

**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 OF TRUSTEES
Monday, April 25, 2016

Chairman Dave Prudden called the Plan Commission monthly meeting to order and President Pat Kenny call the Village Board special meeting to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Trustee Prudden, Bob Ahern, Sarah Lobdell, FJ Frazier (5:34 pm), Robert Grant, Trustee Arvid Petersen

Plan Commissioner absent: Micki O'Connell

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

Also present: Carl Bergesen, Christina Green, Clerk Theresa Loomer, Administrator Dennis Martin, Zoning Administrator Bridget McCarthy, Mark Munson, Mary Jo Munson, Building Inspector Ron Nyman, Village Attorney Dale Thorpe

Visitors Heard

None

Joint Session Business

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

The Phase I Site Plan was recommended for Village Board approval at the January 25, 2016 Plan Commission meeting with the following conditions: 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 the 11 following staff recommended conditions:

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.

Phase I includes use of the principle structure that currently exists on the lot and Phase II includes construction of a new principle structure. Outdoor display is allowed but must be tied to a permanent principal structure per Chapter 18 of the Municipal Code. McCarthy stated staff recommends Village Board approval of Phase I with the conditions recommended from the Plan Commission recommendation on January 25, 2016. Phase II is also recommended for approval by staff with the conditions that signage, landscaping, lighting and storm water plans are submitted and reviewed prior to the issuance of building permits. Thorpe stated there is a very good record for the proposed plan including thorough submittals and thorough review and comments by staff. Attorney Christina Green, who represents Mark and Mary Jo Munson, went over the information provided in the meeting packets regarding the Phase II Site Plan. She described the proposal which is a 90-foot by 50-foot Nantucket-style building which would be constructed at the end of the 2017 boating season, and possibly sooner. The Site Plan depicts the building which contains 3,788 square feet of net primary floor area, building coverage of 24.8 percent, impervious surface of 48 percent, and landscape ratio of 28.4 percent. There is an existing shared driveway to the east of the property which uses an existing access easement and will be part of the one-way circle drive off Fontana Boulevard. The parking lot entrance is on the east side of the property and the exit is located on the west side of the property. The west driveway is more than 100-feet from the intersection of Highway 67 and Fontana Boulevard. There are 16-parking spaces as required by the code. All lighting, signage and landscaping must be in compliance with the Village Municipal Code and will be reviewed as part of the building permit process for the new building. There are no variances or conditional use permits requested; however, since there is a two-year sunset clause in the Municipal Code for zoning permit approval that requires completion of construction within two years after approval, and Phase I is proposed to last for two years, the Munsons are requesting to extend the sunset clause from two to three years. Green presented illustrations of the proposed elevations of the building in Phase II. Trustee McGreevy asked what the intended use is for the second floor. Green stated it is the mezzanine area and will be utilized for storage, which is also a permitted use by right. Pappas stated he has a problem with the four boats proposed for outdoor display and asked about size and height restrictions. He stated he would like to see the boats moved inside and the VC Zoning District amended to allow for a bigger building and reduced parking spaces since it is the entryway into the community. Green stated that because of the 10-foot required setback from the asphalt driveway and 5-foot required setback from the road, the largest boat that would fit is a 30-foot boat. Mary Jo Munson stated the biggest run-about boat would be 29-feet. Pappas asked if that could be included in writing, and Mark and Mary Jo Munson agreed to a limitation that no larger than a 30-foot boat would be on outdoor display. Thorpe stated that at the January meeting, boat size came up, but no direction was given at the Plan Commission or Village Board meeting and the thought was that boat size would be regulated by the size of the lot and required setback standards. Mary Jo Munson stated they will never display used boats, only new boats. McGreevy stated Fontana is a recreational community and the way the Site Plan is depicted, it is a good fit. Pappas asked if there are any regulations regarding storage of tow-vehicles overnight, and Green stated there is a prohibition that the applicants will adhere to. Green also stated that since the Munsons are trying to sell boats, their goal is to make the boats and space as attractive as possible to appeal to customers. Thorpe stated that the site plan review is not a conditional use permit hearing and as long as the applicants comply with the conditions of the municipal code and VC zoning district, the board would be hard pressed

to not approve it. McCarthy said the purpose is to review the Site Plan and make sure that it meets all the design and performance standards. Thorpe added the issue is whether they comply with the very burdensome published requirements of code, and if they do, they are entitled to approval. Pappas asked if they had a desire to put a bigger building, would the village work with them to change the zoning code again. Thorpe said it was possible, but stated they have tried to address the ordinance as written and it would be an act of “moving the goal posts” by changing the ordinance again. Lobdell stated she is in favor of the current VC standards that require moving new buildings closer to the property lines, with parking in the back. Ahern stated he likes the softening of Phase II with the planters and added detail. Prudden stated the Munson’s did a nice job in their presentation of Phase II and believes it is a high quality building and will add a lot of value coming into the community. Petersen stated if this goes through, there will be two more boat companies on the Highway 67 corners and he believes it is inappropriate for the Village of Fontana to look like Fox Lake, IL.

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

Commissioner Grant/Commissioner Lobdell 2nd made a MOTION to recommend Village Board approval of the Phase II Site Plan Proposal for the lots at 138 Fontana Boulevard per Section 18-245 as presented, with the addition of a 12th condition to the initial 11 conditions listed in the staff report that states no outdoor display boat shall exceed 30-feet in length, subject to staff’s review memo and conditions set forth therein, and the MOTION carried on a 5-1 vote with Trustee Petersen opposed and Commissioner O’Connell absent.

Village Board Consideration of Plan Commission Recommendation for Phase I Site Plan Filed by Munson Marine for Use of Existing Building and Lots Located at 138 Fontana Boulevard – Tabled 1/25/16, 3/7/16 & 4/11/16

Martin read the motion from the January 25, 2016 Plan Commission meeting which recommended approval of Munson Marine’s Phase I Site Plan: “Commissioner Grant/Commissioner Frazier 2nd 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.” The Village Board’s motion previous to tabling the Site Plan was a recommendation of eight boats the first season and six boats the second season. Thorpe stated the new motion should include the addition of the 12th condition that no boat on outdoor display exceed 30-feet in length. Trustee Prudden made an initial motion seconded by Trustee McGreevy to approve the Site Plan Proposal per Section 18-245 as presented, including the 11 conditions as recommended by staff with the addition of No. 12, 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 no boat on outdoor display shall exceed 30-feet in length. Pappas referenced 4(b) of staff’s review which reads “All signage must comply with Village ordinances and shall not be erected until such time as all ~~approvals~~ requirements have been met and permits have been received issued. The following requirements regarding signage shall be met (b) The existing nonconforming monument sign located at the front of the building may be utilized for Phase 1 only, not to exceed 20 square feet per sign face, for a total of 40 square feet for the combined sign faces. Pappas stated the referenced monument sign is not located on the subject property and believes it must come down. He stated the current tenant installed it about a year ago, and since not on the subject property, it cannot be considered legal non-conforming. McCarthy pointed out that if they are forced to remove the sign, they are entitled to put up a much larger sign on their property. Thorpe recommended including another condition in the motion subject to the Village’s rights to the area where the monument sign is located, and without waiving those rights. Trustee Prudden and Trustee McGreevy agreed to amend their initial motion to include the requirement that the monument sign be moved

onto the subject property. Pappas asked for clarification regarding measurements for the area where the boats are depicted for outdoor display. It was confirmed the boats will be displayed located within the area depicted on the site plan.

Trustee Prudden/Trustee McGreevy 2nd made a MOTION to approve the Munson Marine Phase I Site Plan Proposal per Section 18-245 as recommended, including the 11 conditions in the initial staff report, with the addition of a 12th that states no outdoor display boat shall exceed 30-feet in length, and with the additional stated conditions that the total number of boats in the outdoor display area shall not exceed eight boats for the first season and six during the second season, a timeframe not to exceed two years with no extensions in anticipation of a comprehensive redevelopment plan, the outdoor display shall take place only from April 1 to November 1, and the existing monument sign shall be moved onto the subject property, and the Roll Call vote was as follows:

Trustee Prudden – Aye

Trustee Livingston - Aye

Trustee Peterson – Nay

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Pappas - Nay

The MOTION carried on a 5-2 vote with Trustee Petersen and Trustee Pappas opposed.

Village Board Consideration of Plan Commission Recommendation for Site Plan Filed by Munson Marine for Lot Located at 138 Fontana Boulevard for New Building Construction

Four boats are depicted on the Site Plan for outdoor storage during Phase II with the new building. Pappas stated he does not believe this is the proper way to present the village to people coming in and said the village just spent over \$450,000 to take four telephone poles and utility lines down at the lakefront, and now the village is going to sell a piece of property for \$375,000 for an even bigger eyesore. He asked if the site plan is approved and the property is sold, will the Village Board use the proceeds to pay down the CDA debt, some of which was used to buy the property in the first place; or, will the money be put into the general fund for this year's spending. Kenny stated that is a separate issue. McGreevy stated the property was purchased a long time ago and was a mistake and stated these buyers are offering full purchase price when none of the other citizens who Pappas stated are complaining have come forward to put a business on the property. McGreevy stated the Village Board members need to do what's right for the citizens and taxpayers and put the property back on the tax role, and a marina is a perfect fit for the Village of Fontana. Kenny stated Fontana is a nautical area and most people choose to live here for the lake. Mark Munson stated their financing is approved through Walworth State Bank and was only appraised for \$280,000.

Trustee McGreevy/Trustee Prudden 2nd made a MOTION to approve the Phase II Site Plan for the lots at 138 Fontana Boulevard per Section 18-245 as recommended, with the addition of a 12th condition to the initial 11 conditions listed in the staff report that states no outdoor display boat shall exceed 30-feet in length, subject to staff's review memo and conditions set forth therein, and the Roll Call Vote was as follows:

Trustee Livingston – Aye

Trustee Petersen – Nay

President Kenny – Aye

Trustee McGreevy – Aye

Trustee Whowell – Aye

Trustee Pappas – Nay

Trustee Prudden – Aye

The MOTION carried on a 5-2 vote with Trustee Petersen and Trustee Pappas opposed.

Adjournment Village Board Meeting

Trustee Pappas/Trustee Prudden 2nd made a MOTION to adjourn at 6:07 pm, and the MOTION

carried without negative vote.

The Plan Commission took a two-minute recess.

Approve Plan Commission Minutes

The minutes from the February 29, 2016, 2015 meeting were distributed.

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to approve the February 29, 2016 meeting minutes as presented, and the MOTION carried without negative vote.

Plan Commission Public Hearings

Conditional Use Permit Application for Installation of a Septic System at Big Foot Country Club, 770 Shabbona Drive

Martin stated the Public Hearing was posted with the hope that the plans for a septic system or holding tank would have been approved by the county prior to the meeting date, but Big Foot Country Club has now applied for a state permit for a mound system because the county did not approve the septic system or holding tank. Big Foot Country Club has not yet heard back from the state. There was no one present for the public hearing, which was opened and closed without comment. Martin stated the village engineers suggested at the staff meeting that the applicants consider installing a small grinder pump and run a 2-inch sanitary line up to the Addition K Lift Station on Tarrant Drive, and then a CUP would not be required for the new halfway house/restroom building, just a building permit. Thorpe stated it would cost in excess of \$20,000 to install a grinder pump in order to connect to the sewer system; but the water level is too high to install a holding tank and the perc test did not fare well for a septic system.

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to table the Conditional Use Permit application for Installation of a Septic System at Big Foot Country Club, 770 Shabbona Drive, and the MOTION carried without negative vote.

Plan Commission General Business

Site Plan Filed by Jerry's Majestic Marine for 102 W. Main Street

Martin stated 102 W. Main Street is in the VC District located across Highway 67 on the opposite corner from the 138 Fontana Boulevard site. Jamie Whowell is the owner of the property and has leased it to Jerry's Marine, which has been displaying boats with a large monument sign under an expired Building, Site and Operation Plan, which was renewed twice since originally filed and approved in 2005; however, the approval lapsed after the 2014 season. Martin stated that Jamie and Carol Whowell have submitted a couple of conceptual development plans over the years for the parcel, but they postponed planning when the economy tanked about seven or eight years ago. If favored by the Plan Commission and Village Board, staff recommends the approval of the proposal to continue to use the lot for outdoor display of boats with no building on the site, just the monument sign that it be limited to only two more years with very similar conditions to what was recommended and approved for Munson Marine at 138 Fontana Boulevard, including:

1. 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.
2. The approval of this site plan shall become null and void at the completion of two years from the date of this approval, without exception, and all use of the property shall cease until a comprehensive redevelopment plan (permanent in nature) has been submitted and approved;
3. There is no exterior lighting indicated on the submitted site plan. If exterior lighting exists, it shall remain and be utilized as-is. Exterior lighting shall not be moved, relocated, or added to, including increasing lumens.
4. The following requirements regarding signage shall be met:
 - a. The combined size of the ground sign shall not exceed 36 square feet.
 - b. Signage at or within the outdoor display area is expressly prohibited.

5. The use of the outdoor display on this property as proposed shall be seasonal in nature and shall be restricted to April 1 to November 1 , at which time all boats trailers, stands, blocks and steps shall be removed from the property;
6. Sales are restricted to boats only; sales of vehicles is expressly prohibited. Boats shall be displayed horizontal in nature; no stacking or vertically angled display is allowed.
7. Service and storage shall not be permitted at the property.
8. There shall not be storage of empty boat trailers or other storage of items or materials allowed;
9. A maximum number not exceed eight (8) boats in the first season, and not to exceed six (6) boats in the second season for outdoor seasonal display at any given time;
10. The site plan submitted depicts hand drawn boats throughout the vacant parcel for outdoor display. All outdoor display shall meet the requirements of this section. 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.
11. This approval shall be limited to the owner of the business applying for this site plan approval only and not tied to the property itself.

In response to questions, staff stated that Jamie and Carol Whowell are aware of the Site Plan requirements and they indicated that Jerry's Majestic Marine would be applying for the continued use of the lot. McCarthy stated that now that the Village Zoning Code has been rewritten since the original approval in 2005, the lot is located in the VC Zoning District and outdoor display is tied to a permanent structure and there is no permanent structure on the site. The sign is larger than the sign approved for the Munsons, and the application submitted requests to display 10 boats.

Trustee Petersen/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the Site Plan filed by Jerry's Majestic Marine for 102 W. Main Street, including the 11 conditions listed in the staff report, and the MOTION carried without negative vote.

Approval of CSM Filed by Zoran Atlija for STFV 00227 (Formerly 122 Fontana Avenue)

The Certified Survey Map was submitted by Zoran Atlija for approval to subdivide a lot in the SR-5 zoning district into two lots. The property is located on Mill Street and Fontana Avenue. The parcel located on Mill Street contains an existing accessory structure which staff recommends should be removed within 90 days of approval of the CSM unless permits to build a principal structure on the lot are obtained. The lot on Fontana Avenue contains an existing principal structure. Both lots meet the minimum density and intensity requirements of the SR-5 zoning district. Staff recommends approval of the CSM with the following conditions:

1. The final CSM shall include all pertinent and required information (as opposed to being on two separate forms, as was submitted. The two documents shall be combined onto one CSM).
2. The comments from the Village engineering firm, Ruekert-Mielke, dated April 18, 2016, shall be addressed; specifically:
 - a. The legend indicates a different symbol for a found chiseled "X" than is shown on the map. There is shown on the map. There is a line in Mill Street that is not labeled or shown in the legend.
 - b. The Surveyor's Certificate must indicate the POINT OF BEGINNING.
3. The applicant shall conform to Section 236.34 (recording of certified survey map; use in changing boundaries; use in conveyancing) Wisconsin State Statutes.
4. The applicant shall be responsible for any and all recording fees.
5. The applicant shall be responsible for recording the appropriate instrument with the Walworth County Register of Deeds within 12 months from the Village of Fontana's approval date.

6. The applicant shall provide the Village of Fontana with one (1) recorded copy of the deed or instrument and the plat of survey exhibit within thirty (30) days of recording such document, which will constitute final Village approval of the certified survey map.
7. The applicant shall be made aware that construction on this lot shall not commence (building & zoning permits shall not be issued) until the certified survey map has been properly recorded and a copy has been provided to the Village of Fontana.
8. The existing accessory structure on Lot 1 shall be removed within 90 days from approval of the CSM unless permits to build a principal structure on the lot are obtained within this timeframe.
9. The applicant shall pay all cost recovery fees incurred.

Commissioner Lobdell/Commissioner Grant 2nd made a MOTION to recommend Village Board approval of the CSM Filed by Zoran Atlija for STFV 00027 (formerly 122 Fontana Avenue), with the 9 conditions listed in the staff report, and the MOTION carried without negative vote.

Amendments to Village Fees Resolution for Building and Zoning Fees, and to Sec. 14.65 – Fees for Building Permits and Inspection – Schedule Public Hearing

Staff would like to reduce the current fee for Lot Line Adjustment applications and move the section out of Chapter 14-65 and into the Village of Fontana Fee Schedule. Modification of the fee schedule requires a Resolution whereas modifying an ordinance in Chapters 17 and 18 requires a public hearing. The fee for a Lot Line Adjustment as written in Chapter 14-65 of the Municipal Code is \$250 plus signed recovery. For a Certified Survey Map, which entails much less work, the application fee in the schedule calls for \$100 plus \$25 per lot line. Staff recommended reducing the application fee for Lot Line Adjustments to \$150. In order to amend the ordinance and remove the Lot Line Adjustment from Chapter 14-65 a public hearing is needed.

Trustee Petersen/Commissioner Frazier 2nd made a MOTION to schedule a Public Hearing for Tuesday, May 31, 2016 to Amend Chapter 14-65 to Remove the Lot Line Adjustment fee and add it to the Village of Fontana Fee Schedule, and the MOTION carried without negative vote.

Schedule May Monthly Meeting Date

Due to Memorial Day on the last Monday of the month, the May meeting date was scheduled for Tuesday, May 31, 2016 at 5:30 pm.

Adjournment Plan Commission

Commissioner Lobdell/Commissioner Frazier 2nd made a MOTION to adjourn the Plan Commission meeting at 6:20 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Loomer, Village Clerk

Note: These preliminary 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: Village Board Approval _____
 Plan Commission Approval _____