

**NOTICE OF MEETING
VILLAGE OF FOX POINT
JOINT PLAN COMMISSION/BUILDING BOARD MEETING**

SCHWEMER HALL – MUNICIPAL BUILDING
7200 N Santa Monica Blvd, Fox Point WI 53217

Monday, April 6, 2015 - 4:30 p.m.

AGENDA

1. Roll Call

2. Approve the Minutes of the February 2, 2015 Meeting

Documents: [FEBRUARY 2 2015 MINUTES.PDF](#)

3. Recommendation Re: Parking Lot Reconstruction at Longacre South, Yates Road

The Plan Commission and Building Board will discuss and make a recommendation to the Village Board regarding the proposed parking lot reconstruction at Longacre South, Yates Road.

Documents: [LONGACRE SOUTH PARKING LOT.PDF](#)

4. Recommendation regarding land division, to adjust the lot line between abutting owners located at 7950 and 7960 N. Lake Drive.

The Plan Commission will review the proposed land division between property owners located at 7950 and 7960 N. Lake Drive and may make a recommendation to the Village Board.

Documents: [LAND DIVISION 7950_7960 N LAKE DRIVE.PDF](#)

5. Conditional Use Permit: V & J Investments LLC d/b/a/ My Yo My Frozen Yogurt, 8663A N Port Washington Road, RiverPoint Village (New Business)

The Plan Commission will discuss and make a recommendation to the Village Board regarding the Conditional Use Permit for V & J Investments LLC d/b/a/ My Yo My Frozen Yogurt, 8663A N Port Washington Road, RiverPoint Village.

Documents: [MY YO MY CUP.PDF](#)

6. Adjourn

NEXT REGULAR PLAN COMMISSION MEETING: May 4, 2015, 4:30 P.M.

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Village Clerk at 414-351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice.

**NOTICE OF MEETING
VILLAGE OF FOX POINT
PLAN COMMISSION
FEBRUARY 2, 2015**

DRAFT 02/04/15

1 A meeting of the Fox Point Plan Commission was held in Schwemer Hall, 7200 N. Santa
2 Monica Blvd. on Monday, February 2, 2015 at 4:30 p.m. Those present included:

3
4 Michael A. West, Chairman
5 Eric Fonstad, Commissioner
6 John Crichton, Commissioner (Arrived at 4:35 p.m.)
7 Stuart Rothman, Commissioner
8 Kareth Servis, Commissioner
9 Scott Yauck, Commissioner

10 Absent: Carol Wilkins, Commissioner

11
12 Also present were Village Attorney Eric Larson, and Village Clerk/Treasurer Tanya O'Malley.

13
14 Notice of the meeting was provided to the North Shore Now and to all others as required by
15 State open meeting laws and posted on the official bulletin boards.

16
17 **Approval of the Minutes of the November 3, 2014 Plan Commission Meeting**

18
19 On motion of Commissioner Rothman, seconded by Commissioner Servis, and carried
20 unanimously, the Commission approved the minutes of the November 3, 2014 meeting.

21
22 **Conditional Use Permit: Zounds Hearing Inc, 333 W Brown Deer Road, Audubon Court (New**
23 **Business)**

24
25 Anne Taylor, co-owner of Zounds Hearing, was present to provide information and answer
26 questions.

27
28 President West asked for unanimous consent to amend the draft Conditional Use Order
29 following the word "fittings" to insert "sales of hearing devices". Without objection, the Conditional Use
30 Order was amended.

31
32 Commissioner Crichton arrived at 4:35 p.m.

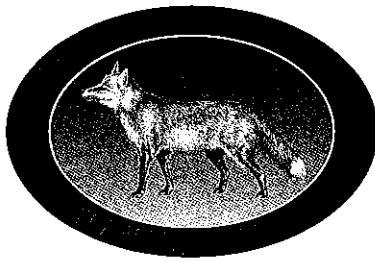
33
34 On motion of Commissioner Fonstad, seconded by Commissioner Yauck, and carried
35 unanimously, the Commission referred the application to the Village Board for approval and referred the
36 revised draft Conditional Use Order.

37
38 **Adjourn**

39
40 On motion of Commissioner Crichton, seconded by Commissioner Rothman, and carried
41 unanimously, the Commission adjourned at 4:37 p.m.

42
43 Respectfully submitted,

44
45
46
47
48
49 Tanya O'Malley, WCMC
50 Village Clerk/Treasurer



VILLAGE OF FOX POINT

MILWAUKEE COUNTY
WISCONSIN

VILLAGE HALL
7200 N. SANTA MONICA BLVD.
FOX POINT 53217-3505
414-351-8900
FAX 414-351-8909

To: Village of Fox Point Plan Commission/Building Board

From: Scott Brandmeier, Director of Public Works

Through: Tom Tollaksen, Interim Village Manager

Date: March 23, 2015

Re: Longacre South Parking Lot Reconstruction

Under the applicable ordinances for the Village of Fox Point, projects proposed at properties zoned F-Institutional must be referred to the Plan Commission and Building Board by the Village Board for its consideration and review. The Plan Commission and Building Board then provides its recommendation to the Village Board regarding the proposed project prior to the Village Board conducting a public hearing and taking action on the project.

At its Village Board meeting on March 10, 2015, the Village Board referred this project to the Plan Commission/Building Board for its review and recommendation to the Village Board. In general, the items under consideration and for review include improvements to the parking lot at Longacre South (adjacent to the soccer fields and tennis courts). More specifically, the improvements include reconstruction of the parking lot and pedestrian path and construction of a bio-retention area as described herein:

1. As it currently exists, the parking lot is in very poor condition and is approximately 35 feet wide. It is proposed that the parking lot be reconstructed and be widened to accommodate easier traffic flow and parking in the lot. Under Section 745-20 of the Village Code, parking lots having 90 degree angle parking are required to have parking stalls 19 feet long and aisles 25 feet wide for two way traffic. As a result, the parking lot will be expanded to 44 feet wide.
2. Construction of a bio-retention area north of the expanded and reconstructed parking lot. This part of the project is proposed to be performed so as to take advantage of green infrastructure funding from the Milwaukee Metropolitan Sewerage District (MMSD). The bio-retention area is proposed to be approximately 240 feet long by 10 feet wide and will be a grass lined swale that drains the parking lot while infiltrating most of the runoff.
3. Reconstruction of the pedestrian path between the parking lot and the tennis courts.

I recommend that the Plan Commission/Building Board favorably recommend this project to the Village Board for their review and approval at its April 14, 2015, meeting.



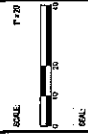
K&A ASSOCIATES, INC.
CONSULTING ENGINEERS
1714 N. WEST PARKWAY, SUITE 100
MILWAUKEE, WI 53233-1417
PHONE: 414.224.1100 FAX: 414.224.1417
WWW.K&AENGINEERS.COM

PROJECT:
LONGACRE SOUTH
PARKING LOT
RECONSTRUCTION
LOCATION:
VILLAGE OF
FOX POINT



REVISION:
PRELIMINARY

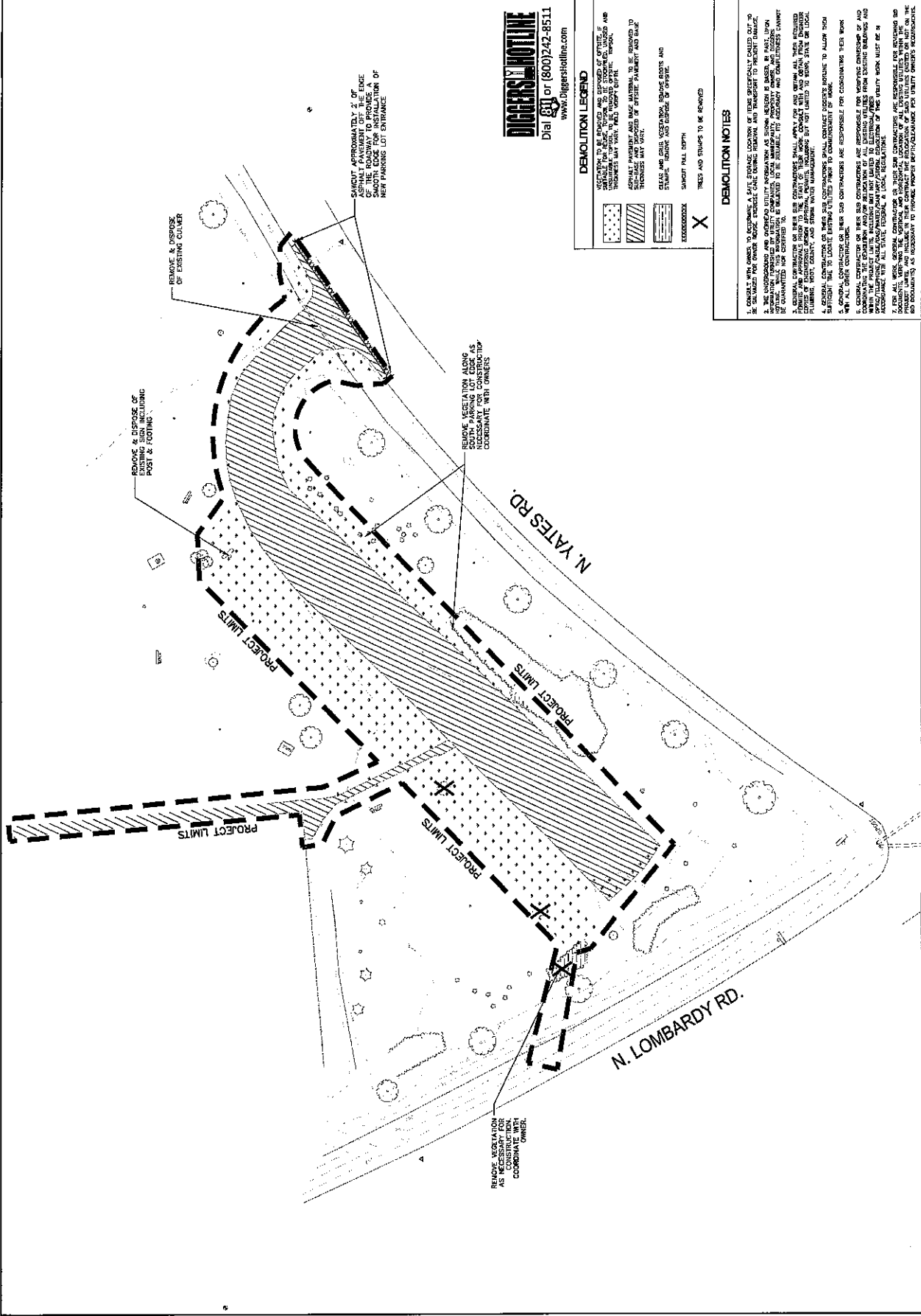
NO.	DATE	DESCRIPTION



DATE: 10/1/2010
SHEET: SITE DEMOLITION
PLAN

PROJECT NUMBER	1000000000
PROJECT NAME	LONGACRE SOUTH
DATE	10/1/2010

SHEET NUMBER
C101



DIGGERS HOTLINE
Dial 811 or (800)242-8511
www.DiggersHotline.com

- DEMOLITION LEGEND**
- EXISTING CONCRETE: [Pattern]
 - EXISTING ASPHALT: [Pattern]
 - EXISTING GRAVEL: [Pattern]
 - EXISTING SOIL: [Pattern]
 - EXISTING CURB: [Pattern]
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- DEMOLITION NOTES**
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PROJECT NUMBER:	YA
PROJECT NUMBER:	15811001
DATE:	06/12/2015

C102

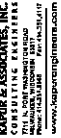
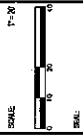


HATCH LEGEND

AREAS SPECIALLY BY CONSTRUCTION
(NOT SPECIALLY SALES) AND ON THE
LARGE PLANTS) BE REINFORCED WITH
MINIMUM 4" TOPSOIL, SEEDS, FERTILIZER, AND
MULCH (1/2"). USE SALVAGED TOPSOIL OR
MUCH TOPSOIL IF REQUIRED.
REFER TO DETAILS AND SPECIFICATIONS
FOR DETAILS AND SPECIFICATIONS

BIO-RETENTION SWALE AREA
SITE DETAIL 04-10-15100

FILENAME: S:\Willm. Co\Youpoint\Can\150110-Engineering Assistance - Longacre Parking Lot\0506pin\CI02 - SITE PLAN.dwg

[illegible]

PROJECT MANAGER	YA
PROJECT NUMBER	15A1001
DATE	02-02-2015

C103





K&A ASSOCIATES, INC.
601 N. 1ST AVE. SUITE 100
DENVER, CO 80202
TEL: 303.733.1111
FAX: 303.733.1112
WWW.KANDAASSOCIATES.COM

PROJECT:
LONGACRE SOUTH
PARKING LOT
RECONSTRUCTION

LOCATION:
VILLAGE OF
FOX POINT



CLIENT:

STATUS:
PRELIMINARY

NO.	DATE	DESCRIPTION
1	10/1/10	ISSUED FOR PERMIT
2	10/1/10	ISSUED FOR PERMIT
3	10/1/10	ISSUED FOR PERMIT
4	10/1/10	ISSUED FOR PERMIT
5	10/1/10	ISSUED FOR PERMIT
6	10/1/10	ISSUED FOR PERMIT
7	10/1/10	ISSUED FOR PERMIT
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9	10/1/10	ISSUED FOR PERMIT
10	10/1/10	ISSUED FOR PERMIT



SCALE:
1" = 20'

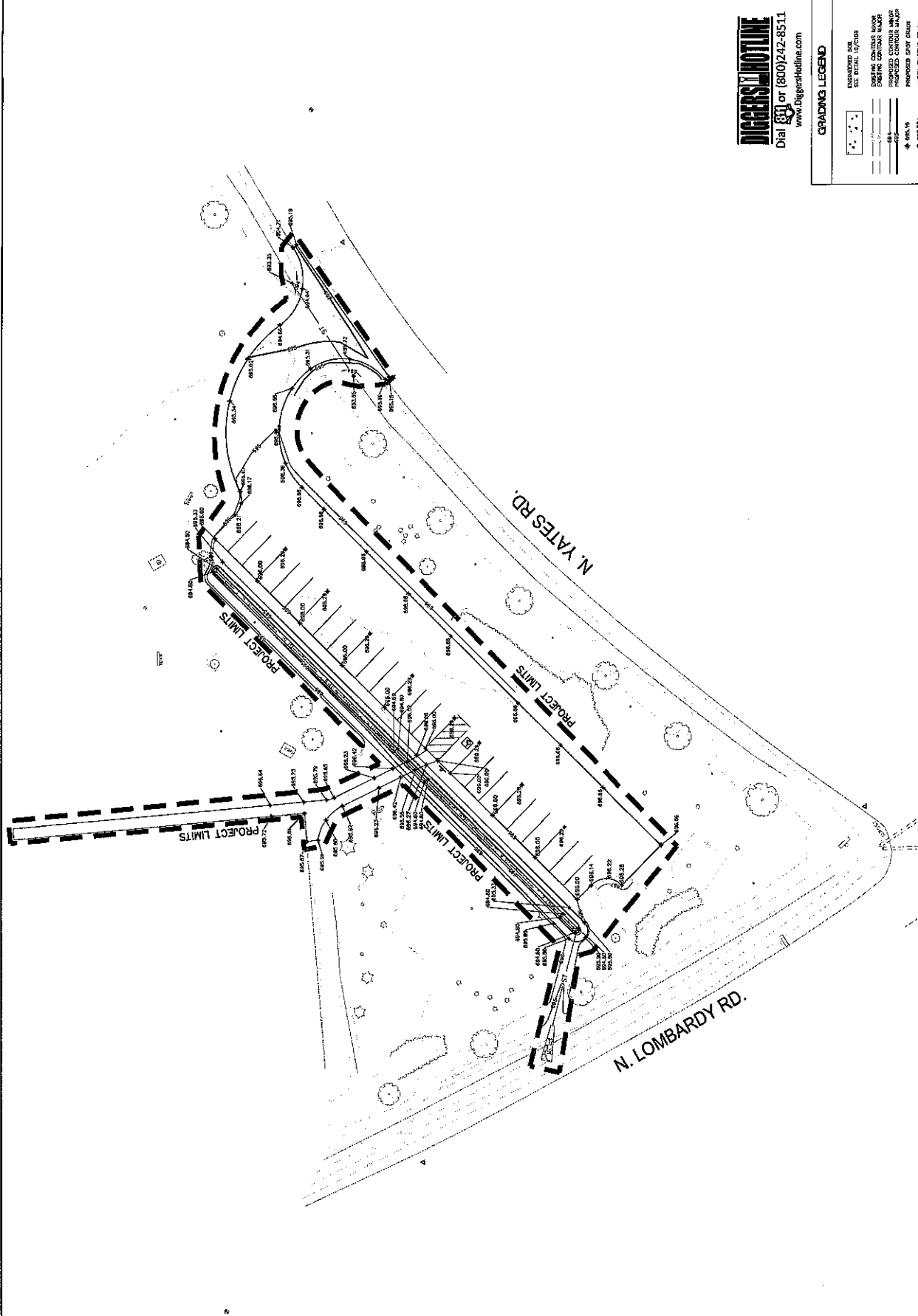
DATE:
10/1/10

DATE:
10/1/10

SHEET:
SITE GRADING
PLAN

PROJECT NUMBER	10-0000
SHEET NUMBER	10-0000
DATE	10/1/10

SHEET NUMBER:
C104



DIGESTIVE
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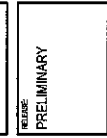
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---	EXISTING CONTIGUOUS MAJOR
---	EXISTING CONTIGUOUS MINOR
---	PROPOSED CONTIGUOUS MAJOR
---	PROPOSED CONTIGUOUS MINOR
---	PROPOSED SPOT GRADE
---	MATCH EXISTING GRADE



LONGACRE SOUTH
PARKING LOT

LOCATION	VILLAGE OF	FOY POINT

DATE

[illegible]

SCALE

PEM:

1

SITE UTILITY PLAN

PROJECT MANAGER	YA
PROJECT MANAGER	1501101
DATE	02/02/15

C105



KAPOR & ASSOCIATES, INC.
1000 N. STATE STREET
SUITE 200
MILWAUKEE, WI 53233
PHONE: (414) 221-1000
WWW.KAPORANDASSOCIATES.COM

PROJECT:
LONGACRE SOUTH
PARKING LOT
RECONSTRUCTION
LOCATION:
VILLAGE OF
FOX POINT



RELEASE:
PRELIMINARY

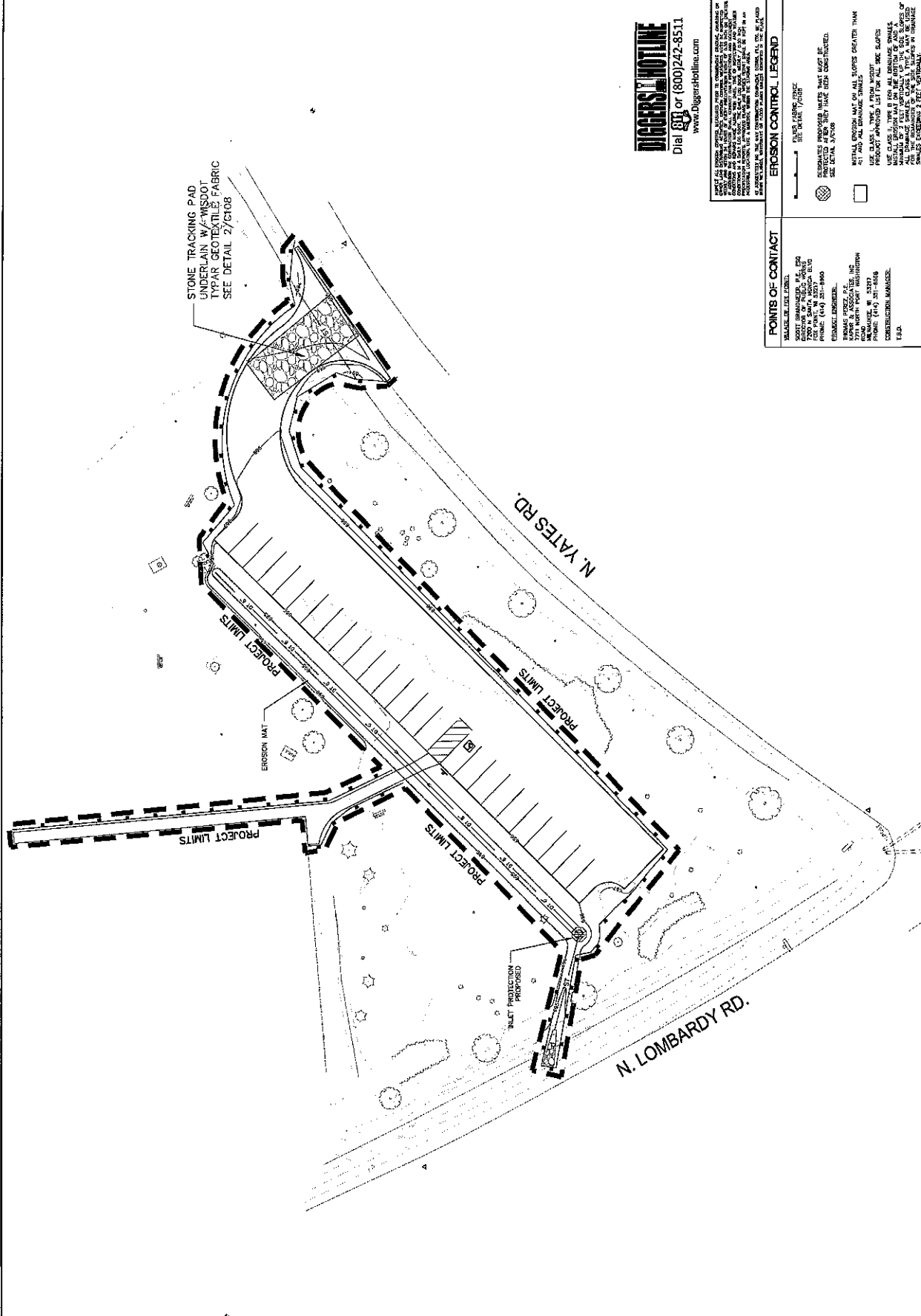
NO.	DATE	DESCRIPTION
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SCALE:
1" = 20'
DATE:
08/11/10

SHEET:
SITE EROSION
CONTROL PLAN

PROJECT NUMBER:
1000000000
DATE:
08/11/10
SHEET NUMBER:
C106

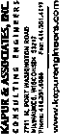


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Dial 811 or (800) 242-8511
www.DiggersHotline.com

NOTES:
1. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED ACCORDING TO THE LATEST EDITION OF THE NATIONAL EROSION CONTROL MANUAL (NEM) AND THE LATEST EDITION OF THE NEM FIELD GUIDE.
2. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED PRIOR TO ANY GRADING OR EXCAVATION.
3. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
4. ALL EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF THE PROJECT.
5. ALL EROSION CONTROL MEASURES SHALL BE INSPECTED AND APPROVED BY THE VILLAGE OF FOX POINT ENGINEER.

EROSION CONTROL LEGEND
 SILT FENCE
 SEDIMENT BASIN
 EROSION MAT
 STONE TRACKING PAD
 INLET PROTECTION
 PROJECT LIMITS

POINTS OF CONTACT
CLIENT:
VILLAGE OF FOX POINT
1000 N. STATE STREET
SUITE 200
MILWAUKEE, WI 53233
PHONE: (414) 221-1000
DESIGNER:
KAPOR & ASSOCIATES, INC.
1000 N. STATE STREET
SUITE 200
MILWAUKEE, WI 53233
PHONE: (414) 221-1000
CONSTRUCTION MANAGER:
TBA



**VILLAGE OF
FOX POINT**



RELEASE
PRELIMINARY

[illegible]

570

SHEET:
SITE DETAILS

PROJECT MANAGER:	YA
PROJECT NUMBER:	1507101
DATE:	02/16/2015

•

REF NUMBER:
C107

EROSION CONTROL OPERATION SEQUENCE + SCHEDULE

- [illegible]

[illegible]

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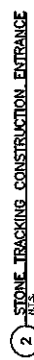
SHEET: SITE DETAILS

PROJECT MANAGER:	TA
PROJECT MARKUP:	1500001
DATE:	07/20/15

SHEET NUMBER:	C108
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MANUFACTURED ALTERNATIVES
MANUFACTURED ALTERNATIVES APPROVED AND LISTED ON THE DEPARTMENT'S DESIGN CONTROL PRODUCT ACCEPTABILITY LIST MAY BE SUBSTITUTED.





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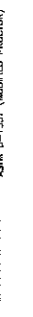
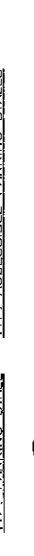
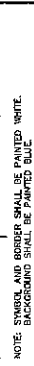
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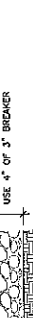
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DATE:	12/15/15
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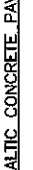
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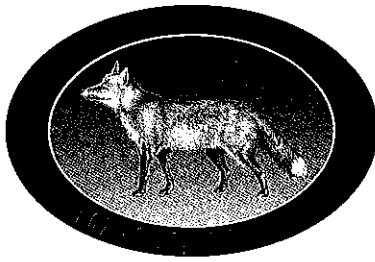


ACCESS PATH PAYMENT SECTION



DATE: 10/10/2010





VILLAGE OF FOX POINT

MILWAUKEE COUNTY
WISCONSIN

VILLAGE HALL
7200 N. SANTA MONICA BLVD.
FOX POINT 53217-3505
414-351-8900
FAX 414-351-8909

To: Village of Fox Point Plan Commission
From: Scott Brandmeier, Director of Public Works
Through: Tom Tollaksen, Interim Village Manager
Date: March 23, 2015
Re: Property Sale – 7950 and 7960 North Lake Drive

An application was submitted by the property owners at 7950 and 7960 North Lake Drive for the sale of a portion of Parcel 1 (7960 North Lake Drive) to the property owners of Parcel 2 (7950 North Lake Drive). Chapter 236 of the Wisconsin Statutes requires that Certified Survey Maps be recorded with the Register of Deeds and lays out the process for local approvals and is being submitted to the Plan Commission for review, approval and referral to the Village Board for their consideration and approval.

The proposed land sale between the property owners will not create additional parcels. Rather, a portion of the southeast corner of Parcel 1 is being proposed to be sold to the property owner of Parcel 2 in order to allow the property owner of Parcel 2 flexibility to add an addition to the structure on the property. As this is zoned A-1 residential, such sale of property is permissible only as long as a non-conforming lot is not created. In the present case, Parcel 1 (which is currently vacant land) will have 45,446 square feet of land remaining after the sale of a portion of the southeast portion of the property to the owners of Parcel 2. Village Code (Section 745-13) requires an open area of not less than 40,000 square feet for any parcel zoned A-1 residential and, as a result, this requirement is met. Other front, back and side yard setbacks apply and it would appear these requirements can also be met depending on the size of any future proposed home construction on the parcel.

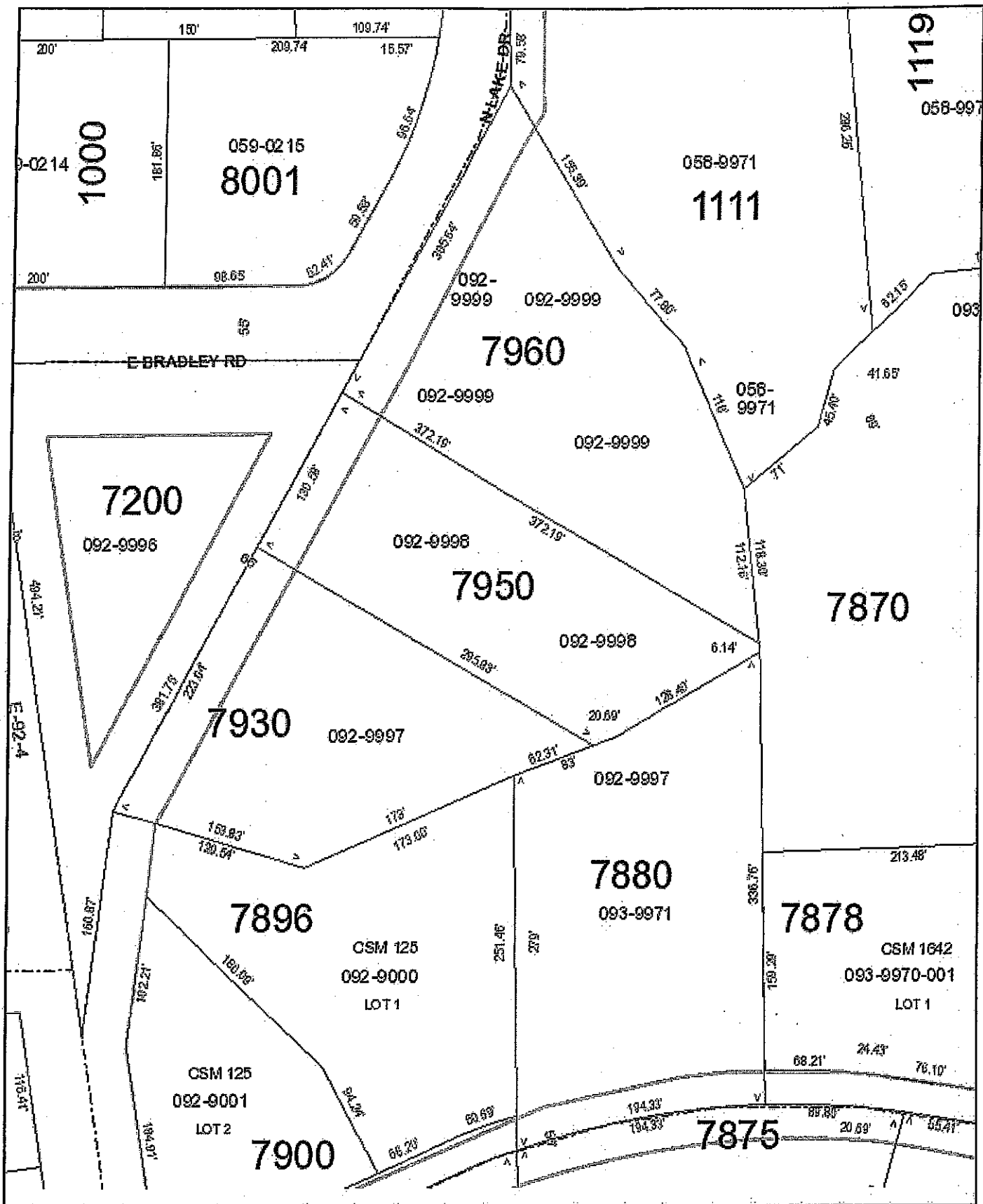
A copy of the property exhibit depicting the two parcels as they currently exist is provided in Exhibit A and a copy of the preliminary Certified Survey Map (CSM) depicting the property after the land sale is included in Exhibit B.

Based upon previous correspondence with the Village Attorney as well as Section 738 of the Village Code, it is my understanding that this application requires a \$300 filing fee and the appropriate CSM but does not require an appraisal or notice to property owners within 500 feet of the proposed land sale.

The filing fee has been received and the preliminary CSM is included in this memorandum and, as a result, it appears that the requirements for the land sale have been met. Under Chapter 738 of the Village Code, this matter is referred to the Plan Commission for action. In particular, the Plan Commission is required under Section 738-4 to approve or reject the CSM and must provide its recommendation to the Village Board before the Village Board is able to act on the matter. Additionally, the Village has ninety (90) days to act on the CSM pursuant to Wisconsin Statutes Section 236.34.

Based on my review of the survey, CSM and other documentation submitted, it is my recommendation the Plan Commission approve the land sale and favorably refer this matter to the Village Board for action at its April 14, 2015, meeting.

Exhibit A
Property Exhibit



7950 & 7960 North Lake Drive
Land Sale - Existing Property Lines



VILLAGE OF FOX POINT
 7200 North Santa Monica Blvd
 Fox Point, WI 53217
 (414) 351-8900

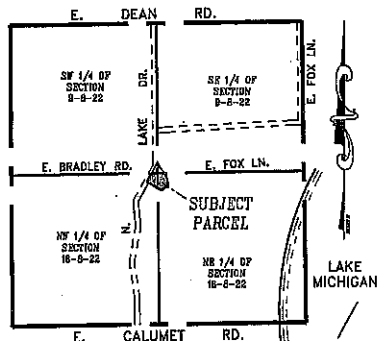
DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives. SCALE: 1" = 100'

Print Date: 3/23/2015

Exhibit B
Preliminary Certified Survey Map

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

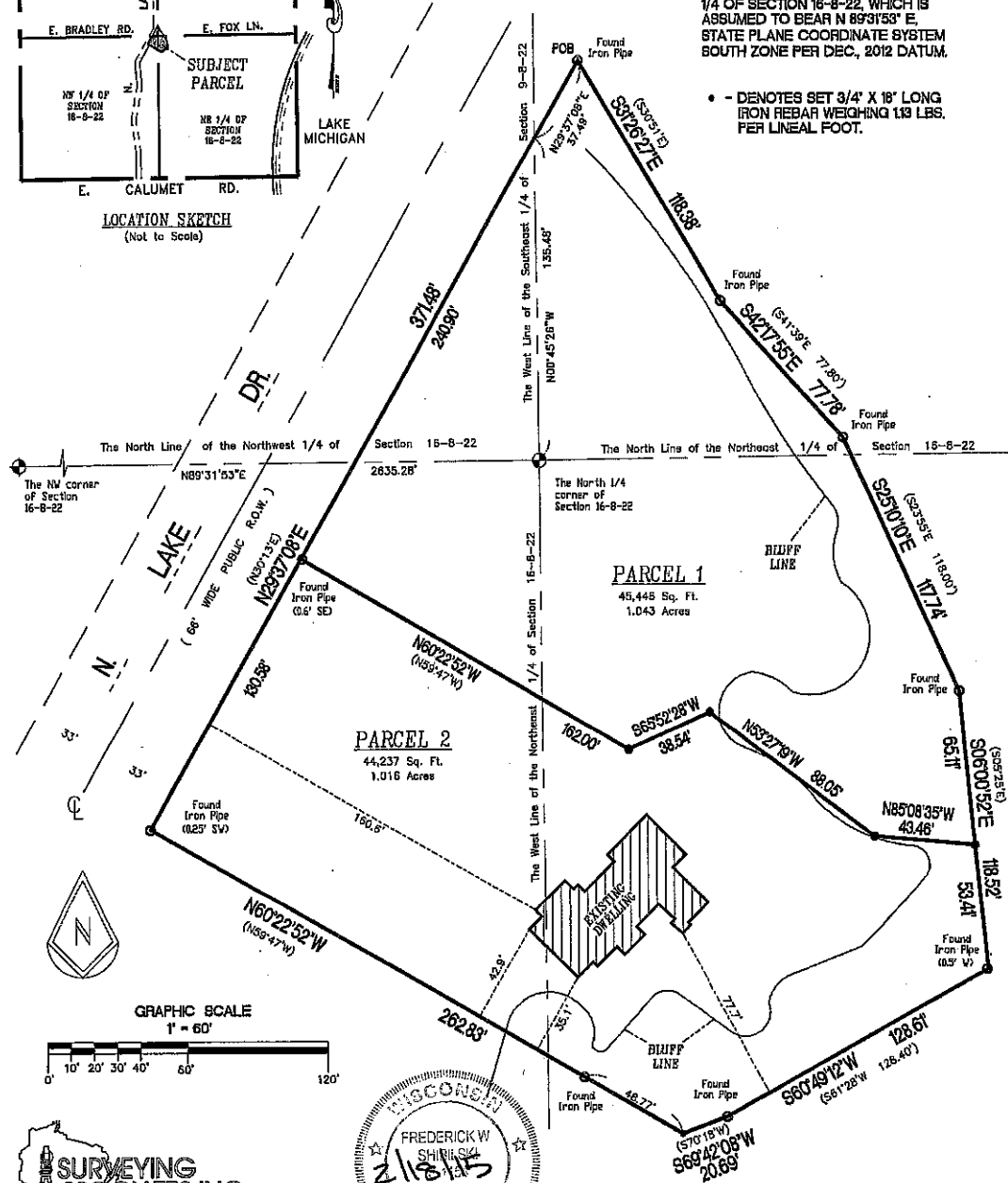
BEING A DIVISION OF A PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 16 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 16, ALL IN TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.



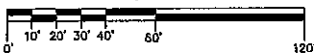
LOCATION SKETCH
(Not to Scale)

ALL BEARINGS ARE REFERENCED TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 16-8-22, WHICH IS ASSUMED TO BEAR N 89°31'53" E, STATE PLANE COORDINATE SYSTEM SOUTH ZONE PER DEC. 2012 DATUM.

• - DENOTES SET 3/4" X 18" LONG IRON REBAR WEIGHING 118 LBS. PER LINEAL FOOT.



GRAPHIC SCALE
1" = 60'



SURVEYING ASSOCIATES, INC.
2554 N. 100th STREET
WAUWATOSA, WI. 53226
PHN 414-257-2212
FAX 414-257-2443



Frederick W. Shibilski
FREDERICK W. SHIBILSKI S - 1154

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF A PART OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 9, THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 9, THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 16 AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 16, ALL IN TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Frederick W. Shibilski, a registered land surveyor do hereby certify:

That I have surveyed, divided and mapped a part of the Southwest ¼ of the Southeast ¼ of Section 9, the Southeast ¼ of the Southwest ¼ of Section 9, the Northwest ¼ of the Northeast ¼ of Section 16 and the Northeast ¼ of the Northwest ¼ of Section 16, all in Town 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin and being more particularly described follows: Commencing at the North ¼ corner of Section 16; thence North 00° 45' 26" West along the West line of the Southeast ¼ of Section 9, 135.48 feet to a point on the Southeasterly right-of-way line of N. Lake Drive; thence North 29° 37' 08" East along said Southerly line 37.49 feet to a 1" diameter found iron pipe and the point of beginning of the land to be described; thence South 31° 26' 27" East, 118.38 feet to a found 1" diameter iron pipe; thence South 42° 17' 55" East, 77.78 feet to a found 1" diameter iron pipe; thence South 25° 10' 10" East, 117.74 feet to a found 1" diameter iron pipe; thence South 06° 00' 52" East, 118.52 feet to a found 1" diameter iron pipe; thence South 60° 49' 12" West, 128.61 feet to a found 1" diameter iron pipe; thence South 69° 42' 08" West, 20.69 feet; thence North 60° 22' 52" West, 262.83 feet to a found 1" diameter iron pipe marking the Southeasterly right-of-way line of N. Lake Drive; thence North 29° 37' 08" East along said line, 371.48 feet to the point of beginning.

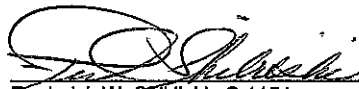
That I have made such survey, land division and map by the direction of Thomas C. and Gisela Chelinski and Paul J. and Tina M. Jones, owners of said land.

That this map is a correct representation of all exterior boundaries of land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and The Land Division Regulations of the Village of Fox Point in surveying, dividing and mapping the same.

Dated this 21st day of May 2014.




Frederick W. Shibilski S-1154
Wisconsin Reg. Land Surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

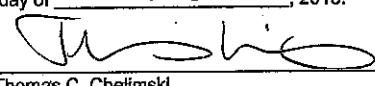
BEING A DIVISION OF A PART OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 9, THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 9, THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 16 AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 16, ALL IN TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.

OWNERS CERTIFICATE:

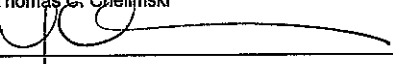
We, Thomas C. and Gisela Chelinski, owners, do hereby certify that we have caused the land described in this document to be surveyed, divided and mapped as represented on this map in accordance with the Ordinances of the Village of Fox Point.

We, Thomas C. and Gisela Chelinski, do further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: Village of Fox Point.

Witness the hand and seal of said owners this 20th day of March, 2015.



Thomas C. Chelinski



Gisela Chelinski

**STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS**

Personally came before me this _____ day of _____, 2015, the above named Thomas C. and Gisela Chelinski, to me known to be the persons who executed the foregoing instrument and acknowledge that they executed the foregoing instrument.

Notary Public, State of Wisconsin
My Commission expires _____

CONSENT OF MORTGAGEE:

Johnson Bank, duly organized and existing under and by virtue of the laws of the United States, mortgagor of the above described land, hereby consent to the surveying, dividing, dedicating and mapping of the land described in the foregoing affidavit of Frederick W. Shibleski, surveyor and does hereby consent to the above certificate of Thomas C. and Gisela Chelinski, owners of said land.

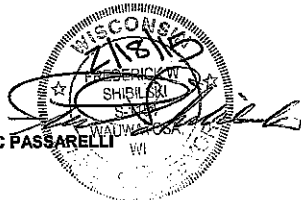
In Witness Whereof, Johnson Bank, has caused these presents to be signed by _____, its _____, at _____, this _____ day of _____, 2015.

North Shore Bank

**STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS**

Personally came before me this _____ day of _____, 2015, the above named _____, of the above named Johnson Bank, to me known to be the person who executed the foregoing instrument and to me known to be such _____ of said Johnson Bank, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Johnson Bank, by its authority.

Notary Public, State of Wisconsin
My Commission expires _____



MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF A PART OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 9, THE SOUTHEAST ¼ OF THE SOUTHWEST ¼ OF SECTION 9, THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 16 AND THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 16, ALL IN TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.

OWNERS CERTIFICATE:

We, Paul J. and Tina M. Jones, owners, do hereby certify that we have caused the land described in this document to be surveyed, divided and mapped as represented on this map in accordance with the Ordinances of the Village of Fox Point.

We, Paul J. and Tina M. Jones, do further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: Village of Fox Point.

Witness the hand and seal of said owners this 21ST day of MARCH, 2015.

Paul J. Jones
Paul J. Jones

Tina M. Jones
Tina M. Jones

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2015, the above named Paul J. and Tina M. Jones, to me known to be the persons who executed the foregoing instrument and acknowledge that they executed the foregoing instrument.

Notary Public, State of Wisconsin

My Commission expires _____

CONSENT OF MORTGAGEE:

U.S. Bank, duly organized and existing under and by virtue of the laws of the United States, mortgagor of the above described land, hereby consent to the surveying, dividing, dedicating and mapping of the land described in the foregoing affidavit of Frederick W. Shibilski, surveyor and does hereby consent to the above certificate of Paul J. and Tina M. Jones, owners of said land.

In Witness Whereof, U.S. Bank, has caused these presents to be signed by _____, Its _____, at _____, this _____ day of _____, 2015.

U. S. Bank

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

Personally came before me this _____ day of _____, 2015, the above named _____, of the above named U.S. Bank, to me known to be the person who executed the foregoing instrument and to me known to be such _____ of said U.S. Bank, and acknowledged that he executed the foregoing instrument as such officer as the deed of said U.S. Bank, by its authority.

Notary Public, State of Wisconsin

My Commission expires _____



MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

**BEING A PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ AND OF THE NORTHEAST FRACTIONAL ¼
OF SECTION 21, TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE
COUNTY, WISCONSIN.**

VILLAGE BOARD APPROVAL

APPROVED by the Village of Fox Point on this _____ day of _____, 2015.

MICHAEL A. WEST, VILLAGE PRESIDENT

TANYA O'MALLEY, VILLAGE CLERK



APPLICATION FOR CONDITIONAL USE PERMIT

This application must be fully completed to be considered by the Village. A \$300.00 fee (non-refundable) must accompany this application.

Section I

Name of Business: V & J INVESTMENTS LLC ^D/_BA MY YO MY FROZEN YOGURT

Fox Point Business Address: RIVER POINT VILLAGE SHOPPING CENTER

Local Telephone Number: 414 460.6996

Email Address: JBRADLEY@VJFOODS.COM

Contact Person: JAMES O. BRADLEY

Name of Former Tenant (if known): RED MANGO

Section II: If the business is a corporation, please complete the following section. If not, skip to the next section.

Legal name of the Corporation: V & J INVESTMENTS LLC

Address of the Corporate Headquarters: 6933 W. BROWN DEER, MILWAUKEE, WI 53223

Telephone Number of Corporate Headquarters: 414 369-9003

Email Address for Corporate Headquarters: JBRADLEY@VJFOODS.COM

Names and addresses of all Corporate Officers: VALERIE DANIELS-CARTER,
JAMES O. BRADLEY; 6933 W. BROWN DEER RD.,
MILWAUKEE, WI 53223

Name and address of the Corporate Agent: CT CORPORATION SYSTEM, DAWN
PEDERSON, 8040 EXCELSIOR DR., Suite 200, MADISON, WI 53717

Section III: If the applicant(s) is an individual or partnership, please complete the following section.

Names, home and business addresses and home and business telephone numbers of all Applicants

(Please include birth date of each applicant also): NA

Names, addresses and phone numbers of all owners if different from Applicant: NA

Section IV: All applicants must complete the remaining section.

Applicant's specific interest in site: TENANT FOR THE SALE OF
FROZEN YOGURT

Square footage of site: 1449 SF

Describe site and attach plan: See directions for the Conditional Use Permit. The site plan must include a layout of the inside of the store. _____

Describe in detail the business activity that will take place on site, including products and services:

SALE OF FROZEN YOGURT

Describe all owned fixtures, furniture, and equipment to be used on site: _____

SEE ATTACHED EQUIPMENT LIST

Describe all leased fixtures, furniture, and equipment to be used on site: NONE

Number of actual or anticipated employees: 4 FULL TIME, 8 PART TIME = 12

Number of parking spaces to be used by business (employees and customers/clients): 12

Proposed days and hours of operation: 9 AM to 9 PM 7 DAYS/WEEK

Describe any alterations planned for the site: NONE. LANDLORD WILL FURNISH
EXTERIOR SIGN "MY TO MY"

Person responsible for obtaining a building permit (if required):

NONE

Proposed date of occupancy: 4-1-2015

James D. Bradley, REP.

Business Owner - Signature

JAMES D. BRADLEY, REP.

Business Owner - PRINTED Name

3-25-15

Date

TO BE COMPLETED BY THE VILLAGE OF FOX POINT

Has sufficient site plan been submitted? (If not, what is needed?) Yes, 3/20/15

What is the category of proposed use? Restaurant 3/20/15

Does the parking meet code requirements? Part of an existing facility where

The parking & lighting requirements have been previously addressed
8/5 08/25/15

Is there proper exterior lighting? Yes 08/25/15

Are there any existing code violations? No 3/20/15

Additional Comments? _____

Letter of Consent received from owner? Yes, March 25, 2015
Comments/Date

Date application/materials received: March 25, 2015

Fee Paid: \$300.00 Receipt No. 49504

NOTICE

PLEASE BE ADVISED: Chapter 67, Article III of the Village of Fox Point Village Code is attached hereto and incorporated herein. Pursuant to this Ordinance, the Village of Fox Point Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Forester or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Treasurer shall charge the property owner for the fees incurred by the Village to the extent that they exceed \$150.00. Also be advised that pursuant to the Village of Fox Point Municipal Code certain other fees, costs and charges are the responsibility of the property owner making application to the Village.

I, the undersigned, have been advised that, pursuant to the Village Fox Point Village Code, if the Village Attorney, Village Engineer, Village Forester or any other Village professional provides services to the Village as a result of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. Also, I have been advised that pursuant to the Village of Fox Point Village Code certain other fees, costs and charges are my responsibility.

Dated this 25th day of March, 2015.


Signature of Property Owner

William Steele
Midland Management, LLC

Managing Agent to North Shore Centers Partners
Mailing Address of Property Owner:

North Shore Centers Partners

Name of Property Owner - PRINTED

North Shore Centers Partners
c/o Midland Management, LLC
555 W. Brown Deer Road, Suite 220
Milwaukee, WI 53217

Tax Key No. of Property:

Primary Tax Key No.

053 8989 001

Address of Property:

8661-8799 N. Port Washington Rd. and
501-555 W. Brown Deer Rd.
Fox Point, WI 53217

For Village Use Only:

- ☐ Original kept on file with Village Clerk.
- ☐ Copy provided to Property Owner.

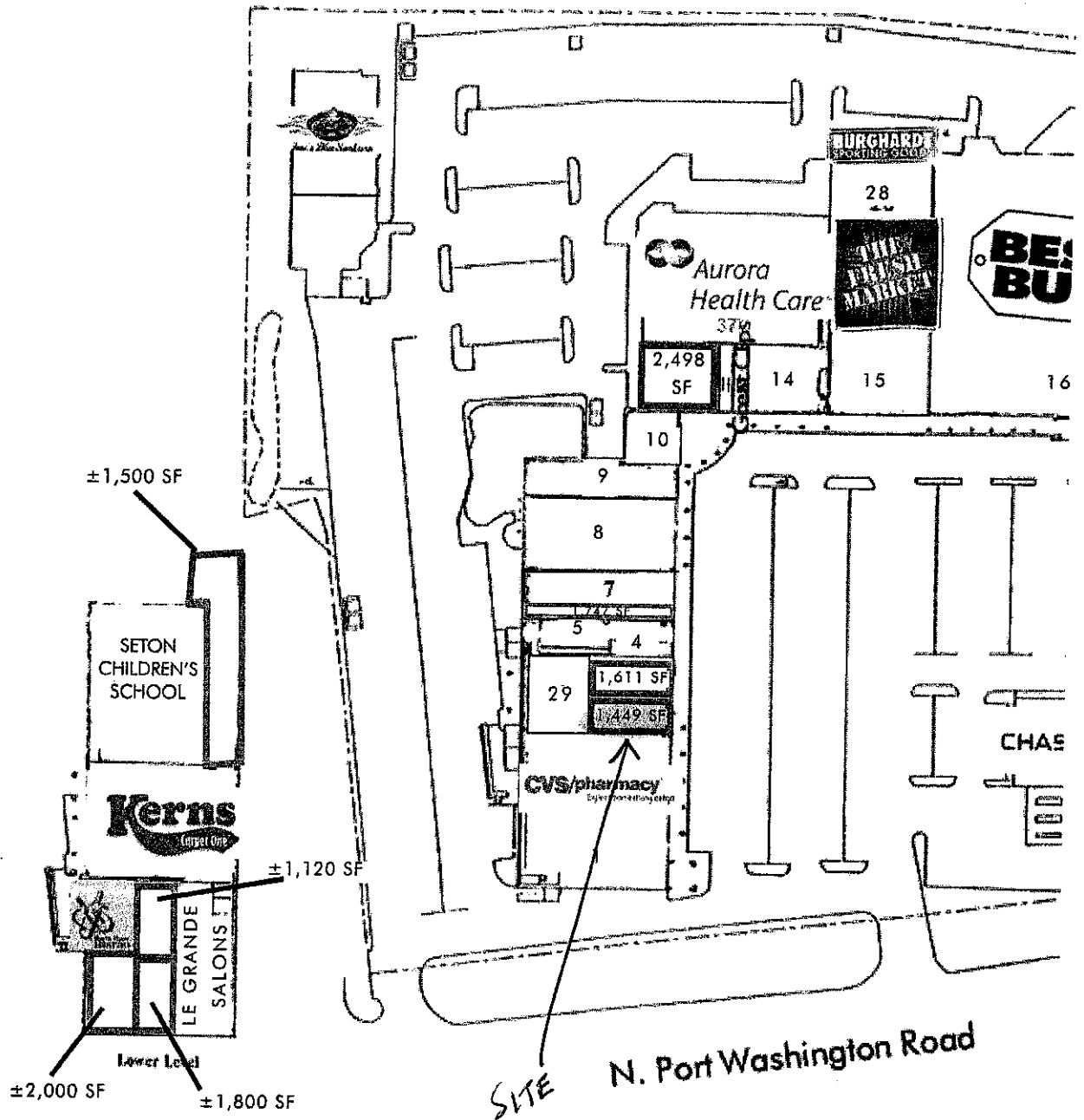
Signature: _____

RETAIL/OFFICE SPACE AVAILABLE FOR LEASE

RIVERPOINT SHOPPING CENTER

SEC OF I-43 & BROWN DEER ROAD, FOX POINT, WI

SITE
PLAN



FOR MORE
FORMATION
PLEASE
CONTACT

Ben Weiland

Senior Associate

+1 414 274 1650

benjamin.weiland@cbre.com

Peter Glaser

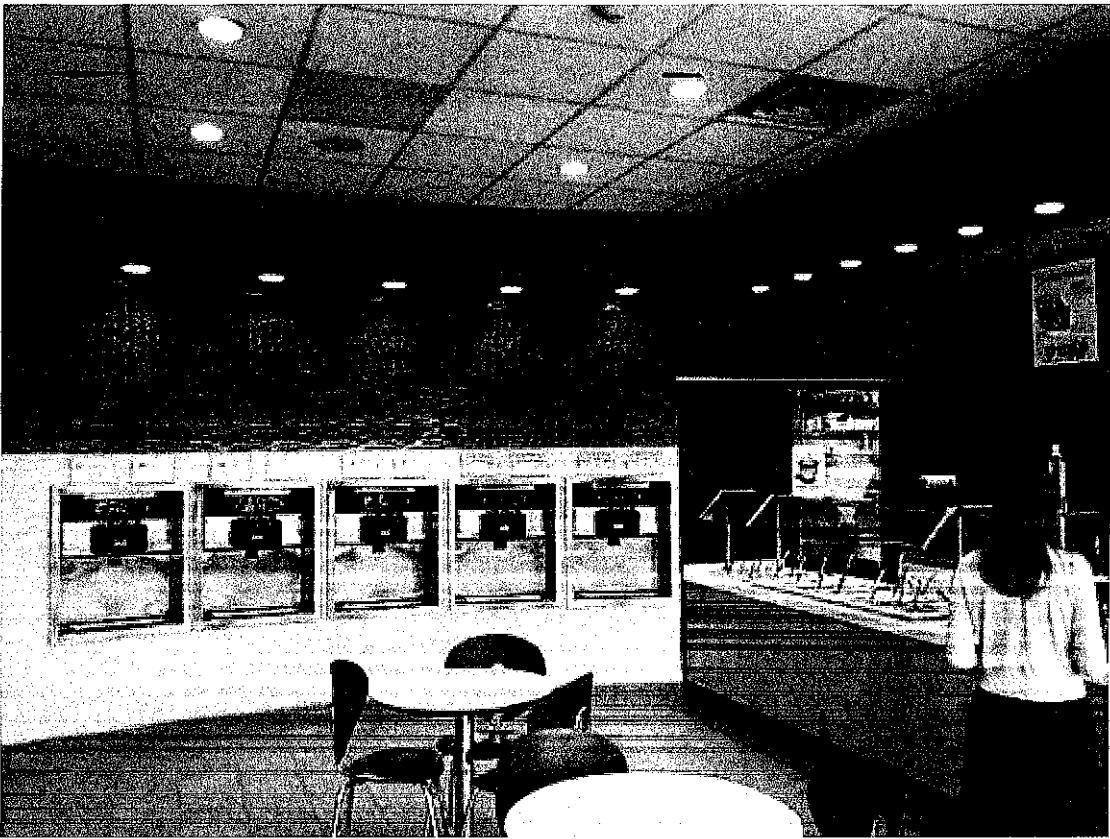
First Vice President

+1 414 274 1638

peter.glaser@cbre.com

Equipment List

1. Taylor glycol-cooled C713 yogurt machines
 - a. water-cooled model, not air-cooled
 - b. five machines (10 flavors)
 - c. Cleaning/replacement parts (buckets, brushes, sanitizer, o-rings, gaskets, blades, lubricants, etc.)
2. 220# Ice Machine with water filter
3. 27" refrigerated toppings table
4. Outdoor tables (3), chairs (9) with umbrellas
5. Trash cans – 4 metal
6. Shelving
 - a. 48"x18" floor shelving (chrome plated/4 tier) – 2 units
 - b. 36"x18" floor shelving (chrome plated/4 tier) – 5 units
 - c. 48"x18" wall mounted shelf (chrome plated) – 2 units
 - d. 42"x18" wall mounted shelf (chrome plated/1-comp) 2 units
 - e. 36"x18" wall mounted shelf (chrome plated/3-comp/prep) – 5 units
7. Manager's station with office chair and table
8. Cash safe
9. Walk-in cooler (8x8") with floor and shelving
10. Indoor seating
 - a. Indoor chairs – 11 units
 - b. Dining height tables (30") – 5 units
 - c. Low level table – 1 unit
 - d. Lounge chair (leather) – 2 units
 - e. Scoop tall stools – 5 units
 - f. Banquette, straight (84")
 - g. Bar top (corian, 132"x18")
 - h. Mounting legs for bar seating area (chrome finish) -3 units
11. Cleaning supplies
 - a. Cleansers, hand soaps, mop bucket, brooms, signage, window cleaning kit, etc.
12. Blendtec Blender (with several pitchers) – 2 units
13. Cooking/prep equipment
 - a. knives, cambros, cutting boards, submersion blenders, strainers, etc.
14. 5-tier metal lockers (12"x15"x66")
15. Metal prep table
16. Positive Technology POS systems – two units
17. MOOD Media, DMX Sound System with Bose speakers
18. Wooden cabinet (36") for yogurt cups and napkins
19. Ironman graphic display sign
20. Rooftop chiller system and chiller manifold (Taylor machines are cooled by glycol reducing water expense)



Midland Management, LLC

555 W. Brown Deer Road, Suite 220, Milwaukee, Wisconsin 53217

March 24, 2015

Village Plan Commission
Village of Fox Point
7200 Santa Monica Boulevard
Fox Point, WI 53217

Plan Commission Members:

Please accept this correspondence as an indication of our intent to lease space to V&J Investments, LLC, at the Riverpoint Village Shopping Center in Fox Point.

V&J Investments will be doing business as "MyYoMy Frozen Yogurt" by taking over the operation of the food space previously occupied by Red Mango Frozen Yogurt.

The exact location of the space is shown on the attached site plan of the Riverpoint Village Shopping Center.

V&J Investments has a proven, successful track record in the food service industry and will, we believe, be a positive addition to the tenant mix at the Shopping Center.

Please give them your consideration in granting them a Conditional Use Permit such that they might begin operating at the site in a timely manner.

If there should be any questions regarding this matter, please don't hesitate to contact the Midland Management offices at (262) 643-4430.

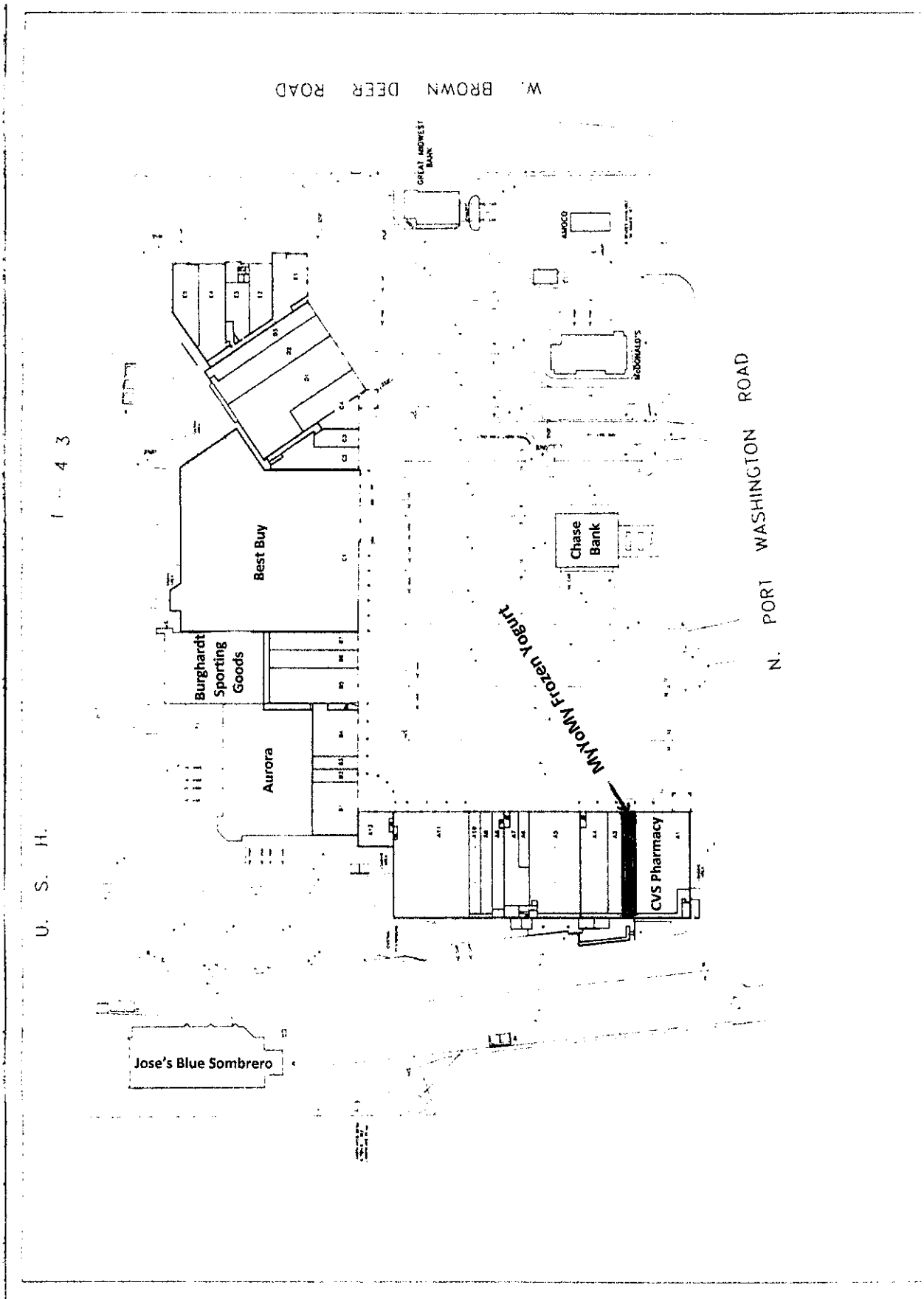
Thank you.

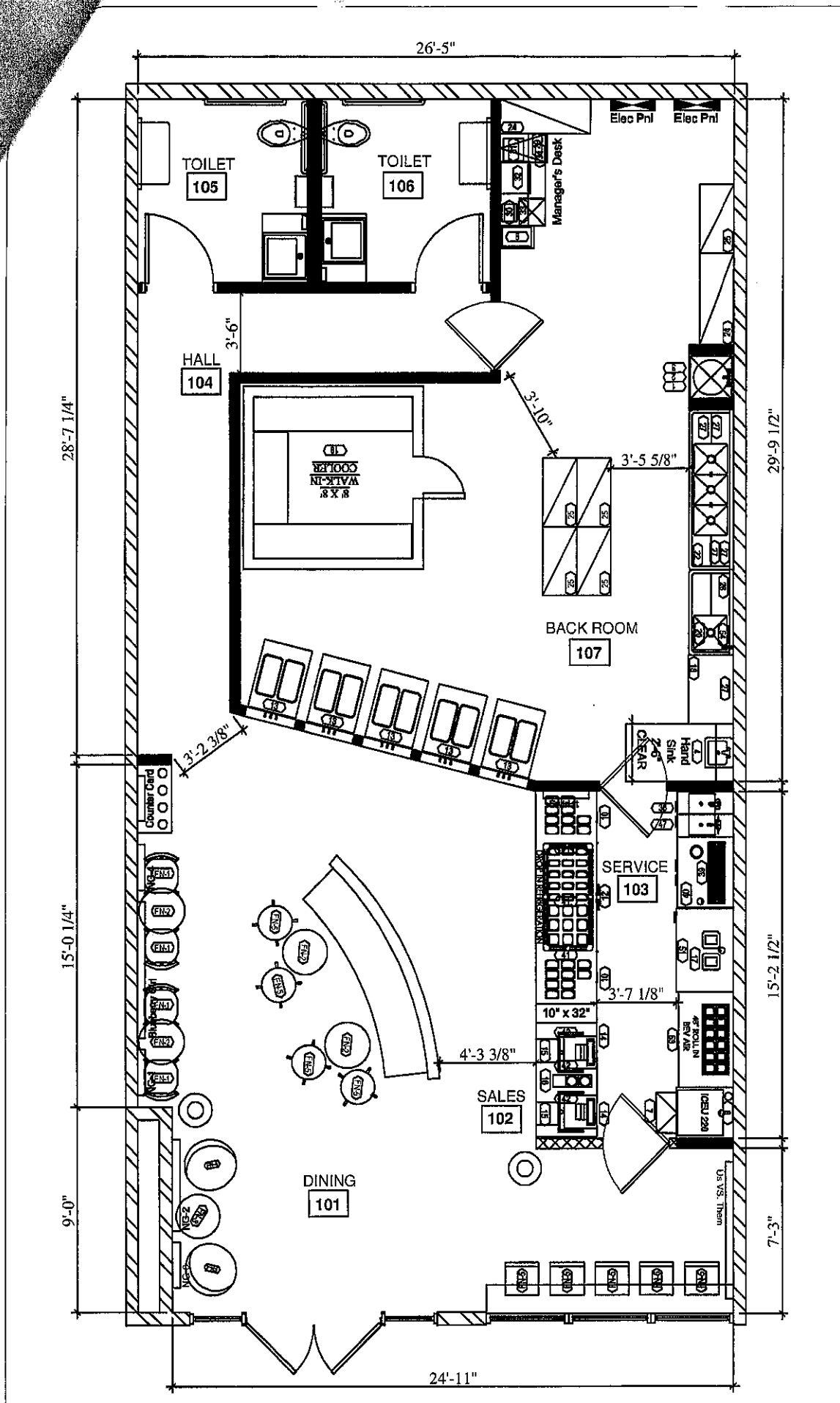


William Steele, Jr.
Midland Management, LLC
Managing Agent to North Shore Centers Partners

Riverpoint Village Shopping Center

Fox Point, Wisconsin





Design Intent Layout
NOT TO SCALE

02.06.12

8667 N.Port Washington Road

Suite: TBD

Fox Point, WI 53217

1,465 S.F.

Ored mango®

Conditional Use Order – 2015-02

WHEREAS, an application has been filed by V & J Invenstments LLC d/b/a/ My Yo My Frozen Yogurt (hereinafter "Applicant"); and

WHEREAS, the Applicant is requesting that a conditional use permit be granted pursuant to the Zoning Ordinance of the Village of Fox Point for land described as 8663A N Port Washington Road, Fox Point, Wisconsin, as further described on Exhibit A attached hereto and incorporated herein (hereinafter "Subject Property").

NOW, THEREFORE, the Village of Fox Point Village Board, upon consideration of thoughts expressed by all persons heard at the Village Board meeting in this matter, upon consideration of the recommendation from the Plan Commission, and following all necessary study and investigation, having given the matter due consideration, hereby ORDERS AS FOLLOWS: Commencing upon the date hereof, the Applicant is hereby granted a conditional use permit, subject to initial and continued compliance with each and every one of the following conditions, restrictions and limitations.

1. Use Restricted. The use of the Subject Property shall be restricted to the following uses: Sale of frozen yogurt.
2. Presentation Compliance. All of the Applicant's plans, specifications, terms and representations as submitted with the application, or in support thereof, or as represented to the Village Board in the course of the approval process, are specifically incorporated herein and made a part hereof by reference, and the use of the subject property shall be in substantial conformance with the same except as further restricted or modified herein.
3. Not Transferable. This conditional use permit is granted to the Applicant and shall not be transferred or assigned without the Village Board's prior written consent, which may only be granted following the Village Board's receipt of a recommendation from the Plan Commission.
4. Applicant and Owner Agreement. As a condition precedent to the issuance of the conditional use permit, the owner of the Subject Property shall approve the issuance of this conditional use permit upon the terms and conditions described herein in writing, and the Applicant is required to accept the terms and conditions of the same in its entirety in writing.
5. Other Uses Prohibited. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to whether a use is permitted, the question shall be submitted to the Plan Commission for recommendation to the Village Board, and then to the Village Board for determination.
6. No Nuisances, and Compliance with Applicable Laws. No use is hereby authorized unless the use is conducted in a lawful, orderly and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the County of Milwaukee, the State of Wisconsin, the United States of America or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
7. Subject Property Only. This conditional use hereby authorized shall be confined to the Subject Property described, without extension or expansion other than as noted herein.
8. Abandonment. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the Applicant be delinquent in payment of any monies due and owing to the Village, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Village Board following receipt of a recommendation from the Plan Commission and after the Village Board holds a public hearing in the matter.

9. Amendments. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises (including but not limited to any change to the boundary limits of the Subject Property), structures, lands or owners, other than as specifically authorized herein, shall require a new permit and all procedures in place at the time must be followed.
10. Plan Amendments. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended (a) without separate approval in the limited circumstances described in Section 14.19(11) of the Village Code; or (b) by the Village Board upon receipt of a recommendation from the Plan Commission if the Village Board finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Village Board, in its sole discretion, finds to be substantial shall require a new permit, and all procedures in place at the time must be followed.
11. Severability. Should any paragraph or phrase of this conditional use permit be determined by a Court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
12. Most Restrictive Applies. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.
13. Prior Conditional Use Permits Terminated. Unless stated otherwise herein or in the documents incorporated herein, all conditional use permits previously granted for the Subject Property, if any, shall be automatically terminated without further action of the Village Board immediately following full satisfaction of all conditions precedent to this conditional use order taking effect.
14. Payment of fees. Applicant shall, on demand, reimburse the Village for all costs and expenses of any type that the Village incurs in connection with this conditional use order 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 use order due to a violation of these conditions.
15. Payment of Taxes and Charges. Any unpaid bills owed to the Village by the Subject Property Owner or his or her tenants, operators or occupants, for reimbursement of professional fees; 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 use order, that is subject to all remedies available to the Village, including possible cause for termination of the conditional use order.
16. Conditions Shown in Minutes Incorporated. All conditions of approval imposed by duly adopted motion of the Village Board in its consideration of the Applicant's application, as noted in the Minutes of the Village Board meeting at which approval was granted, are specifically incorporated herein by reference.
17. The Applicant is obligated to file with the Village Clerk a current mailing address and current phone number at which the Applicant can be reached, which must be continually updated by the Applicant if such contact information should change, for the duration of this conditional use. If the Applicant fails to maintain such current contact information the Applicant thereby automatically waives notice of any proceedings that may be commenced under this conditional approval, including proceedings to terminate this conditional use.

Let copies of this order be filed in the permanent records of the Village Board for the Village of Fox Point, and let copies be sent to the proper Village of Fox Point authorities and the Applicant and Owner.

Approved this _____ day of April, 2015, *nunc pro tunc* the 14th day of April, 2015.

BY THE FOX POINT VILLAGE BOARD:

Michael A. West, Village President

Attest:

Tanya O'Malley, Village Clerk/Treasurer

APPROVAL

I hereby approve the issuance of this Conditional Use Permit to the Applicant on the terms and conditions described herein.

Dated this _____ day of _____, 2015.

SUBJECT PROPERTY OWNER

By: _____
Authorized Signatory

Title: _____

ACCEPTANCE

I hereby accept the terms and conditions of this Conditional Use in its entirety.

Dated this _____ day of _____, 2015.

APPLICANT:

By: _____
Authorized Signatory

Title: _____