

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
and JOINT SESSION with JOINT EXTRATERRITORIAL ZONING COMMITTEE
(Village of Fontana, Town of Walworth)
Monday, June 29, 2015

Chairman George Spadoni called the monthly meeting of the Plan Commission to order and ETZ Committee Chairman Micki O'Connell called the Joint Extraterritorial Zoning Committee meeting to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call: Micki O'Connell, Trustee Arvid Petersen, Sarah Lobdell, Trustee Spadoni, F.J. Frazier, Bob Ahern, Bob Grant (arrived at 5:46)

ETZ Committee members present: Village of Fontana representatives Micki O'Connell, Sarah Lobdell; Town of Walworth representatives Ken Magowan, Thomas Rohleder; Jim Van Dreser

Also present: Jason Bernard, Christine Green, Warren Hanson, President Pat Kenny, Clerk Theresa Linneman, John Maier, Administrator Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Trustee Rick Pappas, Dave Roberts, Mike Slavney, John Tracy, Dale Thorpe, Carol Whowell, Jamie Whowell, Trustee Tom Whowell

Visitors Heard

Martin said with last month's resignation of Plan Commissioner Cynthia Nickolai, a new Village of Fontana ETZ Committee representative will be appointed to fill her position at the next monthly meeting of the Village Board.

Approve Plan Commission Minutes

Trustee Petersen/Commissioner O'Connell 2nd made a MOTION to approve the minutes for the April 27, 2015 meeting as presented, and the MOTION carried without negative vote.

Joint Session Business

CUP Amendment Filed by Willow Bend Marine – Set Public Hearing

The CUP amendment application was filed by James and Carol Whowell of Willow Bend Marine for consideration to build an additional boat and recreational vehicle storage building at W6175 Willow Bend Road in the Town of Walworth. Martin stated that staff has no concerns with the proposal and recommends scheduling the required public hearing.

Village of Fontana Representative O'Connell/Town of Walworth Representative Van Dreser 2nd made a MOTION to schedule a public hearing for Monday, July 27, 2015 at 5:30 pm to consider the CUP amendment application filed by Willow Bend Marine, and the MOTION carried without negative vote.

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to schedule a public hearing for Monday, July 27, 2015 at 5:30 pm to consider the CUP amendment as filed by Willow Bend Marine, and the MOTION carried without negative vote.

Adjournment ETZ Committee

Town of Walworth Representative Magowan/Village of Fontana Representative Lobdell 2nd made a MOTION to adjourn the ETZ Committee Meeting at 5:34 pm, and the MOTION carried without negative vote.

Plan Commission Business

Lakeview Terrace Planned Development Precise Implementation Plan, 264 – 268 Third Avenue

Thorpe presented an overview of the Lakeview Terrace Planned Development timeline. An appeal was filed by Don Gutowski against the Planned Development Zoning approval and the Board of Appeals met on June 24, 2015 and determined they did not have jurisdiction over the matter. The appeal petition was subsequently dismissed. Since the approval of the PD zoning amendment and General Development Plan, the Precise Implementation Plan documents have been submitted by John Tracy and his Hartland Holdings, LLC and reviewed by staff. Based on a comment made June 5, 2015 by the village engineers, section 5.4 in the Condominium Declaration was amended to allow the village Utility Department 24-hour access to the individual water meters. In answer to a question, Thorpe said the meters will be installed separately in order to regulate individual users and in the event the water needs to be shut off, it would not affect the entire building. The change to the condominium association declaration was submitted on June 26, 2015 and reviewed earlier in the day by Thorpe. He distributed a draft resolution approving and recommending approval to the Village Board of the Precise Implementation Plan for Lakeview Terrace noting that Item No. 13 of the resolution “Declaration of Condominium for Lakeview Terrace Condominium” would need to be revised as of June 26, 2015 and may be subject to further editing. O’Connell asked about the proprietary storm water treatment device and questioned who is responsible for its monitoring and maintenance. Project Engineer Warren Hanson indicated the device is installed and maintained by the condo association, but Martin and Thorpe added it is routinely maintained by DPW and the village is the backstop and has the ability to recover costs if necessary.

Trustee Petersen/Commissioner Ahern 2nd made a MOTION to recommend Village Board approval of the resolution approving the precise implementation plan for the project known as Lakeview Terrace, and the MOTION carried without negative vote.

Lakeview Terrace Condominium Plat and Bylaws

Thorpe stated he has reviewed the Condominium Plat and Condominium Association Declarations and he along with staff recommends them for approval, with the revision to 5.4 in the condo declaration regarding utility easements.

Commissioner Lobdell/Commissioner Frazier 2nd made a MOTION to recommend Village Board approval of the Hartland Holdings, LLC, Condominium Plat and Declarations for the Lakeview Terrace Planned Development, with the revision to 5.4 in the condo declaration regarding utility easements, and the MOTION carried without negative vote.

Discuss Village Center Zoning District Amendments for Lakefront Businesses – Update

Martin said the concept to carve out a separate lakefront district in the zoning code arose at a Village Board meeting and was subsequently discussed at this month’s Plan Commission staff meeting.

Martin stated that discussion has taken place on whether the Lake Street business properties should be treated differently than the rest of the VCP District because the area is so unique; it has different characteristics than other areas in the same district; and there is currently very minimal green space left on the lots so the landscape and impervious surface ratio standards are irrelevant as they cannot be met with the current situations on the Lake Street parcels. Village Planner Mike Slavney put together a memo on the options and ranges of ideas within the options for the Lakefront Area’s Village Center Zoning District which reads, “The VCD has three distinct areas and characters – however, all are currently subject to the same VCD zoning rules.” The areas include the land located between Lake Street and Geneva Lake, the west side of Lake Street, and the rest of the area located away from Geneva Lake. The memo also includes the Lakeshore Overlay Zoning District which also governs the Lakefront Area and has its own requirements. Slavney brought up five key issues for the Plan Commission to discuss:

1. Should the Village continue to regulate development and activities in the Lakefront Area on a piecemeal basis – or should the Village develop a Small Area Plan for the Lakefront

- Area within the Village Center that provides a clear layout plan for patios, walkways and pedestrian connections across Lake Street?
2. Should public lighting and walkway design be provided in this area?
 3. Is an urban character desired, or a softer village character?
 4. Should the Village adopt refined and clear rules governing activities on the patios to ensure equitable and predictable requirements, and ensure strong environmental protection?
 5. Are any changes needed to above restrictions of the Lakeshore Overlay Zoning District?

Discussion ensued on the five points. Thorpe and Slavney said the purpose of the memo is to guide property owners to let them know what is and is not acceptable, and avoid creating a “hodge-podge” of land use within the same zoning district. Included in the memo was a Lakefront Plan created by Vandewalle & Associates that was distributed during the Master Plan meetings in 2001 with an open look plan and birds-eye view. Slavney said if the commissioners and staff agreed they still liked the look of the plan from 2001, it would be relatively easy to refine and then define materials and dimensions; however, it would have to be put in to ordinance form. Spadoni asked what would be the cost to have the portion of the code rewritten between the public hearing(s), attorney’s fees and the cost of the village planner’s time. There was discussion about the need to improve Lake Street regardless of whether the VCP district is separated into three sections. Thorpe recommended Slavney come up with a two or three page ordinance to match what already exists down at the lakefront and then review with the property owners, business owners and Village staff for input. In response to a question, Thorpe said it would be a guided alteration that would look at whether tweaks need to be made to the general Village Center Zoning District, and adjustments needed for specific structures and lakefront properties.

Trustee Petersen/Grant 2nd made a MOTION to recommend Village Board approval for Village Planner Mike Slavney to work with staff to create a draft ordinance for an amount not to exceed \$1,000, and the MOTION carried without negative vote.

Adjournment Plan Commission

Trustee Petersen/Commissioner Lobdell 2nd made a MOTION to adjourn the Plan Commission meeting at 6:00 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 and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: 07/27/15