

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

MONTHLY & SPECIAL JOINT SESSION MEETING of the VILLAGE OF FONTANA PLAN
COMMISSION with the JOINT EXTRATERRITORIAL ZONING COMMITTEE

Monday, July 30, 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: Roll call: Chairman Spadoni, D'Auria, McGreevy, O'Connell, President Pollitt

Plan Commissioner late: Poivey (arrived at 5:34 pm)

Also present: Joe Abell, Carl Bergersen, James Gray, Village Administrator Kelly E. Hayden-Staggs, Rob Ireland, Brit Isham, Peter King, Sarah Lobdell, John Maier, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Buddy and Gloria Melges, Building Inspector Ron Nyman, Scott Rookus, Village Planner Mike Slavney, Ivan and Suzette Svensen, Thomas and Patricia Theys, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that monthly meeting of the CDA Board will be held Wednesday, August 1, 2007, at 6:00 pm; the monthly meeting of the Village Board will be held Monday, August 6, 2007, at 6:00 pm; the Great Lakes Naval Band will perform in Reid Park Saturday, August 11, 2007, beginning at 5:00 pm; Congressman Paul Ryan will conduct a public Listening Session at the Fontana Village Hall on Tuesday, August 14, 2007, from 12:30 to 1:15 pm; Sam Baker will perform in Reid Park on Saturday, August 18, 2007, beginning at 7:00 pm; the Subdivision Association Presidents annual meeting with the Village President will be held at the Village Hall on Saturday, August 25, 2007, at 9:00 am; Saturday Night Record Club will perform in Reid Park on Saturday, August 25, 2007, beginning at 7:00 pm; the next monthly Plan Commission meeting will be held Monday, August 27, 2007, at 5:30 pm; and the Village of Fontana Beach Fence Referendum will be held Tuesday, September 11, 2007, with polls open from 7:00 am to 8:00 pm.

Approve Minutes

McGreevy/O'Connell 2nd made a MOTION to approve the minutes for the meeting held June 25, 2007, and the MOTION carried without negative vote.

Public Hearings

Public Hearing on Petition to Amend the Swimming Pools Regulations, Specifically Repealing Sections 14-121 through 14-129 and 18-26(b)(6), and Creating Section 18-34 of the Village of Fontana Municipal Code

Chairman Spadoni opened the public hearing at 5:33 pm. McCarthy stated that the proposed amendment consolidates the zoning code regulations with regard to swimming pools. McCarthy stated that there are no changes proposed to the actual regulations, they are just split into two

sections in their current format. Chairman Spadoni closed the public hearing at 5:35 pm after no comments were made.

O'Connell/Poivey 2nd made a MOTION to recommend Village Board approval of the proposed amendment as presented, and the MOTION carried without negative vote.

Public Hearing on Petition to Amend Section 18-102 (Floodplain Zoning Ordinance) of the Village of Fontana Municipal Code, and Accompanying Floodplain Map

Chairman Spadoni opened the public hearing at 5:36 pm. Hayden-Staggs stated that the proposed zoning code amendment is to accommodate a request by the Abbey Ridge association for the property to be removed from the floodplain map. Designating the Abbey Ridge area in a Flood Storage District will eliminate the requirement that property owners have to carry flood insurance. Ed Snyder, representing the property owners, stated that the association's consultant was not yet at the meeting; however, if there were any concerns, he was scheduled to arrive at any time. Thorpe stated that his firm has been in contact with the project engineer, and the proposed ordinance amendment is in approvable form. Chairman Spadoni closed the public hearing at 5:38 pm after no comments were made.

President Pollitt/McGreevy 2nd made a MOTION to recommend Village Board approval of the Floodplain Zoning Ordinance as presented, and the MOTION carried without negative vote.

General Business

Review Municipal Code Regarding Duties of the Plan Commission - Tabled 6-25-07

Chairman Spadoni stated that after reviewing the duties of the Plan Commission as written in the Municipal Code, there were no suggested amendments submitted. The Plan Commission was in consensus that the duties are pretty well written and should not be amended, and that the item should be removed from the agenda.

Proposed Zoning Ordinance Revision for Conditional Use Permits and Building, Site and Operational Plans Referred to Village Board for Final Approval - Tabled 5-29-07 & 6-25-07

Chairman Spadoni stated that he has not received any comments with regard to the proposal to make Conditional Use Permits and Building, Site and Operational Plans subject to final approval by the Village Board, after a public hearing is conducted by the Plan Commission. The Plan Commission would make a recommendation on CUP and BSOP applications to the Village Board. President Pollitt stated that he suggested the amendment because there have been several CUP applications approved during the last few years, and those big decisions have not come before the elected Village Board members. President Pollitt stated that when he attended a recent meeting of the Lake Geneva City Council he noted that CUP applications receive final consideration from the elected council members, on recommendation from the Plan Commission. President Pollitt stated that the elected officials are accountable to the voters, and if an unpopular approval is granted, the public has the opportunity to have the elected officials voted out of office.

President Pollitt/Poivey 2nd made a MOTION to schedule a public hearing for Monday, August 27, 2007, beginning at 5:30 pm to consider an amendment to the Zoning Ordinance for Conditional Use Permit and Building, Site and Operational Plan applications to be referred by the Plan Commission to the Village Board for final consideration, and the MOTION carried without negative vote.

President Pollitt/O'Connell 2nd made a MOTION to direct staff to draft a proposed ordinance amendment for Conditional Use Permit and Building, Site and Operational Plan applications to be referred by the Plan Commission to the Village Board for final consideration, and the MOTION carried without negative vote.

Lakefront Zoning Ordinance Amendment Proposal - Tabled 6-25-07

Hayden-Staggs stated that the Plan Commission and Village Board directive to prepare unique lakefront zoning regulations to govern subdivision and condominium association proposals for lakefront lots was referred to Village Planner Mike Slavney, who submitted a project cost estimate

totaling \$14,500. Slavney stated that after hearing the stated concerns of the Village officials regarding the lakefront lots, his firm, Vandewalle & Associates, prepared a project outline and the cost estimate. Slavney stated that the proposal prepared by his firm calls for analyzing every individual lakefront lot and accurately mapping the lots and improvements. Slavney stated that once the land has been accurately mapped, they will have a much clearer idea of how the proposed new zoning regulations would affect the properties. Slavney stated that the proposal also calls for his firm to facilitate a workshop meeting with the public and staff to gather input prior to the development of an actual proposal to be presented at a subsequent public hearing. Hayden-Staggs stated that although it is the desire of the Village Board, Plan Commission and staff that the zoning regulations for lakefront lots be amended to address subdivision and over-development concerns, she is not sure that the scale suggested by Slavney is what they had in mind when the temporary moratorium was set. Hayden-Staggs stated that some of the information called for in the proposal submitted by Slavney may already be available, and some of the duties defined in the proposal could be completed by other members of the Village staff. Hayden-Staggs stated that if the efforts are combined, the proposal submitted by Slavney could be scaled back and completed at a less costly price. President Pollitt stated that he has the same opinion as Hayden-Staggs and there are no extra funds budgeted for the project. President Pollitt stated that Slavney was proposing a very “micro” approach to the project, rather than a “macro” approach. President Pollitt stated that he does agree that a public meeting should be held prior to the drafting of the proposal to be presented at a public hearing. Slavney stated that he understands the budget concerns, but from his experience working with other lake municipalities, the provisions for determining the impact of the proposed zoning regulations on each individual lot and informing the public are very important aspects of the process. Slavney stated that it is important to have answers for the individual property owners when they ask, “What does it mean for my property.” Slavney stated that the proposal he presented is a rough estimate of costs, and he can work with Hayden-Staggs to determine how the proposal can be carried out more cost efficiently. Slavney stated that if his firm takes a “macro” approach to the project, the total expense would be a couple thousand dollars. President Pollitt stated that Slavney should work with Hayden-Staggs and determine how his firm can work with Village staff to cut into the proposed project cost. Cindy Wilson asked what the exact number of lakefront lots is in the Village, and if ordinances from other lake municipalities had been reviewed. Slavney responded that staff has not determined the exact details of the lakefront lots yet. Thorpe stated that his office reviewed lakefront zoning ordinances from other lake municipalities and there weren’t a lot of unique ordinances. Thorpe stated that although some of the ordinances adopted in other municipalities feature some desirable provisions, there are not any models that can be simply modified and approved. Poivey stated that he wanted to reiterate his concern that the zoning regulations for districts located off the lakefront also need to be amended to address the “McMansion” issue that is spreading throughout the Village. O’Connell/President Pollitt 2nd made a MOTION to direct the Village staff members to work on the proposal submitted by Vandewalle & Associates to reduce the total cost estimate and to report back to the Plan Commission at its next meeting, and the MOTION carried without negative vote.

Rookus Development Concept Presentation – Annexation/Planned Development Proposal

Maier stated the his clients, Brick Church Road, LLC, purchased the Fontana Country Inn property and are proposing to develop a small, high-end, 4-Diamond, 4-Star hotel and boutique, with 80 to 100 rooms. Maier stated that the property is located in the Town of Walworth, but it is contiguous to the Village of Fontana and annexation is being sought with Planned Development zoning. Maier stated that the preliminary plan calls for all in-ground parking, and if approved, the development will provide additional room tax to the Village. Maier stated that the proposal is for the owner to take the current use of the property into the Village with agreed upon zoning requirements. James Gray stated the developers are seeking annexation approval as a Planned Development. Gray stated that the idea of designing zoning standards specific for the proposal is the best approach for the project. Gray stated that the LLC is working with the highly reputable Boxwood Development Group. Gray stated that the developers are seeking the best possible way to work with the property to create a very high

level hotel with masonry-style architectural influences taken from such local historic sites as Yerkes Observatory and the Driehaus Estate. Gray stated that the developers want to design something that's not too big or too large for the 3-acre parcel. Thope stated that the Plan Commission members could give the developers better feedback on the proposal if they knew the exact size of the site and the proposed size of the building footprint. Thorpe stated that the Plan Commission members would have a better idea of what the developers are proposing and what the development's impact would be on the neighborhood. Gray stated that the site is a little less than 3 acres in total size and the proposed building footprint is about 40,000 square feet below a courtyard and 25,000 square feet above the courtyard. Thomas Theys stated that he was representing the residents of Fontana Ridge Road and besides the concerns noted in a July 16, 2007 letter to the Village Clerk, they are recommending that independent studies be conducted to determine the potential impact of the proposed hotel. Brit Isham stated that he owns property located west of the subject property on Brick Church Road and he has concerns with regard to the increased traffic that a hotel and boutique would create. Isham stated that the redevelopment of the Abbey Resort property already has caused more traffic congestion in the area. Isham stated that an 80-room hotel on a 3-acre site is too large of a development for the parcel. The Fontana Country Inn only had five units. Deborah Fisher stated that she also owns a neighboring parcel and she is concerned that the site directly faces her residence. Fisher stated that she is concerned about the additional lighting and music and noise that the development would produce. Tim Fisher stated that he also has traffic concerns, and the noise pollution already is very heavy on weekends. Buddy Melges stated that he and his wife, Gloria, moved into their residence on Fontana Ridge Road because of the peace and quiet that the area currently affords. Melges stated that an 80-room hotel would adversely affect the quality of life in the area. Tom Schmidt stated that he owns a neighboring parcel and the residential property values of all the homes in the area will be adversely affected if a large hotel is constructed and it blocks their views. Chairman Spadoni then asked the Plan Commission members for their opinion on the concept presentation. McGreevy stated that he is concerned about the apparent lack of green space that would be created by an 80- to 100-room hotel. McGreevy stated that the hotel and boutique proposal would adversely impact the current residences on the hill and the proposal is way too much for the Village of Fontana. D'Auria stated that he agrees with McGreevy and the proposed building is too massive and too large for the site and location. D'Auria stated that the location is not the right spot to construct an 80- to 100-room hotel and boutique. D'Auria stated that he understands there currently is a hotel located on the parcel, but it only has five suites. D'Auria stated that he wouldn't be opposed to something much smaller. D'Auria also said he has doubts about the economic viability of another high-level hotel and boutique in the area. Poivey stated that he agrees with McGreevy and D'Auria. Poivey stated that as new projects are approved for the Village, they are impacting the infrastructure of the entire Village. Poivey stated that the Village has to be careful because new developments will create more traffic and more people on the streets, which will create more expenses for the Village and more adversity on the periphery of the Village. Poivey stated that he is concerned about annexing properties too far out into the townships. O'Connell stated that she has problems with the size and mass of the proposed development. O'Connell stated that proposed off-site parking for employees also concerns her because there is no available parking areas left in the Village. President Pollitt stated that he also has concerns with the proposal. President Pollitt stated that a letter from Village Engineer Joe Eberle states he is extremely concerned regarding the proposal. Eberle states in a letter dated July 18, 2007, that he has concerns regarding storm water management, parking and the impact to Dewey Avenue. Eberle states that the project as proposed and presented does not provide adequate parking for either guests or staff – especially since the developers previously stated that they would have a banquet facility as part of the project. President Pollitt stated that he shares the concerns stated in Eberle's letter and suggested that the developers work with Slavney on a revised site plan. President Pollitt stated that the developers also need to address the concerns stated by the surrounding neighborhood residents. Spadoni stated that the developers heard the concerns stated during the concept presentation and suggested that the developers work to alleviate the concerns with an amended preliminary proposal.

Set Public Hearing for Wellhead Protection Ordinance Revision

Thorpe stated that the proposed Wellhead Protection Ordinance revision is based on model ordinances and examples provided by the Wisconsin Department of Natural Resources. Thorpe stated that the revisions will not require any additional staffing or inventory requirements. Thorpe stated that the only new obligation for the Village under the terms of the ordinance revision is an educational requirement to inform the public. Thorpe stated that there also is some more work required to finalize a map exhibit for the proposed ordinance and a legal description.

President Pollitt/O'Connell 2nd made a MOTION to schedule a public hearing for Monday, August 27, 2007, beginning at 5:30 pm to consider the Wellhead Protection Ordinance revision, and to direct staff to finalize the map exhibit and legal description for the proposed ordinance, and the MOTION carried without negative vote.

Pending Items for Future Plan Commission Agendas

1. BSOP Filed by Kimberly Dabertin for All For Ewe, 148 Fontana Boulevard
2. Abbey Springs Clubhouse Renovation – PIP Amendment Proposal (Tabled 1-29-07)
3. Abbey Springs Boat Storage Expansion – PIP Amendment Proposal (Tabled 12-18-06, 1-29-07)

Chairman Spadoni called for a break in the agenda for the Plan Commission at 6:02 pm.

Joint ETZ Committee Chairman Poivey called the meeting of the ETZ Committee to order at 6:04 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

ETZ Committee members present: Roll call: Chairman Mike Poivey, Village of Fontana representative Derek D'Auria, Walworth Township representatives Ken Magowan, Dennis Jordan and Jim van Dreser, Linn Township representatives Larry Aasen and John Zils

ETZ Committee members absent: Linn Township representative Jerry Polek (former Village of Fontana representative Rick Treptow has not yet been replaced on the ETZ Committee following his resignation)

Plan Commission-ETZ Public Hearing

Public Hearing on Petition to Amend the Zoning Code Section 18-278 (n), B-2 ETZ General Business District – 6:00 pm

Poivey stated that the joint public hearing was open at 6:05 pm. Poivey stated that the public hearing was scheduled to consider the proposal to reduce the total height limitation in the district from 55 feet down to 45 feet, to match the maximum height restriction in the rest of the VOF and ETZ Zoning Code. Thomas They stated that speaking for the property owners on Fontana Ridge Road, that they support the proposed amendment. John Maier, the attorney representing the owners of the Fontana Country Inn property, opposes the amendment because it will adversely affect their property located in the B-2 ETZ District. Maier stated that prior to purchasing the property, his clients and their company, Brick Church Road, LLC, did their due diligence and investigated the current zoning code. Maier stated that if approved, the total height reduction would result in the loss of one floor's worth of rooms, or 20 percent of their proposed project. Gray repeated the concerns stated by Maier, and also stated that if approved, the amendment would cause their property to lose value. Hayden-Staggs stated that the affect of the proposed zoning amendment on the Brick Church Road, LLC proposal is not certain since conflicting documents have been presented to the Village. Hayden-Staggs stated that the first submitted documents from Brick Church Road, LLC were for an annexation proposal and a rezone to Planned Development. Hayden-Staggs stated that Brick Church Road, LLC subsequently submitted documents objecting to the proposed B-2 ETZ Zoning District amendment. Maier stated that his clients are pursuing both potential avenues for approval –

annexation and Planned Development zoning, or keeping the parcel in the Town of Walworth and working with the current zoning. Spadoni asked how the height maximum was set at 55 feet in the initial ETZ Zoning Ordinance when the rest of the Zoning Code has a maximum height of 45 feet. Hayden-Staggs stated that the ETZ Zoning Ordinance was created by merging the Walworth County and Village of Fontana codes; however, when the total height limitation in the county code was noted to be 55 feet, it was recommended that the height restriction be made a uniform 45 feet throughout the VOF and ETZ District zoning codes. After asking if there were any other people who wanted to make comments, Poivey closed the public hearing at 6:19 pm.

Plan Commission-ETZ General Business

ETZ Recommendation on Petition to Amend the Zoning Code Section 18-278 (n), B-2 ETZ General Business District

Jordan stated that the way the lot slopes on the Fontana Country Inn property, it will be difficult to plan for a new hotel. In response to a question from Jordan, it was determined that there are only three total parcels that are zoned B-2 ETZ. Jordan stated that the total height limit should remain at 55 feet to match the total height allowed in the Walworth County Zoning Code. Aasen stated that he also would like to see the maximum height limit remain at 55 feet. Aasen stated that he understands the desire to make the maximum height consistent for parcels located within the Village of Fontana; however, the parcels located in the Town of Linn and the Town of Walworth should be allowed to be developed under the same provisions of the Walworth County Zoning Code that govern the other lots located throughout the rest of the townships.

Magowan/D'Auria 2nd made a MOTION to recommend approval of the proposed amendment to the B-2 ETZ General Business District as presented, with the total height maximum reduced from 55 feet to 45 feet, and the Roll Call vote followed:

Magowan – Yes

Jordan – No

van Dreser – Yes

Aasen – No

Zils – Yes

Poivey – Yes

D'Auria – Yes

The MOTION carried on a 5-2 vote, with Jerry Polek absent and one Village of Fontana position vacant.

Plan Commission Recommendation on Petition to Amend the Zoning Code Section 18-278 (n), B-2 ETZ General Business District

Spadoni stated that although Maier and Gray made some valid points, and he understands the concerns stated by Jordan and Aasen, he feels the 45 maximum height limitation should be consistent throughout the Village of Fontana and ETZ District zoning codes.

McGreevy/D'Auria 2nd made a MOTION to recommend Village Board approval of the proposed amendment to the B-2 ETZ General Business District as presented, with the total height maximum reduced from 55 feet to 45 feet, and the Roll Call vote followed:

Poivey – Yes

D'Auria – Yes

McGreevy – Yes

O'Connell – Yes

President Pollitt – Yes

Chairman Spadoni – Yes

The MOTION carried on a 6-0 vote.

Set Public Hearing to Consider Petition to Amend the Zoning Code Section 18-278 to Insert B-4 ETZ Highway Business District

Hayden-Staggs stated that the B-4 ETZ District language has to be officially added to the Zoning Code. Although the B-4 District was included on the map, the language for the district was not included. Thorpe stated that the proposed language matches the Walworth County Zoning Code, with the exception that adult entertainment businesses are included as a conditional use, not as a permitted use with related conditions.

van Dreser/Magowan 2nd made a MOTION to schedule a public hearing for Monday, August 27, 2007, beginning at 6:00 pm, to consider the Petition to Amend the Zoning Code Section 18-278, to insert B-4 ETZ Highway Business District, and the MOTION carried without negative vote.
President Pollitt/O'Connell 2nd made a MOTION to schedule a public hearing for Monday, August 27, 2007, beginning at 6:00 pm, to consider the Petition to Amend the Zoning Code Section 18-278, to insert B-4 ETZ Highway Business District, and the MOTION carried without negative vote.

Conditional Use Permit Application Filed by Ship-Shape Marine, W5749 Highway B, Walworth – Set Public Hearing

Carl Bergersen, owner of Ship-Shape Marine, and his attorney, Peter King, presented the concept for opening a private club for the Ship-Shape Marine customers. King stated that the Town of Walworth Board of Supervisors voted on May 8, 2007 to grant a liquor license to the business with the condition that the required Conditional Use Permit is approved by the Joint ETZ Committee and the Village of Fontana Plan Commission. King stated that Bergersen has the proper zoning for the proposal and all of the owners of the neighboring businesses have indicated their support of the proposal. Bergersen stated that if approved, the latest that the private club would be opened is 10:00 pm, the club will be private and not open for public walk-ins, no new signage will be erected, and the private club and marine will be separate operations. van Dreser stated that he has preliminary concerns about parking and that there be no outdoor activity.

van Dreser/Zils 2nd made a MOTION to schedule a public hearing for Monday, August 27, 2007, beginning at 6:00 pm to consider the Conditional Use Permit application filed by Ship-Shape Marine, W5749 Highway B, Walworth, and the MOTION carried without negative vote.

O'Connell/McGreevy 2nd made a MOTION to schedule a public hearing for Monday, August 27, 2007, beginning at 6:00 pm to consider the Conditional Use Permit application filed by Ship-Shape Marine, W5749 Highway B, Walworth, and the MOTION carried without negative vote.

Adjourn Joint ETZ Committee

Magowan/D'Auria 2nd made a MOTION to adjourn the meeting of the Joint ETZ Committee at 6:41 pm, and the MOTION carried without negative vote.

Adjourn Plan Commission

Poivey/President Pollitt 2nd made a MOTION to adjourn the Plan Commission meeting at 7:21 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 and Joint ETZ Committee, the official minutes will be on file at the Village Hall.

APPROVED: PC – 8/27/07
ETZ – 09/24/07