

**NOTICE OF MEETING
VILLAGE OF FOX POINT
PLAN COMMISSION**

SCHWEMER HALL - MUNICIPAL BLDG.
7200 N. SANTA MONICA BLVD
FOX POINT, WI 53217

MONDAY
APRIL 4, 2022
5:45 P.M.

NOTE: THE VILLAGE BOARD WILL BE MEETING IN PERSON AT VILLAGE HALL, WITH A REMOTE ATTENDANCE OPTION, PER THE HYBRID MEETING PROCEDURES FURTHER DESCRIBED IN SECTION 19-32 D. OF THE VILLAGE CODE. THIS MEETING IS OPEN TO ALL CITIZENS IN PERSON AT VILLAGE HALL, OR THROUGH THE ZOOM PARTICIPANT INFORMATION SHOWN BELOW, SUBJECT TO THE FOLLOWING: NO ASSURANCE IS PROVIDED TO THOSE PLAN COMMISSION MEMBERS AND CITIZENS INTENDING TO ATTEND REMOTELY THAT THE TECHNOLOGY WILL PERFORM SUFFICIENTLY TO ALLOW FOR THEIR PARTICIPATION AND THE MEETING WILL PROCEED REGARDLESS. PUBLIC OFFICIALS AND CITIZENS WISHING TO ENSURE THEY CAN PARTICIPATE ARE ENCOURAGED TO ATTEND IN PERSON. CITIZENS ARE ENCOURAGED TO SUBMIT ANY COMMENTS IN WRITING IN ADVANCE OF THE MEETING TO THE VILLAGE MANAGER AT sbotcher@villageoffoxpoint.com

Zoom Participant Information
<https://us02web.zoom.us/j/86017103521>
Dial: (312) 626-6799
Meeting ID: 860 1710 3521

AGENDA

- 1. Roll Call.**
- 2. Approval of the minutes of the March 7, 2022 Plan Commission meeting.**
- 3. Review and Recommendation RE: Ms. Mary's Learning Center LLC, 8050 N Port Washington Rd., Fox Point.**

The Plan Commission will discuss, and may make a recommendation to the Village Board concerning the request for a Conditional Use Permit application for Ms. Mary's Learning Center LLC, to provide infant, preschool, school age, before and after care and tutoring services for children 3 weeks to 13 years old.

- 4. Review and Recommendation RE: Shirts, Skirts, Shoes & Stuff Inc., 333 W Brown Deer Rd Suite H, Fox Point.**

The Plan Commission will discuss, and may make a recommendation to the Village Board concerning the request for a Conditional Use Permit application for Shirts, Skirts, Shoes and Stuff Inc., for the sale of women's clothing, shoes, and accessories.

5. Ordinance to Repeal and Re-Create Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and Certain Structures Other Than Buildings

The Plan Commission will discuss and may act to refer to the Village Board the Ordinance to Repeal and Re-Create Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and certain Structures Other Than Buildings.

6. Adjourn

NEXT PLAN COMMISSION MEETING:

MONDAY, May 2, 2022

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 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.

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
MARCH 7, 2022**

A meeting of the Fox Point Plan Commission was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Tuesday, March 7, 2022. Commissioner Fonstad called the meeting to order at 5:45 p.m. and noted there was a quorum of Plan Commission members present.

The Plan Commission roll call was taken by Deputy Clerk Treasurer Sara Bruckman:

President Douglas H. Frazer, Chairman
Eric Fonstad, Commissioner
Robert Smith, Commissioner (5:48 p.m.)
John Crichton, Commissioner
Russ Yale, Commissioner
Jay Craig, Commissioner
William Langhoff, Commissioner - Absent

Staff present included Village Manager Scott Botcher and Deputy Clerk Treasurer Sara Bruckman

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 February 8, 2022 Plan Commission Meeting

On motion of Commissioner Crichton, seconded by Commissioner Yale, and carried unanimously by roll call vote, the Commission approved the minutes of the February 8, 2022 Plan Commission meeting, as presented.

Ordinance to Repeal and Re-Crete Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and Certain Structures Other Than Buildings. The Plan Commission will discuss and may act to refer to the Village Board the Ordinance to Repeal and Re-Crete Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and certain Structures Other Than Buildings

Laurie and Byron Vielehr, 7944 Beach Dr., Fox Point; voiced their concerns about the ordinance potentially be too restrictive.

On motion of Commissioner Fonstad, seconded by President Frazer, and carried unanimously by roll call vote, the Commission directed staff to work with the Village Attorney to redraft Ordinance to Repeal and Re-Crete Section 745-7 C. (1) and 745-6 A. of the Village of Fox Point Zoning Code Concerning Garages, Accessory Buildings and certain Structures Other Than Buildings to clarify an ambiguity to ensure the ordinance is not restrictive.

Adjourn

On motion of Commissioner Crichton, seconded by Commissioner Craig and

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
MARCH 7, 2022**

carried unanimously by roll call vote, the Plan Commission meeting adjourned at 6:50 p.m.

Respectfully Submitted,

Sara Bruckman
Deputy Clerk/Treasurer

DRAFT



VILLAGE OF FOX POINT

APPLICATION FOR CONDITIONAL USE PERMIT

Section 1

Name of Business <i>Ms. Mary's Learning Center LLC</i>	Phone # <i>(414) 875-04</i>	Name of former tenant (if known) <i>(414) 875-0408</i>
Fox Point Business Address <i>8050 N. Port Washington Rd Fox Point, WI</i>		
Email <i>lausley-143@icloud.com</i>	Contact Person <i>Mary</i>	

If the business is a corporation, complete the following section. If not, skip to next section.

Section 2

Legal name of corporation	Corporate email
Corporate headquarters address	Corporate phone #
Name and addresses of all corporate officers	
Name of corporate agent	Address of corporate agent

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

Section 3

List the name, home address, business address, and phone numbers of all applicants and owners.			
Name	Home address	Business address	Phone #
<i>Lanon Ousley</i>	<i>5127 W. Fairmont</i>	<i>5125 W. Fairmont</i>	<i>(414) 875-0408</i>
<i>Kendra Terry</i>	<i>7465 N. Bell Rd</i>	<i>5075 N. Sherman Blvd</i>	<i>(414) 368-6600</i>
	<i>Fox Point, WI 53217</i>	<i>Milw, WI 53209</i>	<i>551-02169</i>

All applicants must complete the following section.

Section 4

Applicant's specific interest in site <i>Open a daycare center for ages</i>
<i>3wks to 13 years old</i>
Describe in detail the business activity that will take place on site including products & services <i>We will be offering infant, preschool, school age care.</i>
<i>Before and after school care.</i>
<i>tutoring services</i>
<i>transportation</i>
<i>We will be providing community resources for families</i>

Describe all owned fixtures, furniture, and equipment to be used on site tables, chairs, toys, cribs, rugs, office equipment, refrigerator, microwave		
Describe all leased fixtures, furniture, and equipment to be used on site		
Describe any alterations planned for the site and estimated cost of renovation n/a		
Person responsible for obtaining building permit (if required) Lanon Busley		
Square footage of site 5000 sq ft	# of employees 10-14	# of parking spaces to be used 10-14
Days & hours of operation 7 days 5am-11:59 pm	Proposed date of occupancy April 10, 2022	

Attach a site plan to this application (see Directions for Conditional Use Permit). Site plan must include a layout of the inside of the store.

This application must be fully completed to be considered by the Village.

Fee: \$300.00 (non-refundable)


 Business Owner Signature
 Lanon Busley
 Printed Name
 2/24/22
 Date

Office Use Only

Sufficient site plan submitted? ☒ Yes ☐ No	If not, what is needed?	
Category of proposed use DAYCARE	Parking code meets requirements? ☒ Yes / ☐ No	Proper exterior lighting? Yes / ☐ No
Owner's letter of consent received? ☒ Yes / ☐ No	Date application received 03/23/22	Fee paid? ☒ Yes / ☐ No \$300.00
List any existing code violations: N/A		
Additional comments:		

TO BE COMPLETED BY THE VILLAGE OF FOX POINT

Has sufficient site plan been submitted? (If not, what is needed?)

yes

What is the category of proposed use?

DAYCARE ml 2-28-22

Does the parking meet code requirements?

§ 745-18(F)(7) - 5 stalls / \$1,000 SF OF GROSS SPACE; TOTAL GROSS SPACE NOT LISTED BUT ESTIMATED AT ≈ 7500 SF SO 40 STALLS NEEDED (8x5). APPROXIMATELY 50 ACRES ON SITE.

Is there proper exterior lighting?

NOT ENOUGH INFO PROVIDED TO DETERMINE.

Are there any existing code violations?

NO ml 2-24-22

Additional Comments?

Letter of Consent received from owner?

yes / submitted 3/23/22

Comments/Date

Date application/materials received:

Complete 3/23/22

Fee Paid:

\$300.00

Receipt No.

1.057230

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 (internal or independently contracted) 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. 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 (internal or independently contracted) 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 15th. day of March., 2022.


Signature of Property Owner

NOZARC Development Group, LLC
Name of Property Owner - PRINTED

Mailing Address of Property Owner:

600 A B Data Dr

Milwaukee WI 53217

Tax Key No. of Property:

060-0005-000

Address of Property:

8050 N. Port Washington Rd

Fox Point, WI 53217

For Village Use Only:

☐ Original kept on file with Village Clerk.

☐ Copy provided to Property Owner.

Signature: _____

Bruce Arbit
Nozark Development Group
600 AB Data Drive
Milwaukee, WI 53217

March 22, 2022

Village of Fox Point
Attn: Plan Commission
7200 N. Santa Monica Boulevard
Fox Point, WI 53217

Via Fax: 414.351.8909

To whom it may concern,

I am writing to you as authorized agent of Nozark Development Group, LLP, owner of 8050 N. Port Washington Road, regarding the attached conditional use permit application for Ms. Mary's Learning Center, LLC.

Ownership is amendable to Kendra Terry and Lanon Ousley's intended use of the 1st floor of the premises, a daycare center for children ages three (3) weeks to 13 years old. The center will offer infant, preschool and school-age care, before and after-school care as well as tutoring and transportation services. The center will operate seven (7) days per week, from 5:00am to 11:59pm. Intended occupancy date is April 10, 2022.

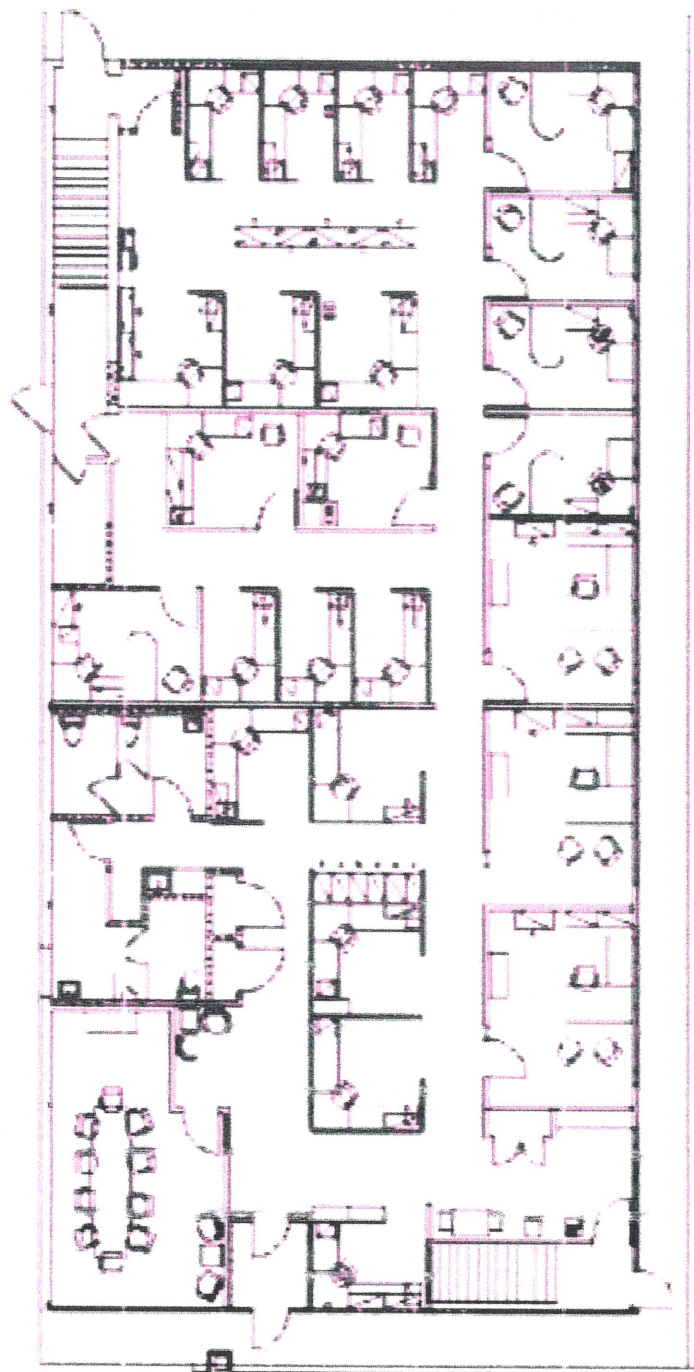
Should you have any questions or need further information, I can be reached at 414.961.6401 or bruce.arbit@abdata.com.

Regards,

A handwritten signature in blue ink that reads "Bruce Arbit". The signature is stylized with a large, looped "B" and a cursive "Arbit".

Bruce Arbit
Nozark Development Group, LLP

FIRST FLOOR



VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD
FOX POINT WI 53217

414-351-8900

Receipt No: 1.057230

Feb 25, 2022

8050 N Port Washington Rd

Previous Balance:	.00
LICENSES & PERMITS - CONDITIONAL USE PERMIT	300.00
24-44550 CONDITIONAL USE PERMIT	
Total:	300.00
CASH	250.00
Payor: Kendra Terry	
CREDIT CARD	50.00
Payor: Kendra Terry	
Total Paid:	300.00
Total Applied:	300.00
Change Tendered:	.00

Duplicate Copy

02/25/2022 8:15 AM

Conditional Use Order

WHEREAS, an application has been filed by Ms. Mary's Learning Center, LLC., (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 8050 N Port Washington Rd., 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. Lanon Ousley and Kendra Terry will be providing infant, preschool, school age, before and after care and tutoring services for children 3 weeks to 13 years old, subject to the terms of this Conditional Use Permit. There will be 10-14 staff members. The hours of operation shall be limited to 5:00 a.m. until 11:59 p.m. Monday through Sunday, unless additional hours are approved in writing by the Village Manager.
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.

Signed this _____ day of _____, 2022, *nunc pro tunc* the _____ day of _____, 2022.

BY THE FOX POINT VILLAGE BOARD:

Douglas H. Frazer, Village President

Attest:

Kelly A. Meyer, CMC/WCMC, 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 _____, 2022.

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 _____, 2022.

APPLICANT:

By: _____
Authorized Signatory

Title: _____



VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

Section 1

Name of Business Shirts, Skirts, Shoes & Stuff!	Phone # 4147379554	Name of former tenant (if known) Bayside Travel
Fox Point Business Address 333 W Brown Deer Rd, Suite H		
Email nickbufkinlanier@gmail.com	Contact Person Nichole Lanier	

If the business is a corporation, complete the following section. If not, skip to next section.

Section 2

Legal name of corporation Shirts, Skirts, Shoes & Stuff, Inc.	Corporate email same as above
Corporate headquarters address same as above	Corporate phone # same as above
Name and addresses of all corporate officers Nichole Lanier 7901 N Berwyn Ave Glendale, WI 53209	
Name of corporate agent Walter Lanier	Address of corporate agent 7901 N Berwyn Ave, Glendale WI 53209

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

Section 3

List the name, home address, business address, and phone numbers of all applicants and owners.			
Name	Home address	Business address	Phone #

All applicants must complete the following section.

Section 4

Applicant's specific interest in site Retail sales of women's clothing, 2 yr lease signed.
Describe in detail the business activity that will take place on site including products & services Sale of women's clothing, shoes and accessories.

Describe all owned fixtures, furniture, and equipment to be used on site		
Shelving, clothing racks, clothing displays, jewelry displays		
Describe all leased fixtures, furniture, and equipment to be used on site		
N/A		
Describe any alterations planned for the site and estimated cost of renovation		
N/A - There will be no alterations.		
Person responsible for obtaining building permit (if required)		
Nichole Lanier		
Square footage of site	# of employees	# of parking spaces to be used
786	2-3	186
Days & hours of operation	Proposed date of occupancy	
Monday - Saturday 10:30am to 6:30pm	April 1, 2022	

Attach a site plan to this application (see Directions for Conditional Use Permit). Site plan must include a layout of the inside of the store.

This application must be fully completed to be considered by the Village.

Fee: \$300.00 (non-refundable)



 Business Owner Signature

E. Nichole Lanier

 Printed Name

3/17/22

 Date

FOR OFFICE USE ONLY

Has sufficient site plan been submitted? (If not, what is needed?) YES

What is the category of proposed use? ZONE D - RETAIL STORE ma 3-23-22

Does the parking meet code requirements? Part of an existing facility that
SS 03/28/22 has already met the lighting & parking requirements

Is there proper exterior lighting? SS 03/28/22

Are there any existing code violations? NONE ma 3-23-22

Additional Comments? NONE

Letter of Consent received from owner? March 21, 2022
Comments/Date

Date application/materials received: March 21, 2022

Fee Paid: 300.00 Receipt No. 1.057324

39ft 7in

Clothing Rack

Clothing Rack

Clothing Rack

Display
Bunking

Clothing
Display

Desk and Counter

9ft

Shelving

Storage

Shelving

Clothing Rack

Clothing Rack

13.5"

Desk

Desk

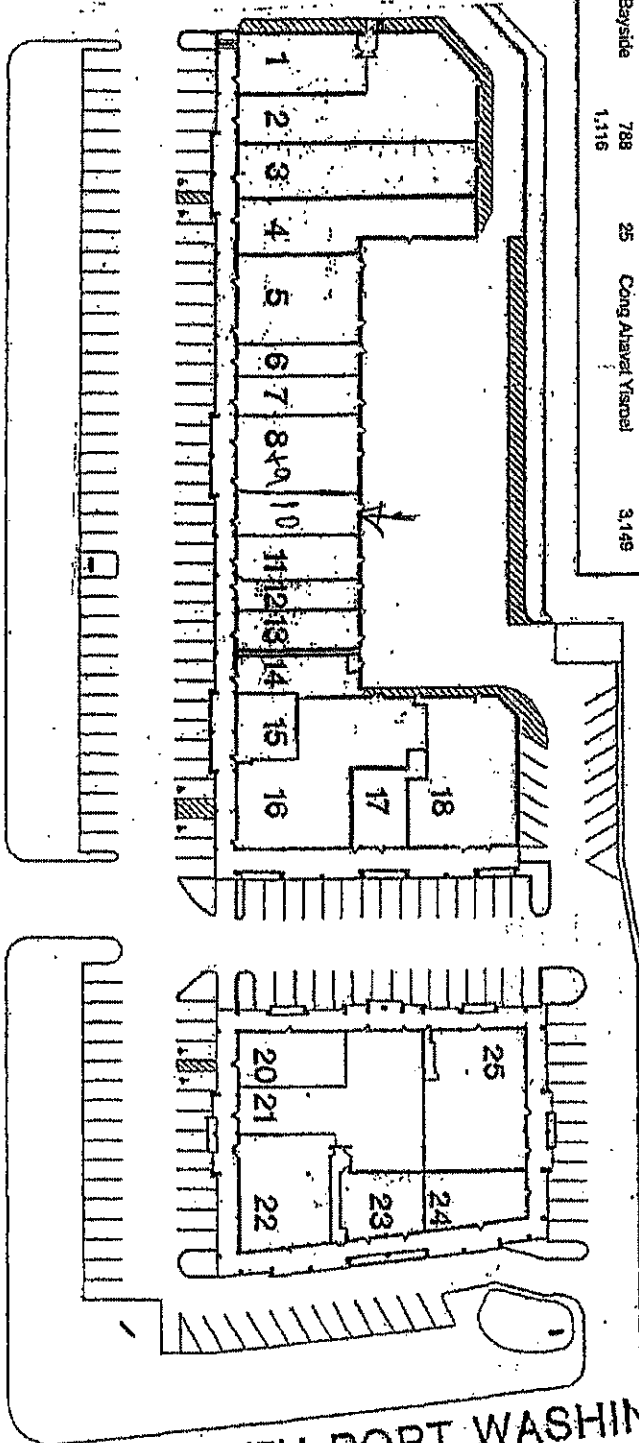
Bathroom

Wall

Desk

AUDUBON COURT FOX POINT, WI

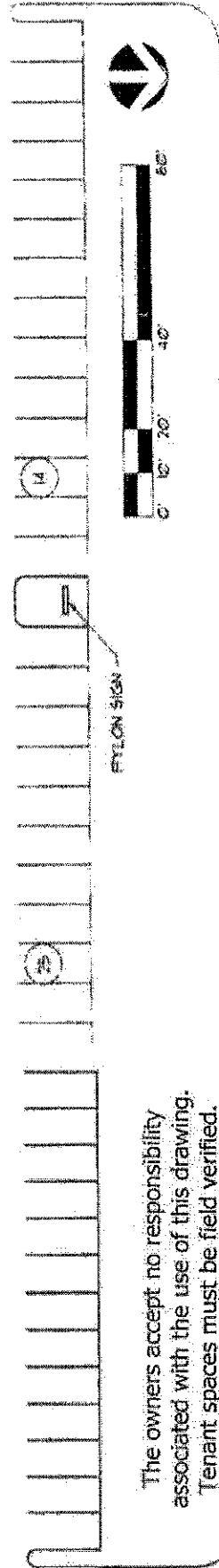
Key	Tenant	Sq Ft	Key	Tenant	Sq Ft.
1	Bela Luna Salon	1,500	14	Ly Ly Nails & Spa	1,044
2	Restaurant Hema	3,578	15	Alyc Gallery	861
3	Available	2,800	16	Heineman's	4,117
4	Mark Pasch Ltd.	2,476	17	Avada Audiology	1,073
5	Cafe Osher	2,230	18	Melloy's	3,288
6	Innovative Optique	837	20	Starbucks	1,200
7	Carriage Cleaners	940	21	Past Basket	3,439
8 & 9	Bayside Floral Design	2,052	22	Bruegger's	2,183
10	Available	1,093	23	Subway	1,131
11	I See London	1,160	24	Available	1,194
12	Carlson Travel Bayside	788	25	Cong Alvaet Visuel	3,149
13	Peck N Ship	1,316			



BROWN DEER ROAD

NORTH PORT WASHINGTON DRIVE

FOX POINT, WISCONSIN



1	Beauty Scenic	1521 SF	19	Molloy's	1373 SF
2	Hana Restaurant	9537 SF	20	Starbuck's	1296 SF
3	Available	2739 SF	21	Past Baskels	3439 SF
4	Mexican Restaurant	2137 SF	22	Chick's	3439 SF

Midland Management, LLC

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

March 10, 2022

Village of Bayside
9075 Regent Road
Bayside, WI 53217

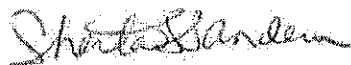
To Whom It May Concern:

The purpose of this correspondence is to confirm we have a signed Lease with Skirts, Shirts Shoes & Stuff signed by Nichole Lanier.

Nichole will be leasing 795 square feet previously occupied by Bayside Travel, located at 333H West Brown Deer Road.

If there are any questions regarding this matter, please feel free to contact me via phone or email.

Sincerely,



Sheila S. Sanders
Asset Manager
Midland Management, LLC
Managing Agent to North Shore Centers Partners
414-928-3974 direct
ssanders@midlandmgllc.com

AUDUBON COURT

333-389 W. Brown Deer Road |
Fox Point, Wisconsin | 53217

RETAIL INLINE SPACE FOR LEASE

Only 4 spaces remaining
in this neighborhood
shopping center

Monument signage
available

For more information, contact:

Joshua Minkin
T 414.274.1611
F 414.273.4362
joshua.minkin@cbre.com

CB Richard Ellis
777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202-
5353
T 414.273.0880
F 414.273.4362

www.cbre.com



Located on the Southeast corner of North Port Washington Road and Brown Deer Road.

- 795 to 4,000 square feet available
- \$18.00 per square foot triple net
- Triple net expenses are estimated to be \$6.70 per square foot
- Lease term five years
- 186 parking spaces
- Full access to the property is available from North Port Washington Road and Brown Deer Road
- Traffic count on Brown Deer Road is 20,700 vehicles per day and on Port Washington Road is 10,800 vehicles per day

Est. Demographics:	1 Mile	3 Miles	5 Miles
Households:	2,509	11,582	36,314
Population:	6,456	30,129	93,782
Average HH Income:	\$137,819	\$132,487	\$88,446

©2006, CB Richard Ellis, Inc. We obtained the information above from sources we believe to be reliable. However, we have not verified its accuracy and make no guarantee, warranty or representation about it. It is submitted subject to the possibility of errors, omissions, change of price, rental or other conditions, prior sale, lease or financing, or withdrawal without notice. We exclude projections, opinions, assumptions or estimates for example only, and they may not represent current or future performance of the property. You and your tax and legal advisors should conduct your own investigation of the property and transaction.

100 A CENTURY OF SERVICE
1906 | 2006

CBRE
CB RICHARD ELLIS
#2131 stg.131

Midland Management, LLC

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

March 17, 2022

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

Plan Commission Members:

The purpose of this correspondence is to indicate our intent to rent space at Audubon Court to Skirts Shirts Shoes & Stuff.

Skirts Shirts Shoes & Stuff will be leasing 795 square feet previously occupied by Bayside Travel, located at 333H West Brown Deer Road.

If there are any questions regarding this matter or Midland Management's intent to lease space to this tenant, please direct them to our office.

Thank you for your kind consideration of this matter.



Sheila S. Sanders
Asset Manager
Midland Management, LLC
Managing Agent to North Shore Centers Partners

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 (internal or independently contracted) 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. 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 (internal or independently contracted) 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 17 day of March, 2022

Sheila S. Sanders, Agent for owner
Signature of Property Owner

Sheila S. Sanders, Agent for owner
Name of Property Owner - PRINTED

Mailing Address of Property Owner:

North Shore Centers Partners
c/o Midland Management LLC
555 W Brown Deer Rd #220
Milwaukee WI 53217

Tax Key No. of Property:

DS3 999 6001

Address of Property:

333H 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: _____

VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD
FOX POINT WI 53217

414-351-8900

Receipt No: 1.057324

Mar 21, 2022

333 W Brown Deer Rd Suite H

Previous Balance:	.00
LICENSES & PERMITS - CONDITIONAL USE PERMIT	300.00
24-44550 CONDITIONAL USE PERMIT	
Total:	300.00
CHECK	300.00
Check No: 2268	
Payor: Nichole Lanier	
Total Applied:	300.00
Change Tendered:	.00

Duplicate Copy

03/21/2022 12:34 PM

Conditional Use Order

WHEREAS, an application has been filed by Shirts, Skirts, Shoes & Stuff, LLC., (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 333 W Brown Deer Rd., Suite H, 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. Nichole Lanier will be providing retail sales for women's clothing, shoes and accessories, subject to the terms of this Conditional Use Permit. There will be two to three employees. The hours of operation shall be limited to 10:30 a.m. until 6:30 p.m. Monday through Saturday, unless additional hours are approved in writing by the Village Manager.
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 condition's 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.

Signed this _____ day of _____, 2022, *nunc pro tunc* the _____ day of _____, 2022.

BY THE FOX POINT VILLAGE BOARD:

Douglas H. Frazer, Village President

Attest:

Kelly A. Meyer, CMC/WCMC, 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 _____, 2022.

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 _____, 2022.

APPLICANT:

By: _____
Authorized Signatory

Title: _____



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 Board

From: Michael Rakow, Building Inspector

Through: Scott A. Botcher, Village Manager *SAB*

Date: 3/28/2022

Re: Chapter 745 Detached Garage Ordinance

Enclosed is a draft ordinance modifying Chapter 745-7C. The current language of this section is ambiguous, so I requested the Village Attorney to clarify the code.

This has been modified per the Village Board's recommendations.

Staff recommends approval of the modifications.

Thank you.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-CREATE SECTIONS 745-7 C. AND
745-6 A. OF THE VILLAGE OF FOX POINT ZONING CODE CONCERNING
GARAGES, ACCESSORY BUILDINGS AND CERTAIN STRUCTURES OTHER
THAN BUILDINGS

WHEREAS, the Village of Fox Point Village Board has initiated this zoning amendment pursuant to Section 745-35 of the Village of Fox Point Zoning Ordinance and Wisconsin Statutes Sections 61.35 and 62.23(7), upon the recommendation of the Village Building Inspector, and has referred the matter to the Village Plan Commission for report and recommendation; and

WHEREAS, the Plan Commission of the Village of Fox Point has recommended to the Village Board of the Village of Fox Point that said amendments to the Zoning Code be made; and

WHEREAS, a public hearing was conducted by the Village Board of the Village of Fox Point on _____, after due notice was provided pursuant to Section 745-35 of the Village of Fox Point Village Code and Wisconsin Statutes Section 61.35 and 62.23; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because it ~~may in some cases~~does not decrease the development density of land or reduce the permitted uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, ~~applies~~does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Fox Point having carefully reviewed the recommendation of the Plan Commission of the Village of Fox Point, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration and having based its determination on the effect of the granting of such a zoning amendment on the health, safety and welfare of the community and having given due consideration to the municipal problems involved as well as the impact on the affected properties hereby determines that the public necessity, convenience, general welfare and good zoning practice requires that the zoning amendment be granted.

NOW, THEREFORE, the Village Board of the Village of Fox Point, Milwaukee County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 745 of the Village of Fox Point Village Code entitled "Zoning," Section 745-7 entitled "Accessory Uses and Structures" Subsection C entitled, "Garages," is repealed and recreated with the heading "Residential Accessory Building Limitations," as follows:

C. ~~Garages. Garages~~Residential Accessory Building and Detached Garage Limitations. The following limitations apply to all lots in a residence district ~~or on a lot~~and also on all lots where

the principal use is residential and the principal building is a single-family or two-family dwelling. shall conform to the following:

(1) Definitions.

(a) Detached Garage. For purposes of this Section, the term “Detached Garage” shall mean an accessory structure designed primarily to be used for parking passenger vehicles. ~~Such structure must have an improved paved driveway access, vehicle accessibility, and no improvements that are indicative of other uses such as living quarters, kitchen facilities, or bathroom.~~

(b) Accessory Building. For purposes of this Section, the term “Accessory Building” shall mean an accessory building as defined in Section 745-2 of this Code, that is not a detached garage as defined herein, ~~and no improvements that are indicative of other uses such as living quarters, kitchen facilities, or bathroom.~~

(2) Size. Accessory Buildings and Detached Garages shall be no larger than permitted by the district regulations applicable to the lot where located. ~~The following limitations also apply:~~

~~— Accessory Buildings are limited to 170 square feet in size.~~

~~— Detached Garages are limited to square feet in size.~~

~~— In the event of conflicting limitations, the smaller size limitation shall apply.~~

(3) Number. The number of Accessory Buildings and Detached Garages on such lots shall be limited as follows.

(a) Lots 25,000 square feet or less in size:

[1] Detached Garage. Not more than one ~~detached~~ Detached private garage ~~Garage~~ structure shall be is permitted on a lot. A detached ~~Detached~~ garage ~~Garage~~ is allowed without regard to whether ~~or not~~ there is also one or more attached garages on the premises.

[2] Accessory Building. ~~In the event there exists or is built a detached garage, only one other~~ Not more than one accessory ~~Accessory~~ detached Building structure shall be is permitted, which structure shall be limited in size to 170 square feet. Such Accessory Building is allowed without regard to whether or not there is also a Detached Garage. Notwithstanding the foregoing, as to lots in excess of 25,000 square feet one additional detached garage or accessory structure shall be allowed.

(b) Lots greater than 25,000 square feet in size.

In addition to Accessory Buildings permitted by (3)(a), above, ~~for each additional 25,000 total square feet of lot size, one additional Detached Garage or~~ Accessory Building, conforming to the size limitations described in (2), above, may be permitted for every additional 25,000 square feet of lot size.

<u>Lot Size</u>	<u>Detached Garage(s) and/or Accessory Building(s) Permitted</u>
<u>>25,000 sq. feet to 50,000 sq. feet</u>	<u>1 Detached Garage and 1 Accessory Building plus a total of one additional, whether a garage or accessory building</u>
<u>>50,000 sq. feet to 75,000 sq. feet</u>	<u>1 Detached Garage and 1 Accessory Building plus a total of two additional, whether garage(s) or accessory building(s).</u>
<u>>75,000 sq. feet to 100,000 sq. feet</u>	<u>1 Detached Garage and 1 Accessory Building plus a total of three additional, whether garage(s) or accessory building(s).</u>
<u>Further increments of 25,000 sq. feet</u>	<u>Add one additional Detached Garage or Accessory Building per increment.</u>

(4) Subject to Applicable Laws. Nothing herein shall be interpreted to modify or waive more restrictive requirements of applicable laws or Village ordinances. The open area limitations of this Chapter continue to apply and may prevent construction of the size or number of Accessory Buildings or Detached Garages described herein.

~~Combined square footage. Upon written request from the property owner, the Building Board may allow a lot owner to combine the square footage of permitted structures, described above, into fewer, larger buildings, upon finding that the combination of square footage into fewer buildings is consistent with the spirit and intent of this chapter. If granted, the number of residential accessory buildings permitted on the lot shall be reduced to the number determined by the Building Board as a result of the combination, and such determination shall be recorded against the property in the office of the Milwaukee County Register of Deeds in a form approved by the Village Attorney.~~

(5) Building Code. All ~~setback requirements and~~ requirements of Chapter 756, Building Construction, must be satisfied in addition to any requirements of this ~~provision Chapter. The floor area of garages shall be subject to all regulations of Chapter 756, Building Construction, as from time to time adopted.~~

(6) Detached Garage Limited Setback Reduction. The side and rear yard provisions for a ~~detached-Detached private-Garagegarage~~ on a lot less than the required minimum width of 80 feet in B and C Residence Districts may be reduced by three inches for every foot less than 80 feet of lot width but to not less than five feet.

(7) Minimum Separation. No ~~detached-Detached private-Garagegarage or Accessory Building~~ shall be located closer than 20 feet to the principal ~~residence~~-building on an adjoining lot in residential use.

(8) No Limit on Attached Garages. Subject to such other provisions of the Fox Point Code as may regulate the construction of structures, there is no limit on the number of attached garages for the private use of the resident.

~~No Living Quarters. Accessory Buildings and Detached Garages shall not be used for human habitation.~~

SECTION 2: Chapter 745 of the Village of Fox Point Village Code entitled, "Zoning," Section 745-6 entitled "Structures other than Buildings," Subsection A is hereby repealed and re-created as follows:

- A. Structures not classified as buildings and less than six inches in height from the surface of the ground shall not require a building permit nor be subject to the front, side, or rear setbacks, building size, or open space requirements of this chapter except as may be specifically otherwise provided in § 745-7 or § 745-10 or Subsection C below, or § 756-44 or § 842.

SECTION 3: CONTINUATION OF EXISTING PROVISIONS.

The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION 4: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2022.

VILLAGE OF FOX POINT

Douglas H. Frazer, Village President

ATTEST:

Kelly Meyer, Village Clerk

Published and/or posted this _____ day of _____, 2022.