

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

REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, June 26, 2006

President Whowell called the monthly meeting of the Plan Commission to order at 5:36 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Poivey, Larson, McGreevy, O'Connell, Spadoni, Treptow (excused from the meeting at 8:01 pm), President Whowell

Also present: Daniel Baughman, Jeremy Bria, Brandy Brown, Anthony Colletti, Noah Fiedler, Administrator Kelly E. Hayden-Staggs, Bruce Jensen, Library Director Nancy Krei, Robert Leibsle, Village Clerk Dennis Martin, CDA Executive Director Joseph McHugh, Brian Michels, Karen Morris, Peter Novak, John Noyer, Building Inspector Ron Nyman, Trustee Pete Petersen, Brian Pollard, Treasurer Peg Pollitt, Trustee Ron Pollitt, Rick Rosenow, Village Attorney Dale Thorpe, Carol and Jamie Whowell, CDA Commissioner Cindy Wilson

Visitors Heard

None

Announcements

Hayden-Staggs announced that the 2006 Board of Review will be held Thursday, June 29, 2006, beginning at 2:00 pm; the Village of Fontana Independence Day Fireworks Display will be held on Tuesday, July 4, 2006, at dusk; the CDA monthly meeting will be held Wednesday, July 5, 2006, at 6:00 pm; the Village Board monthly meeting will be held Monday, July 10, 2006, beginning at 6:00 pm; the Park Commission will host a Walking Tour of the Hildebrand Conservancy & Headwaters Park on Tuesday, July 11, 2006, beginning at 5:30 pm at the Fontana Elementary School parking lot; Accurate Appraisal will hold office hours at the Village Hall on Friday, August 4, 2006, from 10:00 am to 4:00 pm; and the Highway 67 construction project will force local road closures during Phase I from May 1 to June 30 and during Phase II, from August 21 to early November.

Approve Plan Commission Minutes

Spadoni/Larson 2nd made a MOTION to approve the minutes for the meeting held May 30, 2006, and the MOTION carried without negative vote.

Public Hearing

Amended Conditional Use Permit Application filed by Daniel G. Baughman, 479 N. Lower Gardens Road, to construct a new accessory three-car garage to replace the existing garage in the RS-2 Zoning District

Daniel Baughman stated that he is seeking approval to add one more layer of shake shingles to the garage he is building at his residence. When the CUP was approved November 22, 2004, there was no provision in the code to allow for the extended shingles. A recent amendment to the zoning code allows for the extended shingles; however, the originally approved garage plan for the CUP does not include the extended shingles. Baughman stated that the extended shingles for the garage will match the shingles and gutters on the residence. President Whowell opened the public hearing at 5:40 pm. The Plan Commissioners stated that Baughman is doing a great job on the project and his property is one of the best maintained in the entire village. A woman who owns one of the adjacent properties stated that the neighborhood has no concerns with regard to the Baughman property and they support the amendment proposal. President Whowell closed the public hearing at 5:42 pm.

Larson/Poivey 2nd made a MOTION to approve the amended Conditional Use Permit application filed by Daniel G. Baughman, 479 N. Lower Gardens Road, as presented, and the MOTION carried without negative vote.

General Business

Recommendation on Big Foot Street Vacation Proposal – Village Board Public Hearing July 10, 2006

Attorney Robert Leibsle stated that his clients are seeking the vacation of the remaining, unused portion of Big Foot Street located adjacent to the Whowell property and Pioneer Park. If approved, the Whowells plan to submit an expansion proposal for the apartment building they own on the northwest corner of Third Avenue and Big Foot Street. In response to a staff condition for approval of the street vacation proposal, Leibsle stated that his clients are aware of the Village's pending Third Avenue reconstruction project and they will be happy to provide easements to the Village to accommodate the new sidewalk and street right-of-ways for the reconstructed street. Leibsle also stated that his clients have no problem working with the Village on the encroachments. Hayden-Staggs stated that the staff is recommending holding off on the Whowell's proposal to purchase the Village's portion of the vacated street until after the Third Avenue reconstruction and potential Pioneer Park projects are completed. Following discussion, Leibsle stated that he would have the proposed easement agreements ready for consideration at the July 10, 2006 Village Board meeting. Spadoni/Treptow 2nd made a MOTION to recommend Village Board approval of the Big Foot Street vacation proposal, with the condition that an easement agreement for the Third Avenue encroachments is reached between Jamie and Carol Whowell and the Village, and the MOTION carried without negative vote.

Review CUP Issued June 28, 2004 to John Noyer for Property at 154 W. Main Street

Noyer stated that the Heritage House still has not done significant business since its initial approval, and he requested another year to finish the third unit. The CUP was approved June 28, 2004 to allow for a hotel/motel use with three units, with the condition that the CUP be reviewed after one year to determine if the conditions set are appropriate and to determine if additional conditions are necessary. At the April 2005 Plan Commission meeting, it was determined that there was insufficient business activity to adequately review the initial CUP conditions and the matter was referred to the June 2006 Plan Commission. Nyman reported that the concerns regarding guardrails and handrails that he noted in an inspection conducted in April 2005 have been addressed; however, an occupancy permit has not been issued for the third unit because it is not yet completed. The staff report recommended that the Plan Commission extend the review of the initial conditions for approval for one more year, and that the applicant complete the third unit and obtain an occupancy permit within 60 days. Noyer stated that he would like more time than 60 days to complete the third unit. Noyer stated that he would like to complete the remaining interior work during the winter months and have the unit ready for occupancy by April or May 2007.

Spadoni/Poivey 2nd made a MOTION to approve the one-year extension of the review of the initially established conditions to determine if the conditions set are appropriate and to determine if additional conditions are necessary, with the condition that the third unit is completed by June 1, 2007. The MOTION carried without negative vote.

Hannigan CUP Extension Request

Hayden-Staggs stated that the agenda item was for discussion only on the CUP application approved September 26, 2005 for Patrick and Joanne Hannigan to raze and rebuild their residence at 653 Hazel Court. While presenting the staff report, Nyman stated that the one-month extension request on the 12-month CUP time period is premature and at this time the applicants have only submitted incomplete plans for the project. Thorpe stated that the applicants can still show progress on the project during the Glenwood Springs Association's "no-hammer" summer months by hiring a contractor, submitting the required documents and ordering supplies. Thorpe stated that if it is still

necessary in August, the Hannigans can petition for a time extension, but they need to file the final plans and enter into project contracts and agreements by the end of August 2006. The staff report states that the Municipal Code dictates that the conditional use granted by the Village must be established within 12 months of approval of the CUP application. The applicants have to deal with the Glenwood Springs Association “no hammer” rule during the summer months; however, the staff report states the deadline can be met if the applicant immediately hires a contractor who adheres to a strict and aggressive timeline. During the summer months, the proper permits could be obtained and the contractor could be in a position to raze the structure the day the association’s “no hammer” rule is lifted. The contractor could immediately dig and pour the foundation and there would be ample time to line up a certified surveyor to obtain the required foundation certification, and to begin the subsequent framing work. The applicant has submitted some of the documents required for the permit application, but the Building Department cannot issue a permit until copies of the excavation notifications are received, additional information regarding the retaining wall is received, a tree mitigation agreement with Glenwood Springs Association is received, and a signed and dated permit application is received. The applicants have stated that bids have been solicited from three possible contractors; however, a contractor has not been hired. The Village received a letter from Attorney Kenneth Conell dated May 31, 2006 that requests the time extension on behalf of his clients, Mr. and Mrs. Ptarick Hannigan. Staff recommends allowing the applicants one 30-day extension no earlier than August 1, 2006, provided that all permits have been obtained, a contractor has been hired and proof of such can be supplied in writing, and a construction timeline is submitted; that the construction timeline outline the contracted companies and exact dates when the current structure will be razed, when the new foundation will be dug and poured, when the basement walls and footings will be poured, and when the contracted surveyor will supply verification of the foundation work; and that all the razing, digging, pouring and surveying work be completed by the end of September 2006. Attorney Anthony Colletti, representing one of the Hannigan’s neighbors, Brian Michels, stated that if the Village approves a time extension on the initial CUP, the applicants should be held to the current VOF Municipal Code standards. The Village amended the nonconforming lots portion of the Municipal Code in April 2006. Colletti stated that if his client is unable to take advantage of the CUP process that was in place when the Hannigans received approval, the Hannigans should have to abide by the current code if the initial conditional use is not established within 12 months. Michels stated that he was opposed to the Hannigan’s proposal because it will increase the height and volume of the current residence, which is located between his home and the lake. Michels stated that after the Hannigans received approval, he was unable to submit a proposal to raze and rebuild his residence under the same standards because the code was amended by the Village. Peg Pollitt stated that she is a member of the Glenwood Springs Association Board of Directors, which was very opposed to the Hannigan’s proposal. Peg Pollitt stated that the Glenwood Board particularly objected to the approval of a six-bedroom residence that has only one parking space. President Whowell stated that the issue will be revisited in August.

Concept Review for CUP Application Filed by Edward S. Lyon, VEL Ltd. Family Partnership – Tabled 05/30/06

Nyman stated that more information is needed to provide a staff opinion on the CUP concept that proposes to raze and reconstruct the current caretaker’s residence. Staff recommended that the proposed caretaker’s residence be scaled down so it is smaller than the current main residence on the property. Staff recommended not setting a public hearing for the concept as currently submitted. Edward Lyon and his planner were not at the meeting on June 26, 2006. At the May 30, 2006 meeting, Lyon and his planner presented the conceptual plan to raze the existing caretaker’s house and construct a larger residence on the same property. Lyon stated that he has a large extended family and the larger residence would be used for family guests use only. Upon completion, the applicant would like to reside in the reconstructed caretaker’s residence while the main residence on the property is reconstructed. The planner stated that the main residence would be larger than the new caretaker’s residence. Nyman also stated at last month’s meeting that staff was not able to

provide an opinion on the conceptual plan because there were not enough details submitted. An accurate survey of the parcel, a tree plan and a driveway plan were requested to provide an opinion on the concept, and only a survey was submitted.

Spadoni/Larson 2nd made a MOTION to table the concept review to the July 31, 2006 Plan Commission meeting, and the MOTION carried without negative vote.

Concept Review for CUP Amendment Filed for FairWyn Professional Building - Signage Proposal

Brian Pollard stated that he was seeking approval of a monument sign for his building located at 450 Mill Street. Since signage and lighting plans were not included in the CUP application approved October 25, 2004, the CUP must be amended to approve the signage plan. Pollard has installed on the front porch railing a sign identifying the businesses located in the building; however, the “on-building” sign and the monument sign have not been approved and permits have not been issued. Pollard filed a conceptual CUP application on June 16, 2006 that seeks approval of a 30-by-72-by-2-inch sand-carved monument sign with removable tenant panels; however, the application does not include the already mounted “on-building” sign. Although the Professional Building was approved as a CUP in the C-2 zoning district and is located across the street, Pollard and one of his tenants, Dr. Jeremy Bria, have stated to staff and at Plan Commission meetings that they would like approval for a monument sign to be located along Highway 67 on the site of the Mill Street condominiums and commercial/retail building site. The Mill Street condominiums were approved and final approval is pending on the commercial/retail building under Planned Development zoning, and a sign displaying the names of the tenants of the Professional Building would constitute an off-premises sign, which is not allowed in the Municipal Code. At the meeting June 26, 2006, Dr. Bria stated that as well as the off-premises sign, he wants approval for an “on-building” sign. Dr. Bria stated that his clients cannot find his office, and some have been reduced to tears because the Village has not approved his sign proposals and they were unable to find his office. The Municipal Code only allows for a monument sign or an “on-building” sign not to exceed 50-square-feet. Following a lengthy discussion, Pollard was directed to decide exactly what type of signage he would like on his building and file the CUP application by Friday, June 30, 2006, in order to meet the publication deadlines for a July 31, 2006 public hearing before the Plan Commission.

Larson/O’Connell 2nd made a MOTION to set a public hearing for July 31, 2006 to consider the CUP application to be filed by Brian Pollard by June 30, 2006, and the MOTION carried without negative vote.

Review Conditions for FairWyn Ltd. Professional Building CUP Approved October 25, 2004

Pollard stated although he has received criticism for installing a retaining wall made of wooden timbers instead of using boulders or some type of granite blocks, the neighboring property owners and the tenants of the building believe they look good. Also, because the soil on the site is wet, heavy and shifts a lot, the wooden timbers are a better choice than the boulders or blocks because they will shift with the soil. Pollard stated that to replace the timbers with a stone or granite block retaining wall would cost about \$25,000 to \$35,000. Pollard stated that he was waiting to plant more flowers, shrubs and vines in front of and on the retaining wall, which will make it even more attractive. Spadoni stated that it has only been one year for the landscaping to grow in; however, Pollard should cover the retaining wall area with more plants. O’Connell stated that the plantings in front of the building look sparse and the retaining wall is very noticeable. President Howell stated that Pollard made a good start with the perennials that he has had planted; however, they need to be supplemented with annual plants and flowers to fill in the open spaces. Pollard stated that he agrees with the suggestions, he was just waiting to order more plantings until he knew if he would have to take the timbers out and replace the retaining wall. Larson stated that it has been one year since the retaining wall and landscaping was installed, and it looks bad. Larson stated that she wants the retaining wall to match the development across the street. Treptow stated that Pollard should be given two to three years to make the wooden retaining wall and landscaping look good, and if he fails, he should take

the retaining wall out and install one made out of stone or some other type of material. Pollard stated that he would not be opposed to Treptow's suggestion. Poivey stated that the retaining wall material is not an issue for him; he just wants the building to look good in front, and taking out the current retaining wall does not make sense.

Spadoni/Poivey 2nd made a MOTION to extend the review of the CUP conditions for one more year and to direct Pollard to make the retaining wall and landscaping in front of the building look good, and the MOTION carried without negative vote.

Par Development Update

Hayden-Staggs stated that Par Development representatives met with the Village staff and presented revised engineering plans that match the previously approved general development plan and plat for the Audino quarry site. Hayden-Staggs stated that the new engineering proposal eliminates most of the previously proposed retaining walls from the site. Hayden-Staggs stated that the new engineering proposal also calls for the clear cutting of the trees and shrubs in the platted areas, and a clear cutting permit can be considered with the Precise Implementation Plan. Par Development requested a special meeting of the Plan Commission for consideration of the PIP, which has not been filed. The Plan Commission was in consensus that it did not want to schedule a special meeting.

Harris Property Raze Order

Nyman stated that following the recent inspection of the property at 245 Third Avenue, staff was recommending approval of a raze or repair order for the dilapidated garage located on the site.

Spadoni/Poivey 2nd made a MOTION to approve the Repair or Razing Order as presented, and the MOTION carried without negative vote.

Liquor License Outdoor Service Recommendation – Tabled 05/30/06

Hayden-Staggs stated that staff drafted proposed definitions, approval process and operational requirements to govern the approval of beer gardens and outdoor liquor service areas. The document was drafted from outdoor liquor service area suggestions submitted by some of the Plan Commissioners and village staff members. Thorpe stated that if it was the Plan Commission's desire to forward the document to the Village Board for approval, the outdoor liquor service approval should be made conditional at the Village Board's discretion, and not made a zoning issue as proposed in the document that was presented to the Plan Commission. Thorpe stated that making it a non-zoning regulation to govern the approval of outdoor liquor service areas would prevent the requirement to hold a public hearing before the Plan Commission. Thorpe stated that the public hearing process for a zoning issue would add at least one month to the annual liquor license approval process. During the lengthy discussion, Spadoni stated that he does not favor the proposed 20-foot setback requirement suggested in the proposed definitions, approval process and operational requirements. Other changes directed during the discussion were to eliminate from the document a clause in the Application Process section that delineates a CDA approval requirement for projects within the TID that exceed \$10,000 in construction cost; to eliminate a five-foot minimum requirement for fences or walls to enclose an outdoor liquor service area in the Enclosures Required section; and to shorten the Hours of Operation section by one hour to 8:00 pm on weekdays and 9:00 pm on weekends. Following discussion, President Howell stated that the Plan Commissioners should contact the Village staff during the next week to suggest further amendments to the proposal, which will be presented to the Village Board for consideration at its monthly meeting on Monday, July 10, 2006.

Spadoni/Poivey 2nd made a MOTION to recommend Village Board approval of the proposed definitions, approval process and operational requirements to govern the approval of beer gardens or outdoor liquor service areas with the conditions that a 20-foot setback requirement suggested in the proposed definitions be eliminated from the document, a clause in the Application Process section that delineates a CDA approval requirement for projects within the TID that exceed \$10,000 in construction cost be eliminated from the document, a five-foot minimum requirement for fences or

walls to enclose an outdoor liquor service area in the Enclosures Required section be eliminated from the document, the Hours of Operation section be amended to shorten the time period by one hour to 8:00 pm on weekdays and 9:00 pm on weekends, and that the document be amended to state that the approval of an outdoor liquor service area is conditional at the Village Board's discretion. The MOTION carried on a 4-2 vote, with Commissioners Spadoni, Poivey, Treptow and McGreevy voting yes, Commissioners O'Connell and Larson voting no, and President Whowell abstaining.

BSOP Amendment Filed by Park Place, LLC

Nyman stated that Rick Rosenow filed an amendment to the Building, Site and Operational Plan that contains some minor service changes and a signage proposal for Park Place LLC, 268 Reid Street. The staff report states that the signage proposal does not meet the standards of the Municipal Code and the current signage on the building is in violation of the initially approved BSOP. The initial BSOP is for the lower level bar area only. The amendment proposes an upstairs cafe and lounge and retail area that would offer bakery items, a limited food menu and a variety of home decoration items. The signage proposal includes a sign that would list the various businesses to be located within the building, including Universal Contracting Group (existing offices on main level), Contractors Corner (existing office on main level), Park Place Cafe & Lounge (bar area exists on lower level, cafe would be separate on upper level), All Seasons Gifts and Home Decor (proposed for main level), and Norwood Lending (proposed site plan does not include location of this business). If approved, the cafe would include outdoor dining on a front deck. The applicant has been advised that the noncompliant signage proposal cannot be approved by the Plan Commission, as it would create a violation of the Municipal Code; however, he requested the BSOP amendment be presented for consideration. Staff recommended tabling the BSOP as submitted until the Village receives a compliant signage proposal. Attorney Noah Fiedler stated he was representing Rosenow and it was his opinion that the signage proposal as submitted is compliant with the Village of Fontana Municipal Code. Following discussion, Fielder was directed to meet with the Village staff on Thursday, June 29, 2006, at 2:00 pm to discuss the signage proposal.

Spadoni/Treptow 2nd made a MOTION to table consideration of the BSOP amendment and directed the applicant to work with the staff to address the noncompliant signage proposal, and the MOTION carried without negative vote.

Condon Construction Quit Claim Deed Proposal for Pottawatomie Drive

Hayden-Staggs stated that Dennis Condon requested the Village approve the Deed turning over to the Village the portion of Pottawatomie Drive that was extended for his controversial residential development. Hayden-Staggs stated that since the drainage ditches are not functioning adequately, staff is recommending that the Village not take jurisdiction of the extended portion of Pottawatomie Drive, and that the Village draw on the Letter of Credit submitted by Condon Construction to fix the drainage trenches. The Plan Commissioners also directed staff to draw on the funds deposited by Condon Construction to address the trees that were killed because of the construction. Two more large Oak trees are definitely dead and are a safety concern, and two of the trees planted after the construction have died and need to be replaced.

Spadoni/O'Connell 2nd made a MOTION to deny approval of the Quit Claim Deed submitted by Condon Construction, and to direct Village staff to draw on the Letters of Credit to address the inadequate drainage trenches and the four dead trees, and the MOTION carried without negative vote.

Minimum Lot Size Requirement Discussion

Hayden-Staggs stated that staff discussed the issue and it was the consensus that the Plan Commission's concerns can be addressed with a new overlay district. Staff will draft a proposal to be presented a future Plan Commission meeting.

Boat Turnaround in Pioneer Park Proposal - Tabled at Joint Meeting held 09/06/05

President Howell stated the agenda item was added at the request of Larson since the issue had been tabled by the Plan Commission since the September 6, 2005 joint meeting. The boat turnaround proposal has been recommended by the Lakefront and Harbor Committee and the CDA. The Park Commission unanimously approved motions that recommend the Village not move forward with the boat turnaround proposal or a subsequent proposal to realign Third Avenue. At the September 6, 2005 meeting, a Plan Commission motion to recommend approval of the boat turnaround plan as presented failed to earn approval on a 2-3 vote, with former Commissioner Lee Eakright and Spadoni voting yes, O'Connell, Larson and Treptow voting no, and Poivey and President Howell abstaining. The Plan Commission then voted 5-2 on September 6, 2005 to approve a motion to table the proposal, with Larson and Treptow voting no. Treptow, the Park Commission chairman, was excused because of doctor's orders from the June 26, 2006 Plan Commission meeting at 8:01 pm – prior to the agenda item. President Howell stated at the June 26, 2006 meeting that the turnaround facility would allow the Village to remove the barricades from Third Avenue and make the street open to two-way traffic, which would take the trucks and boat trailers out of the adjacent residential neighborhoods. Spadoni stated that he favors the proposal. O'Connell stated instead of constructing the boat turnaround lanes through Pioneer Park, Third Avenue could be made a two-way street from the Park House to the west in order to alleviate the truck traffic. McGreevy stated he favored the proposal. Larson stated that she is opposed to the proposal because it will result in the loss of Pioneer Park and she stated that Treptow had to leave the meeting prior to the vote and he has voted against the proposal on two other occasions. Spadoni/Poivey 2nd made a MOTION to recommend Village Board approval of the plan as presented, and the MOTION carried on a 3-2 vote, with Commissioners McGreevy, Poivey and Spadoni voting yes, Commissioners Larson and O'Connell voting no, President Howell abstaining, and Commissioner Treptow not present.

Third Avenue Discussion - One Way vs. Two Way from Reid to the Alley

President Howell stated that if the Village was going to move forward with the boat turnaround plan in Pioneer Park, the Third Avenue traffic pattern discussion was not necessary.

Novaks' of Fontana, 158 Fontana Boulevard, Parking Lot Violation

Nyman reported that the Novaks had the illegally laid gravel fill covered with black dirt and sod; however, the fill was not removed as directed by the Plan Commission at the May 30, 2006 meeting. The grass is growing, but the weather conditions have been very favorable. Hayden-Staggs stated that the Novaks also have signed a Cost Recovery Agreement and have indicated they would like to meet with the Village planning staff to draft a parking lot renovation plan to present for approval. Spadoni stated that the Novaks disregarded a directive from the Plan Commission and they should be fined. Spadoni stated that when a Glenwood Springs property owner disregarded a Plan Commission directive while constructing a home last year, he received a fine. Larson stated that simply levying a fine and allowing a Plan Commission directive to be ignored is a bad message to send property owners, who then could just do what ever they wanted and pay a subsequent fine. Larson stated that the Village should follow through and enforce the directive approved by the Plan Commission last month. O'Connell stated that the Novaks should remove the sod and have the gravel fill removed as directed. Treptow stated that if the Novaks have agreed to work with the Village staff to come up with an approvable parking lot plan that will benefit the site, they should be allowed to leave the fill for the time being – especially considering the sod is growing and site does not look bad. Poivey stated that the Novaks blatantly disregarded the Plan Commission's directive and he wants the fill removed or fines levied. O'Connell stated that she agrees with Poivey. Spadoni stated that he does not have a problem with leaving the gravel fill for now, but a heavy fine should be issued for disregarding the Plan Commission directive. Thorpe stated that the Village would have to obtain a court order from the Walworth County Circuit Court in order to have the fill removed. Treptow stated that the Village should try to reach a compromise with the Novaks if they are going to improve the lot conditions; however, if not, they should follow the directive approved last month.

Peter Novak stated that they have begun to work with staff on the parking lot plan, and a sketch has been drafted of a plan that shifts parking to the adjacent lot and creates the required green space behind the building where there is a current traffic lane. Peter Novak stated that he would like to get the traffic lane removed from behind the building. Following a lengthy discussion on why Peter Novak ignored the Plan Commission directive, Thorpe stated that rather than pursuing a court order or trying to get the municipal judge to issue citations, the Plan Commission could vote to put a Notice of Non-compliance in the Novaks file. A Notice of Non-compliance would adversely affect any future license or permits applications filed by the Novaks. Thorpe stated that a Notice of Non-compliance would shift the burden of fixing the parking lot violation on the Novaks; if the fill were removed or a parking lot plan is approved and constructed, the Notice of Non-compliance would be removed from the Novaks' file.

Spadoni/Treptow 2nd made a MOTION to direct Dale Thorpe to draft a Notice of Non-compliance to be placed in the Village files for the Novaks property at 158 Fontana Boulevard, and the MOTION carried with one negative vote, cast by Commissioner McGreevy.

Pending Items for Future Agendas

1. Pollard Commercial/Retail PD
2. Indian Hills Road Amended Residential Subdivision Concept – John O'Neill
3. Ed Lyon ETZ Proposal
4. Grunow ETZ Proposal
5. ETZ Ordinance Amendment
6. Rollette Oil BSOP
7. Abbey Harbor Condo Plat
8. Fontana Village Inn BSOP

Adjournment

Spadoni/Poivey 2nd made a MOTION to adjourn the meeting at 8:27 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, 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: 07/31/06