

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, April 27, 2015

Chairman George Spadoni 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 Spadoni, F. J. Frazier, Bob Ahern, Cynthia Nickolai, Micki O'Connell, President Petersen, Sarah Lobdell

Also present: Jason Bernard, Susan Brady, Merilee Holst, Bob Klockars, Clerk Theresa Linneman, Administrator Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Dave Prudden, Todd Reschke, Village Attorney Dale Thorpe, Village Planner Mike Slavney, John Tracy, Mark Zavagnin

Visitors Heard

Spadoni thanked former President Petersen for his service to the Village and welcomed new Plan Commission member Bob Ahern.

Approve Minutes

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to approve the minutes for the April 8, 2015 meeting as presented, and the MOTION carried without negative vote.

Public Hearing

Petition to Amend Municipal Code Section 17-5(7), Land Division Regulations, Repealing 35-Acre Per Dwelling Unit Density Requirement for Extraterritorial Plat Reviews

The public hearing was opened at 5:31 pm. Attorney Thorpe gave an overview on the published lawsuit that has led to the recommendation to amend Section 17-5(7) of the municipal code regarding unit density in the extraterritorial plat review jurisdiction area. The lawsuit came out of Walworth County whereby Thorpe said the Wisconsin Court of Appeals issued a decision where limiting density on extraterritorial plats was found to be invalid. The proposed resolution removes 17-5(7)(c) from the municipal code which states, "The maximum density of development shall be no more than one dwelling unit per 35 acres, except where permitted by extraterritorial zoning. The only exception to this policy is that lots resulting in the infill of existing subdivisions may be permitted, or as otherwise determined by the village board." Village Planner Mike Slavney stated that because of the court ruling, the Village can no longer be involved in the decision making process regarding density in extraterritorial plat review matters. There were no comments made at the public hearing, which was closed at 5:33 pm. Commissioner O'Connell asked if the amendment requires approval from the ETZ, which Thorpe replied no because it is a platting issue and not a zoning issue; therefore, it is only required to go through the Plan Commission and the Village Board for approval.

Petition to Amend Zoning Ordinance and Zoning Map of the Village of Fontana on Geneva Lake from Village Center and SR-5 Zoning Districts to Planned Development, Filed by Four Peaks, LLC., for Lakeview Terrace Proposal at 264 & 268 Third Avenue

The public hearing was opened at 5:34 pm. Martin said he received a letter from John Tracy's attorney and indicated the Four Peaks Properties, LLC., which is the name on the rezone application and the name it was published under, will actually be carried out by Hartland Holdings, LLC. The rezone application petitions to amend the Village zoning map from Village Center and SR-5 zoning districts, to a Planned Development zoning district. According to Thorpe, amending the zoning

district is the first step in a multi-step process which signals to the developer the Village is on board prior to the developer spending a lot of time and money adding details, because without the rezone, the developer cannot move forward with the Precise Implementation Plan. Mark Zavagnin, owner of the adjacent parcel at 240 Reid Street, stated he is a neighbor to the proposed development and thinks the plans look beautiful. He stated he is aware Fontana is rigid on green space, and his house is small and would love to expand. He asked if the plans for the Lakeview Terrace PD are approved, would he be able to expand to 63 percent of his property. Thorpe indicated the allowance of green space is unique to Lakeview Terrace's circumstances and it is impossible to answer Zavagnin's question based on an unfiled application. He made it clear that John Tracy's project would not set a precedent for other future building proposals; however, if the PD is approved, Thorpe stated that all the commissioners would likely remember how they voted in this instance. John Tracy used a map to show the Commissioners and audience where Zavagnin's property is in relation to the proposed Lakeview Terrace and said he would support any improvement as it would be an asset to their development. The public hearing was closed at 5:39 pm

General Business

Recommendation on Proposed Amendment to Zoning Code Section 17-5(7)

Commissioner Lobdell/Commissioner O'Connell 2nd made a MOTION to recommend approval of the Proposed Amendment to Zoning Code Section 17-5(7), as presented, and the MOTION carried without negative vote.

Recommendation on Petition to Amend the Zoning Code Filed by Four Peaks, LLC

An initial motion was made by President Petersen and seconded by Commissioner Nicolai to recommend Village Board approval of the zoning district amendment from Village Center and SR-5 Zoning Districts to Planned Development as filed by Heartland Holdings, LLC. Village Planner Mike Slavney, in response to a question posed by O'Connell regarding his opinion on the development, responded that green space is a concern as he is aware the Village wants to maintain its character. He said a Planned Development was created to allow plans that may not otherwise be considered, but can be redeemed by other characteristics that give the Village character. He cautioned the Commission that with multifamily developments there is less control and reminded they are entitled to say no if it is too dense or if there is not enough green space. In comparison, he feels the Lakeview Terrace Planned Development is more "villagey" than Shodeen's Planned Development project. Thorpe asked if it is consistent with the Master Plan and Slavney indicated it is, and it is also consistent with Village Center zoning.

Trustee Petersen/Commissioner Nickolai 2nd made a MOTION to recommend Village Board approval of the amendment to the zoning ordinance and zoning map at 264 & 268 Third Avenue to Planned Development and approval of the General Development Plan, as presented, and to record the finding of fact that the proposed PD is consistent with the Village's Master Plan for this property and it fulfils the Village Center Criteria as to architecture and character. The MOTION carried without negative vote.

Schedule May Monthly Meeting Date

Since the next regularly scheduled Plan Commission meeting date falls on Memorial Day, the next Plan Commission Meeting was rescheduled for May 18, 2015 at 5:30 pm.

Adjournment

Commissioner Lobdell/Commissioner Frazier 2nd made a MOTION to adjourn the meeting at 5:49 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 06/29/15