

**VILLAGE OF FOX POINT
PLAN COMMISSION
OCTOBER 2, 2017**

A meeting of the Fox Point Plan Commission was held in Schwemer Hall, 7200 N. Santa Monica Blvd. on Monday, October 2, 2017 Chairman Frazer called the meeting to order at 5:45 p.m. and noted there was a quorum with 5 Commissioners present.

Plan Commission roll call was taken by Village Clerk Treasurer Kelly Meyer; Plan Commissioners present included:

Douglas H. Frazer, Chairman
John Crichton, Commissioner
Therese Gripenstrog, Commissioner
Carol Wilkins, Commissioner
Scott Yauck, Commissioner
Donald Zien, Commissioner (6:50 p.m.)

Absent-Eric Fonstad, Commissioner

Also staff present included Village Manager Scott Botcher, Public Works Director Scott Brandmeier, 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 September 5, 2017 Plan Commission Meeting

On motion of Commissioner Yauck, seconded by Commissioner Wilkins, and carried unanimously, the Commission approved the minutes of the September 5, 2017 Plan Commission meeting, as indicated above.

Review and Recommendation Re: Land Combination and Certified Survey Map for 7855 North Club Circle.

Public Works Director Scott Brandmeier and Applicant David Sadoff were both present to provide information and answer questions.

President Frazer asked without objection that the Plan Commission table the Land Combination and Certified Survey Map for 7855 North Club Circle to give applicant David Sadoff time to review Village Attorney Eric Larson's recommended conditions for approval and take it up after the next applicant. By unanimous consent the Land Combination and Certified Survey Map was tabled.

Consideration of Conditional Use Permit Re: Elvia's Arte, 333 W. Brown Deer Road, Suite N

Applicant Frank Savage, 6953 North Barnett Lane, was present to provide information and answer questions.

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On motion of Commissioner Crichton, seconded by President Frazer, and carried unanimously, the Plan Commission recommended to the Village Board approval of the application and conditional use order of Elvia's Arte, 333 W Brown Deer Road, Suite N.

Review and Recommendation Re: Land Combination and Certified Survey Map for 7855 North Club Circle.

On a motion of Commissioner Yauck, seconded by President Frazer, and carried unanimously, to take from the table, item #3, the review and recommendation of the Land Combination and Certified Survey Map for 7855 North Club Circle.

On motion of Commissioner Yauck, seconded by Commissioner Crichton, and carried unanimously, the Plan Commission approved and recommended to the Village Board, the land combination of two parcels submitted by applicants Elizabeth and David Sadoff, located at 7855 North Club Circle, subject to the conditions set forth in the memorandum, dated September 28, 2017 from the Village Attorney Eric Larson.

Adjourn

On motion of Commissioner Yauck, seconded by Commissioner Wilkins, and carried unanimously, the Commission adjourned at 5:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kelly A. Meyer". The signature is stylized with a large, looping "K" and "M".

Kelly A. Meyer, WCMC
Village Clerk/Treasurer

MEMORANDUM

To: Village Plan Commission
VILLAGE OF FOX POINT

From: Eric J. Larson, Village Attorney
ARENZ, MOLTER, MACY, RIFFLE & LARSON, S.C.

Date: September 28, 2017

Re: Certified Survey Map
Land Combination
Recommended Conditions of Approval
7855 North Club Circle

Members of the Plan Commission:

It is my understanding that a certified survey map will be on your agenda on October 2, 2017, for a possible land combination. Consistent with the Plan Commission's consideration of similar matters in the past, you may want to recommend conditions of approval to the Village Board. Conditions that you may want to recommend include the following:

1. Final CSM. The Village Board finds per Section 738-8 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 738 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. 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, 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.
3. 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.

4. **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.
5. **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.
6. **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.

I have very little background in this matter, so the foregoing are offered only as suggested conditions, there may be appropriate based on past practices. Additional or different conditions may arise out of your discussions on October 2, 2017. Please let me know if you have any questions or concerns. Thank you.

-- Eric

cc: Scott Botcher, Village Manager
Kelly Meyer, Village Clerk-Treasurer
Scott Brandmeier, Director of Public Works

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