

NOTICE OF MEETING

VILLAGE OF FOX POINT PLAN COMMISSION

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

MONDAY
August 7, 2023
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/81649684734>

Dial: (312) 626-6799
Meeting ID: 816 4968 4734

AGENDA

1. Roll Call.
2. Approval of the minutes of the July 6, 2023 Plan Commission/Building Board meeting.
3. Review and Recommendation Re: Conditional Use Permit for 8647 N Port Washington Road – Premier WI Fox Point, LLC dba The Nurturing Nook

The Plan Commission will discuss and make a recommendation to the Village Board regarding the conditional use permit for Premier WI Fox Point, LLC dba The Nurturing Nook to change the legal entity from The Nurturing Nook, Inc. to Premier WI Fox Point, LLC. It will continue to be operated as a day care center with the same hours and days of service.

4. Adjourn.

NEXT PLAN COMMISSION MEETING:**MONDAY, September 5, 2023**

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
July 6, 2023

A joint meeting of the Fox Point Plan Commission and Building Board was held by a combination of in-person and virtual attendance via telephonic and video conferencing on Monday, June 5, 2023. President Symchych called the meeting to order at 5:45 PM and noted there was a quorum of Plan Commission and Building Board members present.

The Plan Commission roll call was taken by Village Deputy Clerk-Treasurer Nathan Schafer:

Plan Commission: President Christine Symchych, Chairman
Eric Fonstad, Commissioner
Robert Smith, Commissioner
Russ Yale, Commissioner
Jay Craig, Commissioner
William Langhoff, Commissioner
Mark Freedman, Commissioner

Building Board: Justin Racinowski, Chairman (via Zoom)
Sharon Celek-Kevil, Member (Absent)
William Feldman, Member (via Zoom)
Jeff Weber, Member (Absent)
Lucille Sells, Member (via Zoom)

Staff present included Village Manager Scott Botcher, Deputy Clerk-Treasurer Nathan Schafer and Village Attorney Eric Larson (via Zoom).

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 May 1st, 2023 Plan Commission Meeting

Motion by Commissioner Yale, seconded by Commissioner Smith, and carried with a 7-0 vote, the Commission approved the minutes of the May 1st, 2023 Plan Commission meeting.

Consideration by Plan Commission and Building Board RE: Congregation Sinai, 8223 N Port Washington Road

The Plan Commission and Building Board will discuss the replacement/upgrading of existing exterior parking lot and building lighting to LED fixtures for Congregation Sinai, 8223 N Port Washington Road and may refer to the Village Board.

Motion by Commissioner Fonstad, seconded by President Symchych, and carried unanimously by roll call vote 7-0, the Commission recommended the Village Board approve the replacement/upgrading of existing exterior parking lot and building lighting to LED fixtures for Congregation Sinai, 8223 N Port

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
July 6, 2023**

Washington Road.

Adjourn

On motion of Commissioner Freedman, seconded by Commissioner Yale and carried unanimously by roll call vote 7-0, the Plan Commission meeting adjourned at 5:59 PM.

Respectfully Submitted,

Nathan Schafer
Deputy Clerk-Treasurer



VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

Section 1

Name of Business Premier WI Fox Point LLC d/b/a The Nurturing Nook	Phone # 312-481-4911	Name of former tenant (if known) The Nurturing Nook, Inc.
Fox Point Business Address 8647 N Port Washington Road, Fox Point, WI 53217		
Email tallor@premierearlychildhood.com	Contact Person Tom Allor	

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

Section 2

Legal name of corporation Premier WI Fox Point LLC	Corporate email tallor@premierearlychildhood.com
Corporate headquarters address 120 S. LaSalle St., Ste 1200, Chicago, IL 60603	Corporate phone # 312-481-6911
Name and addresses of all corporate officers Premier Early Childhood Education Partners LLC 120 S. LaSalle St., Ste 1200, Chicago, IL 60603	
Name of corporate agent CT Corporation System	Address of corporate agent 301 S. Beford St., Ste 1, Madison , WI 53703

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 #
Premier Early Childhood Education Partners LLC	N/A	120 S. LaSalle St., Ste 1200, Chicago, IL 60603	312-481-6911

All applicants must complete the following section.

Section 4

Applicant's specific interest in site Premier WI Fox Point LLC is purchasing the existing day care business currently operating at this location.
Describe in detail the business activity that will take place on site including products & services This would continue to be operated as a day care center with the same hours and days of service.

Describe all owned fixtures, furniture, and equipment to be used on site The existing fixtures, furniture and equipment currently on site consistent with the operation of a day care center, including table, chairs, children's toys, educational toys, playground equipment, etc.		
Describe all leased fixtures, furniture, and equipment to be used on site None.		
Describe any alterations planned for the site and estimated cost of renovation None.		
Person responsible for obtaining building permit (if required) Tom Allor		
Square footage of site 10,333	# of employees 23	# of parking spaces to be used 40 or the maximum allow by the lease agreement.
Days & hours of operation Monday - Friday 7 am to 5:30 pm.		Proposed date of occupancy 8/25/2023 - As soon as the business receives its new child care license from the state

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)

	George Fogel	07/17/2023
Business Owner Signature	Printed Name	Date

FOR OFFICE USE ONLY

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

What is the category of proposed use? DAY CARE mr 7-24-23

Does the parking meet code requirements? N/A

Is there proper exterior lighting? N/A

Are there any existing code violations? N/A mr 7-24-23

Additional Comments? change in ownership only.

Letter of Consent received from owner? Received 7-26-2023
Comments/Date

Date application/materials received: 7-17-2023

Fee Paid: \$300.00 Receipt No. 1.059388

STATE OF WISCONSIN

VILLAGE OF FOX POINT

MILWAUKEE COUNTY

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 JULY, 2023.



Signature of Property Owner

Neo M Bruckman, Managing Member

Name of Property Owner - PRINTED

Mailing Address of Property Owner:

555 W Brown Deer Rd
Milwaukee WI
53217

Tax Key No. of Property:

053-8989-001

Address of Property:

8647 N Port Washington Road

Fox Point, WI 53217

For Village Use Only:

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

Signature: _____

Midland Management, LLC

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

July 24, 2023

Village of Fox Point
c/o Nathan Schafer
7200 N. Santa Monica Blvd.
Fox Point, WI 53217-3505

Re: *Approval for Conditional Use Permit Application for 8647 N Port Washington Road*

Dear Village of Fox Point,

This letter serves as Midland Management, LLC's approval of the application for a Conditional Use Permit for 8647 N. Port Washington Road, Fox Point, WI 53217 sought by Premier WI Fox Point LLC d/b/a The Nurturing Nook.

Sincerely,

Midland Management, LLC

By: 

Name: Ned Brickman

Title: Managing Member

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

414-351-8900

Receipt No: 1.059388

Jul 18, 2023

8647 N Port Washington Road

Previous Balance:	.00
LICENSES & PERMITS - CONDITIONAL USE PERMIT	300.00
24-44550 CONDITIONAL USE PERMIT	

Total:	300.00
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CHECK	Check No: 10210	300.00
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Payor: Premier Early Childhood Education Partne

Total Applied:	300.00
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Change Tendered:	.00
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07/18/2023 2:04 PM

ORIGIN ID: CHIA
TOM ALLOR

SHIP DATE: 17 JUL 23
ACTWGT: 0.50 LB
CAD: 114171817/INET4640

120 S. LASALLE ST., SUITE 1200
SUITE 1200
CHICAGO, IL 60603
UNITED STATES US

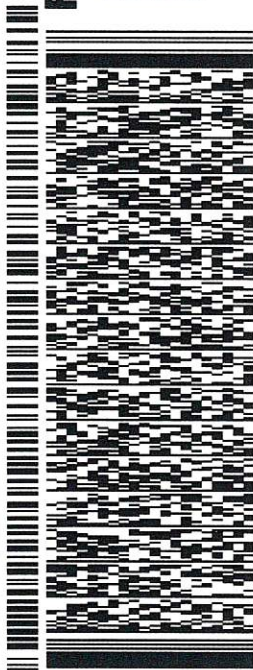
BILL SENDER

TO NATHAN SCHAFER
VILLAGE OF FOX POINT
7200 N. SANTA MONICA BLVD

FOX POINT WI 53217

(414) 351-8900 REF:
INV:
PO:

DEPT:



FedEx
Express



J23302071001uv

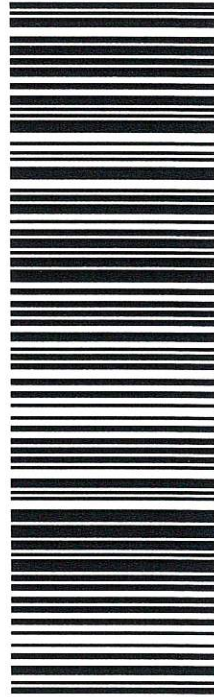
TUE - 18 JUL 10:30A

PRIORITY OVERNIGHT

TRK# 7727 5787 7915

0201

XN MKEA 53217 WI-US MKE



After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.



VILLAGE OF FOX POINT

MILWAUKEE COUNTY

WISCONSIN

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

APPLICATION FOR CONDITIONAL USE PERMIT DIRECTIONS

GENERAL INFORMATION:

All new businesses locating in an area zoned D-Business must apply for a Conditional Use Permit under Section 745-18D of the Village Code. Certain exceptions apply, see Section 745-18C of the Village Code ([located on the Village website](#)).

Changes in ownership, changes in use, changes in operations, changes in permitted conditions, alterations, and relocations within the Village to businesses with existing Conditional Use Permits may necessitate obtaining an amended Conditional Use Permit.

TO APPLY FOR A PERMIT:

1. Complete all the information on the attached application. Please type or print. Attach additional pages if necessary. **Applications with incomplete information will not be accepted.**
2. All materials must be submitted on 8.5" x 11" paper. If larger scale plans are necessary for clarity, please bring to the Plan Commission meeting. (**Note:** All documents submitted will be in copied in black and white.)
3. A \$300 non-refundable fee must accompany this application.
4. A letter of approval from the owner of the property must accompany this application, unless the applicant is the owner. The letter should be:
 - on the owner's letterhead including the owner's original signature,
 - addressed to the Village, and
 - reference the proposed address and name of the business.

The Village will not entertain any requests without the written consent of the owners.

5. A signed Charge Back Form as described in Chapter 67, Article III of the Village Code must accompany this application.
6. The application and one set of the site plans and all related materials must be submitted by **4:00 pm on the second Wednesday** prior to the Plan Commission meeting.
7. Completed applications will be submitted by staff to the Plan Commission for consideration. The Plan Commission meets on the first Monday of each month at 5:45 p.m. PLEASE NOTE: Applicants are required to attend the Plan Commission meeting to discuss their Application.
8. The Village Board will consider the Plan Commission's recommendation at the Board meeting on the second Tuesday of the month at 7:00 p.m. Applicants should also plan to attend the Village Board meeting.
9. The owner is responsible for obtaining other necessary permits and/or approvals, including but not limited to, the North Shore Fire Department's Plan Review and Submittal Requirements.

-APPLICATION FOR NEW BUILDING OR BUILDING ADDITION - SEE PAGE 2 OF DIRECTIONS-

NOTE: The following information must be submitted for Village approval when proposing a new building or building addition:

1. Description of the project
2. Landscape plan
3. Plat of survey
4. Parking plan (including parking computations) per Chapter 14 of the Fox Point Village Code
5. Drainage plan (including drainage computations)
6. Lighting plan (including photometrics)
7. Traffic plan
8. Proposed location and connection to the sanitary sewer and water mains
9. All elevations
10. Floor plans
11. Any additional information as determined by Village staff

Conditional Use Order

WHEREAS, an application has been filed by **Premier WI Fox Point, LLC dba the Nurturing Nook** (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 **8647 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.** **Nurturing Nook operates a day care center for children, subject to the terms of this Conditional Use Permit. The hours of operation shall be limited Monday through Friday, 7:00 a.m. until 5:30 p.m., 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 _____, 2023, *nunc pro tunc* the _____ day of _____, 2023.

BY THE FOX POINT VILLAGE BOARD:

Christine Symchych, 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 _____, 2023.

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 _____, 2023.

APPLICANT:

By: _____
Authorized Signatory

Title: _____