

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

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

**Monday, June 1, 2026
5:45 PM**

NOTE: the Plan Commission 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 manager@villageoffoxpoint.com.

Zoom Participant Information
<https://us02web.zoom.us/j/89048465030>
Dial: (312) 626-6799
Meeting ID: 890 4846 5030

AGENDA

- A. Roll Call**
- B. Approval of Minutes of the May 4, 2026 Plan Commission meeting.**
 - a. 5-4-2026 Plan Commission Minutes
- C. Consideration of Conditional Use Permit Application for Donut Zone, Located at 8687 N Port Washington Road**
 - a. The Plan Commission will consider a conditional use permit application to operate a restaurant, Donut Zone, under Section 745-18D(1)(h) of the Village Code. The proposed restaurant is located at 8687 N Port Washington Road in the D Business District.
- D. Consideration of an F Institutional District request by St Eugene Congregation to allow a backup generator under Section 745-20 of the Village Code, on the property located at 7600 N Port Washington Road**
 - a. The Plan Commission will consider an F Institutional District request by St Eugene Congregation to allow a backup generator under Section 745-20 of the Village Code, on the property located at 7600 N Port Washington Road
- E. Consideration of an F Institutional District & Outdoor Recreational Areas And Facilities Request by the Village of Fox Point Under Sections 745-20 and 745-10 to Allow Pickleball Play on Existing Village-Owned Tennis Courts**
 - a. The Plan Commission will consider an F Institutional District & Outdoor Recreational Areas and Facilities request on the public park areas owned by the Village Of Fox Point, proposed for existing court areas at Indian Creek Park (generally located east of Indian Creek Parkway and south of Dean Road, on portions of Tax Keys 0969961000 and 0969961000) and Longacre Park (Tax Key 0969961000)

F. Adjournment

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 414-351-8900. It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may attend 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
May 4, 2026**

A meeting of the Fox Point Plan Commission was held on Monday, May 4, 2026. Commissioner Miller, as Chair Pro Tem, called the meeting to order at 5:55 p.m. and noted there was a quorum of Plan Commission members present.

The Plan Commission roll call was taken by Village Deputy Clerk Teri Repins:

Plan Commission: President Christine Symchych, Chair - absent
 Jay Craig, Commissioner
 Ted Durant, Commissioner
 William Langhoff, Commissioner
 David Miller, Commissioner – Chair ProTem
 Robert Smith, Commissioner
 Jake Wilson, Commissioner

Staff present included Interim Village Manager Steven Kreklow, Village Attorney Eric Larson (via zoom), and Deputy Clerk Teri Repins.

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 April 6, 2026 Plan Commission Meeting

Motion by Commissioner Miller, seconded by Commissioner Smith, and carried unanimously with a roll call vote, 6-0, the Commission approved the minutes of the April 6, 2026 Plan Commission meeting.

Consideration of a Conditional Use Permit application for Nihao, located at 8673 N Port Washington Road

Motion by Commissioner Durant, seconded by Commissioner Craig, and carried unanimously by roll call vote, 6-0, the Commission recommends the Village Board approve the Conditional Use Permit Application for a change of ownership to operate a restaurant under Section 745-18D(1)(h) of the Village Code, located at 8673 N Port Washington Road (former Rice Bowl) in the D Business District following the mandatory public hearing.

Consideration of a Cultural Overlay request by Uihlein Electric, on behalf of the Chipstone Foundation, to allow a backup generator under Section 745-22 of the Village Code, on the property located at 7820 North Club Circle

Motion by Commissioner Miller, seconded by Commissioner Langhoff, and carried unanimously by roll call vote, 6-0, the Commission finds the proposal meets all the staff considerations and recommends the Village Board approve the Cultural Overlay request by Uihlein Electric, on behalf of the Chipstone Foundation, to allow a backup generator under Section 745-22 of the Village Code, on the property located at 7820 North Club Circle.

Adjourn

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

May 4, 2026

On motion of Commissioner Miller, seconded by Commissioner Smith, and carried unanimously by roll call vote, 6-0, the Plan Commission meeting adjourned at 6:06 p.m.

Respectfully submitted,

Teri Repins

Village Deputy Clerk

Published and Posted: June 2, 2026

DRAFT



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: Plan Commission

From: Kevin Ausman, Assistant Village Manager

CC: Steve Kreklow, Village Manager

Date: June 1, 2026

Re: Donut Zone - CUP

Overview

Bao Nguyen has applied for conditional use approval requesting approval to operate a restaurant. The request under Section 745-18D(1)(h) would allow a restaurant, Donut Zone, to operate at 8687 N Port Washington Road in the D Business District. The tenant space is located in the Riverpoint Shopping Center.

Background

The tenant location is an existing shopping center and was previously occupied by Fully Promoted, a screen printing business, who received CUP approval in 2023.

Request

The applicant has indicated general retail hours of operation are planned for 5AM – 3PM Monday through Saturday, and Sunday 6AM – 3PM. Additionally, the applicant has indicated that production and bakery employees would begin work at 12 AM (midnight) who would prepare product until 5AM prior to retail opening for customers. The Fox Point Police Department notes no concerns over the proposed hours, with the understanding that the overnight operation is purely for the production of food product and not open to the public.

Staff have reviewed the application and determined sufficient parking within the Riverpoint Shopping Center to accommodate restaurant patrons and employees. The applicant has not indicated intention to offer outdoor dining at this time.

Recommendation

Staff recommends that the Plan Commission confirm hours of operation and recommend that the Village Board approve the conditional use request following a mandatory public hearing.

Section 4 (continue)

Applicant's specific interest in site:

Establishment of a neighborhood-focused retail donut shop and café operating under the name Donut Zone. The business will provide fresh daily baked goods, premium coffee beverages, breakfast offerings, and convenient takeout service to the Fox Point and greater Milwaukee community. The proposed use is intended to complement the existing shopping center tenant mix and contribute to increased customer traffic and activity within the center.

Describe in detail the business activity that will take place on site including products & services

Donut Zone will operate as a full-service retail donut shop and café with onsite food preparation and daily fresh production. Operations will include commercial baking, donut production, beverage service, retail sales, customer service, and takeout order fulfillment.

Products and services will include:

- Fresh yeast and cake donuts made daily onsite
- Specialty donuts, fritters, filled donuts, and seasonal offerings
- Kolaches and croissant breakfast sandwiches
- Coffee, espresso beverages, tea, milk tea/boba, juice, and other non-alcoholic beverages
- Retail counter service and customer pickup orders
- Limited indoor seating and customer waiting area

Operational activities will include:

- Dough preparation, mixing, proofing, frying, glazing, decorating, and packaging
- Food and beverage preparation
- Refrigerated and dry storage
- Daily cleaning and sanitation procedures
- Customer service and retail transactions

The business is primarily takeout-oriented with limited indoor seating accommodations. Outdoor seating may also be utilized through existing shopping center common-area seating arrangements.

Describe all **owned** fixtures, furniture, and equipment to be used on site

The business will utilize primarily owned commercial kitchen equipment, fixtures, furniture, and operational systems, including but not limited to:

- Commercial donut fryer system
- Dough mixers and baking equipment
- Proofing cabinet/proofer
- Refrigerators and freezers
- Stainless steel prep tables and workstations
- Shelving and storage racks
- Espresso machines and coffee brewing equipment
- Beverage preparation equipment
- Sandwich/prep station equipment
- Display cases and merchandising fixtures
- Point-of-sale (POS) systems and registers

- Security camera system
- Kitchen printers and operational technology systems
- Customer bar stools and related seating fixtures
- Smallwares, utensils, and food service equipment

Describe all **leased** fixtures, furniture, and equipment to be used on site
Minimal leased equipment is anticipated. Substantially all kitchen equipment, fixtures, furniture, and operational equipment are owned by the business.

Describe any alterations planned for the site and estimated cost of renovation

Interior tenant improvements and commercial food-service buildout are planned, including:

- Commercial kitchen construction and layout improvements
- Type I hood installation and ventilation work
- Plumbing and electrical upgrades
- Flooring installation and finish work
- Wall and ceiling improvements
- Service counter construction
- Equipment installation and utility connections
- Fire/life safety compliance improvements
- General interior renovations necessary for food-service operations
- Estimated renovation and buildout cost: approximately \$250,000–\$300,000.

Person responsible for obtaining building permit (if required)

Mahmoud Jassar, P.E. Kobus

Architect handling permitting, code coordination, and construction documentation

Phone: 414-676-0670

Square footage of site:

Approximately 1,362 square feet

of employees:

Approximately 5–7 employees per operating shift

of parking spaces to be used:

Shared use of existing shopping center parking lot. Existing onsite parking is expected to adequately support customer and employee traffic.

Days & hours of operation:

Customer operating hours:

Monday–Saturday: 5:00 AM – 3:00 PM

Sunday: 6:00 AM – 3:00 PM

Proposed date of occupancy

Target occupancy/opening date: Mid-June 2026

Production and bakery staff will begin onsite preparation and baking operations between approximately 12:00 AM – 1:00 AM daily and continue through store opening. During holidays, seasonal demand periods, or other high-volume business periods, staff may begin production operations earlier as needed.	
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Midland Management, LLC

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

May 19, 2026

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 provide evidence of our intention to lease restaurant space at the Riverpoint Village Shopping Center, Fox Point, Wisconsin, to The Donut Zone, and to provide our approval of the anticipated existence of the restaurant at the Center.

The Donut Zone will occupy the space previously occupied by Fully Promoted at 8687 N Port Washington Road.

If there should be any questions pertaining to this matter or if any additional information should be needed about the leasing of this space to The Donut Zone, please don't hesitate to contact me at 414-928-3974 or ssanders@midlandmgtllc.com.

Thank you.

Sincerely,



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



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

CC: Steve Kreklow, Village Manager

Date: June 1, 2026

Re: St. Eugene Congregation – Backup Generator

Overview

St. Eugene Congregation, 7600 N Port Washington Road, is requesting to add a backup electrical generator along the Northeast façade of the facility, subject to Section [745-20 F Institutional District \(LINK\)](#) of the Fox Point Municipal Code.

Background

St. Eugene Congregation is a house of worship and school situated at the Northeast corner of Port Washington Road and Calumet Road.

Request

The applicant, utilizing grant funding from FEMA, is proposing a backup electrical generator to provide power to facility systems in the event of an outage. The proposed locations provided by the applicant (noted on the attached aerial labeled A and B) are located adjacent to the principal structure along the northeast façade of the facility.

Due to the process with the federal government for the grant funding, the applicant is requesting that both proposed sites be provisionally approved. This request notes that Location B has already been approved by FEMA, though Location A is the preferred site for the generator.

The Chiswick apartments are located to the north of St. Eugene congregation. No setback distances are noted on the submitted F District application. Utilizing GIS mapping tools, Staff estimate Location A to be ~200 ft from the side yard (north) property line, and Location B to be located ~70ft from the side yard (north) property line. Both proposed locations are within the existing footprint of the facility and are not located closer to the side yard property line than currently exists.

Process

Section 745-20 of the Fox Point Municipal Code regulates use of institutional districts. The Plan Commission will study the application and make a recommendation to the Village Board, who will hold a public hearing and determination.

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 whether the proposed project is;

- Appropriate in the location proposed;
- Compatible with the neighborhood;
- Not detrimental to the property values of surrounding property; and
- In keeping with the residential character and quality of the Village.

Recommendation

Should the Plan Commission have studied the proposal and wish to make a recommendation to the Village Board, Staff recommend the following findings and conditions:

Findings

The Plan Commission finds that the standards have been met and that the proposed use is:

- Appropriate in the location proposed;
- Compatible with the neighborhood;
- Not detrimental to the property values of surrounding property; and
- In keeping with the residential character and quality of the Village.

Conditions

Staff recommend the following condition:

- A site plan be submitted with permit application detailing the setbacks to all applicable structures and property lines.
- The backup generator must be sited on Location A. Location B is provisionally acceptable to locate the backup generator in the event that FEMA does not approve the change to Location A. Documentation of such decision must be provided to Staff before permits are issued.

May 20, 2026
Village of Fox Point---Planning Commission

St. Eugene Congregation
7600 N. Port Washington Rd.

Subject— F Institutional District Application—Backup Generator

Dear Planning Commission members:

Background:

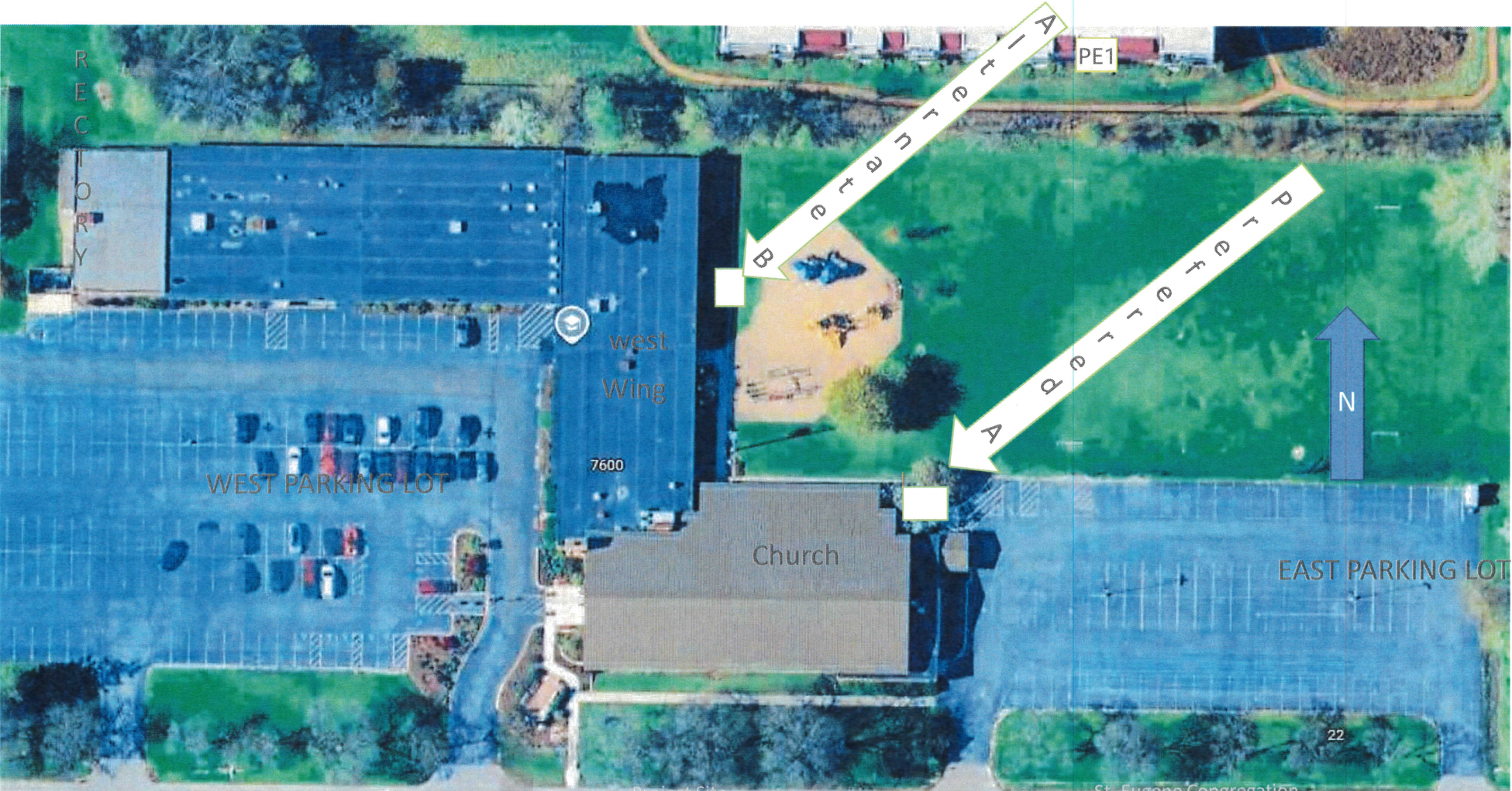
St. Eugene Parish applied for and received a FEMA grant intended to enhance the security of its premises. One of the items included in that grant is a backup generator (no greater than 80 KW) that will provide power to its critical systems in the event of a blackout. Those systems include sump pumps, data center/room, elevators, entry system, fire alarm, and boiler. Complicating the situation is the shutdown of the Department of Homeland Security that includes FEMA—the originator of the grant. FEMA subjects all new installation to what it terms Environmental and Historical Preservation (EHP) screening so as to guard against its grants disturbing potential historically-significant or environmentally-important sites. St. Eugene Parish has a site for its generator (labelled B in Exhibit A) that already has the necessary approval. However, it has identified a second site (labelled A) that it considers superior to the one approved. It has submitted an application to FEMA for a change in location. However, because of the lengthy shutdown of the Department of Homeland Security, the approval has not yet been received. Additionally, FEMA's backlog has likely grown substantially during the shutdown. This project has long lead times (as long as 29 weeks) and for the costs to be covered by the grant, all work must be completed, operational, and paid for before May 31, 2027. It may be necessary, therefore, for the parish to use the less desirable location in order to complete the work within the allotted time frame. Additionally, because of the aforementioned lead times, we cannot wait until the location (1 of 2 possibilities) has been decided before filing for the permit. **We are, therefore, requesting at this time a permit that will cover either location.**

Code 745-20B(2) criteria

- a. **Appropriate in the location proposed:** Both locations are totally blocked from view on the Main thoroughfare—Port Washington Rd. They are also inconspicuous and somewhat blocked from view on Calumet Rd. The chosen locations can be described as the facility's back yard. The planned locations do not approach the property lines of residences to the East and the apartments to the West.
- b. **Compatible with the neighborhood:** Residences in the community are continuously adding backup units of their own—some full household and others partial backups such as the St. Eugene's proposal.
- c. **Not detrimental to the property values of the surrounding properties:** Backup units are growing in popularity. Those who install them demonstrate their desire to maintain their properties--an uplifting impact to the community. Their physical profile, while utilitarian, is not unsightly and similar to the very common outside air conditioner condensers. We expect the unit to stand less than six feet tall with a length less than 11 feet and a width of less than 4 feet. The weekly maintenance run of, about a half hour per week, will be scheduled for times that minimize neighborhood disturbance.
- d. **In keeping with the residential nature character and quality of the Village:** All of the arguments offered above apply to this section. The unit should be no more disruptive to residents of the village than would be the sound of a distant lawnmower for relatively short periods of time. For those potential residents seeking housing with nearby access to a Catholic parochial school, the existence of a backup generator will be a modest drawing factor.

Sincerely:


Fr. Jonathon Schmeckel Pastor



Project Site
Aerial Photograph

St. Eugene Congregation
7600 N Port Washington Road
Fox Point WI 53217



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

CC: Steve Kreklow, Village Manager
Scott Brandmeier, DPW Director

Date: June 1, 2026

Re: Pickleball Use on Village-Owned Facilities – Recreational Use Approval

Overview

The Village Board is asked to consider approval of pickleball courts located on Village-owned property in the F Institutional District. Repair of Village-owned tennis courts were included in the 2023 capital plan and included striping of the courts to include lines for pickleball.

The Village Attorney has determined that the addition and operation of pickleball courts constitutes a public outdoor recreational use (conditional use) requiring formal approval under [Section 745-10 \(Outdoor Recreational Areas and Facilities\) of the Municipal Code \(LINK\)](#) and [Section 745-20 \(F Institutional District\) \(LINK\)](#).

Background

The adopted Village capital plan included restriping its existing municipal tennis courts at Longacre and Indian Creek to include pickleball court markings; though only Indian Creek was striped for pickleball play. The restriping did not involve expansion of the court footprint, installation of new structures, or modification of impervious surface area.

Shortly thereafter in 2023, a private club in the Village applied for conditional use approval to convert its tennis courts to pickleball courts. The Village Attorney determined that the conversion constituted a change of use requiring formal approval. After approval was granted, litigation was initiated and later resolved through settlement. Pickleball play on the striped Village courts (Indian Creek) has been prohibited until a use approval is granted.

The Village Attorney has advised that the Village Board should formally approve the municipal pickleball courts to ensure procedural consistency and full compliance with the Zoning Code.

Request

The Village Board has referred the investigation of approval for the existing municipal tennis courts to the Plan Commission to also allow for pickleball play as a public outdoor recreational facility pursuant to: Section 745-10 (Outdoor Recreational Areas and Facilities) and Section 745-20 (F Institutional District).

No physical expansion of the courts or installation of additional courts at either Longacre or Indian Creek are proposed. The request is limited to zoning authorization of pickleball use so that the existing four tennis courts at Indian Creek and the existing four tennis courts at Longacre be additionally striped for pickleball play.

Municipal Code

The subject properties are located in the F Institutional District under Section 745-20, which permits the following:

- Buildings and adjoining grounds for municipal purposes (Section 745-20A(2)(a))
- Community recreational purposes operated on a not-for-profit basis (Section 745-20A(2)(d))

Under Section 745-10B(1), the existing courts are owned and operated for public recreational use, they qualify as a Public Facility.

Section 745-10A requires that outdoor recreational facilities:

- Not create a nuisance or hazard
- Not result in substantial adverse effect on surrounding property values
- Not be detrimental to public welfare
- Include reasonable efforts to control lighting and provide appropriate screening
- Provide adequate off-street parking

Under Section 745-10F(4) and Section 745-20B(2), the Board must consider:

- Appropriateness in location;
- Compatibility with the neighborhood;
- Protection of surrounding property values;
- Consistency with the residential character of the Village.

Considerations

Trustees Miller and Symchych have requested that Staff include pickleball CUP conditions for other facilities in the Village. The request for these conditions is attached to this report as Exhibit A.

The Plan Commission may wish to discuss the following:

- Appropriateness of use
- Hours of pickleball play
- Months of pickleball play
- Days of pickleball play
- Mitigation of noise

Pickleball is functionally similar to tennis in land-use and physical footprint. Under a conditional use process, with reasonable conditions based upon substantial evidence, the Plan Commission and Village Board may find that the use of pickleball play is compatible with surrounding residential properties as it is located within municipal park space intended for public recreation.

Under section 745-10F(2), game courts may not be located closer than 100 feet to an adjoining property line of a property in a residence district. Both the park areas at Indian Creek and Longacre meet these criteria. Utilizing GIS mapping systems, the nearest residential property line to the nearest tennis courts

at Indian Creek is 105 feet and the nearest residential property line to the tennis courts at Longacre is 104 feet.

Park hours in the Village are generally restricted to 8AM – 30 minutes until dusk. Tennis courts seasonally are protected by wind screens, the Village does not own sound barriers.

The Village does not host leagues, tournaments, or other structured play on existing game courts. All play is intermittent and operated under first-come, first-served for those residents who wish to utilize courts.

Recommendation

At this time, absent investigation and discussion by the Plan Commission, Staff does not offer a recommendation on conditions at this time as the Plan Commission may wish to recommend its own set of conditions to Village Board.

However, should the Plan Commission wish to make a recommendation to the Village Board per the standards located within Sections 745-10 and Section 745-20 of the Fox Point Municipal Code, Staff recommend that the Plan Commission make the following findings regarding pickleball play in addition to conditions which arise from discussion:

- Section 745-10
 - The use does not create a nuisance, a hazard, or otherwise result in a substantial adverse effect on the surrounding property values or on the enjoyment of such property, or be in any other way detrimental to the general public welfare.
- Section 745-20
 - Appropriate in the location proposed;
 - Compatible with the neighborhood;
 - Not detrimental to the property values of surrounding property; and
 - In keeping with the residential character and quality of the Village.



Village of Fox Point GIS
Indian Creek Park - Tennis Courts

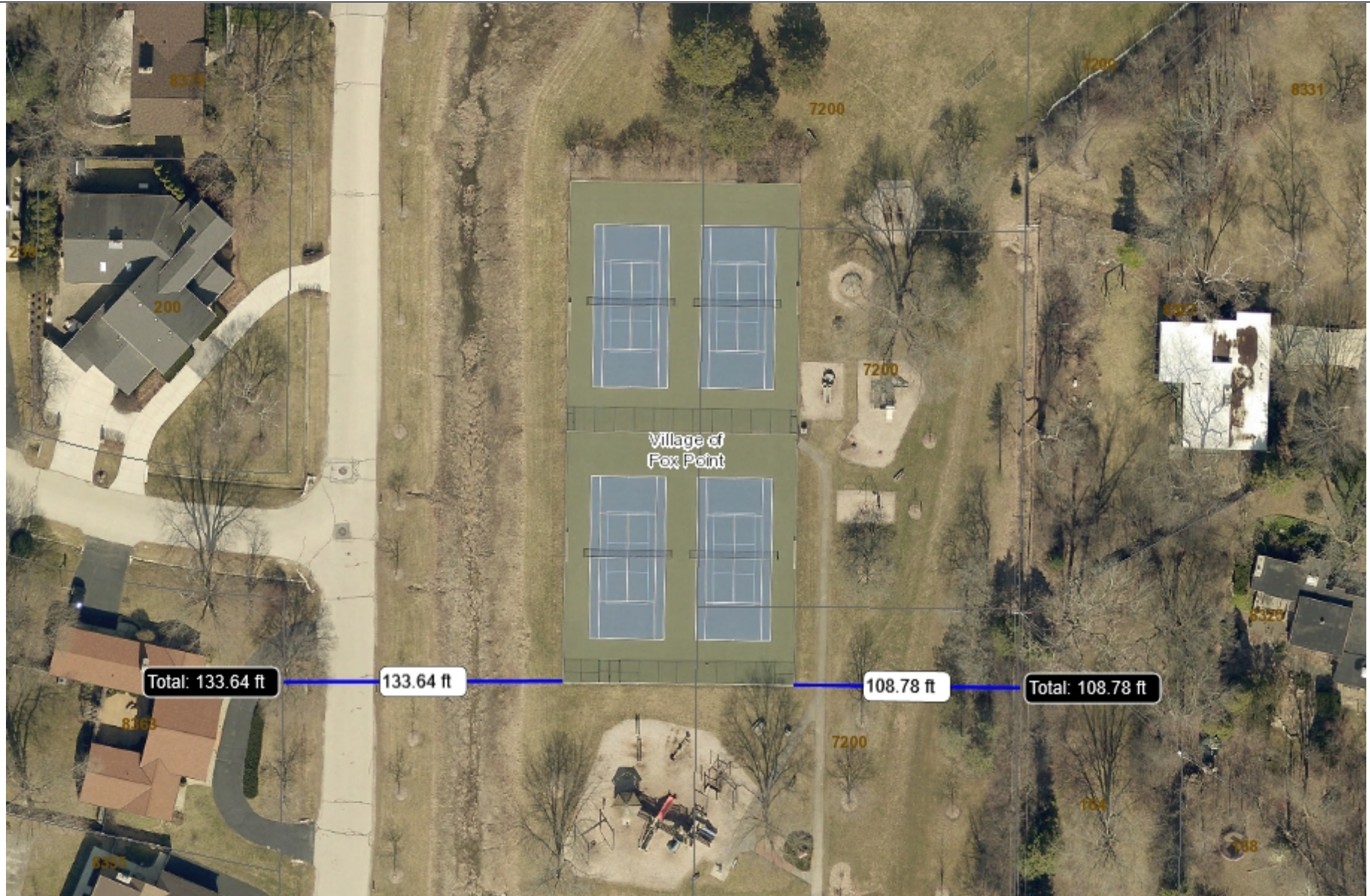


VILLAGE OF FOX POINT
7200 North Santa Monica Blvd
Fox Point, WI 53217
(414) 351-8900

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

SCALE: 1" = 188'

Print Date: 5/28/2026



Village of Fox Point GIS

Indian Creek Park - Distance to Residential Property Lines

DISCLAIMER: The Village of Fox Point Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 94'



VILLAGE OF FOX POINT
7200 North Santa Monica Boulevard
Fox Point, WI 53217
(414) 351-8900

Print Date: 5/28/2026



Village of Fox Point GIS
Longacre Park - Tennis Courts

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SCALE: 1" = 188'



VILLAGE OF FOX POINT
7200 North Santa Monica Blvd
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Print Date: 5/28/2026



Village of Fox Point GIS

Longacre Park - Distance to Residential Property Lines

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SCALE: 1" = 94'



VILLAGE OF FOX POINT
7200 North Santa Monica Boulevard
Fox Point, WI 53217
(414) 351-8900

Print Date: 5/28/2026

EXHIBIT A
EXECUTED TOWN CLUB PICKLEBALL CUP
2025-10 CONDITIONS

1. The Conditional Use approval is (including Site Plan/Plan of Operation (SPPO) approval) limited to the Petitioner for the property located at 7950 North Santa Monica Boulevard, Fox Point, Wisconsin 53217 for the following uses: construction and creation of pickleball courts, in accordance with plans, documents, and specifications presented to the Village of Fox Point on January 9, 2024, which must comply with the Village Recreational Facilities Ordinance.
2. The Conditional Use approval is subject to the hours of operation for pickleball activities being restricted to: 10:00 a.m. to 6:00 p.m. Monday, Wednesday and Thursday; 10:00 a.m. to 8:00 p.m. Tuesday and Friday; and 9:00 a.m. to 4:00 p.m. Saturday and Sunday.
3. The Conditional Use approval shall not be in full force and effect until such time as the Petitioner satisfies the following conditions precedent:
 - a. Sound Engineer Study. The Petitioner shall engage a sound engineer to conduct a pickleball sound study and make recommendations to reduce the noise from pickleball to no more than 55dB as measured at any residential property line, with a target of further reducing the noise to 50 dB as measured at any residential property line. The Petitioner shall submit the study and recommendations to the Village Manager. The Village retains the right to complete its own sound study at its own expense.
 - b. Landscape Plan. The Petitioner shall submit to the Village of Fox Point Village Manager a landscape plan including sound screening surrounding all of the pickleball courts designed to reduce the sound from the pickleball courts as defined above, which incorporates the recommendations of the sound engineer. The plan shall depict the location of Arbor Vitae, or equivalent as approved by the Village Manager, which are required to be located along all west and south outer boundaries of the pickle ball courts to the extent practicable, and the east outer boundary to the extent allowed consistent with the existing railroad and utility rights of way, to screen the fence from the surrounding neighbors, along with a maintenance plan ensuring that screening vegetation continues in such locations for the duration of this conditional use permit.
 - c. Sound Screens. The Petitioner's plan must also include details of the proposed sound screens, which are subject to Village Manager's approval, and are required to be installed and maintained for the duration of the conditional use permit to decrease sound coming from the property. The sound screens shall be depicted on the landscape plan. Should the sound screens become damaged or deteriorated they shall be replaced to ensure they remain as visually appealing and as effective as new for the duration of the conditional use permit, reasonable wear and tear excepted.
4. The pickleball courts shall only be used from May 1 through September 30 of each year.
5. The Petitioner shall not install or use outdoor lights on the pickleball courts.

6. With the exception of emergencies (such as storm warnings), there will be no sound amplification system used on or near the pickleball courts.
7. The Petitioner shall inform the Village of any complaints Petitioner receives regarding pickleball from surrounding neighbors or other Village of Fox Point residents in Petitioner's compliance report (See paragraph 16).
8. This approval is granted for the express conditions stated herein. Changes or alterations including, but not limited to, a change in use, premises, lands, or ownership of the property in question shall require a new Site Plan/Plan of Operation permit with all the zoning procedures at the time being followed. The allowed uses of the property must at no time be hazardous, harmful, obnoxious, offensive, or a nuisance by reasons of appearance, sound, dust, smoke, odor, or other similar factors. Any use not specifically listed, as permitted, shall be considered to be prohibited, except as may be otherwise specified herein.
9. The Petitioner shall keep the exterior condition of the premises in a neat and orderly condition at all times so the premises will not detract from neighboring premises. There shall be no outside storage of junk, debris, or other refuse materials within the property and all such materials shall be disposed of promptly and properly.
10. The Petitioner shall allow Village of Fox Point representatives to inspect the premises upon reasonable notice for the purposes of determining compliance with this approval.
11. The Petitioner shall obtain all required permits from the Village of Fox Point prior to commencing the pickle ball court construction work.
12. This conditional use permit is subject to the Petitioner acknowledging receipt of this Conditional Use Order and agreeing to comply with all conditions imposed in writing, prior to the conditional use permit being effective.
13. The Petitioner and/or Property Owner shall, on demand, reimburse the Village of Fox Point for all costs and expenses of any type incurred by the Village of Fox Point in connection with the review and approval of this application, including, but not limited to, the cost of professional services incurred by the Village of Fox Point for the review and preparation of required documents, attendance at meetings or other related professional services as well as to enforce the conditions in this approval due to a violation of these conditions. Additionally, any unpaid bills owed to the Village of Fox Point by the Subject Property Owner and/or Agent, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees or any other fees or forfeitures owed to the Village of Fox Point must be paid on demand and prior to issuance of any permits and shall be placed upon the tax roll for the Subject Property if not paid within thirty (30) days of the billing by the Village of Fox Point, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to Village of Fox Point, including possible cause for termination of the pickleball conditional use approval.

14. Uses previously approved for the Subject Property may continue. The Agreement and Plan of Operation dated November 30, 2006 between the Village and the Petitioner remains in effect and is unchanged by this Conditional Use Order.
15. The Petitioner shall be subject to review of the terms of this Conditional Use Order by the Village Board on the anniversary of the date the Conditional Use Order is granted. The Village Board may add additional pickleball sound attenuation measures in the event the decibel levels have been substantially and continuously exceeded by the Petitioner. The Village Board may also add other reasonable conditions and restrictions on pickleball as necessary to ensure compliance with the standards of the ordinances and the terms and conditions of this Conditional Use Order. The Petitioner shall file a compliance report and petition for the one-year review at least 30-days prior to the annual review date. The Petitioner will be notified of the date of the review by the Village at least 60-days prior to the review date. Pursuant to this review and any Village Board action, no public hearing shall be required unless the Village Board, in its sole discretion, determines that a substantial change will be made which will adversely impact the surrounding properties. The Village Board may, from time to time, request a meeting with the Town Club to review the implementation of the Club's pickleball sound study and pickleball sound management practices.
16. Other Conditions.
 - a. 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 of Fox Point ordinance or other law.
 - b. This pickleball Conditional Use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Village of Fox Point Plan Commission as being in compliance with all pertinent ordinances.
 - c. Should the permitted pickleball Conditional Use be abandoned in any manner, or discontinued in use for eighteen (18) months, or continued other than in strict conformity with the conditions of the original approval, or should the Petitioner be delinquent in payment of any monies due and owing to 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 of Fox Point Plan Commission, pursuant to the enforcement provisions of this Conditional Use Order.

- d. Any change, addition, modification, alteration and/or amendment of any aspect of this pickleball Conditional Use, including but not limited to an addition, modification, alteration, and/or amendment to the use, premises, structures, lands or owners, other than as specifically authorized herein, shall require a permit amendment or restated permit as set forth below and all procedures in place at the time must be followed.
- e. Unless this Conditional Use Permit expressly states otherwise, plans that are specifically required by this Conditional Use Order may be amended upon the prior approval of the Village of Fox Point Plan Commission if the Village of Fox Point Plan Commission finds the plan amendment to be minor and consistent with the Conditional Use Permit. Any change in any plan that the Village of Fox Point Plan Commission feels, in its sole discretion, to be substantial, shall require a restated permit for pickleball, and all procedures in place at the time must be followed.
- f. 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.
- g. If any aspect of this pickleball 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 pickleball Conditional Use, the more restrictive provision shall be controlling as determined by the Village of Fox Point Plan Commission.

The Petitioner provided substantial evidence of meeting or agreeing to meet these conditions. There was insufficient substantial evidence from opponents to the contrary.

Petitioner hereby acknowledges the conditions imposed by the Conditional Use Order and agrees to comply with all such conditions.

[signatures on following pages]