

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, July 28, 2008

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: D'Auria, McGreevy, O'Connell, President Pollitt, Lobdell, Chairman Spadoni

Plan Commissioner absent: Poivey

Also present: Liz Accola, Steve Beers, Skip Bliss, Ken and Toni Harkness, Administrator Kelly E. Hayden-Staggs, Bob Hehr, Rob Ireland, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector/Zoning Administrator Ron Nyman, Village Attorney Dale Thorpe, Barbara and William Turner, Cindy Wilson

Visitors Heard

None

Announcements

1. Protection Committee Rescheduled Monthly Meeting – **Tuesday, July 29, 2008 at 5:00 pm**
2. Lakefront and Harbor Committee Meeting – **Wednesday, July 30, 2008 at 4:30 pm**
3. Blue Ribbon Lakefront Building Committee Organizational Meeting – **Thursday, July 31, 2008 at 4:00 pm**
4. Ad Hoc Committee on Joint Services Meeting – **Thursday, July 31, 2008 at 5:00 pm**
5. Summer Reading Program Conclusion Event at the Fontana Public Library – **Saturday, August 2, 2008**
6. Village Board Monthly Meeting – **Monday, August 4, 2008 at 6:00 pm**
7. CDA Monthly Meeting – **Wednesday, August 6, 2008 at 6:00 pm**
8. VOF Assessor Village Hall Office Hours – **Friday, August 8, 2008, 9:00 am to Noon**
9. Great Lakes Naval Band Performance in Reid Park – **Saturday, August 9, 2008 at 6:00 pm**
10. Park Commission Monthly Meeting – **Wednesday, August 20, 2008 at 6:00 pm**
11. VOF Assessor Village Hall Office Hours – **Friday, August 22, 2008, Noon to 3:00 pm**
12. Plan Commission Monthly Meeting – **Monday, August 25, 2008 at 5:30 pm**
13. Pig in the Park Little Foot Playground Fund-Raising Event in Reid Park – **Saturday, August 30, 2008 at 4:00 pm**

Approve Minutes

O'Connell/D'Auria 2nd made a MOTION to approve the minutes for the meeting held June 30, 2008, as presented, and the MOTION carried without negative vote.

The initially distributed preliminary minutes for the joint meeting held July 7, 2008 were corrected to remove the name Jessie Dragonetti from the list of those present at the meeting and to correct a quote that was mistakenly attributed to her.

O'Connell/D'Auria 2nd made a MOTION to approve the minutes for the joint meeting held July 7, 2008, with one correction as presented, and the MOTION carried without negative vote.

Public Hearing

Petition to Amend Lakefront Zoning Sections 18-17, 18-27(b)(4) & 18-80(c)(10)

Chairman Spadoni opened the public hearing at 5:32 pm. McCarthy stated that the proposed amendments to Sections 18.80 (c)(10), 18.17 and 18.27 (b)(4) address the guesthouse versus caretaker's quarters concerns in the Municipal Code. McCarthy stated that the proposed amendments would not prohibit the development of a second residence on lakefront lots, they would help clarify the code. McCarthy stated that the proposed amendments would allow for a better opportunity for lakefront parcel owners to develop accessory living quarters because they would not need to meet residential density factors if the proposed living quarters are fully contained in a principal structure. McCarthy stated that with regard to the concern of second houses being larger than the principal structure, the proposed amendments control size and regulate growth without eliminating current property rights. The proposed amendments would eliminate the requirement for property owners to prove who would be living in a structure, so the building inspector would not have to check to see who is employed full time as a caretaker and who is not; they would allow owners of parcels that don't meet the density standards to develop accessory living quarters if the quarters are contained in the principal structure; and they would still allow for owners of lakefront parcels to develop an additional principal structure if the lot meets the density standard – which is the same as the current code. Steve Beers asked if the proposed amendments defining the square footage standards for accessory living quarters take into account the total space for ground-level garages when there are accessory living quarters located on a second floor. Nyman stated that just the living area is included in the proposed 1,500 maximum square footage calculation when an accessory living quarters is located within a garage or within another accessory building. Beers stated that the Village should check with local builders to determine if 1,500 square feet is enough space for current building projects. Beers stated that the Village should determine what the average square footage is for accessory living quarters. Beers stated that he also is concerned with the proposed language that would prohibit the rental of accessory living quarters. Spadoni stated that the rental clause was added to address the short-term rental of accessory living quarters. Beers stated that he would like assurance that he will be able to continue to rent out his guest house on a long-term basis. Ken Harkness stated that he would like to thank Spadoni for mailing out the notice of the public hearing and proposed amendments to the owners of the lakefront property. Ken Harkness stated that he wanted to make sure he fully understands the proposed amendments and he wanted to suggest that the Plan Commission maintain control over the density of the entire village. Ken Harkness stated that the lakefront zoning district seems highly regulated. Ken Harkness encouraged the Village to make sure the approximate 150 owners of the lakefront parcels are informed of proposed amendments and that the Village should use email to contact them with Village news. Bill Turner stated that he wanted clarification on calculating total square footage allowed for accessory buildings on a parcel, and on the 80,000-square-foot minimum for the creation of two lots that could accommodate the development of two principal living structures. In response to a question from Turner, it was clarified that short-term rentals of living quarters in the Village constitute a business use in the Municipal Code and the owners would be required to pay municipal room taxes. Turner stated that he favors the proposed amendments as drafted with the exception of the provision that states accessory living quarters shall not be sold, leased or rented – which is the same clause that Beers was concerned about. Cindy Wilson stated that she was concerned about the “stand alone” language in the proposed amendments and it was clarified that only accessory living quarters have to be located within a principal structure. Hayden-Staggs stated that the amendments would not prohibit a property owner who has a lot that is large enough to develop a second primary residential structure on the parcel – which is the same as the current code. In response to another question from Wilson, McCarthy stated that property owners can pursue a conditional use permit for proposals to develop accessory living quarters that exceed the 15-foot height limitation for accessory buildings. Toni Harkness stated that she was concerned about the “fully functional” limitation for accessory living quarters. Hayden-Staggs stated that the proposed amendment language only applies when property owners do not have the required density to develop an accessory structure on a parcel. Hayden-

Staggs stated that the amendments would allow for those property owners to pursue accessory living quarters to be added onto existing accessory structures. Beers stated that he was concerned that the proposed amendments would make the current accessory buildings on his parcel nonconforming. Thorpe stated that he would have to see a survey of the property to be sure; however, the Municipal Code contains the state statutory provision for preexisting nonconforming property rights. Skip Bliss stated that he is not sure if he favors or opposes the proposed amendments. Bliss stated that the RS-1 Zoning District has been watered down since it was established years ago as the lakefront estate zoning district. Bliss stated that the district was created before there was a density concern on the lakefront. Bliss stated that the ordinance was amended during the years to control the buffer zones around the lakefront zoning district. Bliss stated that the majority of lakefront lots in the Village are at least 80,000 square feet in total density, so second primary residential structures could be developed and a second layer of lakefront development could be created. Bliss stated that lots less than one acre in total size could be developed and the density on the lakefront will be increased. Spadoni asked Thorpe if the concern about the long-term rental of lease of accessory living quarters needs to be addressed. Thorpe stated that the legal nonconforming parameters of the Municipal Code would cover any existing uses in the same manner as in all Wisconsin municipalities. McCarthy stated that it would not be a concern with her to eliminate the "leased or rented" clause out of the proposed amendments. Thorpe stated that short-term rentals already are not allowed in the Municipal Code. In response to the concerns stated at the public hearing, the Plan Commission members were in consensus that the "leased or rented" clause should be eliminated from the proposed amendments to Section 18-27(b)(4). The Plan Commission was also in consensus that the word "contained" should be changed to "located" in the proposed Section 18-27(b)(4) items "c," "d" and "f;" item "e" should be redrafted to read: "Shall not be considered an additional principal structure on a lot;" and item "g" should be redrafted to read: "ALQs shall not be sold separately from the remainder of the property." The Plan Commission was in consensus that the proposed 1,500 square foot maximum for accessory living quarters should be left as proposed. D'Auria stated that property owners have the option to apply for more square footage if their lot is large enough to qualify for a conditional use permit or for a second principal residential structure. Hayden-Staggs stated that the proposed amendments do not restrict property owners who have lots that meet the current density standards from developing second primary residential structures on the lot. Chairman Spadoni closed the public hearing at 6:24 pm.

O'Connell/McGreevy 2nd made a MOTION to direct Village staff to redraft the proposed amendments to Section 18-27(b)(4) Items "c," "d," "e," "f" and "g" as dictated during the public hearing, and to schedule a public hearing for Monday, August 25, 2008 beginning at 5:30 pm to consider the proposed amendments to Sections 18-17, 18-27(b)(4) & 18-80(c)(10). The MOTION carried without negative vote.

Spadoni asked the Plan Commission members if they would consider authorizing the Village staff to send out notices and the redrafted proposed lakefront zoning amendments to the owners of the lakefront parcels at the Village's expense. Spadoni stated that he thinks the lakefront parcel owners should be notified of the proposed amendments and he personally mailed out the notices for the public hearing held that night.

McGreevy/D'Auria 2nd made a MOTION to authorize Village staff to mail public hearing notices and the redrafted proposed lakefront zoning amendments to the owners of lakefront parcels, and the Roll Call vote followed:

McGreevy – Yes

O'Connell – No

President Pollitt – Yes

Lobdell – No

Chairman Spadoni – Yes

D'Auria – Yes

The MOTION carried on a 4-2 vote, with Commissioner Poivey absent.

General Business

Proposal to Amend/Adopt Regulations With Regard the Windmill Electrical Generators

Thorpe stated that the Plan Commission may want to consider adopting an ordinance that establishes strict enough standards to address potential proposals to develop windmill farms in the Village of Fontana and in the Extraterritorial Zoning District. Thorpe stated that he has noticed other municipalities in the state that are scrambling to address the issue of controlling windmill development proposals. Thorpe stated that the Village may want to be proactive and consider the adoption of windmill electrical generator regulations before the Village receives an application for a windmill development proposal. Thorpe stated that the Village may want to consider the adoption of a moratorium on windmill development applications while the Village considers the adoption of an ordinance that establishes strict enough standards to address potential proposals to develop windmill farms in the Village of Fontana and in the Extraterritorial Zoning District. Thorpe stated that he can collect copies of other windmill farm ordinances adopted in Wisconsin municipalities in order to draft an ordinance for the Village of Fontana. President Pollitt stated that the Village currently is incurring a lot of legal expenses and he is concerned that the research will not put the Village over budget. Spadoni stated that the Plan Commission should consider tabling the proposal until next month when a moratorium ordinance can be presented and the approval process initiated.

O'Connell/Chairman Spadoni 2nd made a MOTION to table the proposal until next month's Plan Commission meeting, and the MOTION carried without negative vote.

Pending Items for Future Agendas

1. Brick Church Hotel and Spa BSOP Proposal

Adjournment

O'Connell/McGreevy 2nd made a MOTION to adjourn at 6:31 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: 8/25/08