

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

REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Tuesday, November 29, 2005

President Whowell called the monthly meeting of the Plan Commission to order at 5:32 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Roll call vote: O'Connell, President Whowell, Larson, Eakright

Plan Commissioners absent: Poivey, Spadoni, Treptow

Also present: Cheryl Bartz, Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Trustee Pete Petersen, Brian Pollard, Don Roberts, Village Planner Mike Slavney, Paul Sloth, Attorney Tim Swatek, Village Attorney Dale Thorpe, John Tracy, Public Works Director Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs announced that the Geneva Lake Conservancy annual Holly Ball Fundraiser will be held Saturday, December 3, 2005; the Village Board monthly meeting will be held Tuesday, December 6, 2005, at 6:00 pm; the CDA Board monthly meeting will be Wednesday, December 7, 2005, at 6:00 pm; the First Quarter 2006 Newsletter article deadline will be Friday, December 9, 2005; the VOF Christmas Party will be held at Chuck's Lakeshore Inn on Monday, December 12, 2005, at 6:00 pm; Accurate Appraisal will hold office hours at the Village Hall on Friday, December 16, 2005, from 10:00 am to 3:00 pm; and the Plan Commission monthly meeting will be held December 20, 2005, at 5:30 pm, if necessary. Following discussion it was determined that the Village could not get the required public hearing notices published in time for any hearings to be held before the Plan Commission at its meeting scheduled for December 20, 2005. The Plan Commission will hold its regular monthly meetings the following months on Tuesday, January 24, 2006, beginning at 5:30 pm, and on Tuesday, February 28, 2006, at 5:30 pm.

Approve Plan Commission Minutes

O'Connell/Larson 2nd made a MOTION to approve the October 24, 2005 joint session minutes, and the MOTION carried without negative vote.

Public Hearings

Amended Planned Development Rezone Petition filed by Abbey Springs, Inc., 1 Country Club Drive, Fontana, for property located at 1 Country Club Drive, to correct the inadvertent insertion of the RS-1 zoning setbacks in the Planned Development Ordinance adopted in September 2004

President Whowell opened the public hearing at 6:43 pm. Thorpe stated that the amended PD Rezone Petition and public hearing were necessary to correct a clerical error with regard to setback requirements in the PD Ordinance adopted for the Abbey Springs in September 2004. President Whowell closed the public hearing at 6:44 pm.

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

Petition to Repeal and Recreate Section 18-102 (Floodplain Zoning Ordinance) and Section 18-376 (Wetland Mapping Disputes) and Repeal Section 18-103 of the Village of Fontana Municipal Code

President Whowell opened the public hearing at 6:45 pm. Thorpe stated that the Ordinance

amendment and public hearing were necessary to address revisions required by the DNR with regard to the FEMA National Flood Insurance Program. The model FEMA Ordinance has been changed three times this past year by the Wisconsin DNR. The Village Board also has previously approved a Resolution that authorized the submittal of the application for the NFIP. Thorpe stated that the Village Board also has to approve the submittal of an application to FEMA. President Whowell closed the public hearing at 6:47 pm.

Larson/Eakright 2nd made a MOTION to recommend Village Board approval of the revised Floodplain Ordinance as presented, and the MOTION carried without negative vote.

General Business

Precise Implementation Plan Alteration Proposal Filed by Brian Pollard for the Mill Street Plaza

Pollard stated that he was seeking approval for minor adjustments to four of the condominium buildings and eight units of his Mill Street Plaza development. The adjustments were necessitated after the foundations were poured to match the terrain of the site. Because the topography of the parcel drops by several feet, more of the foundations on the four buildings are exposed. Pollard stated that he would like to add walkout patio doors from the basements of some of the units, and make alterations to the previously approved chimneys and retaining walls. Slavney warned Pollard that the windows on the lower level of the condominium buildings do not appear to be large enough to fulfill the exit requirements for a bedroom if future owners would want to renovate the basements. Pollard stated that the plans do not call for finishing the basements. Larson stated that she had concerns with the proposed chimneys. The planning staff members were in agreement that the proposed changes will improve the aesthetics of the site because the developer is working with the terrain. The staff members also recommend that if future minor building changes are necessitated as the construction continues and more units are sold, that the changes could be reviewed by the staff, and if favorably received, the Village Administrator could approve them without Pollard having to appear before the Plan Commission.

O'Connell/Eakright 2nd made a MOTION to recommend Village Board approval of the minor changes to the Precise Implementation Plan approved for the Mill Street Plaza, and to recommend that any future minor alterations to the approved PIP be reviewed by the staff, and if favorably received, the Village Administrator could approve them without Pollard having to appear before the Plan Commission. The MOTION carried without negative vote.

Highlands of Fontana Preannexation Agreement – New Draft Presentation

Developer John Tracy introduced Don Rudek of McCormack & Etten Architects, Lake Geneva, who is working on the Highlands of Fontana development of property currently located in Walworth Township. Attorney Swatek reported that he met with Thorpe and they discussed recent case law with regard to preannexation agreements. Swatek stated that language will be added to the proposed agreement between the Village and Tracy to address the new laws. If approved, the preannexation agreement will allow the developer to move forward with expensive engineer planning with an agreement in place with regard to the overall concept, the proposed zoning, density and layout. Thorpe stated that following the required public hearings, the Village would be in a position to “sit on the annexation agreement,” approve it or deny it. Tracy stated that he wanted to receive assurance that he will not spend more than \$150,000 on the engineering process and then have the project denied. Thorpe stated that if the Plan Commissioners and Trustees agree with the proposed density and subdivision layout as presented, they should approve the preannexation agreement; however, if there are any negative comments with regard to the concept as presented, they should be made at this time. Thorpe stated that if other issues not related to the proposed density, zoning and layout are brought out at the future hearings, the Village could still deny the project. President Whowell stated that the Plan Commission already unanimously approved in a straw vote at its June 27, 2005 meeting “Board 5” and its proposed density and layout as presented by Tracy. The June 27, 2005 meeting was a joint session with the CDA and the Village Board, and none of the members present stated that they objected to the proposed density. “Board 5” calls for annexing the parcel from Walworth Township into the Village of Fontana and constructing 106 residential units that will be in a mixture of estate residences, town homes and single-family residences. Tracy stated June 27, 2005 that the new residences will be owner occupied and there will not be a rental pool proposed. Thorpe stated November 29, 2005 that the preannexation agreement would put the details into a written and

approved document. Tracy stated that the preliminary plans and engineering are almost completed, following several meetings with the Village and his project engineers. Tracy stated that the final engineering should be completed by January 2006.

Village Inn Condominium Conversion Petition to Amend Zoning to PD/Set Public Hearing

Swatek stated that the initial proposal to convert the 22 rooms at the current Village Inn into individually owned condominium units sought R-3 zoning; however, it was determined that residential units are not allowed in the R-3 District. Swatek stated that if approved, the units would not be permanent residences and they could not be rented out for transient use. Swatek stated that the units would be used as weekend residences, or for short vacation periods. Thorpe stated that he will be interested to see how Swatek establishes the proposed restrictions in the Condominium Association Declaration documents. Larson stated that the restrictions should address unsafe hotplates or other cooking items that future owners may want to install in the units since there currently are not any kitchen or cooking facilities in the units.

Eakright/Larson 2nd made a MOTION to set the public hearing for the Petition to Amend the Zoning Ordinance filed for the Village Inn Planned Development proposal for Tuesday, January 24, 2006, and the MOTION carried without negative vote.

Prudden Municipal Code Amendment Request for 212 3rd Avenue

Swatek stated that David and Joanne Prudden would like to convert the upper level of their building at 212 3rd Avenue into a residential unit. A business office would be located in the lower level of the building, which is located in the Downtown Preservation District. Swatek stated that the current zoning code does not allow residential uses in the Downtown Preservation District, and his clients would like the Village to consider an amendment to the zoning code to allow for residential projects under the conditional use permit process. Hayden-Staggs stated that an amendment to the zoning code would be appropriate for the district, regardless of the Prudden proposal. Hayden-Staggs stated that the Plan Commission would have to hold a public hearing on the zoning code amendment if the members favor the proposal. Slavney stated that making residential proposals subject to the CUP process in Downtown Preservation Districts is a typical provision of most municipal zoning codes. Slavney stated that he also favored the Prudden proposal and it was a good request with regard to the subject property.

O'Connell/Larson 2nd made a MOTION to set a public hearing for Tuesday, January 24, 2006, for the proposed amendment to the Municipal Code, and the MOTION carried without negative vote.

Natural Resources Conservation Ordinance Amendment (Tree Ordinance) – Tabled 10/24/2005

Larson stated that the Park Commission reviewed the proposed amendment to the Tree Ordinance and recommended approval with the condition the ordinance is again reviewed by Thorpe. Larson stated that the Park Commission wants Thorpe to specifically review the penalty and enforcement sections and the new language that was added to the ordinance. Jim Nolte, the groundskeeper at the Big Foot Country Club, asked how Landmark Trees would be defined. McCarthy responded that the Park Commission will compile the initial list of the trees designated as Landmark Trees. Nolte stated that the Village should consider adding Silver Maples and willows to its list of nuisance trees.

Larson/Eakright 2nd made a MOTION to set a public hearing for Tuesday, January 24, 2006, for the proposed Natural Resources Conservation (Tree Ordinance) Ordinance Amendment, with the conditions that Maple Silver and willow trees be added to the list of nuisance trees and that Thorpe favorably review the penalty and enforcement sections and the new language added to the ordinance, and the MOTION carried without negative vote.

Atkinson CUP Application Concept Presentation/Set Public Hearing

Nyman stated that the applicant, Marnie Atkinson, is seeking a conditional use permit in order to construct a three-season room on the existing guest house at 433 N. Lakeshore Drive. The three-season room is proposed to replace an existing deck. Since the proposal involves the guest house, a CUP is required by the Municipal Code. McCarthy stated the proposal meets all the setback requirements in the code. O'Connell stated that she wanted to make sure the proposal was strictly for a guest house, and it wouldn't be used as a residence. Thorpe stated that current building requirements will guarantee that the guest house could not be converted into a residence.

Larson/O'Connell 2nd made a MOTION to set a public hearing for Tuesday, January 24, 2006, for the CUP application filed by Marnie Atkinson, and the MOTION carried without negative vote.

Update on Hannigan CUP

Hayden-Staggs stated that the Village has not received anything from the Hannigans with regard to the conditional use permit that was approved September 26, 2005. Final plans have not been submitted and the CUP has not been issued. President Whowell stated that the item should be moved to the Pending Items for Future Agendas until something is submitted by the Hannigans.

Schedule Nonconforming Ordinance Workshop

President Whowell stated that a workshop is needed to discuss the surveys distributed by McCarthy and to present individual concerns with regard to the Nonconforming Lot Ordinance. Slavney stated that if the workshop meeting was held on the last Monday of January 2006, that he could be in attendance. The Plan Commission directed the staff to schedule the workshop meeting for Monday, January 30, 2006, beginning at 5:30 pm.

Pending Items for Future Agendas

1. Urlakis CSM
2. Hubertz Annexation
3. VOF/Pheasant Ridge Parcel Annexation
4. Par Development PIP for Audino Quarry Project

Adjournment

O'Connell/Larson 2nd made a MOTION to adjourn the meeting at 6:47 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: 12/20/2005