

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

REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Tuesday, February 28, 2006

President Howell 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 vote: Poivey, Larson, Eakright, O'Connell, Spadoni, President Howell

Plan Commissioner absent: Treptow

Also present: Attorney Steve Compton, Village Clerk Dennis Martin, Lou Loeneke, Ed Lyon, Code Specialist Bridget J. McCarthy, CDA Executive Director Joseph McHugh, Mac Niven, Peter Novak, Building Inspector Ron Nyman, John O'Neill, Ted Peters, Trustee Pete Petersen, Treasurer Peg Pollitt, Trustee Ron Pollitt, Don Roberts, Village Planner Mike Slavney, Village Attorney Dale Thorpe, Public Works Director Craig Workman

President Howell announced that the joint session scheduled with the Joint Extraterritorial Zoning Committee had to be cancelled due to a lack of quorum that was caused by an emergency situation on February 28, 2006.

Spadoni/Poivey 2nd made a MOTION to reschedule the public hearing for Tuesday, March 28, 2006, beginning at 6:00 PM for the Petition for Amendment of the Zoning Ordinance and Zoning Map of the Village of Fontana on Geneva Lake, filed by Anthony E. and Diane K. Urlakis, 392 Lakewood Drive, Williams Bay, WI 53191, from C-2 to C-2 and C-3, for an approximate 10-acre parcel located in part of the NW 1/4 of the SW 1/4 of Section 17, Town 1 North, Range 17 East, Walworth County, WI (South Lakeshore Drive, Linn Township). The MOTION carried without negative vote.

Visitors Heard

John O'Neill showed the Plan Commissioners a plat map of a 4.5-acre parcel of land located off Indian Hills Road at Berwyn Drive where he wants to develop six single-family home sites. O'Neill stated that the homes would be in the \$600,000 range if the proposal is approved. President Howell directed O'Neill to work with the professional staff members on the concept.

Announcements-President Howell

President Howell announced that the next Village Board meeting will be held on Tuesday, March 7, 2006, at 6 pm; the next CDA Board meeting will be held on Wednesday, March 8, 2006, at 6 pm; and the Spring 2006 Newsletter article deadline is Friday, March 17, 2006.

Approve Plan Commission Minutes

Spadoni/Larson 2nd made a MOTION to approve the minutes for the January 24, 2006 Plan Commission meeting and the January 18, 2006 Joint Session, and the MOTION carried without negative vote.

Plan Commission General Business

Schmidt Land Division – Bear Trap Ridge Subdivision Plat Approval

Thorpe stated that the preliminary plat proposal for five single-family residence lots and one non-buildable outlot has not been altered from what was previously reviewed by the Plan Commission. Following the initial presentation and a professional staff meeting, the staff recommended approval of the preliminary plat with five conditions. The suggested staff condition that a developer's agreement be drafted and approved for the development was removed after Thorpe pointed out that the proposal includes no public improvements, so a developer's agreement is not required. Thorpe also pointed out that the suggested condition for approval that the Plan Commission grant a subdivision variance to waive the public street frontage requirement is not necessary because all the

proposed lots abut the public street. McHugh stated that the Village should pursue an easement for a public walking path that may be developed in the future between the villages of Fontana and Walworth. Thorpe stated that there will be two more steps in the approval process at which time the easement could be negotiated. Following a concern stated by Larson, a condition that the cul-de-sac be reviewed and approved by the Fire Department was added to the list of conditions suggested by the professional staff.

Poivey/Larson 2nd made a MOTION to recommend Village Board approval of the preliminary plat as submitted, with the conditions that prior to the consideration of Final Plat approval, the proposed Covenants and Association Documentation must be submitted for review and approval, that Outlot 1 shall remain a non-buildable lot and shall be so noted on the face of the CSM, that Outlot 1 shall only be used for the improvement of a private roadway, that a subdivision variance be granted to waive the cul-de-sac maximum length requirement, that prior to building permit issuance for development, the private roadway depicted in Outlot 1 shall be improved to acceptable private roadway standards, and that the Fire Department review the proposed cul-de-sac to make sure its is wide enough for their trucks to make turns and to be turned around. The MOTION carried without negative vote.

Ordinance Amendments to Sections 18-17, 18-84, 18-86, 18-150 and 18-151

McCarthy presented the proposed amendments that the staff and Plan Commissioners came up with at the January 30, 2006 workshop on the nonconforming lots ordinance. McCarthy stated that the proposed changes reflect the comments and consensus reached at the workshop meeting. Eakright stated that he was concerned the amendments don't provide for more flexibility with regard to one-story homes. Spadoni stated that the Village should send a copy of the proposed ordinance amendments to every owner of a non-conforming lot in the village, and to all the subdivision association presidents. Larson stated that the Village is simply trying to address issues that have come up with regard to the ordinance which allows homeowners to renovate their non-conforming properties. Larson stated that prior to the adoption of the initial ordinance last year, there was no provision in the municipal code for owners of non-conforming properties to renovate or rebuild their homes other than seeking a variance. President Whowell stated that the public hearing notice and proposed amendments will be posted in the newspaper and at the regular posting sites throughout the village and the information also will be posted on the village website. Also, the Village will send the notice and the proposed amendments to the presidents of all the village subdivision associations. President Whowell stated that if individual Plan Commissioners have specific language they would like added to the proposed amendments, they should attend one of the next few weekly staff meetings. The amendments to be presented at the public hearing have to be on file with the Village Clerk by Thursday, March 9, 2006, in order meet the public hearing notification requirements.

O'Connell/Larson 2nd made a MOTION to schedule a public hearing for Tuesday, March 28, 2006 to present the proposed amendments to Chapter 18 of the Municipal Code, and the MOTION carried without negative vote.

Outdoor Liquor Consumption Discussion

McCarthy stated the Building and Zoning Department is researching methods to govern the approval of outdoor liquor service areas, as directed by the Village Board. Thorpe suggested that McCarthy and Nyman review ordinances that the cities of Milwaukee and Madison have adopted to govern outdoor alcohol service areas. The Department of Revenue also previously suggested using the city of LaCrosse ordinance as a model document for governing outdoor serving areas. President Whowell directed McCarthy and Nyman to obtain copies of the model ordinances from Milwaukee, Madison and LaCrosse and to draft a preliminary document for the Plan Commission's review next month.

Novaks' Building/Zoning Violation

McCarthy explained the situation and the steps taken by the Building and Zoning Department after it received a complaint that the Novaks started to construct a parking lot on the lot between Novaks' Deli and the Fontana Fire Department without receiving approval or the proper permits. McCarthy also pointed out that the lot is located in a zoning district that only allows a maximum of 70 percent lot coverage. McCarthy provided to the Novaks the proper procedure and guidelines for earning approval for the parking lot. The area was dug up and fill was poured before the project was stopped

by Nyman on Friday, February 24, 2006.

Pending Items for Future Agendas

1. Tracy Group's Highlands of Fontana Rezone and Plat
2. Par Development Developer's Agreement, Engineering Plan and PIP
3. Rosenwald Family Trust Covenant Removal Proposal
4. Lyon's Woods ETZ Development Proposal
5. Grunow ETZ Development Proposal

Adjournment

Spadoni/Larson 2nd made a MOTION to adjourn the meeting at 6:53 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: 03/29/06