

**VILLAGE OF FOX POINT
PLAN COMMISSION
JULY 5, 2017**

A meeting of the Fox Point Plan Commission was held in Schwerner Hall, 7200 N. Santa Monica Blvd. on Wednesday, July 5, 2017 Chairman Frazer called the meeting together at 4:30 p.m. and noted there is a quorum with 4 Commissioners present at 4:30 pm. Plan Commission roll call was taken by Village Deputy Clerk Jilline Dobratz; Plan Commissioners present included:

Douglas H. Frazer, Chairman
Eric Fonstad, Commissioner
Scott Yauck, Commissioner
Donald Zien, Commissioner
Carol Wilkins, Commissioner
Therese Gripenrog, Commissioner (4:35 pm)

Absent - Scott Yauck, Commissioner
Absent - John Crichton, Commissioner

Also staff present was Village Manager Scott Botcher, Village Attorney Eric Larson, Administrative Intern Mohammad Easa and Deputy Clerk Jilline Dobratz.

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 June 5, 2017 Plan Commission Meeting.

On motion of Commissioner Fonstad, seconded by Commissioner Zien, and carried unanimously, the Commission approved the minutes of the June 5, 2017 Joint Building Board and Plan Commission meeting.

Consideration of Conditional Use Permit Re: Bryson Reid Forever Classic, 333 West Brown Deer Road, Audubon Court Shopping Center.

Bryson Reid Forever Classic representative, LaShuan Bryson, was present to give background and answer questions.

Discussion took place by Commissioners on proposed days and hours of operation.

Village Manager Scott Botcher stated if something special is done outside of the proposed days and hours, another Conditional Use Permit application would be required to be approved.

Village Attorney Eric Larson clarified the proposed hours on the application is restricted to what the applicant has requested on the Conditional Use Order. The applicant could ask for a modification if she doesn't want to be limited. Attorney Larson suggested modifying paragraph one to note the days and hours of operation may be extended upon prior approval of the Village Manager.

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On motion of Commissioner Fonstad, seconded by Commissioner Zien and carried unanimously, the Plan Commission approves and recommends to the Village Board the application and conditional use permit for Bryson Reid Forever Classic, 333 West Brown Deer Road, Audubon Court Shopping Center draft conditional use order as prepared and amended to state that upon prior approval, the days and hours may be changed by the Village Manager.

Review and Recommendation Re: Land Combination, Land Division and Certified Survey Map for 217 West Dunwood Road

Mandel Group, Inc. representative, Ian Martin, was present and spoke on the reorganization of the two lots that are currently on the property. This does not create more lots; it only changes the boundaries of the current lots.

Trustee Fonstad commented on the Village Ordinance 738-7A(1) standards. The First standard, location of streets fitting the overall Village Plan. The second item in the ordinance speaks to size, shape and orientation of the lot be appropriate to the type of development. The third standard says no division should be made which in the opinion of the Village Board would result in substantial damage to property values or be detrimental to the Village as a whole. That finding seems to be something the Village Board is supposed to make. Plan Commission is an advisory body and can advise the board. Trustee Fonstad would like clarification from legal counsel on division of land for residential use and considers it is a division for institutional or plan development overlay. Plan development overlay is a residential kind of development but that provision of the ordinance says that the division of land in a residence district into smaller parcels or lots shall be done in a manner consistent with the semirural character of the entire Village and with its established objectives of quiet, attractive, semi-rural living and which will preserve the established residential values of existing development in the immediate neighborhood. Trustee Fonstad has had some comments about what affect this would have on residential values.

Village Attorney Eric Larson stated this is more of a lot line adjustment than a division. They currently have two lots, will end up with two lots, and are not creating new lots. Only the lot line, separating the two lots is moving. Standards of 738-7(a) are appropriate to consider and also recommends they consider the standards; the division of land of residential use. Moving lot lines means one of the lots will be bigger and one will be smaller.

Commissioners made inquiries on impact of property values adjacent to the apartment complex and assisted living facility. Mandel Group representative, Ian Martin, answered questions.

Village Attorney Eric Larson stated in his opinion the division of land for residential use subsection applies to the multi-family residential lot and would not apply to the institutional lot. Institutional is a separate zoning category, not residential. For purposes of our code, that is the way it should be considered. Only this subsection is being considered for the multi-family residential portion.

Mandel Group, Inc. representative, Ian Martin, agrees with this. The site is currently

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zoned to permit senior living facilities. Single family properties nearby are impacted by that use and is already reflected in the market conditions.

Village Manager Scott Botcher commented the Ordinance is division of land, not what is being built there. The division of the land would not impact value.

Village Attorney Eric Larson concurred. This is in regard to the land division and not the development.

On motion of Commissioner Fonstad, the Plan Commission recommend approval of the Land Combination and Land Division as set forth in the Certified Survey Map subject to the spelling of the Village President's name being corrected.

President Frazer opened Public Comment at 4:58 p.m., with nothing being heard, closed Public Comment at 4:58 p.m.

Village Attorney Eric Larson gave some conditions that he recommended. They are standard land division conditions, the ordinance has a two-step process for a Certified Survey Map Land Division which mirrors the process for plating a sub-division. In the past, it has been considered to be an unnecessary step for two Certified Survey Maps and the process of submitting a second version has been waived. If the conditions are incorporated in the memorandum, the second filing would waive the final CSM.

Commissioner Fonstad would like to incorporate the conditions that the Village Attorney has referenced in his memorandum dated June 29, 2017, seconded by Commissioner Gripentrog.

President Frazer asked if the applicant was aware of these conditions being referenced. Mandel Group, Inc. representative, Ian Martin stated he had not seen them. Village Attorney Eric Larson went over the conditions with Mr. Martin. The applicant, Mr. Martin of Mandel Group, Inc. has been shown the Village Attorney's conditions as referenced in the memorandum and the applicant agrees to all conditions.

The motion carried unanimously.

Adjourn

On motion of Commissioner Zien, seconded by Commissioner Wilkins and carried unanimously, the Commission adjourned at 5:01 p.m.

Respectfully submitted,


Jilline Dobratz, WCMC
Deputy Clerk