

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

1 A Zoom meeting of the Fox Point Plan Commission was held on Monday, February 1, 2021. Chairman
2 Frazer called the meeting to order at 5:45 p.m. and noted there was a quorum of Plan Commission
3 members present.

4
5 The Plan Commission roll call was taken by Village Deputy Clerk Treasurer, Jeanne O'Brien:

6
7 President Douglas H. Frazer, Chairman
8 Eric Fonstad, Commissioner
9 John Crichton, Commissioner
10 Scott Yauck, Commissioner
11 Carol Wilkins, Commissioner
12 Jay Craig, Commissioner
13 William Langhoff, Commissioner

14
15 Staff present included Village Manager Scott Botcher, Assistant Village Manager Michael Pedersen,
16 Village Attorney Eric Larson, and Deputy Clerk Treasurer Jeanne O'Brien.

17
18 Notice of the meeting was provided to the North Shore Now as necessary, and to all others as required
19 by State open meetings laws and posted on the official bulletin board at 7200 N Santa Monica Boulevard,
20 as well as the village website at www.villageoffoxpoint.com, as per 2015 Wisconsin Act 79 and as
21 described in Village Ordinance Chapter 116-2, 116-2(C).

22
23 **Approval of the Minutes of the December 7, 2020 and January 4, 2021 Plan Commission**
24 **Meetings**

25
26 *On motion of President Frazer, seconded by Commissioner Crichton, and carried*
27 *unanimously by roll call vote the Commission approved the minutes of the December 7,*
28 *2020 Plan Commission meeting and January 4, 2021 Plan Commission meeting, as*
29 *presented.*

30
31 **Comprehensive Plan:** The Plan Commission will discuss the draft Comprehensive Plan dated
32 December 11, 2020. The Plan Commission may act to make a recommendation to the Village Board.
33 **PLEASE NOTE: Copies of the Full Comprehensive Plan can be found on the Village Website**
34 **[HERE](#), OR, please contact staff for a paper copy.**

35
36 President Frazer stated that he will take public comments with respect to items on the agenda, except
37 item 6, the gas station. When that item is reached, he will yield the chair to Commissioner Crichton, as
38 he and Commissioner Fonstad have recused themselves from dealing with this matter at the Plan
39 Commission level. The Village Board must look at the evidence presented at that level.

40
41 Attorney Larson suggested comments be taken as each item is discussed, as it is not specifically stated
42 on the agenda to hear comments. Item 6 comments should be public comment for that item only.
43 President Frazer accepted the recommendation of the Village Attorney and stated the acting chair can
44 decide how to proceed with citizen comment under Item 6. He and Fonstad will drop off the meeting
45 entirely at that point.

46
47 President Frazer asked for comments from the public. Christine Symchych, 7240 N Barnett Ln., stated
48 that President Frazer appointed her to sit on the Comprehensive Plan Committee. She wanted to
49 mention the committee had a long process with a few bumps, but overall, they ended with a solid product.
50 The committee had regular touch points with the public throughout the process. Other public
51 participation occurred as well. Resident feedback was good.

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

52 After each public session, the committee refined the document. She is pleased at the end result.

53
54 President Frazer then asked each commissioner for their opinion/comments on the plan draft and asked
55 if they wished to discuss, modify, correct, or pick out a portion of the plan, with the manager making a list
56 of this. Mr. Langhoff stated he reviewed the document and felt it was thorough and well done. He has
57 no issues or concerns.

58
59 Mr. Craig questioned a statistical matter. How do you interpret people who didn't respond to the survey?
60 Are those people discarded or are they interpreted to not have a strong opinion. Are they assumed to
61 be satisfied? President Frazer stated it is hard to judge a non-response. The Village has a very
62 engaged citizenry and they had a lot of public participation. He can't really answer the question.

63
64 Ms. Wilkins found it to be an interesting plan. It appears very thorough. How will the Plan Commission
65 use the plan going forward? It's not binding and not too specific in some of the recommendations.
66 Frazer stated it is a guide post for decision making; these types of plans tend to be non-specific.
67 Planners, Village Board members, and Plan Commission members can work with this as guidance for
68 their decision making. This is a vision and mission statement on various topics.

69
70 Attorney Larson stated there are a handful of areas where the Plan is binding. This is municipal
71 government, engaging in the following areas: official mapping, local subdivision ordinances, village
72 zoning ordinances, wetlands and shoreland ordinances, and must be consistent with zoning. The
73 biggest item for the Village of Fox Point is zoning. We are required by law that when we adopt zoning
74 ordinances, they are consistent with the comprehensive plan.

75
76 Village Manager Botcher stated the Village will most likely not re-zone large parcels. The plan is a guide
77 post. As the board considers the direction of the village in the future, they can rely upon this to make
78 their decisions. State law does require each municipality to have a comprehensive plan; ours is a 10-
79 year plan, and our mark was 2020.

80
81 Frazer stated he was a member of the Comprehensive Plan Committee, and is largely satisfied with the
82 project. He has a personal preference on some things to be more specific, but plans such as this tend
83 to be non-specific. It rather serves as a guide post and general vision to look back upon. When
84 referenced in the future, it is a look back to what the members wanted at this point in time. Village Hall
85 is coming upon its useful life. This plan tries to encourage us to think ahead, as to what the Village
86 should look like in the future.

87
88 Mr. Fonstad echoed what Trustee Symchych said. A lot of work went into this, but it is in much better
89 shape than it was before. As for general comments, he stated he identified a number of proof reading
90 typographical corrections, which he can type up and send to the Village staff to be circulated. These are
91 proofreading types of things. A few more substantive corrections he mentioned: At the beginning of
92 the document, the statement plan says it was done by Vierbicher. It is the Village's plan, not Vierbicher's
93 plan. They put a copyright mark on it, but it's a public document. He would like to see those statements
94 come off the acknowledgement page. On page 5, there's discussion on the process that the public
95 hearing is before the plan commission, but he questions that. Who is it to be before the Plan
96 Commission or the Village Board? Then he asked that be reflected on the document. Page 18, Goal
97 #4, wrong objective, maybe intergovernment? Page 38, references working with Glendale/North Shore
98 Chamber of Commerce, then later, the Glendale Business Association on page 153. Correct entity
99 should be the Glendale Business Association. The document lists community organizations that the
100 Village should support and one was the summer serenade. He asked they add the Farmers Market and
101 Garden Club. On Page 170, shared services with other north shore partners is discussed and he asked
102 that they add the North Shore Library.

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

103 He asked that the plan elements be placed in front of documents and support papers for same in the
104 back. An example would be in the Housing chapter, where there are 27 pages of text, plan elements take
105 7 pages, the remainder, comments and public ideas, survey results, etc. The plan already has
106 appendices, so he asked they put background and support materials in the back. This will make it easier
107 for plan users to find the elements.
108

109 He suggested they begin with a general description on what village residents' value on page 3, he drafted
110 a suggestion.
111

112 Mr. Fonstad then commented that meaningful public participation was going to be a challenge. The Plan
113 Commission should decide if anything further should be done to solicit public comments.
114

115 His next comment was that there was discussion on the community heart, where things are grouped
116 together. He questions whether that subject warrants more discussion by the Plan Commission before
117 finalizing the plan.
118

119 His last comment relates to the future land use plan on page 138, and he noted there is an area marked
120 green space/recreational between Santa Monica and the railroad track south of Bradley. Is that the right
121 designation, having it green for recreational zoning? He will forward all of his comments to the Village
122 for passing on.
123

124 Mr. Crichton thought the Comprehensive Plan was thorough, professional, and he is satisfied.
125

126 Mr. Yauck, as the senior member of the Plan Commission, echoes what John said.
127

128 President Frazer stated that most of the substantive changes came from Mr. Fonstad. The Plan
129 Commission members can all weigh in on that, circulate those comments, and take up discussion on
130 those items at the next meeting. The Village Board has no power to change the Plan, but they must
131 consider it and determine if it meets with their approval.
132

133 Attorney Larson said the Plan Commission will need to adopt a resolution with respect to the
134 Comprehensive Plan. Village Manager Botcher will work on that. No action was taken. These
135 suggestions will be discussed at the March meeting.
136

137 **Review and Recommendation RE:** A Land Combination and Certified Survey Map for 7510 North Santa
138 Monica Boulevard. The Plan Commission will discuss and make a recommendation to the Village Board
139 regarding the Certified Survey Map, which includes a land combination of eleven parcels submitted by
140 Applicant, Fox Point Lutheran Church, located at 7510 North Santa Monica Boulevard.
141

142 This request is from the Lutheran Church. Village Attorney Larson introduced this item. Scott
143 Brandmeier was also present. Larson stated the Village has been aware of this project for quite some
144 time. We are at a point for the church to meet the setbacks for their construction; they own more than
145 one lot. Measurements from particular lot lines may cause concern. If the lots are all physically
146 combined as one lot, it will make it clearer. Scott Brandmeier had nothing more to add to Larson's
147 comments. Mr. Fonstad stated that based on previous land combinations, it doesn't appear the Plan
148 Commission members have an issue or want to raise an objection to the land combination. He questions
149 if the preliminary CSM may be accepted as the final CSM.
150
151
152
153

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

154 *On motion of Fonstad, seconded by Yauck, and carried unanimously by roll call vote, the*
155 *Commission approved a land combination and Certified Survey Map for 7510 North Santa*
156 *Monica Blvd. as presented to be considered as a final CSM, and recommends same to*
157 *the Village Board.*
158

159 The Plan Commission will consider an Ordinance to Repeal and Re-Create Section 745-13 B. (6), 745-
160 14, 745-15, 745-16 B. (6) and 745-17 B. (6) of the Village of Fox Point Zoning Code Concerning
161 Residence Districts. The Plan Commission may act to make a recommendation to the Village Board.
162

163 Attorney Larson stated this comes from the Village building inspector to make the code more subject and
164 user friendly. Our code for reasons unknown, consider A1 district regulations which refer to A1 and A3
165 districts, etc., which makes it difficult to understand. This allows for a revision to state A1 only, A2 only,
166 etc.
167

168 *On motion of Yauck, seconded by Crichton, and carried unanimously by roll call vote, the*
169 *Commission approved an Ordinance to Repeal and Re-Create Section 745-13 B. (6), 745-*
170 *14, 745-15, 745-16 B. (6) and 745-17 B. (6) of the Village of Fox Point Zoning Code*
171 *Concerning Residence Districts. as presented, and recommends same to the Village*
172 *Board.*
173

174 **Review and recommendation to Village Board RE:** The request for a Conditional Use Permit from
175 Spring North Corp., d/b/a Pantry 41, 8000 N. Port Washington Road, Fox Point, for a Convenience Store
176 and Gas Station, selling gasoline, cigarettes, snacks, beverages, coffee, liquor, 24 hours/7 days a week
177 to the customers of Pantry 41, subject to the terms of the Conditional Use Permit.
178

179 President Frazer stated this item is for a gas station at the corner of Port Washington and Bradley Roads.
180 Fonstad and he recused themselves. They removed themselves from the meeting entirely, and John
181 Crichton became acting Chair. Yauck also recused himself from item 6, and left the meeting. Four
182 members remained. Craig, Langhoff, Wilkins and Crichton. There was a quorum for any action.
183

184 Mr. Crichton stated the comments by Scott Botcher should be heard, then members could discuss
185 procedure. Botcher will go first, then the applicant, then the Plan Commission can allow the public to
186 comment, and then can deliberate and take possible action. His hope is what was discussed at the last
187 meeting is not re-visited. As to public participation, this is not a public hearing. There will be a public
188 hearing in the future at the Village Board level. That's where we want the public to participate. The
189 Plan Commission will only make a recommendation. The Village Board is the decision maker. Because
190 of the number of people present, and the fact this is not a public meeting, there will be a 2-minute limit
191 on comments.
192

193 Botcher stated his goal was to address the motion taken at the previous meeting. The Village offered to
194 the applicant to meet mid-January, but that was not accomplished. Four items are of concern: parking,
195 liquor sales, hours, detailed lighting plan. Parking requirements were reviewed by Brandmeier, and
196 meets Village Code. Liquor item location was determined, but the applicant did not address the request
197 as to the types and qualities of items to be sold. Hours of operation have been changed to 6 a.m. until
198 11:45 p.m., with liquor sales from 9 a.m. to 9 p.m. The lighting plan, as reviewed, shows light fixture
199 heights are limited; it appears the applicant does not meet the code requirements. The Building
200 Inspector's comments are listed in the memo. He referenced Ch 745-18, D Business District, subsection
201 (c) as to adjoining properties. Both this site and the restaurant site next door are rough, even when put
202 together. He stated he was unsure what someone would do with the other site, as both lots are
203 substandard, leaving the restaurant site as an increasingly blighted lot in the Village.
204

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

205 Ingress and egress so as to minimize traffic congestion on the public streets needs addressing, as well
206 as curb cuts in the roads.

207

208 Mr. Crichton stated that Botcher's memo was excellent as to these concerns.

209

210 Jay Walia, applicant, was present. Mr. Crichton thanked him for attending and asked Mr. Walia to make
211 his comments. He asked that Mr. Walia address only the points germane to this meeting. Mr. Walia
212 stated that from your demand and other comments, he looked at the situation. One thing they did
213 provide was the plan of operation is now only 6 a.m. to 11:45 p.m. and parking concerns were addressed.
214 The architect re-did the plan to provide proper parking. Existing lights are photometric. The architect
215 placed the location for liquor and beer, this is a convenience store, consisting of a 1600 sq. ft. building.
216 Such a small location, we shouldn't have the liquor due to lack of space. Hereby looks to Plan
217 Commission for approval of zoning Conditional Use without the sale of liquor at this time. As for Botcher
218 mentioning concerns about the road, everybody knows the location has been like this for many years.
219 On the north, it is a WE Energies substation. East side is the Chinese restaurant. Perhaps someone
220 can run another neighborhood restaurant. Strongly believes it will not be a problem. Traffic was also
221 a concern. Scott Botcher compared this to the Mobil gas station. There is different traffic over there.
222 Off the pump is a different flow. This is more of a neighborhood convenience store. No one wants to
223 think about gas stations. It is a convenience store. Traffic will be less. The pump direction has 4
224 pumps, 8 customers can pump at one time. Both sides of the gas pump, even if busy, will not go into
225 the road at the same time. The design allows for no problem with the traffic. As far as he knows, there
226 is no negative impact to the neighboring properties. No objections from abutting properties. He asks
227 they be fair with their decision making and keep their minds open. Looking forward to the Plan
228 Commission making a good decision.

229

230 Public comments were then taken.

231

232 **Nancy Filsinger, 220 W. Cherokee Circle**, stated she sent a number of petitions to residents on
233 Mohawk. Many had concerns. Appreciate the board working with this. Trying to summarize what the
234 comments were is redundant. Liquor is now not a part of this conversation given the applicant's
235 comments. This will not revitalize the neighborhood. 6-11:45. There is still a concern about affecting
236 the quality of life, and quietness of the neighborhood. Many won't patronize the establishment due to its
237 redundancy. Long-time residents said that is why the last gas station when out. We appreciate the
238 board looking to activate the corner.

239

240 **Patricia Mousseau, 180 Dunwood Road**. The Village has gas stations aplenty, and local citizens know
241 where they are. The concern is for the ambience of the neighborhood and what is best for the village. If
242 the village truly needs a convenience store, there is an area on Lake Drive to accommodate that need.

243

244 **Debra Hangsterfer, 312 E Bradley Road**, stated she agrees. This still causes concern about traffic on
245 Bradley Rd. A gas station is not necessary and could create more traffic; not appropriate to have
246 something with late hours in this residential area. Quality, what is needed there? There must be
247 something more appropriate that fits with the area more so than this. Concerned at the 24-hours of
248 operation proposed. Similar businesses have gone out of business here.

249

250 **Alan Witte, 220 W Cherokee Circle**. When you get an open space, there is some energy to fill it,
251 however, it is a big opportunity to attract a business; and he asked the village not to throw it away. Nancy
252 Filsinger put out petitions, with 21 petitions of 30 returned, which is a pretty good representation of how
253 people feel in this neighborhood. Comments will be made at the public hearing. Where are the
254 petitions now and how do they get forwarded? Botcher stated all evidence will be forwarded to the Village
255 Board.

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306

Lucille Sells, 8068 N Seneca Rd., stated she represents her generation. She does not want a gas station, but rather, a business that can be walked to. There is limited space for commercial business and she asked the Plan Commission think long and hard on those types of businesses. Want amenities that will be awesome, coupled with the comprehensive plan. Is it the position of the Village that both lots be considered at one time? Do they have to be developed together?

Judy Shirley, asked the members to please think beyond this to something besides the cookie cutter gas station. It should be a charging station instead of a convenience store; make it a community coffee shop. Change your view of this to that. Good access to people walking on that side. Please think beyond the convenience store and develop it as such.

Therese Griepentrog, 8145 N Navajo Rd., spoke on behalf of her husband, Scott Mittlestadt and herself. She stated there are no emails online for Plan Commission members and questions transparency.

They are strongly opposed to the development of the gas station. Recommend we look for a development that it doesn't have to be a conditional use, that it fits in the area. We heard a concession as to hours of operation tonight. Everything in the village closes at 9 p.m. Can't go to Qdoba, or any other restaurant, and no one in the village has asked for a gas station, nor a convenience store. She is in favor of a coffee shop. Please consider this. Don't want to look at Green Tree and Port. With a gas station, the County will want to widen the road and the intersection, which leads to a different feel. Let's do something that really says welcome to Fox Point. With the other vacant lots, she feels the intent is to grow, and is greatly opposed to it. She will be sending another letter. She suggested they table this matter.

Mr. Crichton clarified Botcher was not saying that both lots need to be considered together. Botcher clarified the intent is to consider what would be the impact on the neighboring properties. He has talked to real estate experts, and just looking at the size of the lot, parking requirements, and such, it is difficult to develop. Don't see the next lot getting easily developed.

Attorney Larson the stated someone could make a motion, or discussion can be had on the general issues. A recommendation could be made to the Village Board, or if more info is needed, it could be tabled again with direction as to when we can make a decision.

Bill Langhoff stated it is clear to him that Mr. Botcher's comments, particularly item (c) identified in his memo, jumps out glaringly of impeding the normal development of the adjoining properties. The orphan site, .66 and .72 acres, small retail sites, but assembled together could be an interesting development, which could be a commercially hard corner. There has been a lot of interest in that hard corner, but there are many concerns from those living in that immediate area. What will happen to that hard corner in the long term. If combined, they could scrape it, maybe it could be a mixed use or retail development other than a convenience store and gas station.

Mr. Crichton agrees with him. A gas station is not a need there. Fox Point can do better. He agrees with Mr. Botcher that this might be a detrimental future on the adjoining properties.

Ms. Wilkins stated our direction is the applicant must meet the requirements of the code. Several issues have not been addressed. So many neighbors have problems with a gas station there. She recommends against approving this.

**VILLAGE OF FOX POINT
PLAN COMMISSION MEETING MINUTES
FEBRUARY 1, 2021**

307 Jay Craig's thought is similar to that of others. In addition, if the applicant wanted to pursue an
308 opportunity, it is his recommendation he not come to Plan Commission without recommendation from the
309 City Manager.

310
311 *On motion of Craig, seconded by Langhoff, and carried unanimously by roll call vote, the*
312 *Commission denies the request for a Conditional Use Permit from Spring North Corp.,*
313 *d/b/a Pantry 41, 8000 N. Port Washington Road, Fox Point, for a Convenience Store and*
314 *Gas Station, selling gasoline, cigarettes, snacks, beverages, coffee, liquor 24 hours/7*
315 *days a week to the customers of Pantry 41, subject to the terms of the Conditional Use*
316 *Permit, for the reasons outlined in the Village Manager's memo of January 25, 2021, and*
317 *recommends same to the Village Board*

318
319 Attorney Larson stated this is not the final action. A public hearing will be heard at the Village
320 Board meeting on February 9, 2021 at 7 p.m. That meeting will also be held by zoom. The
321 Village Board Agenda will be posted on the village website. This is a quasi-judicial proceeding.
322 Comments have been received, written comments will be distributed, and the Village Board will
323 apply ordinance rules to make a final determination.

324
325 **Adjourn**

326
327 *On motion of Wilkins, seconded by Crichton, and carried unanimously by roll call vote, the*
328 *Plan Commission meeting adjourned at 7:12 p.m.*

329
330 Respectfully Submitted,

331
332 

333
334 Jeanne O'Brien
335 Deputy Clerk Treasurer