

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, December 17, 2007

Chairman Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Poivey, D’Auria, McGreevy, O’Connell, President Pollitt, Chairman Spadoni

Pan Commissioner absent: Lobdell

Also present: Administrator Kelly E. Hayden-Staggs, Raymond Lefebvre, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Mac Niven, Building Inspector Ron Nyman, Trustee Pete Petersen, Hugh and Joan Plunkett, Village Attorney Dale Thorpe, Trustee William Turner

Visitors Heard

Trustee Turner stated that he wanted to address the lakefront zoning code amendment and the emails he has written with regard to the issue. Turner stated that he would like the amendments to include a provision that creates a maximum size for second homes on large lakefront parcels. Later in the meeting, Attorney Thorpe pointed out that the provision is included in one of the proposed amendments. Turner stated that another issue he wanted to be addressed which is included in the proposal is a prohibition on “funnel developments” that take land from across the road and combine it to lakefront parcels for total lot calculation purposes. Turner stated that the McMansion issue has not been addressed in the current proposals; however, he thinks an easy solution would be to create a setback regulation that requires a greater setback distance as the square footage of the proposed structure is increased – the bigger the house, the bigger the setback. Turner stated that he also has a concern with the proposed amendment that would require 100 feet of lakefront footage and at least 50 feet of road frontage for a lot to be subdivided. Turner stated that this provision would take away his right to give away the back part of one of his lakefront lots to one of his children to construct a residence. Turner stated that there are 50 to 60 lakefront parcels that this provision would affect. Turner stated that the proposed amendments also are being considered during the winter months when many of the lakefront property owners are not home. Spadoni stated that he wanted to announce that residents should assist the Fire Department by digging out the hydrants that have been covered by snow.

Announcements

Hayden-Staggs stated that the Village Hall will be closed for the Christmas holiday from December 22 to 25, 2007; the last day in 2007 to pay real estate taxes in person at the Village Hall will be Monday, December 31, 2007, from 8:00 am to noon; the Village Hall will be closed of the New Year holiday on December 31, 2007 (after noon) and January 1, 2008; the monthly meeting of the Village Board will be held Monday, January 7, 2008 at 6:00 pm; the monthly meeting of the CDA will be held Wednesday, January 9, 2008 at 6:00 pm; and the next monthly meeting of the Plan Commission will be held Monday, January 28, 2008 at 5:30 pm.

Approve Minutes

O’Connell/President Pollitt 2nd made a MOTION to approve the minutes for the meeting held November 26, 2007, and the MOTION carried without negative vote.

General Business

Abbey Springs PIP Amendment Proposal for Clubhouse Renovation

McCarthy stated that the staff report recommends approval of the PIP amendment with the following nine conditions: 1. The structure shall be constructed as depicted on the submitted construction plans. There shall be no modification of the construction plans, to include but shall not be limited to, overall size and height of the approved structure. 2. The structure shall not include any on-wall signage. Signage shall be limited to the depicted signage in the submitted plans, with the exception of signs Nos. 9, 10 and 11 which shall be relocated or removed prior to obtaining final occupancy of the phase one portion of the building project or by May 15, 2008, whichever comes first. 3. Future proposed modification of signage shall be proposed and approved by the Village of Fontana. 4. Improved landscape plans are required depicting the inclusion of a rain garden at the north edge of the parking lot and increased natural landscaping to act as a buffer or screening from South Lakeshore Drive. 5. Details regarding the access drive shall be documented to the satisfaction of staff prior to any building permit issuance, including, but not limited to: materials, signage, installation date, access control, removal date and restoration plans. 6. Approval of this PIP Amendment shall not alleviate the requirements of any other plans or documentation required for building and zoning permit issuance. 7. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction. PIP Amendment approval shall not alleviate the applicant from securing all required permits. 8. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed. 9. All outstanding fees (re-inspection, cost recovery) shall be paid in full prior to occupancy issuance of each related construction phase. Spadoni asked Mac Niven and Raymond Lefebvre if they had any objections to the proposed conditions for approval, and they responded no.

McGreevy/O'Connell 2nd made a MOTION to recommend Village Board approval of the proposed PIP amendment to renovate the Abbey Springs clubhouse, with nine conditions:

1. The structure shall be constructed as depicted on the submitted construction plans. There shall be no modification of the construction plans, to include but shall not be limited to, overall size and height of the approved structure.
2. The structure shall not include any on-wall signage. Signage shall be limited to the depicted signage in the submitted plans, with the exception of signs Nos. 9, 10 and 11 which shall be relocated or removed prior to obtaining final occupancy of the phase one portion of the building project or by May 15, 2008, whichever comes first.
3. Future proposed modification of signage shall be proposed and approved by the Village of Fontana.
4. Improved landscape plans are required depicting the inclusion of a rain garden at the north edge of the parking lot and increased natural landscaping to act as a buffer or screening from South Lakeshore Drive.
5. Details regarding the access drive shall be documented to the satisfaction of staff prior to any building permit issuance, including, but not limited to: materials, signage, installation date, access control, removal date and restoration plans.
6. Approval of this PIP Amendment shall not alleviate the requirements of any other plans or documentation required for building and zoning permit issuance.
7. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction. PIP Amendment approval shall not alleviate the applicant from securing all required permits.
8. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
9. All outstanding fees (re-inspection, cost recovery) shall be paid in full prior to occupancy issuance of each related construction phase.

The MOTION carried without negative vote.

Lakefront Zoning Ordinance Amendment Proposal – Approve Draft A and Draft B & Set Public Hearing

Thorpe stated that he separated the proposed draft amendment into two documents. Draft A contains the recommendations that have not received any negative comments, and Draft B contains the items that have drawn concern from the Plan Commission members. Thorpe stated that staff also is looking into the McMansion issues. Thorpe stated that if desired, the Plan Commission could table the proposed Draft B amendments and move forward with the Draft A amendments in order to correct some loopholes in the lakefront zoning code. Spadoni stated that he has concerns with Section 5 of Draft A. Hugh Plunkett stated that he was at the meeting to learn more about the proposed amendments because he owns a lakefront parcel. Spadoni stated that all the owners of lakefront parcels will be mailed a notice when the public hearing is held; however, he would like the hearing to be held in June when the lakefront property owners are back in town. Plunkett stated that the Plan Commission members should work to keep the natural beauty of the area intact and prevent the lakefront from being overdeveloped, and they should be careful not to “over plan.” O’Connell and President Pollitt stated that they do not have any concerns with the proposed amendments in Draft A. President Pollitt asked Thorpe if the Village could let the moratorium on lakefront zoning proposals expire in February if the Draft A amendments are approved. Thorpe stated that the Draft A amendments will close current loopholes in the lakefront zoning code and the moratorium could be lifted if they are approved. Thorpe stated that the Plan commission could treat the Draft B amendments as a long-term project and the Plan Commission also could address the McMansion issue with the Draft B amendments. Spadoni stated that he is concerned with section 5 of the Draft A proposed amendments because it does not allow for the construction of a secondary residence on a lakefront parcel if the owner has more than 1,500 square feet of property. Spadoni stated that the moratorium should be extended to the summer season and then both the Draft A and Draft B amendments should be presented at a public hearing in June. Spadoni stated that he wants the property owners who will be most affected by the proposed amendments to be able to attend the public hearing and they won’t be back in the village until the summer season. Hayden-Staggs stated that none of the proposed amendments will take away any current property division rights for lakefront parcel owners. Hayden-Staggs stated that the density standards already are in the Municipal Code. Spadoni stated that by eliminating the possibility of applying for a Conditional Use Permit as a rezone option for property in the RS-1 zoning district, as proposed in Section 1 of the Draft A amendments, it would take away an inherent right of the property owners. Spadoni stated that it also is the duty of the Plan Commission to protect the rights of the lakefront property owners and to notify them prior to the public hearing on any proposed amendments to the lakefront zoning code. Thorpe stated that the Plan Commission could take Section 1 out of the Draft A amendments and go forward with the rest of the proposed amendments to address the current loopholes in the lakefront zoning code. McCarthy stated that the Village already has too many Planned Developments and she would like Section 1 of the Draft A amendments to be considered. Poivey stated that he agreed with Spadoni and asked what the rush is to bring the matter to a public hearing and end the moratorium. Poivey asked why not wait until the June 30, 2008 Plan Commission meeting to hold the public hearing. Thorpe stated that the Plan Commission could wait until June; however, the moratorium has been in place since July and the moratorium does affect the property rights of the owners of RS-1 zoned parcels. D’Auria stated that he thinks it would be a good idea to move forward with the proposed Draft A amendments, but he is not sure about the Planned Development issue. Thorpe stated that the Village could adopt the proposed Draft A amendments without the Planned Development prohibition clause and the Plan Commission and Village Board would still be in a position to deny PD rezone applications. McGreevy stated that he agrees with Spadoni and the public hearing should be held in June when the lakefront property owners are in town. Trustee Petersen stated that the moratorium has been in place for too long already and the Plan Commission should not wait until June to hold the public hearing. Petersen stated that the Plan Commission could solicit written comments from lakefront property owners who would not be able to personally attend the public hearing and he urged the Plan Commission to make every effort to have the

moratorium lifted in a timely manner. Spadoni stated that if the Plan Commission moves forward with the Draft A amendments, Section 5 should be amended to include a provision that lakefront lots can be subdivided to create a lot for a residence for a child of the owner of the lakefront parcel. Thorpe stated that the provision suggested by Spadoni could be drafted into the amendments. Following a discussion on the impact of the moratorium on the owners of RS-1 zoned property, Spadoni stated that staff has indicated that the Village has not received any inquiries for lakefront zoning proposals and he asked why not wait until June to hold the public hearing. Poivey stated that he wanted to flip-flop on his initial statements and he does not think necessary government action should not be held up because property owners choose to not live in the village during the winter months. Poivey stated that the property owners will be notified and they have the choice if they want to be here or not for the public hearing. Spadoni stated that he would encourage a motion to set the public hearing for Monday, April 28, 2008 to hold the public hearing on the proposed Draft A amendments as written, to direct the Village staff to mail out letters notifying lakefront property owners of the April 28, 2008 public hearing and providing them with a copy of the proposed amendments, and to direct the Village Board to extend the moratorium past April 28, 2008. President Pollitt stated that he would not have a problem with moving Section 1 of the Draft A amendments to the Draft B amendments. President Pollitt stated that he also wanted to point out that the Village of Fontana has the most liberal lakefront zoning regulations of the lake municipalities. Thorpe stated that if the hearing is not going to be held until April, there is plenty of time to finalize the proposed amendments. McGreevy stated that it is important for the Village to make the proper amendments and to get it done right.

Chairman Spadoni/President Pollitt 2nd made a MOTION to schedule a public hearing for Monday, April 28, 2008 to present the proposed Draft A amendments to the lakefront zoning code, to extend the moratorium beyond April 28, 2008, to send a mailing to the lakefront property owners notifying them of the public hearing and providing them with the language of the proposed amendments, to direct staff to include another provision in the Draft A amendments that would allow for the construction of a guest house on the back on lakefront lots if density requirements are met, and to bring back the proposed Draft A amendments for a final review at the January 28, 2008 Plan Commission meeting. The MOTION carried without negative vote.

Thorpe suggested that the Plan Commission table the proposed Draft B amendments for further review, to provide Thorpe time to address Trustee Turner's stated concerns, and to discuss possible language addressing the McMansion issue. President Pollitt stated that Thorpe should add the McMansion language into the proposed Draft B amendments.

President Pollitt/Poivey 2nd made a MOTION to table the proposed Draft B amendments, and the MOTION carried without negative vote.

Pending Items for Future Agendas

1. Abbey Springs Boat Storage Expansion – PIP Amendment (Tabled 12-18-06, 1-29-07)
2. Mill Street Condominium Association PIP Amendment – Signage Proposal (Tabled 8/27/07 and 9/24/07)
3. Brick Church Hotel and Spa BSOP Proposal
4. Par Development Third Amendment to Precise Implementation Plan

Adjournment

Poivey/O'Connell 2nd made a MOTION to adjourn at 6:40 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: 1/28/2008