

**VILLAGE OF FOX POINT
JOINT BUILDING BOARD AND PLAN COMMISSION
JUNE 5, 2017**

A joint meeting of the Building Board and Fox Point Plan Commission was held in Schwemer Hall, 7200 N. Santa Monica Blvd. on Monday, June 5, 2017. Chairman Frazer called the Joint meeting together at 4:30 p.m. and noted there is a quorum with 6 Commissioners present at 4:30pm. Plan Commission roll call was taken by Village Clerk/Treasurer Kelly Meyer; Plan Commissioners present included:

Douglas H. Frazer, Chairman
Eric Fonstad, Commissioner
Donald Zien, Commissioner
Scott Yauck, Commissioner
John Crichton, Commissioner
Therese Gripenotrog, Commissioner

Absent: Carol Wilkins, Commissioner

A Quorum of Building Board members were present which includes 1 architect, as is required by Village code; roll call of Building Board members present included the following:

Bill Feldman, Board Member
Gerald Hussin, Board Member
Matt Amman, Board Member

Also staff present was Village Manager Scott Botcher, Village Attorney Eric Larson, Assistant Village Manager Michael Pedersen, Director of Public Works Scott Brandmeier, Deputy Clerk Jilline Dobratz, and Village Clerk/Treasurer Kelly Meyer.

Notice of the meeting was provided to the North Shore Now, as necessary and to all others as required by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard, as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as described in Village Ordinance Chapter 116-2, 116-2(C).

Approval of the Minutes of the April 3, 2017 Plan Commission Meeting.

On motion of Commissioner Yauck, seconded by Commissioner Fonstad, and carried unanimously, the Commission approved the minutes of the April 3, 2017 Plan Commission meeting.

Joint Building Board/Plan Commission Review of Village Hall Entrance Doors

Village Manager Scott Botcher was present to give a brief background in regard to replacing the Village Hall Entrance Doors, which was a budgeted item for 2017. He noted this does require both the Plan Commission and Building Board participation.

Village Attorney Eric Larson gave a brief background on the standards in the Village Code, including the 4 findings that must be satisfied.

On motion of Commissioner Yauck, seconded by Commissioner Crichton and carried unanimously, the Plan Commission approved the application from the Village of Fox Point to replace the Village Hall Entrance Doors noting the four findings have been satisfied and recommend this to the Village Board for approval.

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**Petition for Planned Development Overlay District Rezoning, 217 West Dunwood Road
(A.K.A. Dunwood School Property) 4:36 p.m.**

President Frazer gave a brief background on the Petition for Planned Development Overlay District Rezoning at 217 West Dunwood Road.

Village Attorney Eric Larson gave a background on this zoning matter and village code specific to the matter, the petition process consideration and where the village stands in the process.

Attorney Larson noted the only portion the Plan Commission is reviewing tonight is the multi-family residential part. Mandel Group has not yet petitioned to rezone the other portion of the proposal. Exhibit A, Lot 1 is the portion of the petition that is to be rezoned; this is approximately 9 acres.

Attorney Eric Larson gave some recommendations for today's procedures and noted this is not a public hearing. But Plan Commission does want to be sure that due and fair process is followed and the village has a good record. Petition process, as follows:

1. Allow applicant is to make a presentation regarding rezoning application
2. Members of Plan Commission will have an opportunity to ask questions of the applicant and hear answers.
3. Pursuant to the Plan Commission's ordinary procedures, the public will be heard; at that time the public would be invited to make comments, coming forward to the microphone, begin by stating their name and address for the record and address the Chairman.
4. Everyone would speak once prior to being allowed a second time to speak for fair process, giving everyone time to speak.
5. Responses from the applicant will follow after public comments are finished.
6. Public comment period would be closed.
7. General discussion first and any additional questions the Plan Commission may have. Then the resolution points will be worked through.
8. Plan Commission will deliberate.

Mandel Group, Inc., representatives were in attendance to give a presentation and answer questions; those present included, Mandel Group, Inc. Vice President of Development Ian Martin, Project Architect Jim Shields of HGA, Ayres Associates Consulting Firm Consultant Ken Voigt and Mandel Group, Inc. Development Coordinator Emily Pier.

Mandel Group Ian Martin gave a presentation in regard to the Petition for Planned Development Overlay District Rezoning, 217 West Dunwood Road (A.K.A. Dunwood School Property).

Project Architect Jim Shields of HGA presented the architectural renderings; Mr. Shields briefly touched on the visual renderings size and quality of the project, including the greenspace, community center, parking areas, and residential buildings.

Ayers Associates Consultant Ken Voigt also spoke briefly on the traffic study completed in regard to the project and location. He noted a pedestrian and bike study could also be done in coordination with village staff and Mandel Group.

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Commissioners made their inquiries and Mandel Group Petitioner and Representatives answered questions.

Ayers Associates Consultant Ken Voigt noted based on Commissioner Gripentrog's concerns, they could work with Mandel and the Village to address a safety study on the pedestrian/traffic. Trustee Fonstad also noted support of further traffic studies in regard to Commissioner Gripentrog's concerns.

Mary Pape, 7800 North Mohawk Road

Ms. Pape noted her property has been for sale for 2 years and is currently looking for another property, noting the sale is not a direct result of this project. Most concerns are being directed to Mr. Martin. Ms. Pape's concerns were the length of the construction period, potential construction access along Dunwood Road, the safety of small children in regard to the rain gardens during storms, mosquitos near the rain garden area, the depth of rain garden area, safety of pool in rendering, favors a berm along Dunwood Road, possible increase in crime, and baby-boomer local area walkability.

Lorry Rifkin, 7821 North Mohawk Road

Mr. Rifkin noted his concern the Plan Commission has separated this to approve only one portion of this site and concerns Building Board approved the whole project. Mr. Rifkin is in favor of extending a berm completely extended on Dunwood Road, removing the walking path and visually obscuring the development.

Jill Macek, 7870 North Mohawk Road

Ms. Macek agrees with prior comments that the greenspace, walkways and clubhouse is not really going to be for the neighbors to use and asked that the permeable surface be decreased at the development site, either below ground or behind buildings. Ms. Macek inquired on whether a Senior Housing development partner would be named prior to the overall approval of the plan, wants to understand the tax implications, and as a Bird City suggested using bird-safe glass.

Linda Gorens Levey, 7750 North Fairchild Road

Not present.

Michael O'Connor, 6913 North View Place

Mr. O'Connor commented on his excitement about Mandel being involved in this with being such a good developer and have a very good product. He noted his interest is in the tax savings impact for village residents.

Brian Acker, 1045 East Thorne Lane

Not present.

Gary Stein, 7950 North Fairchild Road

Mr. Stein commented on his residency since 1952 and noted support for moving the project forward. He noted when the property was in use as a school building, buses were running through the village from early morning until afternoon. Mr. Stein's only concern was that construction traffic be kept off Dunwood Road and should come in and off of Port Washington Road. He also noted support of a berm all the way along Dunwood Road.

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Patricia Mousseau, 180 Dunwood Road

Ms. Mousseau commented on the variety of ages and families the apartment complex may house and noted the difference between the residential apartments and a licensed care facility. Concerns about the licensed senior facility. She inquired on the waiver for density and asked that density be kept in mind for this project. Ms. Mousseau had concerns of traffic and sewer/utility impact and tax bill impact in Fox Point.

Jess Langerman, 7275 North Beach Drive

Not present.

President Frazer, hearing no other public comments, closed public comment period at 6:35 p.m.

Mandel Group, Inc. Vice President of Development Mr. Ian Martin noted Mandel Group has spoken with many of the area residents and they did address most concerns with a good faith effort. Mr. Martin and Representatives of Mandel Group answered all questions, as inquired by the public.

Commissioners commented following Mr. Martin's responses.

On Motion of Commissioner Yauck, the Plan Commission approves and favorably recommends to the Village Board the application from Mandel Group, Inc., regarding Planned Development Overlay District Rezoning, 217 West Dunwood Road (A.K.A. Dunwood School Property) of zoning as requested, having met the 17 findings set forth in the draft resolution included in the Plan Commission packet. Seconded by Commissioner Zien.

Discussion ensued by Plan Commissioners. Trustee Fonstad suggested including the conditions Mandel's Mr. Martin mentioned on the development and at a minimum those conditions should be included.

On a modified motion [1] of Commissioner Yauck

[1] To strike the word deny and accept the term approve in the third paragraph of the draft resolution, Exhibit B, relying on the material submitted, the dialogue and input to-date with all conditions and finding in the resolution being met.

Discussion took place by Plan Commissioners.

Commissioner Zien seconded the modified motion.

Further discussion on the modified motion took place by Commissioners.

On a further modified motion [2] of Commissioner Yauck, seconded by Commissioner Zien

[2] To except 8c, which is subject to the final traffic plan being reviewed by village staff.

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Village Attorney Eric Larson noted the further conditions to be met for the application of rezoning:

1. Presentation compliance. The applicants have to comply with what they said they would do, covering some of the earlier issues discussed.
2. Land Division. The applicant must get approval of the land division and satisfy any conditions that might be imposed on the land division.
3. Financial guarantee and a developer's agreement that they have to enter into appropriate form for approval by staff.
4. Applicant needs to complete all the required plans in a form that is approved by village staff; there are a number of plans required by the ordinance and that the staff have already required. Those plans have to be done, complete and approved by the village staff.
5. The applicant needs to maintain their compliance with those plans. This is not just initial approval; this includes ongoing compliance with those plans once they are approved.
6. This would be subject to the acceptance of the petitioner's terms; if the village doesn't have an agreement, we should not be acting on it. If the petitioner is not the current owner, than it is also subject to the current owner of the property accepting the terms.
7. The Village would give an appropriate time period to satisfy/comply with these conditions or this approval will lapse.
8. The petitioner has to purchase the property, as the deal based on the petitioner buying this property.
9. Termination of project for failure to comply with conditions and regulations, as established.
10. Standard conditions of complying with the applicable laws with regard to Federal, State, County and local governance.
11. Building and Fire Inspection approvals are needed.
12. Maintain the property at all times and in compliance with the village code.
13. The Lot 2 development restrictions are they need to construct the berm to the extent that their plans show it on Lot 2 and maintain that berm. Access to Lot 2 would be from the private road that is to be constructed and not from Dunwood Road. Lot 2 will be constructed as a for-profit facility or if it is not or if at any time it becomes nonprofit or taxable, there will be a pilot agreement that requires them to pay the same as they would if it was for profit. Setback as described.
14. They will reimburse the village for all of the fees the village has incurred in reviewing this matter, such as professional fees, consultant fees, and so forth.
15. If there are any outstanding charges that are owed on the property, they have to be paid.

Trustee Fonstad asked that the PowerPoint presentation list of Controls on Senior Living for private restrictive covenant and public developer agreement terms be included in the motion of conditions.

*On a third modified motion [3] of Commissioner Yauck, seconded by
Commissioner Zien*

[3] To include the above following 15 conditions, in addition to the Mandel Group PowerPoint presentation specific list of Controls on Senior Living for private restrictive covenant and public developer agreement terms be included to be the following:

- i. Private Restrictive Covenant*
 - a. Recorded against senior living on property*

- b. Gives MGI control over architecture, site planning and landscaping of senior living.
 - c. Imposes ongoing maintenance standards and obligations
- ii. Public Developer Agreement
 - a. Impose no-build areas along Dunwood Road, including generous setbacks
 - b. Impose an on-going maintenance standards and obligations
 - c. Recorded against the entire development
 - d. Must comply with all bulk area regulations in the Village ordinances.
 - e. Enforceable by the Village

Commissioner Zien seconded the third further modified motion.

Chair Frazer called the meeting back into session and back on record at 7:30 p.m.

- *A new whereas paragraph is added between the existing whereas paragraphs as presented by Trustee Fonstad;*
- *The Resolution should mark that the Plan Commission is recommending that the Village Board approve the rezoning application, and the words "subject to the conditions noted below" are added.*
- *The paragraphs that read, "The Plan Commission finds that this standard is/is not met for the following reason:" and the blanks that follow are removed from the Resolution, as the Plan Commission finds that the substantial record created in this matter at the meeting and in the Developer's Application are more than sufficient justification for each the findings.*
- *The density bonus shown on page 5 of the draft Resolution is granted and this should be so marked in the Resolution.*

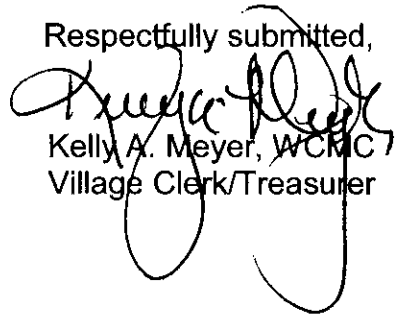
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- *The following is added to the end of the Resolution: 'This recommendation of approval is subject to the Developer satisfying the 15 conditions noted by the Village Attorney at the meeting, and incorporating the restrictions shown by the Developer in the Developer's power point slide entitled, "Controls on Senior Living.'*

Adjourn

On motion of Commissioner Crichton, seconded by Commissioner Yauck and carried unanimously, the Commission adjourned at 7:34 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kelly A. Meyer', is written over the typed name and title.

Kelly A. Meyer, WCMC
Village Clerk/Treasurer