

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

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION  
**Monday, June 28, 2010**

Chairman George 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: Mike Poivey, Derek D'Auria, Harry Nelson, Micki O'Connell, Sarah Lobdell, George Spadoni

**Plan Commissioner absent:** President Arvid Petersen

**Also present:** Pam Carper, Administrator/Treasurer Kelly Hayden, Alex Koldeway, Library Director Nancy Krei, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, Joseph McHugh, Zoning Administrator/Building Inspector Ron Nyman, Village Attorney Dale Thorpe, Public Works Director Craig Workman

**Visitors Heard**

Nancy Krei stated that the Summer Reading Program is underway at the Fontana Library, with the Lakeshores Library System's 2010 Storywagon Program and the Make & Take A Craft Program.

**Announcements**

1. Finance Committee Monthly Meeting – **Wednesday, June 30, 2010, 6:00 pm**
2. Fontana Rescue Squad Pancake Breakfast & Blood Drive at St. Benedict Church – **Saturday, July 3, 2010, 7:00-11:00 am & 8:00 am to 1:00 pm**
3. Fontana Fourth Fest in Reid Park – **Saturday & Sunday, July 3 and 4, 2010**
4. Village Hall & Public Library Closed – **Monday, July 5, 2010**
5. Storywagon Program at Headwaters Park – **Tuesday, July 6, 2010, 10:00 am**
6. Special Joint Meeting of Village Board and Plan Commission – **Tuesday, July 6, 2010, 5:30 pm**
7. Village Board Monthly Meeting – **Tuesday, July 6, 2010, 6:00 pm**
8. CDA Monthly Meeting – **Wednesday, July 7, 2010, 6:00 pm**
9. Big Foot Recreation Movie Nights at the Fontana Beach – **Saturdays, July 10 & 24, 2010, Dusk**
10. Plan Commission Staff Meeting – **Wednesday, July 14, 2010, 1:00 pm**
11. Village Assessor Office Hours at Village Hall – **Friday, July 16, 2010, 10:00 am to 2:00 pm**
12. Library Board Meeting – **Wednesday, July 21, 2010, 10:00 am**
13. Park Commission Meeting – **Wednesday, July 21, 2010, 6:00 pm**
14. Open Book – **Thursday, July 22, 2010, 3:00-5:00 pm & Saturday, July 24, 2010, 10:00 am-Noon**
15. Plan Commission Monthly Meeting – **Monday, July 26, 2010, 5:30 pm**

**Approve Minutes**

Commissioner O'Connell/Commissioner Lobdell 2<sup>nd</sup> made a MOTION to approve the minutes for the meetings held June 1, 2010 as presented, and the MOTION carried without negative vote.

**General Business**

**Building, Site and Operational Plan Amendment Filed by Georgie B's Restaurant, 441 Mill Street, for Outdoor Service Proposal**

The amendment was filed in order to authorize outdoor food service in the outdoor deck area at the

east end of the building. Spadoni asked if the applicant agreed with the staff report's 10 suggested conditions for approval. McCarthy stated that after speaking with Pam Carper, the recommendation number 7 on the report should be modified to state that the service in the outdoor dining area can be during normal business hours. McCarthy stated that the staff report made the initial recommendation to allow service during daylight hours only because there were concerns about the lack of exterior lighting. McCarthy stated that after speaking with the applicant, it was clarified that there is plenty of ambient light from the interior of the building to illuminate the outdoor dining area until the restaurant closes at its normal time. Pam Carper stated that the small area will only serve tables for two, and the area is encompassed by an existing railing. The staff report recommends approval of the amended BSOP as filed with the following 10 conditions:

- 1) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
- 2) All construction (i.e. fencing) shall conform to the Village of Fontana Municipal Code.
- 3) No outdoor music/noise shall be allowed.
- 4) No additional lighting shall be allowed.
- 5) The approved fencing shall be for a total of 39-feet, parallel to the north wall of the building and shall be of the same materials, color and style of the existing fencing.
- 6) Fencing along the west portion of the proposed outdoor dining area shall not be allowed.
- 7) Service and use of the outdoor dining area shall be during normal business hours only.
- 8) No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
- 9) Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, signage, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
- 10) All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

In response to a question from O'Connell, Carper stated that there are already doors at the front end of the building where the proposed outdoor dining area will be located. Carper stated that people will have to enter the restaurant at the main entrance and they will be seated in the outdoor dining area. The outdoor area is not included in the restaurant's approved premises serving area for its beer and wine license.

Commissioner Lobdell/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan amendment filed for Georgie B's Restaurant, 441 Mill Street, with the following 10 conditions:

- 1) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
- 2) All construction (i.e. fencing) shall conform to the Village of Fontana Municipal Code.
- 3) No outdoor music/noise shall be allowed.
- 4) No additional lighting shall be allowed.
- 5) The approved fencing shall be for a total of 39-feet, parallel to the north wall of the building and shall be of the same materials, color and style of the existing fencing.
- 6) Fencing along the west portion of the proposed outdoor dining area shall not be allowed.
- 7) Service and use of the outdoor dining area shall be during normal business hours only.
- 8) No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.

- 9) Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, signage, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
- 10) All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

The MOTION carried without negative vote.

**Raze Order Recommendation for Harris Property, 245 Third Avenue (SOP 00039)**

McCarthy stated that the Village issued a Raze or Repair Order two years ago for an accessory structure on the same property. McCarthy stated that the residence located on the property has now been posted as inhabitable. McCarthy stated that there is no water or utility services attached to the residence, the ceiling is falling in, and there are mold issues. McCarthy stated that the Building and Zoning Department has been in contact with the caretaker for the property for the past two months, and the caretaker has been in contact with the property owner, who is residing out of state. Thorpe stated that the Village will be required to acquire Title Insurance to complete the process. In response to a question from Poivey, Thorpe stated that the Village expenses can be placed as a lien on the property if not paid. Hayden stated that the Village is also recommending that the vacant lot located next to the residence that is also owned by the same person, should be added to the raze order so that weeds and other landscaping issues can be addressed.

Commissioner O’Connell/Commissioner Nelson 2<sup>nd</sup> made a MOTION to recommend Village Board authorization to issue a Raze Order for the Harris property at 245 Third Avenue, Tax Parcel No. SOP 00039, for the residential structure and the vacant lot. The MOTION carried without negative vote.

**Recommendation on Proposed Amendments to Chapter 42-6 of Municipal Code**

Spadoni stated that during consideration of a Park Commission proposal to allow camping at the Duck Pond Recreation Area, he suggested an amendment to Section 42-6 of the Municipal Code to allow for children to camp out in the yards of residential properties. Trustee Cindy Wilson also suggested a second amendment to Section 42-6 to allow residents the use of a camper, motor home, travel trailer or other vehicle. Hayden stated that the proposed amendments to do not require Plan Commission approval since they do not involve Chapters 17 or 18 of the Municipal Code; however, a Plan Commission recommendation on the proposal would be appropriate since they are land use issues. Spadoni asked the Plan Commission to first consider the amendment numbered 42-6 (e) (1) that states: “(e) Exceptions: (1) A property owner, occupant or possessor of a built lot shall be entitled the use of up to three tents, that are each 180-square-foot or less in size, to be erected and occupied on the built lot and adjacent lot(s) to the dwelling for a period not to exceed 48 hours and on no more than three occasions per calendar year for the purpose of accommodating the property owner’s family members or guests.” Nelson asked why the proposed amendment to allow the use of up to three tents was limited to three tents and why there is a proposed size restriction. Spadoni stated that three tents were suggested to be allowed to provide flexibility for larger families with several children, or for occasions when friends or family members may be camping out for a few days. Spadoni stated that the size limit was suggested to prevent large circus-type tents to be erected, but the Village will not be out measuring tents in backyards to ensure they abide by the suggested 180-square-foot maximum. O’Connell stated that she did not think the ordinance amendment was necessary and people should just be allowed to camp out in their yards. O’Connell stated that she does not remember a ticket ever being issued to a property owner for allowing their children to camp out in the yard. Spadoni stated that there was an incident a few years ago when one of the Fontana police officers was going to issue a citation to a property owner for having tents erected in the yard. Poivey stated that the ordinance should be amended to avoid any potential disputes between property owners and neighbors in the future. D’Auria stated that he agrees with Poivey. The Plan Commission then discussed the amendment suggested by Trustee Wilson that states: “42-6 (e) (2) A

property owner, occupant or possessor of a built lot shall be entitled the use of a camper, motor home, travel trailer, camping trailer, or other vehicle or component towed by a vehicle, which purpose is to be used as a temporary dwelling for travel, recreation, vacation, or other like uses, to be placed or parked within the driveway of the built lot, for a period not to exceed seven days per calendar year for the purpose of overnight sleeping accommodating the property owner's family members or guests. Cooking is prohibited. Permanent connection to sewer lines, water lines or electricity is prohibited; however, temporary electric connection is allowed for charging batteries and other purposes." O'Connell stated that the proposed amendment to allow for recreation vehicles and trailers to be used lodging is a bad idea. Spadoni stated that when the prohibition was added to the municipal code about 10 years ago, it was widely supported. Spadoni stated that he does not support the proposal. Poivey asked if a property owner wanted to park a vehicle at their home for a week or so, would it be allowed. McCarthy stated that legally registered vehicles can be legally parked at a residence, but they cannot be hooked up to water or electricity or used for lodging. Following discussion, the Plan Commission members were in consensus that they supported the first proposed amendment, but not the second.

Chairman Spadoni/Commissioner D'Auria 2<sup>nd</sup> made a MOTION to recommend Village Board approval of the proposed amendment: "42-6 (e) Exceptions: (1) A property owner, occupant or possessor of a built lot shall be entitled the use of up to three tents, that are each 180-square-feet or less in size, to be erected and occupied on the built lot and adjacent lot(s) to the dwelling for a period not to exceed 48 hours and on no more than three occasions per calendar year for the purpose of accommodating the property owner's family members or guests"; and to recommend denial of the proposed amendment: "42-6 (e) Exceptions: (2) A property owner, occupant or possessor of a built lot shall be entitled the use of a camper, motor home, travel trailer, camping trailer, or other vehicle or component towed by a vehicle, which purpose is to be used as a temporary dwelling for travel, recreation, vacation, or other like uses, to be placed or parked within the driveway of the built lot, for a period not to exceed seven days per calendar year for the purpose of overnight sleeping accommodating the property owner's family members or guests. Cooking is prohibited. Permanent connection to sewer lines, water lines or electricity is prohibited; however, temporary electric connection is allowed for charging batteries and other purposes." The MOTION carried without negative vote.

### **Adjournment**

Commissioner O'Connell/Commissioner Nelson 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: 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: 7/26/10