including the 10 conditions as recommended by staff with the addition of No. 11, as presented, not to exceed six boats for outdoor display, a timeframe not to exceed two years with no extensions in anticipation of a comprehensive redevelopment plan, and require the outdoor display take place only from April 1 to November 1, and the roll call vote was as follows:

Commissioner Grant – Nay

Commissioner Frazier – Nay

Commissioner Lobdell – Aye

Trustee Petersen – Aye

The MOTION failed on lack of a majority of a quorum with a 2 – 2 vote. Trustee Spadoni, Commissioner Ahern and Commissioner O’Connell were absent.

Trustee Petersen then made a motion to table for further discussion. The motion did not gain a second.

Commissioner Grant/Commission Frazier 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Site Plan Proposal per Section 18-245 as presented, including the 10 conditions as recommended by staff with the addition of No. 11, as presented, not to exceed eight boats for outdoor display, a timeframe not to exceed two years with no extensions in anticipation of a comprehensive redevelopment plan, and require the outdoor display take place only from April 1 to November 1, and the roll call vote was as follows:

Commissioner Frazier – Aye

Commissioner Lobdell – Aye

Trustee Petersen – Nay

Commissioner Grant – Aye

The MOTION carried on a 3-1 vote. Trustee Spadoni, Commissioner Ahern and Commissioner O’Connell were absent.

### **Village Board Consideration of Plan Commission Recommendation on Site Plan Filed by Munson Marine for Lot Located at 138 Fontana Boulevard**

The Village Board members were present during the Plan Commission’s discussion and the floor was opened to the Village Board for further discussion. Pappas asked if there were any lighting plans submitted as they were not included on the Site Plan. McCarthy said there has been nothing submitted yet regarding light or signage; however, the code is pretty strict and Nyman stated those items can be approved at the staff level. Pappas said he drove around the area earlier in the day and tried to visualize how aesthetically pleasing the lot would look with eight boats because it is high density and almost looks like a parking lot. Thorpe said the Village Board could request more detail of what they will see before approval. Pappas stated there are not good dimensions of the potential boats on the Site Plan and it is hard to visualize because they are not quite to scale. Prudden thanked the Munsons for looking at Fontana as a place to expand their business. He acknowledged that Fontana is a boating community and everyone else in the industry has done extremely well here. He said the proposal that is on the table with eight boats for two years is a fair and reasonable one and understands that time is of the essence for the Munsons as business owners to get their sales going and sell boats out of a new building. He stated he believes what the Munsons are proposing compliments the area. Pappas asked what happens if the ordinance regarding greenspace is not amended. Thorpe stated if the 40 percent greenspace requirement is not reduced and they cannot get that kind of leeway, then they will have a problem designing a new building and parking lot plan. Martin said they could seek a reduction in parking and McCarthy said that the Phase II plan that was withdrawn did ask for a 25 percent reduction in the parking requirements. McCarthy suggested keeping an open mind because this is the first time the rewritten code section is being tested and the new code was written having a specific vision and the Master Plan in place. She described the vision as two-story buildings, quaint, seaside atmosphere, and described the strict design standards. McCarthy said now that a building plan has been put up to the new code, it shows that it does not support the vision and is in contradiction to the Master Plan. McCarthy said it does not matter who wants to buy and build on that site, they will run into the same problems meeting greenspace and parking lot requirements and will not want to come here to build or open a business. Kenny stated that he shares the same sentiments as Prudden and thanked the Munsons for their interest. He said his only concerns were to make sure the building looks cosmetically pleasing and welcoming and also about the possible traffic congestion. Green questioned the wording of “wholly owned” as was made in the Plan Commission’s motion because the Munson’s son will be a part of the business and requested the wording be changed to “owned or controlled.” After discussion, the wording “substantially owned and operated” was agreed upon. Pappas stated he has a problem with the assumption that there will be changes to the green space standards in the VC District. He stated that eight boats is too many. Petersen agreed and said allowing eight boats would set a precedent forever.

Thorpe recommended to the Munsons to combine the two lots into a single sellable lot. He said it would eliminate the possibility of having the Highway 67 lot sold off separately after the Site Plan is approved. Kenny asked Pappas the number of boats he feels comfortable with and Pappas replied four. Trustee Petersen said he could compromise at six.

President Kenny/Trustee Prudden 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Site Plan Proposal per Section 18-245 as presented, including the 10 conditions as recommended by staff, alter the condition as to ownership to make it a substantially owned operating company at the inception of the permit, as presented, not to exceed eight boats for outdoor display, a timeframe not to exceed two years with no extensions in anticipation of a comprehensive redevelopment plan, and with the additional conditions that outdoor displays only take place only from April 1 to November 1, and that the two lots are combined into a single lot, and the roll call vote was as follows:

President Kenny – Aye

Trustee Petersen – Nay

Trustee Prudden – Aye

Trustee Pappas – Nay

The MOTION failed on lack of a majority of a quorum with a 2 – 2 vote. Trustee Howell abstained and Trustee McGreevy and Trustee Spadoni were absent.

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to table the recommendation on the Site Plan filed by Munson Marine for Lot Located at 138 Fontana Boulevard and the Roll Call vote was as follows:

Trustee Petersen – Aye

Trustee Prudden – Nay

Trustee Pappas – Aye

President Kenny – Nay

The MOTION failed on lack of a majority of a quorum with a 2 – 2 vote. Trustee Howell abstained and Trustee McGreevy and Trustee Spadoni were absent.

President Kenny stated he was looking for a motion to include six boats for display. Green said six boats would not work for the Munsons, but Thorpe replied that unless their application is withdrawn, the Village Board has no choice but to move forward on the issue. Prudden asked the board members that voted against allowing eight boats for outdoor display to reconsider their vote. He said the Munsons put in a full-price offer of \$375,000 which Green noted was \$80,000 above the bank appraisal they received on the property, and they are only asking for temporary usage for two years with eight boats. Kenny said by voting the proposal down, they would be throwing away a full price offer because of two boats for two years. Kenny suggested allowing eight boats for the first year and six boats for the second year. Howell said he wears many hats in the community and has lots of experience in Fontana. He noted the property has been for sale for quite some time. Howell said he has been friends of the Munsons dating back to the 1970's and 1980's as they are both in the boating industry. He also referenced the Cobalt Farms development approval controversy that went on for 2.5 years but has produced a satisfactory result that he believes most people are happy with. He said Fontana is a residential boating community and the Munsons should be given the benefit of the doubt because a nicer building will lead to more boat sales; he believes it is a good idea and will complement the town. Martin suggested tabling the item since there were two trustees absent from the meeting and proposed waiting until all Village Board members are present. Thorpe said the board could request more detail on how the lot will be made to look more attractive over the next two years including light, signage, size of boats, etc. Green said the Munsons would be agreeable to eight boats the first year and six boats the second year; however, a delay would cause issues. Thorpe explained they are concerned about giving the 120-day notice to the tenants at the property because it takes them right up to Memorial Day weekend. Thorpe stated the Village Board could table the item giving direction on the appearance of the lot. Then, a special Village Board meeting could be called in the next four days for the purpose of giving interim lease termination notice to Shodeen Homes, LLC

with the understanding that if the zoning does not get approved and the property sale does not get closed on, that they no longer need to leave. Martin stated he has had conversations with Dave Patzelt who understands and that they would look for a new place if notice is given, but if it is rescinded and they have not found a place, then they may like to stay.

Trustee Prudden/President Kenny 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Site Plan Proposal per Section 18-245 as presented, including the 10 conditions as recommended by staff, alter the condition as to ownership to make it a substantially owned operating company at the inception of the permit, as presented, not to exceed eight boats for outdoor display in the first year and six boats in the second year, a timeframe not to exceed two years with no extensions in anticipation of an approved comprehensive redevelopment plan, and require the outdoor display take place only from April 1 to November 1, and require the two lots be combined into a single lot, and the roll call vote was as follows:

Trustee Pappas – Nay

President Kenny – Aye

Trustee Petersen – Nay

Trustee Prudden – Aye

The MOTION failed on lack of a majority of a quorum with a 2 – 2 vote. Trustee Whowell abstained and Trustee McGreevy and Trustee Spadoni were absent.

Due to the inability to reach a consensus, Thorpe suggested the Village Board table the item and require additional details of how the property will look with six or eight boats. He said a special Board meeting could be called for in the next couple of days to discuss giving the tenant at 138 Fontana Blvd. notice to terminate which would remove January 29 as an urgency issue.

Trustee Prudden/President Kenny 2<sup>nd</sup> made a MOTION to table the Site Plan as filed and direct Munson Marine to show how they will make six or eight boats as attractive as possible and include details of lighting and signage, and the MOTION carried without negative vote.

#### **Adjournment Village Board Meeting**

Trustee Petersen/Trustee Pappas 2<sup>nd</sup> made a MOTION to adjourn the Village Board Meeting at 6:45 pm, and the MOTION carried without negative vote.

#### **Approve Plan Commission Minutes**

The minutes from the November 23, 2015 meeting were distributed.

Commissioner Frazier/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the November 23, 2015 meeting minutes, as presented, and the MOTION carried without negative vote.

#### **Plan Commission Public Hearings**

##### **Proposed Amendment to Zoning Ordinance Section 18-192 Regarding Allowable Exempt Signage**

Petersen opened the public hearing at 6:47 pm. Martin stated by passing the ordinance as presented, it will codify what is already being unofficially enforced. Passing the ordinance as presented will codify the basic rules about when non-profit organizations can put up signage. Pappas previously suggested having a stricter requirement than just “non-profit” groups as that could refer to groups such as homeowners’ organizations. The new verbiage requires groups to be “local nonprofit, charitable.” Thorpe pointed out that a charitable group needs to meet certain legal requirements. Lobdell stated the signage still needs to be approved by the zoning administrator as well. Pappas questioned why “signs less than one square foot in area” was struck completely from the ordinance. McCarthy stated she was instructed to remove that line at a previous meeting which is why it has been removed. The signage ordinance covers the requirements for small garage sale signs and Martin said it can function without the provision. The public hearing was closed at 6:50 pm.

##### **Proposed Amendment to Zoning Ordinance Section 18-249(d) Regarding Zoning Permit Time Limit**

The proposed ordinance includes increasing time limits on permit extensions. It would allow the zoning department to issue a permit for a “reasonable period longer than the four month or 18 month periods,” which would be granted upon request and for good cause. Martin suggested adding a provision for approval by the Village Board when the zoning administrator was not comfortable making the final decision, but Thorpe said since the notice for the hearing had already been published that the recommendation to the Village Board include the desired added verbiage.

#### **Plan Commission General Business**

##### **Consider Amendment to Zoning Ordinance Section 18-192 Regarding Allowable Exempt Signage**

Commissioner Grant/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the amendment to Zoning Ordinance Section 18-192 regarding Allowable Exempt Signage as presented, and the MOTION carried without negative vote.

##### **Consider Amendment to Zoning Ordinance Section 18-249(d) Regarding Zoning Permit Time Limit**

Commissioner Lobdell/Commissioner Grant 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed zoning ordinance amendment to Section 18-249(d) and to give direction to staff to bring questionable extension requests to the Village Board for final approval, and the MOTION carried without negative vote.

##### **Proposed Amendment to Zoning Ordinance Sections 18-38 and 18-82 Regarding VC District – Set Public Hearing**

McCarthy explained there is a typo in Figure 18-38 that describes Density, Intensity and Bulk Regulations in the Village Center District. The requirement for 10 feet (0 feet for zero lots) for Interior Side Setbacks incorrectly reads “Maximum” and is proposed to be changed to “Minimum”. The rear Setback also states there is a 10-foot “Maximum” which is proposed to be changed to “Minimum”. Under Section 18-38(b)(2), it lists a single family dwelling as a principal land use permitted by right which is proposed to be removed. This would allow existing single family dwellings to remain, but in order to be consistent with the Master Plan and streamline the district, it should be more business oriented and less residential. Martin said the current requirement is 40 percent greenspace. Staff recommends that requirement stay at that level for residential lots; however, staff believes in looking at the current business lots, most are at or under 20 percent green space. Some lots in the district do not have any green space. Lobdell agreed the village desires more density, but warned it is also getting close to the lake. McCarthy pointed out Table 18-82 and said it would only change the non-residential requirement. In trying to help visualize what 20 percent greenspace looks like, Slavney said newer shopping mall developments in Lake Geneva and Delavan are at 25 percent greenspace and he believes it is a reasonable amount.

Trustee Petersen/Commission Grant 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, February 29, 2016 beginning at 5:30 pm to consider the proposed amendments to Zoning Ordinance Sections 18-38 and 18-82 regarding the Village Center District, and the MOTION carried without negative vote.

##### **Proposed Amendments to Zoning Ordinance Section 18-28(m), Lakefront Residential (LR-0) District – Set Public Hearing**

McCarthy stated there are certain lot coverage regulations in each zoning district, and each district has a maximum building coverage and a minimum landscape surface ratio. Impervious surface areas such as driveways, decks, patios, sidewalks, etc. are also expected to be included in the lot coverage and are not included under the building coverage or landscape surface ratio definitions. In the LR-0 District, the maximum building coverage and minimum landscape surface ratio equal 100 percent and does not leave room for a driveway, sidewalk, patio, etc. To alleviate this issue, staff has proposed to reduce the minimum landscape surface ratio from 40 percent to 20 percent in the

Nonresidential bulk standards and change the Maximum building coverage from 30 percent to 25 percent in the LR-0 District. McCarthy said most of the lakefront lots are large and can fit an 8,000- to 10,000-square-foot residence if desired even with the reduction of maximum building coverage. Trustee Petersen/Commissioner Frazier 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, February 29, 2016 beginning at 5:30 pm to consider proposed amendments to Zoning Code Section 18-28(m), Lakefront Residential (LR-0) District, and the MOTION carried without negative vote.

**Proposed Amendment to Zoning Ordinance Section 18-229 Article XIII Regarding Performance Standards Exemption – Set Public Hearing**

McCarthy stated that there are particular standards that are required to be met in certain areas of the village, specifically in the Resort Business and Village Center Districts. These include design standards, performance standards, light standards, etc. She said there are some standards that existing businesses simply cannot comply with, and are exempt as they were existing when the new code was written. However, if the business decides to change any portion of the property, they are then required to meet the code as it is currently written. The ordinance update contains the same wording as the design standards and allows property owners to request an exemption on some requirements, specifically those found in 18-211 Access standards, Sec. 18-212 Visibility standards, Sec. 18-213 Off-street parking and traffic circulation, and Sec. 18-214 Off-Street Loading standards. Many requirements are not eligible for an exemption including pollution, noise, odor pollution, swimming pools, etc.

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, February 29, 2016 beginning at 5:30 pm to consider proposed amendments to Zoning Code Section 18-229 Article XIII Regarding Performance Standards Exemption, and the MOTION carried without negative vote.

**Proposed Amendments to Zoning Ordinance Sections 18-83(c) and 18-249(b) Regarding Utility Setbacks and Easements – Set Public Hearing**

McCarthy pointed out that the Plan Commission members already reviewed a proposed change to Section 18-249 earlier in the meeting, but the recommended changes regarding utility setbacks and easements did not line up with the public hearing. There are some residents with sewer lines running through their property and if they request to build a structure, such as an attached garage, it could go right up to the sewer line. This is not a good idea in the event the Village needs to get to the sewer line and the structure is overtop or right up to the sewer line. The recommended changes in 18-249(b) require an easement from property owners with sewer lines and 18-83(c) requires that no buildings or structures be erected within 10 feet to any public utility line. McCarthy stated that the lakefront properties already require easements. The Village Board will see three proposed amendments to the Municipal Code, but only the two currently being posed need to go through public hearings because that are located in the Zoning Code.

Trustee Petersen/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to Schedule a Public Hearing on Monday, February 29, 2016 beginning at 5:30 pm to consider Proposed Amendments to Zoning Ordinance Sections 18-83(c) and 18-249(b) Regarding Utility Setbacks and Easements, and the MOTION carried without negative vote.

**CUP Application filed by the Abbey Harbor Condominium Association, 271 Fontana Blvd for Accessory Structure – Set Public Hearing**

The Abbey Harbor Condominium Association has filed a CUP application to build a shed in back of the marina where there are currently dumpsters. They would like to reduce the three or four dumpsters to one dumpster and relocate the others. McCarthy said there are actually three separate CUPs involved in the approval process. Since there are no accessory uses as permitted by right, the first CUP requests to allow for an “other use accessory to the principal use.” The re-written code requires that this portion of the Abbey Harbor remain as-is and in order to obtain any addition, a

CUP is required. The last CUP requests an exemption from Design Standards which requires a minimum of 30 percent window coverage on the first floor and a minimum of 15 percent coverage on the second floor. Since it is a storage building, staff agrees that no one wants to look into a storage building. They are also requesting an exemption in order to use plywood on the façade facing a public street which will closely resemble the Harbor House.

Trustee Petersen/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, February 29, 2016 beginning at 5:30 pm to consider the CUP application filed by the Abbey Harbor Condominium Association at 271 Fontana Blvd. for an accessory structure, and the MOTION carried without negative vote.

**CUP Application filed by Geoff & Megan Hoffmann, 389 N. Lakeshore Drive for Entry Pillars and Gate – Set Public Hearing**

Owners Geoff and Megan Hoffmann at 289 N. Lakeshore Drive have filed a CUP to construct two entry pillars and a stationary gate which will remain inoperable at the entrance of their driveway. McCarthy said this is common along North and South Lakeshore Drives and the gate will be in a fixed open position.

Commissioner Lobdell/Commissioner Frazier 2<sup>nd</sup> made a MOTION to schedule a public hearing on Monday, February 29, 2016 beginning at 5:30 pm to consider the CUP application filed by Geoff and Megan Hoffmann at 389 N. Lakeshore Drive for entry pillars and gate, and the MOTION carried without negative vote.

**CUP Application filed by Rex & Diane Lewis, 650 S. Main Street for Bed and Breakfast Establishment – Concept Review**

Owners Rex and Diane Lewis at 650 S. Main Street have filed a CUP to authorize a Bed and Breakfast, which is a principal land use as permitted by right. McCarthy said the filing fee has been paid but the application is incomplete as she only has a hand-drawn site plan. There are pictures included but no survey has been filed. Petersen noted that on the property and attached to the barn is the original trolley station that used to sit down on the lakefront where the Gordy's building is now located.

**Site Plan Expiration Notice for 102 W. Main St. – Jamie & Carol Whowell**

McCarthy stated that a notice of expiration was sent to James and Carol Whowell regarding the expiration of the approved Building, Site and Operations Plan at 102 West Main Street. The most recent extension to the BSOP was authorized in 2011 for a three-year term and expired in 2014. The site should not have been used in 2014 as there was no approval. Martin said the Whowells are currently out of town of noted that Jamie has submitted a preliminary plan which is on file. McCarthy also noted they could ask for what they were previously approved for.

**Adjournment Plan Commission**

Commissioner Lobdell/Commissioner Grant 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 7:13 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 Village Board, the official minutes will be on file at the Village Hall.

APPROVED: