

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, January 9, 2012**

Village President Arvid Petersen 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: George Spadoni, Sarah Lobdell, President Arvid Petersen, F.J. Frazier, Derek D'Auria, Harry Nelson

**Plan Commissioner absent:** Micki O'Connell

**Also present:** Trustee Bill Gage, Administrator/Treasurer Kelly Hayden, Brandy Howe, Robert Klockars, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Trustee Tom McGreevy, Building Inspector/Zoning Administrator Ron Nyman, William O'Connor, Mike Slavney, Dale Thorpe, Trustee Cindy Wilson, Public Works Director Craig Workman

**Visitors Heard**

Attorney William O'Connor stated that he is representing the Geneva Lake Conservancy and he wanted to address some points of the zoning code rewrite project and his request for the Village to schedule a staff meeting at which he could present his concerns regarding the village's pyramiding ordinance and items related to Chapter 54 of the Municipal Code. President Petersen stated that O'Connor was referring to an agenda item, and that would be the appropriate time for O'Connor to present his concerns.

**Announcements**

1. FW/WPCC Board Meeting – **Tuesday, January 10, 2012, 7:30 pm**
2. GLLEA Board Meeting – **Wednesday, January 11, 2012, 10:00 am**
3. CDA Board Meeting – **Wednesday, January 11, 2012, 6:00 pm**
4. Village Hall Open for Customer Service – **Saturdays, January 14, 21 & 28, 2012, 9:00 am to Noon**
5. Protection Committee Meeting – **Monday, January 16, 2012, 5:45 pm**
6. Library Board Meeting – **Wednesday, January 18, 2012, 10:00 am**
7. Plan Commission Staff Meeting – **Wednesday, January 18, 2012, 1:00 pm**
8. Park Commission Meeting – **Wednesday, January 18, 2012, 6:00 pm**
9. Lakefront and Harbor Committee Meeting – **Wednesday, January 25, 2012, 4:30 pm**
10. Finance Committee Meeting – **Thursday, January 26, 2012, 6:00 pm**
11. Public Works Committee Meeting – **Saturday, January 28, 2012, 8:00 am**
12. Plan Commission Monthly Meeting – **Monday, January 30, 2012, 5:30 pm**

**Approve Minutes**

Commissioner Spadoni/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held November 1 and 28, 2011, and the MOTION carried without negative vote.

**General Business**

**Final Draft of Rewritten Chapters 17 & 18 of Municipal Code**

The changes dictated at the November 28, 2011 workshop meeting were made and the drafts of the rewritten Chapters 17 and 18 were distributed and posted on the Village website on December 2, 2011. No other changes or concerns were presented during the month and a half review period. Attorney O'Connor repeated the concerns he expressed during the Visitors Heard portion of the meeting and concerns that he outlined in a November 23, 2011 memorandum that was distributed to the Plan Commission and Village Board members. O'Connor asked the Plan Commission members if they would endorse his request for the Village to schedule a staff meeting to discuss his issues.

President Petersen stated that the \$100,000 project is over budget and the rewritten chapters have been discussed for the last year at the monthly meetings of the Plan Commission and Village Board and at six public workshop meetings. Petersen stated there has been ample time and opportunities for the Geneva Lake Conservancy to present its concerns and the proposal to schedule a staff meeting and consider further changes to the drafts would put the project further over budget and delay the public hearing and approval process. Spadoni stated that he agrees with President Petersen and he is opposed to the Geneva Lake Conservancy coming in at the last minute and requesting the Village to allocate additional time and funding for the project for the issues outlined in O'Connor's memo. Thorpe stated that he read the memo from O'Connor and met with him back in June 2011. Thorpe stated that the lakefront pyramiding concerns outlined in the memo were addressed in the zoning code ordinance amendment adopted by the Village at the Geneva Lake Conservancy's request on November 1, 2010. Thorpe stated that the pyramiding ordinance is included in the rewritten draft and it addresses the concerns outlined by O'Connor. Thorpe stated that if additional concerns are realized in the future when the new code has to be applied by staff on a day-to-day basis, or if other problems arise, amendments can be proposed and adopted at any time. Thorpe stated that the mooring concerns stated by O'Connor aren't part of the Chapters 17 and 18 rewrite project; the regulations are in Chapter 54 of the Municipal Code. Chapter 54 of the Municipal Code was reviewed for most of 2011 by the Lakefront and Harbor Committee prior to the Village Board voting at its October 3, 2011 monthly meeting to adopt the mooring ordinance that was reviewed and amended at the direction of the Wisconsin DNR. Petersen stated that the Village will continue to work with the Geneva Lake Conservancy and consider its concerns, but at this time it is not appropriate to allocate additional funding and schedule a special staff meeting. Petersen asked if any of the other Plan Commission members wanted to make a statement of propose a motion, and there were no responses. Village Planner Mike Slavney then presented an overview of the rewrite project and outlined the changes that were made following the November 28, 2011 joint meeting of the Plan Commission and Village Board. Slavney also presented the proposed new Zoning Map, which was based on the existing map for the most part. Slavney stated that every parcel in the Village was reviewed and most of the properties fall within one of four zoning districts. There are four new zoning districts that are not mapped, but could be in the future if rezone proposals are applied for an approved by the Village. Slavney stated that the public hearing drafts have to be approved, a Class II Notice has to be published to announce the public hearing and additional notices can be mailed to all the property owners to announce the public hearing at which the new Chapters 17 and 18 and the Zoning Map will be presented prior to consideration for final approval. Petersen stated that he and others have a concern about the proposed new Section 18-65(i)(1)(c) that allows for temporary activities or events on the Abbey properties up to a duration of 60 consecutive days before a temporary use permit is required. Following discussion, the Plan Commission members reached a consensus that the time period should be shortened to 45 consecutive days before a temporary use permit is required for a special activity or event.

President Petersen/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to change the draft of the rewritten Chapter 18, Section 18-65(i)(1)(c) to state that temporary activities or events of a duration exceeding 45 consecutive days shall secure a temporary use permit per Section 18-248. The MOTION carried without negative service.

Spadoni stated that he has concerns with the proposed new district AH-35 Agricultural Holding and the proposal to zone portions of the Big Foot Country Club and Country Club Estates Association golf courses to Agriculture Holding areas. Spadoni stated that the portions of the golf courses currently could be developed as condominium building sites and if the new zoning is approved, they would have to apply for a rezone. Spadoni stated that all the members of the Big Foot Country Club and the County Club Estates Association should be called and informed of the loss of their inherent land rights to change the golf courses to residential developments if desired in the future. Hayden stated that the next item that the Plan Commission had to consider was a recommendation on notifying all property owners of the public hearing to present the rewritten Chapters 17 and 18 and Village Zoning Map. Lobdell stated that the plan is to notify all property owners of the public

hearing. Petersen stated that staff will make sure to notify the Big Foot Country Club and Country Club Estates Association board members of the public hearing. With regard to the three options to notify property owners of the public hearing, Spadoni stated that the Village should opt for the third alternative, which is to publish a Class II Notice and to mail a postcard to all property owners. Commissioner Spadoni/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to direct village staff to have a Class II Notice announcing the public hearing published and to have a postcard notice mailed to all property owners to announce the public hearing. The MOTION carried without negative vote.

**Schedule February 27, 2012 Public Hearing to Present Rewritten Chapters 17 & 18 of Municipal Code and New Zoning District Map**

Commissioner Spadoni/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the drafts of the new Zoning Map and rewritten Chapters 17 and 18 of the Municipal Code, with the change dictated earlier in the meeting to Section 18-65(i)(1)(c), and to schedule a public hearing for Monday, February 27, 2012. The MOTION carried without negative vote.

**Conditional Use Permit Application Filed by Angela Galioto for Lot Owned by Larry Lubin at 704 S. Lakeshore Drive – Set January 30, 2012 Public Hearing**

The applicants requested that the application be tabled.

Commissioner Spadoni/President Petersen 2<sup>nd</sup> made a MOTION to table the item, and the MOTION carried without negative vote.

**Abbey Resort Outdoor Event Tent Early Opening Proposal**

Hayden stated that the Village received a request from the Abbey Resort for authorization to set up its outdoor special event tent three weeks earlier than the approved time frame in order to accommodate a special event.

Commissioner Spadoni/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Abbey Resort’s proposal to set up its outdoor special event tent three weeks earlier than the previously approved time frame, and the MOTION carried without negative vote.

**PIP Amendment Application Filed by Fontana Family Chiropractic, 450 Mill Street, Suite 102**

Nyman stated that he met with Jeremy Bria of Fontana Family Chiropractic and they discussed the proposed new exterior sign and the approved Planned Development Zoning District signage regulations for the building where his office is located. Nyman stated that in order for Bria to receive authorization for the proposed 91-square-foot, internally illuminated sign, an amendment to the approved Precise Implementation Plan will be required to authorize a sign greater than the current maximum size of 30-square-feet. Spadoni stated that he likes the proposed bigger sign and the Village should help the business remain successful. Harry Nelson stated that he also prefers big signs that are unique and stand out. F.J. Frazier stated that if the sign is approved for Fontana Family Chiropractic, all the signage in the Village could get out of control. Frazier stated that he would not want the Village of Fontana to start resembling Las Vegas with overwhelming signage. Petersen stated that the business is a chiropractic office which doesn’t need a 90-square-foot exterior sign, and excessive signage is “litter on a stick.” D’Auria stated that he would be willing to vote to recommend approval of a new exterior sign if the sign was increased to a maximum of 60-square-feet and if it was not internally illuminated.

Commissioner Spadoni/Commissioner Nelson 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed Precise Implementation Amendment for the exterior signage proposed by Fontana Family Chiropractic for 450 Mill Street, Suite 102, and a Roll Call vote followed:

Commissioner Spadoni – Aye

President Petersen – No

Commissioner Frazier – No

Commissioner D’Auria – No

Commissioner Nelson – Aye

Commissioner Lobdell – No

The MOTION failed to earn approval on a 2-4 vote, with Commissioner O’Connell absent.

**Adjournment**

Commissioner Spadoni/Commissioner Nelson 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 6:19 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: 1/30/2012