

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

SPECIAL JOINT WORKSHOP SESSION of the VILLAGE OF FONTANA  
BOARD OF TRUSTEES & PLAN COMMISSION  
**Monday, November 28, 2011**

Village President Arvid Petersen called the special workshop meeting of the Village of Fontana Board of Trustees and Plan Commission to order at 5:45 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

**Plan Commissioners present:** Roll call: President Petersen, F.J. Frazier, Micki O'Connell, George Spadoni

**Plan Commissioners absent:** Harry Nelson, Derek D'Auria, Sarah Lobdell

**Village Board members present:** Roll call: President Petersen, Cindy Wilson, George Spadoni, Pat Kenny, Tom McGreevy

**Village Board members absent:** Peg Pollitt, Bill Gage

**Also present:** Dr. Jeremy Bria, Administrator/Treasurer Kelly Hayden, Brandy Howe, Cary Kerger, David Lindelow, John Maier, Village Clerk Dennis Martin, Building Inspector/Zoning Administrator Ron Nyman, Dean Richards, Village Planner Mike Slavney, Ed Snyder, Village Attorney Dale Thorpe, Carol Whowell, Tom Whowell, Director of Public Works Craig Workman

**Joint Meeting Business**

**Reschedule Plan Commission Monthly Meeting from Monday, December 26, 2011 – Village Hall Closed**

The Plan Commission members decided to reschedule the monthly meeting for December 2011 to coincide with the date of the rescheduled Village Board monthly meeting in January 2012, which will be Monday, January 9, 2012.

Commissioner Spadoni/President Petersen 2<sup>nd</sup> made a MOTION to reschedule the December 2011 Plan Commission monthly meeting to Monday, January 9, 2012 beginning at 5:30 pm, and the MOTION carried without negative vote.

**Sign Amendment for Fontana Family Chiropractic, 450 Mill Street, Suite 102**

Nyman stated that Dr. Jeremy Bria submitted a proposal to replace the sign for his portion of the office building, which is in a Planned Development zoning district. Nyman stated that the maximum sign size allowed in the approved zoning is 30-square-feet, and the proposed sign is about 49-square-feet. Because the depiction is not to scale and is not fully dimensioned, Nyman stated that he cannot confirm that the estimated area of the proposed new sign is accurate. Nyman stated that although the submittal came in well after the deadline for review for the monthly meeting, staff considered the proposal at the Plan Commission staff meeting held Wednesday, November 16, 2011, and concluded that if the new signage adheres to the maximum sign area of 30 square feet, and if it is appropriately lighted, the signage could be approved. In the interest of accommodating a local business, Nyman stated that he would propose that the Plan Commission members authorize staff to approve the sign proposal provided the submittal meets the signage criteria of the approved Planned Development ordinance. Nyman stated that Dr. Bria would have to submit an accurately dimensioned and scaled sign depiction which shows that the sign is no more than 30 square feet in area, and apply for a building permit. Nyman stated that if the Plan Commission members prefer to see more detail or request additional information, then the proposal should be placed on the agenda of the next Plan Commission meeting. Spadoni stated that staff should be authorized to work with Dr. Bria to approve the sign proposal in accordance with the ordinance. Nyman stated that they should be able

to modify the proposed new sign to bring it into compliance with the approved regulations. Hayden stated that the proposal would typically require that the approved Precise Implementation Plan for the PD zoning be amended, but staff is recommending that authorization be provided to work with Dr. Bria to bring the proposed new sign into compliance. Petersen stated that the proposed sign logo may not be visible from a distance. Dr. Bria stated that he would like the logo portion of the sign to be back-lighted. Thorpe stated that the Village sign ordinance prohibits internally illuminated exterior signage. Hayden stated that if authorized, Dr. Bria could work with staff to meet the current zoning code, or an amendment to the PIP could be applied for by the building owner.

Commissioner Spadoni/Commissioner O'Connell 2<sup>nd</sup> made a MOTION to authorize Village staff to work with Dr. Jeremy Bria to design a new sign for Fontana Family Chiropractic, 450 Mill Street, Suite 102, that is in compliance with the approved Planned Development Zoning Ordinance for the property. The MOTION carried without negative vote.

### **Resort Business District Overview**

Slavney presented an overview of the new Resort Business District zoning section that will replace the C-2 Zoning District that currently regulates the Abbey Resort, the Abbey Villas, the Abbey Ridge and the Abbey Harbor Marina. Once adopted, Slavney stated that each subdistrict will have its existing uses and developments deemed fully legal and conforming as of the effective date of the rewritten Zoning Ordinance. Slavney also presented a memorandum dated November 28, 2011 that he wrote in response to a memorandum the Village received from Abbey Resort Attorney Dean Richards on November 27, 2011. Following discussion, the Village Board and Plan Commission members provided direction to Slavney and Brandy Howe with regard to the concerns outlined by Richards and the recommendations made by Slavney and Thorpe. With regard to Section I.(b) of the Resort Business District draft, Slavney was directed to incorporate Richards' proposed language stating, "unless a specific condition or standard applicable to a specific use or structure is explicitly set forth in this section." Regarding temporary use approvals for new activities not subject to the Conditional Use Permit process, Slavney was directed to incorporate a 60-day maximum time period for temporary uses to be approved by the zoning administrator; and if a temporary use is extended beyond 60 days, a Temporary Use Permit will have to be applied for. Cary Kerger stated that it would be impossible for the Abbey Resort staff to compile a list of all the existing uses and activities at the resort. Kerger stated that they would not know where to start in compiling the list. Thorpe stated that it was discussed at the meetings with the Abbey representatives that lists of the current uses in the four subdistricts were going to be incorporated into the new Resort Business District text. Following discussion on the issue, Petersen stated that it should be worked out at the staff level. Slavney stated that it would be in the best interest of the Abbey subdistricts to compile lists of the existing uses in order to make them permanently conforming when the new Zoning Ordinance is adopted; however, the lists are not necessary as the allowable uses by right will be incorporated into the new ordinance. Later in the meeting, Attorney John Maier stated that he was working on a list of the current uses at the Abbey Villas and the Abbey Ridges. During a discussion on the development of new parking areas, Thorpe and Slavney recommended that all expanded parking lot proposals should be subject to the CUP process whether they are located on-site or off-site. Slavney stated that he will add to the Resort Business District landscaping requirements a provision that all existing landscaping located between a proposed new parking area and the adjacent street can be counted toward meeting the requirements. Slavney stated that he will also correct an incorrect reference in Subsection I.(i)(2) that states the review and issuance of sign permits shall be the duty of the Plan Commission. Slavney stated it will be corrected to state that it shall be the duty of the zoning administrator to review and issue sign permits. Slavney stated that he will also clarify in the Resort Business District text that all the current residential condominium units in the development are allowed and are not subject to the same "residential" classification regulations in the other zoning districts. Slavney and Thorpe stated that they do not have any concerns to amend footnotes Nos. 1 and 3 on the table on page 5 of the draft Resort Business District text to incorporate Richards' suggested language.

### **Village Center District**

Slavney presented a memorandum dated November 17, 2011 that he drafted to address a correspondence received from Attorney Maier regarding concerns with the new Village Center District, that will replace the current Village Center Preservation District and eliminate the existing Lakeshore Village Center Overlay District. In response to Maier's concerns, Slavney presented the changes he made to the draft language that provide for the continuation of all existing uses, existing developments and existing parking regulations. With regard to the current shore yard setback of 50 feet from the ordinary high water mark, Slavney stated that the new ordinance calls for the 50 feet standard to remain in effect village-wide, with the exception of a 75-foot setback for proposed new structures or expansions in the new Village Center District. The Plan Commission and Village Board members directed Slavney to not change the shore yard setback language. Carol Whowell stated that she wanted to make sure that the existing mixed uses approved for the Who Corporation's apartment/office building in the 300 block of Third Avenue would remain in effect and that they would not have to come in for amendment approvals in the future when one of the units is switched to or from a residential unit into a business unit. Slavney was directed to make sure Carol Whowell's concern is addressed in the new Village Center District. Following a lengthy discussion on Conditional Use Permit uses and uses allowed by right, it was pointed out that any use currently approved with a CUP would require an approved amendment to the CUP for expansion proposals. Thorpe stated that some of the uses that are now in the CUP section of the new ordinance were allowable uses by right in the current ordinance. The Plan Commission and Village Board members directed Slavney to amend the draft of the new Village Center District to make all the allowable uses currently in existence in the Village Center Preservation District allowable uses by right in the new ordinance, and to remove them from the CUP section.

### **Project Completion Schedule**

Slavney stated that he will be able to make the amendments directed that night by the end of the week and he should have the entire public hearing draft of the rewritten Chapter 18 of the Municipal Code ready for distribution and review by next week. Slavney stated that if no more joint session workshop meetings are required, the public hearing could be held in early January 2012. Following discussion, Slavney and Howe were directed to have the final draft of the rewritten Chapter 18 written and distributed in time for review prior to the next monthly meeting of the Plan Commission scheduled for Monday, January 9, 2012 beginning at 5:30 pm. A public hearing to present the rewritten Chapters 17 and 18 and new Zoning Map will be scheduled on the Monday, February 27, 2012 Plan Commission monthly meeting date.

### **Adjournment**

Commissioner O'Connell/Commissioner Spadoni 2<sup>nd</sup> made a MOTION to adjourn the Plan Commission meeting at 7:01 pm, and the MOTION carried without negative vote.  
Trustee Spadoni/Trustee McGreevy 2<sup>nd</sup> made a MOTION to adjourn the Village Board meeting at 7:01 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 Village Board and Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 12/5/2011 – V.B.; 1/9/2012 – P.C.