

**VILLAGE OF FOX POINT
PLAN COMMISSION/BUILDING BOARD
JANUARY 9, 2012**

A meeting of the Fox Point Plan Commission and Building Board was held in Schwemer Hall, 7200 N. Santa Monica Blvd., on Monday January 9, 2012 at 5:00p.m. Those present included:

Plan Commissioners

Michael A. West, Chairman
Eric Fonstad, Commissioner
Kareth Servis, Commissioner
John Crichton, Commissioner
Stuart Rothman, Commissioner
Glen Buzzard, Commissioner, arrived at 5:02 p.m.

Building Board

Michael A. West
Kareth Servis
Stuart Rothman
William Feldman
David Seno

Absent: Scott Yauck, Commissioner

Also present were Village Manager Susan E. Robertson, Village Attorney Eric Larson, and Deputy Village Clerk Laura Johnson

Notice of the meeting was provided to the North Shore Now and to all others as required by State open meetings laws and posted on the official bulletin boards.

Approval of the Minutes of the December 5, 2011 Plan Commission Meeting.

On motion of Commissioner Fonstad, seconded by Commissioner Rothman and carried unanimously, the Plan Commission approved the minutes of the December 5, 2011 meeting.

Recommendation Re: Proposed Door Improvements at Cardinal Stritch University, 6801 N Yates Road

Joseph Clark was present to provide information and answer questions.

On motion of Commissioner Fonstad, seconded by Commissioner Rothman, and carried unanimously the Plan Commission referred this matter favorably to the Village Board for approval, and found that the following standards in Section 14.23(5) of the Village Code have been met: (a) appropriate in the location proposed; (b) compatible to the neighborhood; (c) not detrimental to the property values of surrounding property and (d) in keeping with the residential character and quality of the Village.

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Review and Recommendation Re: Request for approval of a proposed Certified Survey Map (CSM) that would combine parcels that together are currently known as 7120 N. Barnett Lane, currently owned and used in common by Harold M. Stratton II and Barbara T. Stratton, and would also move the lot line approximately 24 feet between such land and the adjacent land currently known as 7134 N. Barnett Lane owned by Peter A. Mason and Samantha S. Mason; also, consideration of a possible waiver of the requirement of a preliminary and final CSM submittal pursuant to Section 15.08 of the Village Code, to allow the document on file to be approved as the final CSM. (Plan Commission only)

Chairman West asked for unanimous consent to amend the draft Memo from Attorney Eric Larson to change the language in nos. 3, 4, 5 & 7 from "Owner" to "Owners".

Without objection the conditions in Attorney Eric Larson's draft Memo were amended.

On motion of Commissioner Fonstad, seconded by Commissioner Crichton, and carried unanimously the Plan Commission referred this matter favorably to the Village Board subject to the conditions listed in Attorney Eric Larson's January 6, 2012 memo as amended:

1. Final CSM. The Village Board finds per Section 15.08 of the Village Code that literal application of the requirement of the Village Code for a preliminary and final CSM would result in unnecessary and undue hardship in this case, and that it is consistent with the intent of Chapter 15 of the Village Code to waive the two submittal process so that substantial justice may be done and the public interest secured. This is appropriate because this is primarily a combination of existing lots, with no outstanding issues, and there is nothing to be gained by requiring another submittal. The above-noted CSM is deemed to be the final land division map.
2. Signatory Confirmation. Subject to the Subject Property Owners submitting proof to the satisfaction of the Village Manager that all parties having an interest in the subject properties are signatories on the CSM, including mortgagees, or the CSM being modified to include such signatories.
3. Staff and Governmental Approval. Subject to the Subject Property Owners satisfying all comments, conditions and concerns of the Village Engineer/Director of Public Works, the Village Manager and all reviewing, objecting and approving bodies, which may include but not be limited to the State of Wisconsin Department of Commerce per ch. 236, Wisconsin Statutes and ch. Comm. 85, Wisconsin Administrative Code; State of Wisconsin Department of Administration per ch. 236, Wisconsin Statutes; and Milwaukee County; in regard to the Certified Survey Map, and obtaining all necessary permits and approvals, prior to commencing construction of any improvement, whether public or private, or site development or recording the Certified Survey Map, whichever is earlier.

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4. Professional Fees. The Subject Property Owners shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
5. Payment of Charges. Any unpaid bills owed to the Village by the Subject Property Owners or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees owed to the Village; shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval, that is subject to all remedies available to the Village, including possible cause for termination of the conditional approval.
6. Private Rights. This grant of Certified Survey Map approval is not to be in any way interpreted to abrogate any private rights the other lot owners in the area may have pursuant to deed restrictions or restrictive covenants.
7. One Year to Satisfy Conditions. Subject to the Subject Property Owners satisfying all of the aforementioned conditions within one year of the Village Board granting this conditional approval.

Adjourn

On motion of Commissioner Crichton, seconded by Commissioner Servis, and unanimously carried, the Plan Commission adjourned at 5:21p.m.

Respectfully submitted,

Laura J. Johnson
Deputy Village Clerk