

NOTICE OF MEETING

VILLAGE OF FOX POINT PLAN COMMISSION

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

TUESDAY
September 5, 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/84343420366>

Dial: (312) 626-6799
Meeting ID: 843 4342 0366

AGENDA

1. Roll Call.
2. Approval of the minutes of the August 7, 2023 Plan Commission/Building Board meeting.
3. Review and Recommendation Re: Conditional Use Permit for 6870-6874N Santa Monica Blvd – Matilda, LLC dba Matilda Bakehouse

The Plan Commission will discuss and make a recommendation to the Village Board regarding the conditional use permit for Matilda, LLC dba Matilda Bakehouse to conduct retail bakery sales. Retail bakery sales to include the sales of bakery items, coffee, beverages and retail goods related to a baking and cooking lifestyle as well as customer seating.
4. Review and Recommendation RE: Land Combination for Starfish Five Properties, LLC, 8090 & 8100 N Beach Drive, Fox Point.

Land Combination for Starfish Five Properties, LLC, 8090 & 8100 N Beach Drive, Fox Point. The Plan Commission will discuss, and may make a recommendation to the Village Board concerning a combination of lots at 8090 N Beach Drive, tax key #057-9989-000 & 8100 N Beach Drive, tax key #057-9990-000.

5. Review and Recommendation RE: Proposed Ordinance to Repeal & Re-Creat Subsection 745-20 (B).

Review and Recommendation RE: Proposal to repeal & re-create subsection 745-20(B) concerning the process and building board's participation in the granting of permits.

6. Adjourn.

NEXT PLAN COMMISSION MEETING:

MONDAY, October 2, 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
August 7, 2023

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 6, 2023. Chair Symchych 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 Village Deputy Clerk-Treasurer Nathan Schafer:

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

Staff present included Village Manager Scott Botcher and Deputy Clerk-Treasurer Nathan Schafer.

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 July 6th, 2023 Plan Commission Meeting

Motion by Commissioner Fondstad, seconded by Commissioner Freedman, and carried with a 5-0 vote, the Commission approved the minutes of the July 6th, 2023 Plan Commission meeting.

Consideration by Plan Commission RE: Premier WI Fox Point, LLC dba Nurturing Nook, 8647 N Port Washington Road

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.

Motion by Commissioner Fondstad, seconded by Commissioner Smith, and carried unanimously by roll call vote 5-0. The Plan Commission found that the project met the four standards in 745-20B(2) of our ordinances and the Commission recommended the Village Board approve the change of legal entity.

Adjourn

On motion of Chair Symchych, seconded by Commissioner Smith and carried unanimously by roll call vote 5-0, the Plan Commission meeting adjourned at

VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
August 7, 2023

49 5:49 PM.

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Respectfully Submitted,

Nathan Schafer
Deputy Clerk-Treasurer

DRAFT



VILLAGE OF FOX POINT APPLICATION FOR CONDITIONAL USE PERMIT

Section 1

Name of Business Matilda bakehouse	Phone # 414-213-4019	Name of former tenant (if known) Yoga One
Fox Point Business Address 6870-6874 N. Santa Monica Blvd, Fox Point, Wi. 53217		
Email info@matildamke.com	Contact Person Julie Howard	

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

Section 2

Legal name of corporation Matilda LLC	Corporate email info@matildamke.com
Corporate headquarters address 7860 N Pheasant Lane, River Hills, Wi. 53217	Corporate phone # 414-213-4019
Name and addresses of all corporate officers Julie Howard - 7860 N Pheasant Lane, River Hills, Wi. 53217 Alexandria Fisher - 7860 N Pheasant Lane, River Hills, Wi. 53217	
Name of corporate agent Julie Howard	Address of corporate agent above

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 #
Julie Howard	7860 N Pheasant Lane, River Hills, Wi	same	414-803-3333
Alexandria Fisher	7860 N Pheasant Lane, River Hills, Wi	same	414-213-4019

All applicants must complete the following section.

Section 4

Applicant's specific interest in site retail bakery sales (no kitchen)
Describe in detail the business activity that will take place on site including products & services Retail bakery sales to include the sales of bakery items, coffee, beverages, and retail goods related to a baking and cooking lifestyle as well as customer seating

Describe all owned fixtures, furniture, and equipment to be used on site espresso machine, coffee grinders, reach in refrigeration, ice machine, bakery display table, base cabinets, misc display table(s) and cabinet(s), guest seating, guest tables, storage shelving, sinks		
Describe all leased fixtures, furniture, and equipment to be used on site drip coffee machine		
Describe any alterations planned for the site and estimated cost of renovation Walls to separate the FOH and BOH, ADA restroom, bakery & coffee counter, multi-use room. Estimated cost \$158574.00		
Person responsible for obtaining building permit (if required) Julie Howard		
Square footage of site 2400	# of employees 2-4	# of parking spaces to be used 2-4
Days & hours of operation Wed - Sun 6 am - 4pm		Proposed date of occupancy Feb 1, 2024

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

Julie Howard

Printed Name

8-1-23

Date

FOR OFFICE USE ONLY

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

What is the category of proposed use? RETAIL MA 8-7-23

Does the parking meet code requirements? The location is in Fox Point shops where these (parking & lighting) have been previously addressed as

Is there proper exterior lighting? part of their property use. § 08/17/23

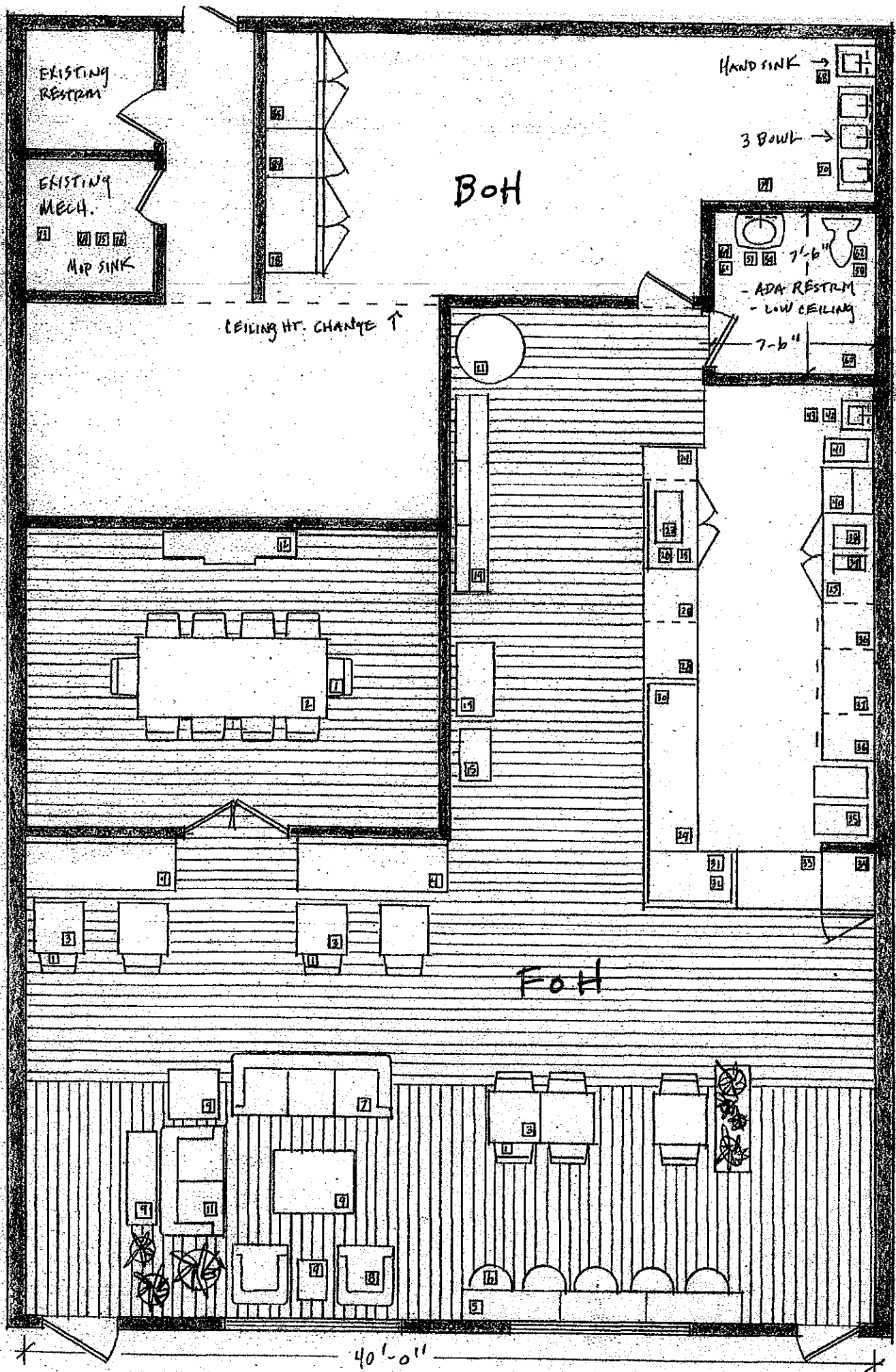
Are there any existing code violations? N/A MA 8-7-23

Additional Comments?

Letter of Consent received from owner? Yes - Dated 8-2-2023
Comments/Date

Date application/materials received: check dated 8-3-2023

Fee Paid: Check #2331 Receipt No. 1.059430



MATILDA bakehouse

SCALE 1/4" = 1'-0"

← JULY 2023
NORTH

Conditional Use Order

WHEREAS, an application has been filed by **Matilda, LLC dba Matilda Bakehouse** (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 **6870-6874 N Santa Monica Blvd, 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. **Matilda, LLC will conduct retail sales to include the sales of bakery items, coffee, beverages, and retail good related to a baking and cooking lifestyle as well as customer seating, subject to the terms of this Conditional Use Permit. The hours of operation shall be limited to 6:00 a.m. until 4:00 p.m. Wednesday 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 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: _____

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

414-351-8900

Receipt No: 1.059430

Aug 7, 2023

6870-6874 N Santa Monica Blvd.

Previous Balance:

.00

LICENSES & PERMITS - CONDITIONAL USE PERMIT

300.00

24-44550 CONDITIONAL USE PERMIT

Total:

300.00

CHECK

Check No: 2331

300.00

Payor: 6870-6874 N Santa Monica Blvd.

Total Applied:

300.00

Change Tendered:

.00

08/07/2023 12:09 PM

GENERAL CAPITAL



COLLABORATE · INNOVATE · EXECUTE

6938 N SANTA MONICA BLVD
MILWAUKEE, WI 53217
GENERALCAPITALGROUP.COM

P: 414.228.3500
F: 414.228.3700

August 2, 2023

Village of Fox Point
7200 N. Santa Monica Blvd.
Fox Point, WI 53217

RE: CONDITIONAL USE PERMIT
 Matilda Bakehouse
 6870 – 6874 N. Santa Monica Blvd.
 Fox Point, WI 53217

To The Village of Fox Point:

M.S. Fox Point, LLC supports the proposed use of a retail bakery store (no kitchen) by Julie Howard and Alexandra Fisher for Matilda Bakehouse at 6870 – 6874 N. Santa Monica Blvd. We look forward to this addition to our shopping center.

Please let me know if you have any questions.

Thank you,

M.S. Fox Point, LLC

Jeff Brown

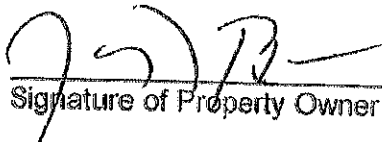
Jeff Brown
General Capital Management, Inc.
Authorized Agent for M.S. Fox Point, LLC

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 3rd day of August, 2023.


Signature of Property Owner

Jeffrey T. Brown
Name of Property Owner - PRINTED
Authorized Agent

Mailing Address of Property Owner:

6938 N. Santa Monica Blvd
Fox Point, WI 53217

Tax Key No. of Property:

129-9975, 9976, 9977, 9978

Address of Property:

6070-6074 N. Santa Monica Blvd
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

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:

- ☒ 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.**
 - ☒ 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.)
 - ☒ A \$300 non-refundable fee must accompany this application.
 - ☒ 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.
- ☒ A signed Charge Back Form as described in Chapter 67, Article III of the Village Code must accompany this application.
 - ☒ 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.
 - ☒ 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.
 - ☒ 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.
 - ☒ 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



VILLAGE OF FOX POINT

MILWAUKEE COUNTY
WISCONSIN

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

To: Village of Fox Point Plan Commission
From: Scott Brandmeier, Director of Public Works *SB*
Through: Scott Botcher, Village Manager *JB*
Date: August 30, 2023
Re: Land Combination – 8090-8100 North Beach Drive

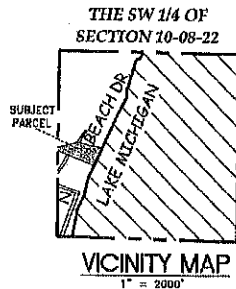
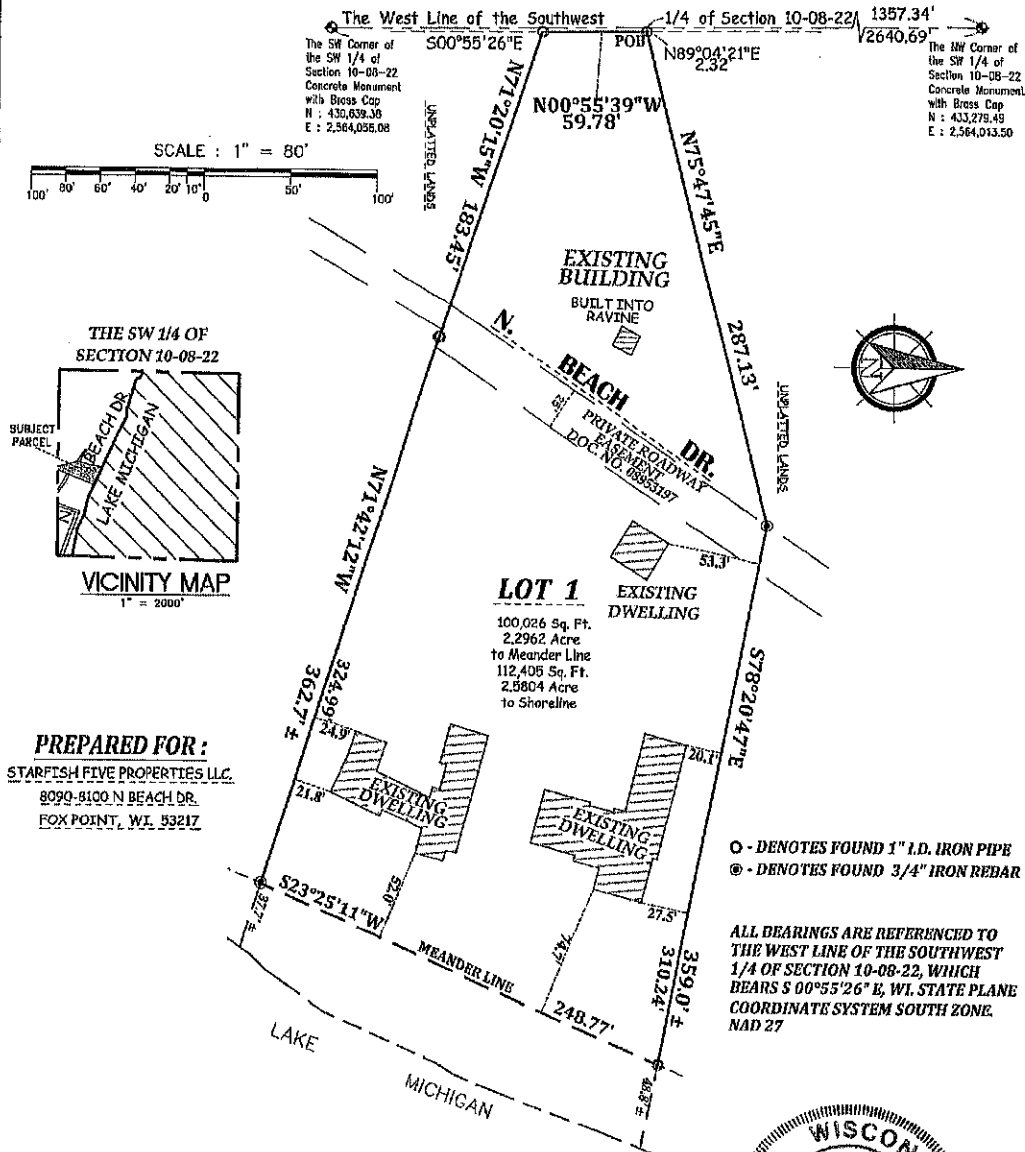
An application was submitted by Starfish Five Properties LLC, whose registered agent is Joseph Hanni (Applicant) and who owns the parcels at 8090 and 8100 North Beach Drive to combine the lots (Tax Key Numbers 0579989000 and 0579990000) into one parcel. The Applicant is requesting that the two parcels as shown on the Plat of Survey (Attachment A) be combined and that one lot be created as shown on the Certified Survey Map (CSM) (Attachment B). The Applicant has submitted this application in accordance with Section 738 of the Village Code.

Based upon correspondence from the Village Attorney, it is my understanding that the application requires a filing fee (\$300) and the appropriate CSM but does not require an appraisal, as it is a land combination, nor notice to property owners within 500 feet of the proposed land combination. As the filing fee has been paid and the Plat of Survey and CSM have been submitted depicting the land combination, it appears that the requirements for the land combination have been met and, therefore, is referred to the Plan Commission for action on the matter.

Exhibit B
Certified Survey Map

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF A PART OF GOVERNMENT LOT 2 IN THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 10, TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.



PREPARED FOR:
 STARFISH FIVE PROPERTIES LLC
 8090-8100 N BEACH DR.
 FOX POINT, WI 53217



2554 N. 100TH STREET
 P.O. BOX 26596
 WAUWATOSA, WISCONSIN 53226
 (414) 257-2212 FAX: (414) 257-2443
 sai@wi.rr.com



MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF A PART OF GOVERNMENT LOT 2 IN THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 10, TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Marc Passarelli, a Professional Land Surveyor do hereby certify:

That I have surveyed, divided and mapped a division of a part of Government Lot 2 in the Northwest ¼ and the Southwest ¼ of the Southwest ¼ of Section 10, Town 8 North, Range 22 East, in the Village of Fox Point, Milwaukee County, Wisconsin, being more particularly described as follows: Commencing at the Northwest corner of the Southwest ¼ of said Section 10; thence South 00° 55' 26" East along the West line of said Southwest ¼, 1357.34 feet; thence North 89° 04' 21" East, 2.32 feet to a found 1" iron pipe also the point of beginning of the lands to be described; thence North 75° 47' 45" East, 287.13 feet to a found 3/4 inch iron rebar; thence South 78° 20' 47" East, 310.24 feet to a found 3/4 inch iron rebar being a point on a meander line of Lake Michigan; thence South 23° 25' 11" West along said meander line, 248.77 feet to a found 3/4 inch iron rebar; thence North 71° 42' 21" West, 324.99 feet to a found 1 inch iron pipe; thence North 71° 20' 15" West, 183.45 feet to a found 1 inch iron pipe; thence North 00° 55' 39" West, 59.78 feet to the point of beginning. Including land lying between the meander line and the shore line of Lake Michigan. Containing 112,405 square feet, (2.5804 acre) more or less to the shoreline.

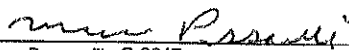
That I have made such survey, land division and map by the direction of Starfish Five Properties, LLC, owner of said land.

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

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

Dated this 4th day of August, 2023.




Marc Passarelli S-2817
Wisconsin Professional Land Surveyor

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

BEING A DIVISION OF A PART OF GOVERNMENT LOT 2 IN THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 10, TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT, MILWAUKEE COUNTY, WISCONSIN.

OWNERS CERTIFICATE:

Starfish Five Properties, LLC, owner, does hereby certify that it has caused the land described in this document to be surveyed, divided, mapped and dedicated as represented on this map in accordance with the Ordinances of the Village of Fox Point.

Starfish Five Properties, LLC, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: Village of Fox Point.

Witness the hand and seal of said owner this _____ day of _____, 2023.

Joseph G. Hanni, Owner

Trisha K. Hanni, Owner

STATE OF WISCONSIN)
_____ COUNTY)SS

Personally came before me this _____ day of _____, 2023, the above named Joseph G. Hanni and Trisha K. Hanni, Owner of Starfish Five Properties, LLC, to me known to be the person who executed the foregoing instrument and acknowledge that he executed the foregoing instrument.

Notary Public, State of Wisconsin
My Commission expires _____

CONSENT OF MORTGAGEE:

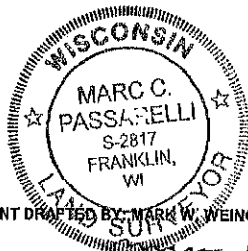
JP Morgan Chase, duly organized and existing under and by virtue of the laws of the United States, mortgagor of the above described land, hereby consent to the surveying, dividing, and mapping of the land described in the foregoing affidavit of Marc C. Passarelli, surveyor and does hereby consent to the above certificate of Starfish Five Properties, LLC, owner.

In Witness Whereof, JP Morgan Chase, has caused these presents to be signed by _____, its Representative, at _____, this _____ day of _____, 2023.

JP Morgan Chase, Representative

STATE OF WISCONSIN)
_____ COUNTY)SS

Personally came before me this _____ day of _____, 2023, the above named _____, of the above named JP Morgan Chase, to me known to be the person who executed the foregoing instrument and to me known to be such Representative said company and acknowledged that he executed the foregoing instrument as such officer as the deed of said company by its authority.



Notary Public, State of _____
My Commission expires _____

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. _____

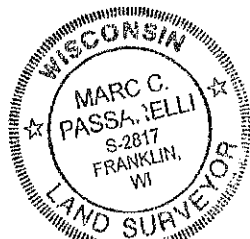
BEING A DIVISION OF A PART OF GOVERNMENT LOT 2 IN THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF
THE SOUTHWEST ¼ OF SECTION 10, TOWN 8 NORTH, RANGE 22 EAST, IN THE VILLAGE OF FOX POINT,
MILWAUKEE COUNTY, WISCONSIN.

VILLAGE BOARD APPROVAL

APPROVED by the Village of Fox Point on this _____ day of _____, 2023.

Christine Symchych, Village President

Kelly Meyer, Village Clerk



INSTRUMENT DRAFTED BY: MARK W. WEINGARTEN

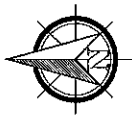
JOB NO. 36317

SHEET 4 OF 4

Exhibit A
Plat of Survey

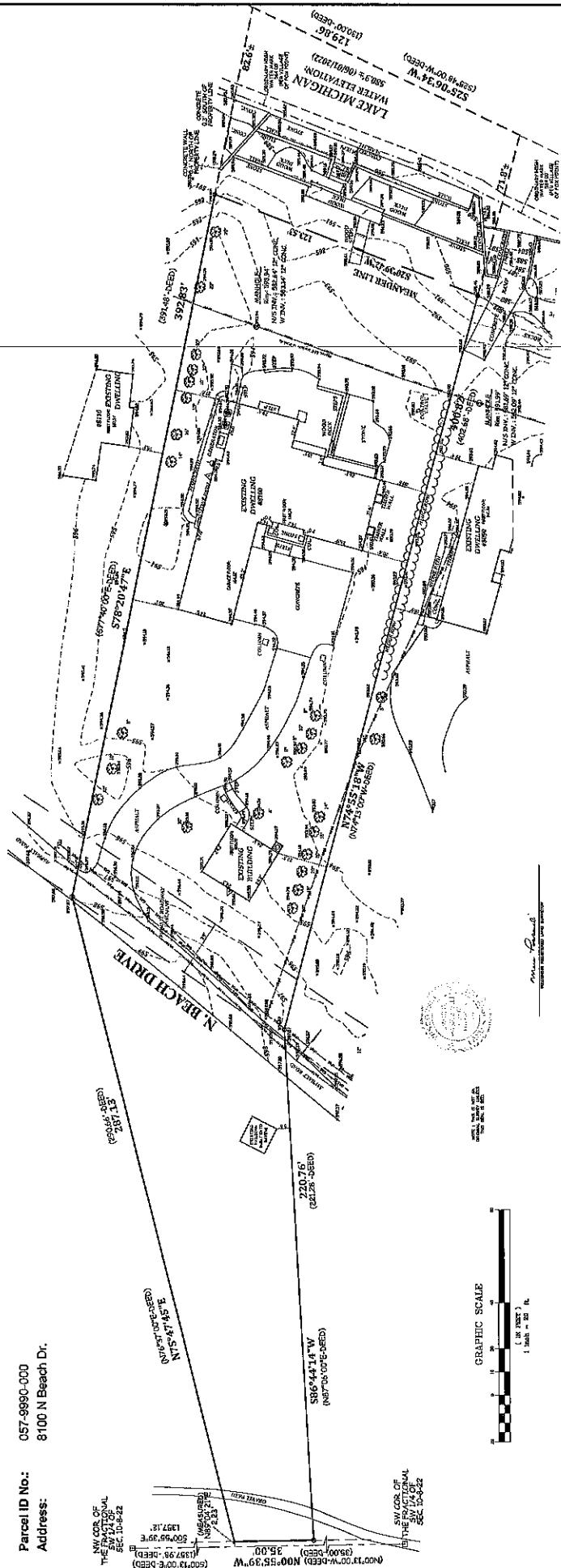
That part of Government Lot Two (2), in the Southwest One-quarter (¼) of Section Ten (10), in Township Eight (8) North, Range Twenty-two (22) East, in the Village of Fox Point, Milwaukee County, Wisconsin, bounded and described as follow:

BENCHMARK FOR ELEVATIONS:
Concrete Monument with Brass Cap
Marking the Northwest Corner of the
Southeast 1/4 of Section 10-8-22
Elevation: 686.231' NGVD 1929 Datum.



50.811 Sq. Ft. / 1.116 Acres
to Meander Line
56.811 Sq. Ft. / 1.304 Acres
to Shoreline

○ Double Pump Iron Pipe
 ○ Double Pump Iron Flange
 ○ Double Pump Iron Sucker
 ○ Double Sink 3/4" Iron Sucker
 ○ Double Sink Air Conditioner
 ○ Double Sink On Main
 ○ Double Sink Electric Meter
 ○ Double Sink Snow Mobile
 ○ Double Sink Round Cook Basin
 ○ Double Sink Light Pole
 ○ Double Sink Power Pole
 ○ Double Sink Wind Jack on Property Line
 ○ Double Sink Sink Erection
 ○ Double Sink Counter Line
 ○ Double Sink Post Pole
 ○ Double Sink Underground Power Line
 ○ Double Sink Underground Water Line
 ○ Double Sink Downspout Water Line
 ○ Double Sink Tree with Sign



Parcel ID No.: 057-9990-000
Address: 8100 N Beach Dr.

[illegible]

BOUNDARY / TOPOGRAPHIC SURVEY
JOE & TRISH HANNI
8100 N. BEACH DRIVE
FOX POINT, WI. 53217

"THE INFORMATION SHOWN ON THIS DRAWING CONCERNING TYPE AND LOCATION OF UNDERGROUND UTILITIES IS NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. THE CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN DETERMINATIONS AS TO THE TYPE AND LOCATION OF UNDERGROUND UTILITIES AS MAY BE NECESSARY TO AVOID DAMAGE THEREOF."

**A SURVEYING
ASSOCIATES, INC.**
MEMBER OF NATIONAL SOCIETY OF LAND SURVEYORS
A NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS

5109th Avenue
2354 K. LINDA STREET
P.O. BOX 26394
WATKINSVILLE, MISSISSIPPI
(601) 257-2212 FAX: (601) 257-2443

MADE IN CANADA

PROJECT NUMBER
36317
PROJECT SCALE
1" = 20'
SHEET NUMBER
1 of 1



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

To: Village Board

From: Kevin Ausman, Assistant Village Manager *KA*

cc: Scott Botcher, Village Manager *SB*

Date: August 1, 2023

Re: Amendment of F Institutional District

Overview:

The attached ordinance would amend section 745-20(B) of the municipal code by removing the requirement of hearing requests of applicants by a joint meeting of the Building Board and Plan Commission.

Details:

Currently, F Institutional District applications require more time and review than any other use applications. A project in the F Institutional District requires a preliminary appearance at Village Board before a referral to a public hearing and joint meeting of the Plan Commission and Building Board, before a recommendation back to the Village Board.

The amended process would eliminate the initial Village Board appearance and remove the Building Board requirement from a joint meeting, therefore becoming consistent with other use approvals. Building Board members have expressed frustration at being required to appear at a meeting where their opinions are heard but not legally taken as part of the consideration. The requirement of a second regulatory body for quorums also makes a hearing more difficult to schedule. The Building Board is in favor of this change.

By approving this amendment, the application process becomes consistent with other use approvals and maintaining the same level of oversight where applicants initially appear before Plan Commission, Plan Commission makes its recommendation, and the public hearing is held at Village Board before final decision.

Recommendation:

Staff recommends the Village Board refer this item to the Plan Commission for report and recommendation. The Plan Commission will review and recommend back to the Village Board for Public Hearing and action.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RE-CREATE SUBSECTION 745-20(B) OF
THE VILLAGE OF FOX POINT VILLAGE CODE REGARDING THE PROCESS
AND BUILDING BOARD PARTICIPATION IN THE GRANTING OF PERMITS IN
THE F INSTITUTIONAL DISTRICT

WHEREAS, the F Institutional District in the Village of Fox Point requires any building or premise use, enlargement, or exterior alteration to be completed in conformity with the requirements of the Village Code Section; and

WHEREAS, Section 745-20(B)(1) of the Village Code requires written applications for the use, construction or enlargement of premises or a building or for exterior alterations to an existing building to be made to the Village Board, which is then referred to a joint hearing of the Plan Commission and Building Board; and

WHEREAS, the Assistant Village Manager recommended this process be amended to be consistent with other use approvals throughout the Village Code, including removing the requirement to first appear before the Village Board, and that the Building Board participate in a joint hearing with the Plan Commission; and

WHEREAS, the Village Board for the Village of Fox Point has initiated this proposed Zoning Code amendment and has referred the matter to the Village Plan Commission for report and recommendation pursuant to Wisconsin Statutes Section 62.23(7)(d)(2); and

WHEREAS, pursuant to Wisconsin Statutes Section 62.23(7)(d)(1)b class 2 notice was published on _____ for the hearing held by the Village Board and Village Plan Commission, which occurred on _____; and

WHEREAS, the Village Board received a report and recommendation from the Village Plan Commission in favor of adopting the ordinance to repeal and re-create certain section 745-20(B) of the Zoning Code for the Village of Fox Point; and

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

WHEREAS, further the Village Board 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 amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Zoning Code for the Village of Fox Point, will not be contrary to the public health, safety or general welfare of the Village of Fox Point, and the amendment is consistent with the Village of Fox Point Comprehensive Plan.

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 745-20 entitled, "F Institutional District," Subsection B entitled "Limitations, Conditions and Procedure," is hereby repealed and re-created as follows:

B. Limitations, conditions and procedure.

- (1) Written application for the use, construction or enlargement of premises or a building or for exterior alterations to an existing building shall be made to the Plan Commission, accompanied by such building plans, sketches, renderings, and site plans as the Plan Commission determines reasonably necessary to form an opinion. A filing fee as described in Chapter 63 of this Code shall be paid to the Village at the time of filing the application.
- (2) The Plan Commission shall study such application and make its report to the Village Board advising the Village Board whether or not the Plan Commission considers that the standards have been met. The standards to be applied are:
 - (a) Appropriate in the location proposed;
 - (b) Compatible with the neighborhood;
 - (c) Not detrimental to the property values of surrounding property; and
 - (d) In keeping with the residential character and quality of the Village.
- (3) If the Plan Commission reports that in its opinion any one or more of the above standards have not been met, and the Village Board on motion duly adopted agrees with this report, then the application shall be considered denied.
- (4) If the Plan Commission reports that in its opinion the above standards have been met, or if the Plan Commission has reported that in its opinion any one or more of the above standards have not been met and the Village Board has not agreed with the report of the Plan Commission, then the Village Board shall schedule a public hearing on the application.
- (5) Notice of such public hearing shall be given by publication at least once in the official newspaper of the Village and by mailing a copy of such notice to all property owners who own land abutting on the site or across a street from the site, not less than five days prior to the hearing. Mailing shall be to the last known address of the respective property owners as appears from the records of the Village.
- (6) If after such public hearing it shall appear to the Village Board that the standards above set forth have been met, the application shall be approved; otherwise, it shall be denied.
- (7) The Plan Commission may recommend and the Village Board (whether or not recommended by the Plan Commission) may condition its approval upon the compliance with such requirements as appear reasonably necessary to ensure compliance with the above standards.

SECTION 2: 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 3: 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 4: EFFECTIVE DATE

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

Dated this _____ day of _____, 2023.

Village of Fox Point

Christine Symchych, Village President

ATTEST:

Kelly A. Meyer, Village Clerk/Treasurer