

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION
Monday, March 29, 2010

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: Micki O'Connell, President Arvid Petersen, Chairman George Spadoni, Mike Poivey

Plan Commissioners absent: Sharon O'Brien, Sarah Lobdell, Derek D'Auria

Also present: Scott Bollard, Administrator/Treasurer Kelly Hayden, Alex Koldeway, Library Director Nancy Krei, Laurie Larson, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Adam Neisendorf, Building Inspector Ron Nyman, Jessica Schmiedicke, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

Assistant Zoning Administrator Bridget McCarthy stated that she and Building Inspector/Zoning Administrator Ron Nyman will be reviewing Chapters 17 and 18 of the Municipal Code and drafting a timeline for consideration of amendments to address inconsistent sections. McCarthy stated that other specific items that are in need of clarification also will be presented for amendment, and she asked the Plan Commission member to contact them with areas of concern.

Announcements

1. Village Hall & Public Library Closed for Holiday – **Friday and Saturday, April 2 and 3, 2010**
2. Annual Easter Egg Hunt at Duck Pond – **Saturday, April 3, 2010, 10:00 am**
3. Village Board Monthly Meeting *Featuring Return Appearance by Charter Communications Representative Tim Vowell* – **Monday, April 5, 2010, 6:00 pm**
4. Spring Election – **Tuesday, April 6, 2010, Polls Open 7:00 am to 8:00 pm**
5. CDA Board Monthly Meeting – **Wednesday, April 7, 2010, 6:00 pm**
6. Read and Romp Program at Library – **Thursdays, April 8, 15, 22 & 29, 2010, 10:30 am**
7. Village Hall Reopening Date for Saturday Mornings – **Saturday, April 10, 2010, 8:00 am to Noon**
8. Plan Commission Staff Meeting – **Wednesday, April 14, 2010, 1:00 pm**
9. Protection Committee Meeting – **Monday, April 19, 2010, 4:00 pm**
10. Park Commission Meeting – **Wednesday, April 21, 2010, 6:00 pm**
11. Plan Commission Monthly Meeting – **Monday, April 26, 2010, 6:00 pm**

Approve Minutes

President Petersen/Commissioner O'Connell 2nd made a MOTION to approve the minutes for the meeting held February 22, 2010 as presented, and the MOTION carried without negative vote.

Public Hearings

Conditional Use Permit Application Filed by Frontier Flowers, 531 Valley View Drive, for Additional Signage Proposal

Chairman Spadoni opened the public hearing at 5:33 pm. The staff report recommends approval of the application as submitted with the following four conditions:

1. In addition to previously approved signage (through the BSOP process), signage for Frontier Flowers shall be approved as follows:

- a. One 7-by-2.25-foot on-building sign, to be located on the front rail, left, not lit: not to exceed 15.75 square feet.
- b. One 7-by-2.25-foot on-building sign, to be located on the front rail, right, not lit: not to exceed 15.75 square feet.
2. A complete submittal for building and zoning permits for signage shall be applied for.
3. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
4. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.

No comments were made prior to the closing of the public hearing at 5:34 pm.

Commissioner Poivey/President Petersen 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit application as filed by Renee Cerny for additional signage at Frontier Flowers, 531 Valley View Drive, with the following four conditions:

1. In addition to previously approved signage (through the BSOP process), signage for Frontier Flowers shall be approved as follows:
 - a. One 7-by-2.25-foot on-building sign, to be located on the front rail, left, not lit: not to exceed 15.75 square feet.
 - b. One 7-by-2.25-foot on-building sign, to be located on the front rail, right, not lit: not to exceed 15.75 square feet.
2. A complete submittal for building and zoning permits for signage shall be applied for.
3. All outstanding cost recovery fees billed to date shall be paid prior to the issuance of any permits.
4. Building and Zoning permits shall not be issued prior to the issuance of all applicable and necessary permits for the primary structure on this lot.

The MOTION carried without negative vote.

Village of Fontana Park and Open Space Plan Additional Elements Recommendation

Chairman Spadoni opened the public hearing at 5:34 pm. Jessica Schmiedicke of Vandewalle and Associates updated the Plan Commission members on the additional elements that were made to the updated Park and Open Space Plan. Schmiedicke stated that new content that was added includes population projections that are consistent with the recently updated Comprehensive Master Plan; a village specific level of service section that reflects the current level of services in the village; the identification of future park and recreation facilities, including neighborhood parks and trails; and a Park Impact Fee section. Schmiedicke stated that Page 60 in the section of the plan that identifies park and recreational opportunities needs to be amended with additional text to identify the lots on Geneva Lane and Mesita Road. Schmiedicke stated that the Park Impact Fee section enables the Village to adopt a development impact fee for parkland in the future, if desired. Schmiedicke stated that the park impact fee section is just a starting point. In response to a question, Schmiedicke stated that the fee was calculated at \$1,333 per dwelling unit, which is typical amount in southeastern Wisconsin municipalities. Spadoni stated that he wanted to stress that the establishment of a park impact fee in the Park and Open Space Plan does not commit the Village Board to adopting development impact fees. Krei stated that the additional elements were reviewed by the Park Commission and approval was recommended. O'Connell stated that there is a typo on Page 8 and the word "corner" needs to be corrected. Hayden stated that an amendment also is necessary on Page 24 to clarify that both residents and nonresidents have to pay an entrance fee for the municipal beach. Following discussion on the out-of-service water fountain in Pioneer Park, the Park Commission members reached a consensus that the reference to the drinking fountain on Page 23 should be deleted. Chairman Spadoni closed the public hearing at 5:44 pm.

Commissioner O'Connell/Commissioner Poivey 2nd made a MOTION to recommend Village Board approval of the additional elements in the Park and Open Space Plan as presented, with the conditions that Page 60 of the plan be amended to include additional text indentifying the lots on Geneva Lane and Mesita Road; that the word "corner" be corrected on Page 8; that Page 24 be

amended to clarify that both residents and nonresidents have to be pay municipal beach fees; and that page 23 be amended to delete the reference to the drinking fountain in Pioneer Park. The MOTION carried without negative vote.

General Business

Cliffs of Fontana Condominium Plat Amendment, Fourth Amendment to PIP & Potential Developer's Agreement Amendment

Chairman Spadoni stated that condominium plat amendment has been filed to update what has been developed in the Cliffs of Fontana subdivision. McCarthy stated that the developers will be filing plat amendments approximately once a year as the units are constructed. Spadoni stated that the staff report recommends approval with the following seven conditions:

1. The applicant must provide written confirmation that the amendment has been made in accordance with Wisconsin Statute 703.11(5).
2. The amendment affects only Units 4, 13, 23, 39, 40, 41 and 42. The balance of the units shall be conveyed as units in the original plat.
3. The applicant shall be responsible for properly recording the amendment with Walworth County Register of Deeds.
4. The applicant shall be responsible for any and all recording fees.
5. The applicant shall pay in full all Village fees, including but not limited to, cost recovery, in regards to this amendment proposal within 30 days.
6. The applicant shall provide the Village of Fontana with one recorded copy of the amended condominium plat within 30 days from this approval, which shall constitute final Village approval of the condominium plat amendment proposed.
7. The applicant acknowledges that a condominium plat amendment is required on an annual basis, per the original approval, and shall, from this point forward, be applied for no later than February 1 of each future year in regards to all completed units from January 1 of the previous year through December 31 of that year. For example, a condominium plat amendment for all units completed between January 1, 2010 and December 31, 2010, shall be applied for no later than February 1, 2011.

Adam Neisendorf stated that they have no problem adhering with the staff report conditions for approval.

Commissioner O'Connell/Commissioner Poivey 2nd made a MOTION to recommend Village Board approval of the Cliffs of Fontana Condominium Plat amendment as filed, with the following seven conditions:

1. The applicant must provide written confirmation that the amendment has been made in accordance with Wisconsin Statute 703.11(5).
2. The amendment affects only Units 4, 13, 23, 39, 40, 41 and 42. The balance of the units shall be conveyed as units in the original plat.
3. The applicant shall be responsible for properly recording the amendment with Walworth County Register of Deeds.
4. The applicant shall be responsible for any and all recording fees.
5. The applicant shall pay in full all Village fees, including but not limited to, cost recovery, in regards to this amendment proposal within 30 days.
6. The applicant shall provide the Village of Fontana with one recorded copy of the amended condominium plat within 30 days from this approval, which shall constitute final Village approval of the condominium plat amendment proposed.
7. The applicant acknowledges that a condominium plat amendment is required on an annual basis, per the original approval, and shall, from this point forward, be applied for no later than February 1 of each future year in regards to all completed units from January 1 of the previous year through December 31 of that year. (For example, a condominium plat

amendment for all units completed between January 1, 2010 and December 31, 2010, shall be applied for no later than February 1, 2011.)

The MOTION carried without negative vote.

Fourth Amendment to PIP

Spadoni stated that the fourth amendment to the Cliffs of Fontana Precise Implementation Plan was filed to authorize two additional models, additional site signage and an American Flag and flagpole. Neisendorf stated that “Wynbrooke” and “Bayhill” ranch-style models are being added to the home offerings. Neisendorf stated that the developers do not have any concerns and agree with all of the suggested conditions for approval listed in the Village staff report. Neisendorf stated that the developers are no longer proposing three-car garages on some of the units; they will be two-car garages with tandem stacking options. Scott Bollard stated that the two new models are being added to the offerings in response to feedback received from potential home buyers. In response to a question from O’Connell, Neisendorf stated that the side-yard setback requirement of 12-feet is not being changed. O’Connell asked if the CDA performance standards are being met with the two new models. McCarthy stated that one of the staff conditions addresses the performance standards and calls for all natural exterior materials. Hayden stated that staff is recommending that the new home models are required to feature natural exterior building materials, rather than the initially proposed vinyl siding. O’Connell asked if the developers also can address the lack of trees or landscaping on the interior of the site. McCarthy stated that if the Plan Commission favors the proposed PIP amendment, one of the conditions for approval should be amended to allow for the developers to relocate the six internal directional signs at their discretion, as long as the maximum total number of signs is not exceeded. The staff report recommends approval of the new floor plan designs with the following six conditions:

1. The Bayhill plan shall be approved.
2. The Wynbrooke plan should be approved with the condition that a minimum one window, sized appropriately, shall be added to the garage side elevation on the Wynbrooke plan.
3. All units in the development shall continue to use previously approved exterior materials (i.e., cedar, stone, brick). Vinyl siding as proposed shall not be used as an alternative.
4. All units shall have a basement. Crawl space foundations or slab-on grade foundations shall not be allowed.
5. Since there is an added variation to sizes (optional 3-car garage), all units shall conform to the originally approved building separation. Building separation shall not be decreased in any case.
6. Models shall be located at those sites indicated by the applicant.

The staff report recommends approval of the signage proposal with the following nine conditions:

1. Only one marketing sign should be allowed as previously approved (in regards to location, time frame, size, etc.).
2. The applicant may replace the existing copy of the existing marketing sign.
3. The “Models Open” phrase should be used on the new Highway 67 marketing sign instead of “New Ranch Plans.”
4. A maximum number of eight temporary directional signs, no greater than 30-by-24-inches each, located along Highway 67, shall only be installed on Saturdays and Sundays from 9:00 am until 5:30 pm until the end of 2010.
5. Directional signs shall be placed at the locations provided by the applicant.
6. No more than six total internal signs shall be allowed.
7. Internal signs shall be placed at the locations within the development as determined by the applicant, as long as no more than six total internal signs are erected.
8. Maximum size shall be no more than 6 square feet each and no taller than 3-feet-high, as measured from existing grade.
9. Signs shall be removed at the completion of 80 percent of total units within the development, or in five years from the date of this approval, whichever comes first.

The staff report recommends approval of the American Flag and flagpole with the following

condition: Flagpoles are allowed on residential sites so this technically does not need to be approved. Technically each unit could potentially install a flagpole to fly the American and State flags; however, flying signage – “flags” that advertise through a logo or copy -- is not allowed in the Village of Fontana.

Commissioner Poivey/President Petersen 2nd made a MOTION to recommend Village Board approval of the fourth amendment to the Cliffs of Fontana Planned Development Precise Implementation Plan as filed with the following six conditions for the new floor plan designs:

1. The Bayhill plan shall be approved
2. The Wynbrooke plan should be approved with the condition that a minimum one window, sized appropriately, shall be added to the garage side elevation on the Wynbrooke plan.
3. All units in the development shall continue to use previously approved exterior materials (i.e., cedar, stone, brick). Vinyl siding as proposed shall not be used as an alternative.
4. All units shall have a basement. Crawl space foundations or slab-on grade foundations shall not be allowed.
5. Since there is an added variation to sizes (optional 3-car garage), all units shall conform to the originally approved building separation. Building separation shall not be decreased in any case.
6. Models shall be located at those sites indicated by the applicant.

With the following nine conditions for the signage proposal:

1. Only one marketing sign should be allowed as previously approved (in regards to location, time frame, size, etc.).
2. The applicant may replace the existing copy of the existing marketing sign.
3. The “Models Open” phrase should be used on the new Highway 67 marketing sign instead of “New Ranch Plans.”
4. A maximum number of eight temporary directional signs, no greater than 30-by-24-inches each, located along Highway 67, shall only be installed on Saturdays and Sundays from 9:00 am until 5:30 pm until the end of 2010.
5. Directional signs shall be placed at the locations provided by the applicant.
6. No more than six total internal signs shall be allowed.
7. Internal signs shall be placed at the locations within the development as determined by the applicant, as long as no more than six total internal signs are erected.
8. Maximum size shall be no more than 6 square feet each and no taller than 3-feet-high, as measured from existing grade.
9. Signs shall be removed at the completion of 80 percent of total units within the development, or in five years from the date of this approval, whichever comes first.

And with the following condition for the American Flag and flagpole: Flagpoles are allowed on residential sites so this technically does not need to be approved. Technically each unit could potentially install a flagpole to fly the American and State flags; however, flying signage – “flags” that advertise through a logo or copy -- is not allowed in the Village of Fontana. The MOTION carried without negative vote.

Developer’s Agreement Amendment

Thorpe stated that the developer’s agreement needs to be amended again to reference the new signage and the new models.

Commissioner Poivey/President Petersen made a MOTION to recommend Village Board approval of the fourth amendment to the Developer’s Agreement, and the MOTION carried without negative vote.

Adjournment

Commissioner Poivey/President Petersen 2nd made a MOTION to adjourn the Plan Commission meeting at 5:55 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: 4/26/10