

**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, August 27, 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: D'Auria, O'Connell, President Pollitt, Lobdell, Chairman Spadoni, Poivey

Plan Commissioner late: McGreevy (arrived at 5:31 pm)

Also present: Steve Beers, Carl Bergersen, Skip Bliss, Village Administrator Kelly E. Hayden-Staggs, Jay Hicks, Rob Ireland, Brit Isham, Peter King, Curt Langille, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, John O'Neill, Mike Puttrich, Ernest Rollett, Village Attorney Dale Thorpe, Charlie Vaile, Carol Whowell, Trustee Bob Youngquist

Visitors Heard

None

Announcements

Hayden-Staggs stated that PAR Development has commenced construction on its subdivision in the former quarry site; the monthly meeting of the Village Board will be held Tuesday, September 4, 2007, at 6:00 pm; the monthly meeting of the CDA Board will be held Wednesday, September 5, 2007, at 6:00 pm ; the 18th annual triathlon will be held on Saturday, September 8, 2007; the Village of Fontana Beach Fence Referendum will be held on Tuesday, September 11, 2007, with polls open from 7:00 am to 8:00 pm; the Village of Fontana Newsletter article deadline is Thursday, September 13, 2007; the Walworth County Clean Sweep Program will be held on Saturday, September 22, 2007; and the next monthly meeting of the Plan Commission will be held on Monday, September 24, 2007, at 5:30 pm.

Approve Minutes

O'Connell/President Pollitt 2nd made a MOTION to approve the minutes for the meeting held July 30, 2007, and the MOTION carried without negative vote.

Public Hearings

Petition to Amend Zoning Ordinance for Conditional Use Permits and Building, Site and Operational Plans to be Referred to Village Board for Final Approval

Chairman Spadoni opened the public hearing at 5:33 pm. Chairman Spadoni stated that President Pollitt presented the initial proposal to have all Conditional Use Permit applications and Building, Site and Operational Plans referred by the Plan Commission to the Village Board for final action. The Plan Commission has been in consensus at previous meetings that the elected Village Board members should have the final vote on CUP and BSOP applications since they are significant zoning matters. Chairman Spadoni closed the public hearing at 5:34 pm after no comments were made for or against the proposal.

Poivey/O'Connell 2nd made a MOTION to recommend Village Board approval of the proposed amendment to the Zoning Ordinance to require all building, site and operational plans and conditional use permit applications to be presented to the Plan Commission for a recommendation to the Village Board for final action, and the MOTION carried without negative vote.

Petition to Amend Zoning Ordinance for Wellhead Protection Ordinance Revision

Chairman Spadoni opened the public hearing at 5:35 pm. The proposed amendments update the Village's Wellhead Protection Plan to include Well Nos. 1 and 3, and incorporate the Wellhead Protection Plan into the Municipal Code. Chairman Spadoni closed the public hearing at 5:36 pm after no comments were made for or against the proposal.

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

General Business

Lakefront Zoning Ordinance Amendment Proposal

Hayden-Staggs stated that at last month's meeting, Village Planner Mike Slavney presented a proposal for his firm, Vandewalle and Associates, to complete a study of the lakefront parcels and draft a proposed zoning ordinance amendment for \$14,000 to \$15,000. Hayden-Staggs stated that Village Attorney Thorpe has indicated that his office can draft the initial amendment proposal for \$1,500. Thorpe stated that sample ordinances will be used for the initial proposal. Hayden-Staggs stated that the lakefront parcel information is being compiled by the Village Hall interns using the Walworth County GIS website and plats. Hayden-Staggs stated that the draft zoning ordinance amendment will be presented for an initial review at the September 24, 2007 Plan Commission meeting. If favorably reviewed, the Plan Commission will have to vote to set the proposal for a public hearing. In response to a question from O'Connell, Hayden-Staggs stated that the resolution establishing the temporary moratorium on the filing of lakefront zoning proposal may have to be amended to extend the moratorium for one more month.

Mill Street Condominiums PIP Amendment – Signage Proposal

Mill Street Condominiums Association Secretary Mike Puttrich stated that the association members asked him to present the proposal to erect two "private driveway" signs and four "private property" signs on the property. Puttrich stated that motorists are driving automobiles through the driveway as a thoroughfare from Mill Street to Highway 67. The private property signs are proposed to address the problem of pedestrians cutting across the property from the walking/bike path. McCarthy stated that the staff review of the proposal found that the proposal for six signs is kind of excessive. McCarthy stated that Slavney proposed that the applicants install a 3.5-foot decorative fence or shrubbery to delineate the private property boundaries and direct pedestrian to the public walking/bike path. The staff report states that the request for six signs on such a highly-visible property in the Highway 67 corridor is excessive. The staff report states that the Village has not received any continuing complaints of trespassing regarding this development, so it does not appear to be the driving force in such a request; however, if potential trespassing is a concern, perhaps a more palatable way to better define boundaries and limit access would be through the use of landscaping or plantings, or a small decorative fence (not security). A combination of bushes, shrubbery and other greenery strategically placed would help deter pedestrian access across the residential area and yet continue to serve the Village Master Plan's overall goal of creating a welcoming Village Center. Following discussion, Puttrich stated that the two private driveway signs are more important than the proposed private property signs and the applicants are willing to wait and see if the landscaping grows in and helps deter pedestrians from walking across the private property. O'Connell stated that she has no problem with voting to approve two private driveway signs if they are not 6-foot-tall as initially proposed. O'Connell stated that signs 3-to-4-foot-tall would be approvable. President Pollitt stated that he also does not have a problem with voting to approve the two private driveway signs since all the private subdivisions in the Village have similar signage.

Lobdell stated that she is fine with proposal for the two driveway signs, but she also thought the private property signage is not appropriate at this time. Lobdell stated that the situation should improve when the new commercial building is finished. McGreevy stated that he also does not object to the proposal for two private driveway signs, and the landscaping should help deter people from cutting through the private property. McGreevy stated that the proposal for private property signage could be revisited if the landscaping doesn't adequately deter pedestrians from walking through the residential property. D'Auria and Poivey stated that they agreed with the rest of the Plan Commission members, and two private driveway signs could be approved as long as they adhere to the Zoning Ordinance. McCarthy stated that staff would recommend approval of the two private driveway signs, but not on metal poles as initially proposed. Puttrich stated that the association members are willing to work with Village staff to come up with proposed signage on wooden poles. Following discussion, the Plan Commission directed the applicant to work with Village staff on design and materials for two private driveway signs on wooden poles in locations that conform to the Municipal Code and at a height not to exceed 3.5 feet. The Plan Commission will act on the proposal at next month's meeting.

O'Connell/Poivey 2nd made a MOTION to table the matter until next month, and the MOTION carried without negative vote.

Bear Trap Ridge PIP Amendment – Signage Proposal

Curt Langille, of Lanco Development Company, stated that he is the developer of the five-lot subdivision off Highway 67. Langille stated that he will conform to the standards of the Zoning Ordinance on the monument sign for the subdivision entrance. Staff recommended approval of the proposal with the condition that the one monument sign not exceed 5.5 feet in total height and that the design materials conform to the Municipal Code.

Poivey/President Pollitt 2nd made a MOTION to approve the one monument sign as proposed, not to exceed 5.5-feet-by-8-feet in overall dimensions, and to include a main identification sign face not to exceed 20 square feet and an auxiliary sign face not to exceed 1.25 square feet, at the Bear Trap Subdivision development with the condition that the location of the sign be documented and approved by the Village of Fontana Building and Zoning Department prior to the issuance of building and zoning permits, 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 three-minute recess at 5:57 pm.

Joint ETZ Committee Chairman Poivey called the meeting of the ETZ Committee to order at 6:00 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

ETZ Committee members present: Roll call: Chairman Mike Poivey, Village of Fontana representatives Derek D'Auria and Sarah Lobdell, Walworth Township representatives Ken Magowan, Dennis Jordan and Jim Van Dresser (arrived at 6:01 pm), and Linn Township representatives Jerry Polek and John Zils

ETZ Committee member absent: Linn Township representative Larry Aasen

Approve ETZ Committee Minutes

The agenda item was inadvertently skipped.

Plan Commission-ETZ Public Hearings

Public Hearing on Petition to Amend the Zoning Code Section 18-278, to Insert Language for B-4 ETZ Highway Business District

Chairman Poivey opened the public hearing at 6:01 pm. Poivey stated that amendment is necessary to insert the language for the B-4 ETZ Highway District into Chapter 18-278 of the Municipal Code. The language is identical to the Walworth County B-4 zoning district, with the exception that adult oriented businesses are a conditional use in the Municipal Code and an allowable use with restrictions in the Walworth County Zoning Ordinance. Chairman Poivey closed the public hearing at 6:03 pm after no comments were made for or against the proposal.

Public Hearing on Conditional Use Permit Application Filed by Ship-Shape Marine, W5749 Highway B, Walworth Township, for Proposed Private Club

Chairman Poivey opened the public hearing at 6:05 pm. Attorney Peter King stated that he was representing Ship-Shape Marine owner Carl Bergersen, and the existing business has been in operation for 20 years. King stated that the Walworth Town Board approved the issuance of a liquor license to the business to operate a private club with the condition that the proper zoning was approved by the Joint ETZ Committee and the Fontana Plan Commission. The private bar would not be open to the general public, only the Ship-Shape Marine customers. King stated that the proposal includes no outdoor advertising, lighting or sound; there will be no outside activities connected to the private club. King stated that the local business owners also have indicated their support of the proposal. Trustee Bob Youngquist stated Carl Bergersen is a great guy and he runs a very good business, and Youngquist stated that he is in favor of the proposal as presented. Britt Isham stated that he also supports the proposal as presented. Carol Whowell stated that as an owner of property in Walworth Township, she supports the proposal for Bergersen to open a private club for his customers. Carol Whowell stated that if the CUP is approved, the Town of Walworth can issue its last remaining liquor license to a business that will not create another public bar or tavern in the township. Carol Whowell stated the private club would not be creating more traffic and it will not be just another bar. Ernest Rollett stated that he also favors the proposal. Skip Bliss stated that he has known Carl Bergersen for many years and he has always been an excellent, honest businessman. Bliss stated that the Town of Walworth would be issuing its last remaining liquor license to a reputable business that would put the license to good use if the CUP is approved. John O'Neill stated that he supports Bergersen's proposal. Charlie Vaile stated that he is in favor of approving the private club business. Vaile stated that he has known Carl Bergersen for 20 years and he would be very comfortable having Bergersen serve as the owner of a private club. Jay Hicks stated that he agrees with the other positive statements made with regard to Bergersen and his business operations, and he feels a private club would be a good thing for the area. Chairman Poivey closed the public hearing at 6:12 pm after no other comments were made.

Plan Commission-ETZ General Business

ETZ Recommendation on Petition to Amend the Zoning Code Section 18-278, to Insert B-4 ETZ Highway Business District

Linn Township representative Polek/Village of Fontana representative D'Auria 2nd made a MOTION to recommend approval of the petition to amend the Zoning Code as presented, and the roll call vote followed:

Village of Fontana representative Poivey – Yes

Village of Fontana representative D'Auria – Yes

Village of Fontana representative Lobdell – Yes

Town of Walworth representative Magowan – Yes

Town of Walworth representative Jordan – Yes

Town of Walworth representative Van dresser – Yes

Town of Linn representative Polek – Yes

Town of Linn representative Zils – Yes

The MOTION carried on a 8-0 vote, with Town of Linn representative Larry Aasen absent.

Plan Commission Recommendation on Petition to Amend the Zoning Code Section 18-278, to Insert B-4 ETZ Highway Business District

Commissioner McGreevy/Commissioner Lobdell 2nd made a MOTION to recommend Village Board approval of the petition to amend the Zoning Code as presented, and the MOTION carried without negative vote.

ETZ Recommendation on CUP Application Filed by Ship-Shape Marine, W5749 Highway B, Walworth Township

Van dresser asked King if there are any parking expansion plans connected to the proposed private club. King stated that the minimum number of parking spaces required in the Municipal Code is being proposed for the new private club because there already is a tremendous amount of paved surface on the site that could be used for automobile parking if necessary. King stated that there is far more parking space available than required to accommodate the 100 current customers, and there are no plans to host a big event. Staff recommended approval of the CUP application for a bar and tavern use be approved as presented, with the condition that an annual review take place no later than September 15, 2008, and a subsequent review take place no later than September 15, 2013, for the purpose of compliance and to address any other appropriate issues which may arise. Thorpe stated that since the business is located in the Town of Walworth, only the Town of Walworth and Village of Fontana ETZ Committee representatives vote on the proposal.

Town of Walworth representative Van dresser/Town of Walworth representative Magowan 2nd made a MOTION to recommend approval of the Conditional Use Permit application as filed, with the condition that an annual review take place no later than September 15, 2008, and a subsequent review take place no later than September 15, 2013, for the purpose of compliance and to address any other appropriate issues which may arise. The MOTION carried on a 6-0 vote, with the Town of Walworth and Village of Fontana representatives voting.

Plan Commission Action on CUP Application Filed by Ship-Shape Marine, W5749 Highway B, Walworth Township

President Pollitt/Commissioner O'Connell 2nd made a MOTION to approve the Conditional Use Permit application as filed, with the condition that an annual review take place no later than September 15, 2008, and a subsequent review take place no later than September 15, 2013, for the purpose of compliance and to address any other appropriate issues which may arise. The MOTION carried without negative vote.

Set Public Hearing to Consider Petition to Amend the Zoning Code Section 18-278 (n), B-2 ETZ General Business District

Thorpe stated that although the Joint ETZ Committee voted last month to recommend approval of the proposed amendment to the B-2 ETZ General Business District, the motion did not carry by a large enough majority vote to fulfill the standards of the State Statutes governing ETZ districts. Thorpe stated that proposed zoning ordinance amendments have to be approved by at least four of the six votes cast between the Village of Fontana and Town of Walworth representatives, and between the Village of Fontana and Town of Linn representatives. Thorpe stated that because the motions to recommend Village approval of the zoning ordinance amendment did not meet the standard, the Village Board could not vote to approve the proposal and instead voted to refer the matter back to the Joint ETZ Committee. Thorpe stated that if the ETZ Committee desires to move the proposed amendment forward for consideration, another public hearing will have to be held. Magowan asked if a municipality has to wait one year before it files a proposed zoning code amendment that failed to earn initial approval. Thorpe stated that there is no requirement to wait for one year with regard to zoning amendment petitions; however, a CUP application that has been

denied can't be subsequently filed for at least one year, unless it is substantially amended. Following discussion, the Joint ETZ Committee decided to present the proposed amendment at another public hearing on Monday, September 24, 2007, beginning at 6:00 pm. Thorpe stated that the proposed amendment does not have to be presented for another public hearing before the Village of Fontana Plan Commission because its vote to recommend Village Board approval was unanimously supported at the meeting held Monday, July 30, 2007 by the six sitting members of the Plan Commission.

Village of Fontana representative D'Auria/Town of Walworth representative Van dresser 2nd made a MOTION to schedule a public hearing for Monday, September 24, 2007, beginning at 6:00 pm to consider a proposed amendment to the B-2 ETZ General Business District, and the MOTION carried without negative vote.

Adjourn Joint ETZ Committee

Village of Fontana representative D'Auria/Town of Walworth representative Magowan 2nd made a MOTION to adjourn the meeting of the Joint ETZ Committee at 6:22 pm, and the MOTION carried without negative vote.

Adjourn Plan Commission

President Pollitt/Commissioner Lobdell 2nd made a MOTION to adjourn the Plan Commission meeting at 6:22 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 – 09/24/07
ETZ – 09/24/07