

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

REGULAR MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Tuesday, December 20, 2005**

President Howell 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 vote: Spadoni, President Howell, Poivey, Larson, Eakright, O'Connell

**Plan Commissioners absent:** Treptow

**Also present:** Village Administrator Kelly Hayden-Staggs, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Trustees Pete Petersen and Ron Pollitt, Village Planner Mike Slavney, Ed Snyder, Attorney Tim Swatek, Village Attorney Dale Thorpe, John Tracy, Public Works Director Craig Workman

**Visitors Heard**

None

**Announcements**

Announcement included on the agenda were the holiday schedule for the days that Village Hall will be closed: December 23, 24, 26 and 31, 2005, and January 2, 2006; and the next meeting dates for the CDA Board, Wednesday, January 4, 2006, beginning at 5:00 pm, the Village Board, Wednesday, January 4, 2006, beginning at 6:00 pm, and the Plan Commission, Tuesday, January 24, 2006, beginning at 5:30 pm.

**Approve Plan Commission Minutes**

Spadoni/O'Connell 2<sup>nd</sup> made a MOTION to approve the November 29, 2005 minutes, and the MOTION carried without negative vote.

**General Business**

**The Highlands of Fontana Preannexation Agreement Approval**

Thorpe presented the preannexation agreement that he redrafted after staff held a meeting with Tracy and Swatek during the last week. Thorpe stated that the Plan Commission was not being requested to act on the preannexation agreement that night, just to give its preliminary opinion on the materials that have been submitted by Swatek for the proposed 106-unit development. If the preannexation agreement is approved by the Plan Commission and Village Board, Tracy will file a Petition for the Direct Annexation of the property. Thorpe stated that Tracy and Swatek were seeking that night initial input on the documents that have been filed to date. Specifically, Thorpe stated that the Plan Commissioners should state any negative comments at this time with regard to the proposed density and zoning or the preliminary plat. Thorpe stated that recent case law provides that Tracy can call pull the annexation petition after it is filed if he does not receive satisfactory approval of the precise implementation plan when it is presented. Thorpe stated that the recent case law provides that if the annexation petition were pulled after the preannexation agreement and general development plan received approval, the land would return to the current status quo. Staff will continue to meet with Tracy and Swatek to work out plat issues with side-yard setback requirements, with right-of-way and curb-cut issues, with a public access path, with the building pads, with sales office and signage issues, and with the development of a road to be used by the U.S. Postal Service and for emergency access to the subdivision. In response to a question from Larson, Tracy stated that the development will be constructed in one phase. Pollitt asked why there aren't sidewalks included in the proposed plat for the new subdivision. Tracy responded that there will be paths behind the homes that will connect to a park in the subdivision and to the Duck Pond.

### **Review Abbey Event Tent – Frame Issue (Approved January 31, 2005)**

Ed Snyder stated that the event tent has attracted many more events to the resort than in previous years, which will result in an increase of about \$490,000 toward the total room tax that is paid to the Village. Snyder stated that when the event tent was approved on January 31, 2005 the Plan Commission resolution called for a one-year review of the stipulation that the interior ribs of the tent could remain erected during the off-season. Snyder stated that the resort would like approval to leave the ribs erected throughout the year for the remaining four years of the initial five-year approval granted by the Plan Commission. Hayden-Staggs stated that the Village has not received any complaints with regard to the event tent or the ribs remaining erected during the off-season. O'Connell stated that it has been difficult to get a feeling of how the tent and the ribs will affect the aesthetics of the area because there are a lot of construction projects currently underway, and the Highway 67 construction project will be started next year. O'Connell stated that the issue should be reviewed again next year when the construction projects have been completed. Larson stated that the ribs that were erected for the tent are more expansive than what was initially approved. Larson showed the drawings that were distributed last year and she stated that the ribs in the example in the brochure are less obtrusive than what was actually constructed. Nyman stated that the Abbey erected the tent according to the submitted plans, which are on file at the Village Hall. Spadoni stated that he drives by the site every day and he doesn't even notice the tent. Spadoni stated that there are large evergreen trees that help shield the tent site, which can only be observed from the road when looking at from angles. Spadoni stated that he does not have a complaint with regard to the tent, and no concerns have been voiced by any residents. Poivey and Eakright stated that they agree with Spadoni. Snyder stated that more landscaping will be added to the site as the resort's renovation project is completed.

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to approve the timeline extension for leaving the ribs of the event tent erected throughout the year for the four remaining years on the BSOP Amendment approved for a five-year period on January 31, 2005, and the MOTION carried on a 3-2 vote, with Larson and O'Connell voting no, and President Whowell abstaining.

### **Raze Order Ordinance Proposal**

McCarthy stated the Municipal Code does not include provisions for obtaining a raze permit. Although the raze order and raze permit processes are covered in the state statutes, an ordinance would provide the Village with a more defined process and it would help the Building and Zoning Department to govern raze proposals and to make sure they are completed properly.

Spadoni/Eakright 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the ordinance proposal as presented, and the MOTION carried without negative vote.

### **Announce Public Hearings for January 24, 2006**

The Plan Commission will hold public hearings at its January 24, 2006 meeting for the Moran Petition to Amend Zoning Ordinance, for the Atkinson Conditional Use Permit Application, and for proposed Municipal Code Amendments to the Downtown Preservation District and to the Natural Resources Conservation Ordinance (Tree Ordinance).

### **Pending Items for Future Agendas**

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

### **Adjournment**

Spadoni/Poivey 2<sup>nd</sup> made a MOTION to adjourn the meeting at 6:21 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, the official minutes will be on file at the Village Hall.

APPROVED: 01/24/06