

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, November 24, 2014**

Chairman George Spadoni 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: Micki O'Connell, President Petersen, Sarah Lobdell, Trustee Spadoni, F. J. Frazier, Cynthia Nickolai

**Also present:** Al Grey, MaryBeth Grey, Frank Breneisen, Merilee Holst, Bob Klockars, Library Director Nancy Krei, Clerk Theresa Linneman, Administrator Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Sharon O'Brien, Trustee Rick Pappas, Dave Patzelt, Dave Prudden, Village Attorney Dale Thorpe (arrived at 5:37), Charlie Vaughan

**Visitors Heard**

None

**Approve Minutes**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes as submitted for the meeting held October 27, 2014, and the MOTION carried without negative vote.

**Public Hearing**

**Shodeen Construction Company Petition to Amend Zoning District and Zoning Map for Planned Development Proposal at 180 and 190 Third Avenue**

The public hearing to amend the zoning district and zoning map was opened by Chairman Spadoni at 5:31 pm. He reminded the audience that the public hearing is not on the Shodeen proposal itself, but on the zoning ordinance amendment to allow the proposal. He asked for anyone who would like to speak in favor of the zoning change to voice their opinion at that time. Bob Klockers, 1201 Bridget Court, stated he supports the proposal. Al and MaryBeth Gray, 237 2<sup>nd</sup> Avenue, asked what the current height of the proposal is, whether from the peak down is higher than 35 feet, and what the proposed change is. Nyman clarified the proposed building height change will not affect the Shodeen project. The current townhome proposal meets the zoning ordinance as it stands now. Rick Pappas, 543 Akwenasa Way, stated Shodeen had asked for relief from certain restrictions from the old zoning code and asked the specific type of relief they are requesting. Nyman stated the request was for density and Lobdell added they also requested the sidewalks do not count against the impervious surface. Spadoni then asked if anyone would like to speak against the zoning proposal. Frank Breneisen, 221 Douglas Street, read a statement he wrote opposing the zoning proposal stating the density is too high for the area and he cited other developments in the village which have all abided by the zoning code as written including the Abbey condos and the Fontana Cliffs. Sharon O'Brien, 465I N. Lakeshore Drive, stated that while the proposal is a nice idea, she agrees with Mr. Breneisen, that it is too dense for the proposed area. Charlie Vaughan, 210 High Street, stated he is also concerned about the density and questioned what might happen in the future if the Shodeen's eventually own the rest of the block. The public hearing was closed at 5:38 pm.

**General Business**

**Consider General Development Plan Filed by Shodeen Construction Company for Planned Development Proposal at 180 and 190 Third Avenue**

A memo in support of the proposal was received from Mike Slavney, Village Planner, who was not in attendance due to the impending snowfall. Spadoni gave a quick overview of the work that has went into the development including staff meetings with Slavney as well as the Village Engineers from Ruekert-Mielke, who Spadoni said are in support of the development. Village Attorney Dale Thorpe presented a Plan Commission draft resolution which would be presented as a non-binding recommendation to the Village Board and would reflect the consensus on the proposal. A draft ordinance amending the zoning ordinance would also be included if the board voted in favor of the change. O'Connell stated she feels that although the development is lovely, it does not belong in Fontana. O'Connell stated that it is too dense and suburban and there are things that do not agree with the master plan. She stated there was no engineering report or information on a storm water management plan. Spadoni stated Village Engineers Ruekert-Mielke support the plan with the condition that the storm water management would have to be addressed, which would be done once the zoning is approved. Thorpe added that there are roughly two pages of engineering items to be addressed once the zoning is approved and the plan currently includes storm sewers on three sides. Due to the cost of the project, Shodeen would not look too deeply into the details unless the zoning ordinance was approved. O'Connell stated she is not in favor of changing the zoning. Lobdell agreed with O'Connell and said a lot of time was spent re-writing the zoning code and writing the master plan that includes an appropriate density and she does not agree with changing it.

Spadoni/Petersen 2<sup>nd</sup> made a MOTION to recommend Village Board approval of Plan Commission Resolution 11-24-14-01, regarding petition by Shodeen Family Property Company, LLC for Planned Development Zoning, and the roll call vote was as follows:

Commissioner O'Connell – No

President Petersen – Aye

Commissioner Lobdell – No

Chairman Spadoni – Aye

Commissioner Frazier – Aye

Commissioner Nickolai – Aye

The MOTION carried on a 4-2 vote with Commissioner O'Connell and Commissioner Lobdell opposed.

#### **Proposed Amendment to Section 18-13, Definitions, Building Height – Set Public Hearing**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to set the public hearing for Monday, January 26, 2015 at 5:30 pm, and the MOTION carried without negative vote.

#### **Discuss Proposed Zoning Code Amendments for Accessory Structure Setback Standards**

An overview was provided of the proposed structure setback standards. The proposal would require any accessory structure greater than 600 square feet in total size to abide by the primary structure setback requirements. There are already accessory structure size restrictions based on the size of the house. In most areas the setback requirement would change from 10 feet to 15 feet from the property line, and in the lakefront district from 10 feet to 20 feet from a side property line. Spadoni stated he agrees with the proposal concerning properties that have adjacent properties on all sides, but does not agree for properties that border a conservancy or undevelopable lot. O'Connell spoke in favor of adopting the changes and recommended any unique circumstances such as the ones Spadoni described, can apply for a CUP. All existing structures would be grandfathered in. Thorpe stated the districts with conservancies are identifiable, and the code can be written to include those abutting zoning districts, which was his recommendation. Thorpe stated he would have a draft ordinance to bring back for consideration at the January meeting.

#### **Discuss Proposed Zoning Code Amendment to Reestablish Property Maintenance Ordinance**

The Property Maintenance Ordinance was included in the previous zoning code and inadvertently left out when the zoning re-write was done. Martin stated it applies to debris and trash on

homeowners lawns and allows the Building & Zoning Department to address any occurrences of those situations that happen within the Village. Nyman said he would have information prepared for the January meeting at which time it can be scheduled for a public hearing.

**Adjournment**

President Petersen/Commissioner Frazier 2<sup>nd</sup> made a MOTION to adjourn the meeting at 5:54 pm, and the MOTION carried without negative vote.

Minutes prepared by: Theresa Linneman, 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: 2/23/2015