



## Legislation Details (With Text)

**File #:** 080928 **Version:** 1

**Type:** Ordinance **Status:** Passed

**File created:** 10/29/2008 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:** **Final action:** 12/16/2008

**Effective date:**

**Title:** Substitute ordinance relating to a change in zoning from Industrial Light to Detailed Planned Development, on lands located on the North Side of East North Avenue and West of North Cambridge Avenue at 1436 East North Avenue for student dormitory housing, retail and other related uses, in the 3rd Aldermanic District.

**Sponsors:** ALD. KOVAC

**Indexes:** COLLEGES AND UNIVERSITIES, PLANNED DEVELOPMENT DISTRICTS, ZONING DISTRICT 03

**Attachments:** 1. Exhibit A as of 12-5-08.pdf, 2. Oppose- Jennifer Morales, 3. Exhibit A as of 12-3-08.pdf, 4. Exhibit A Continued as of 12-3-08.pdf, 5. Proposed Zoning Change Map.jpg, 6. Affidavit for Zoning Change.pdf, 7. City Plan Commission Letter.pdf, 8. Oppose - Sura Faraj, 9. Oppose - Joe Klein, 10. Oppose - Pam Frautschi, 11. Support - Ma Fischers Restaurant, 12. Presentation to City Plan Commission, 13. Letter from UWM Foundation, 14. Graphics of the Proposed Building, 15. Hearing Notice List, 16. Notice Published on 11-24-08 and 12-1-08, 17. Notice Published on 1-7-09

| Date       | Ver. | Action By                                     | Action                  | Result | Tally |
|------------|------|---|-------------------------|--------|-------|
| 10/29/2008 | 0    | COMMON COUNCIL                                | ASSIGNED TO             |        |       |
| 10/30/2008 | 0    | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | REFERRED TO             |        |       |
| 11/18/2008 | 1    | CITY CLERK                                    | PUBLISHED               |        |       |
| 11/18/2008 | 1    | CITY CLERK                                    | DRAFT SUBMITTED         |        |       |
| 12/4/2008  | 1    | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT    |        |       |
| 12/4/2008  | 1    | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | HEARING NOTICES SENT    |        |       |
| 12/9/2008  | 1    | ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE | RECOMMENDED FOR PASSAGE | Pass   | 5:0   |
| 12/16/2008 | 1    | COMMON COUNCIL                                | PASSED                  | Pass   | 15:0  |
| 12/22/2008 | 1    | MAYOR   | SIGNED                  |        |       |
| 1/7/2009   | 1    | CITY CLERK                                    | PUBLISHED               |        |       |

080928  
SUBSTITUTE 1

ALD. KOVAC

Substitute ordinance relating to a change in zoning from Industrial Light to Detailed Planned Development, on lands located on the North Side of East North Avenue and West of North Cambridge Avenue at 1436 East North Avenue for student dormitory housing, retail and other related uses, in the 3rd Aldermanic District.

This zoning change was requested by the Mandel Group Inc. and will allow for the development of the site for student dormitory housing for UWM students, retail and other related uses.

The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as

follows:

Part 1. There is added to the Milwaukee Code of Ordinances ("Code") a new section to read as follows:

Section 295-907(2)(c).0135.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for that part of Lot 16 in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point 50 feet North of the south line of said 1/4 Section and 35 feet West of the southwest corner of Lot 15, Block 222 in Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said 1/4 Section, running thence North and parallel to the west line of said Lot 15, Block 222, in said Walworth's Subdivision, 77 feet to a point; thence West and parallel to the south line of said 1/4 Section, 125 feet to a point which is 127 feet North of the south line of said 1/4 Section and 160 feet West of the west line of said Lot 15, Block 222, in said Walworth's Subdivision; thence South and parallel to the west line of said Lot 15, Block 222, Walworth's Subdivision aforesaid, 77 feet to a point 50 feet North of the south line of said 1/4 Section; thence East parallel to the south line of said 1/4 Section, 125 feet to the point of beginning; and

That part of Lots 15 and 16, in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point which is 50 feet North of the south line of said Southeast 1/4 of Section 16 and 160 feet West of the west line of Lot 15, Block 222, Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said 1/4 Section; thence North and parallel to the west line of said Block 222 extended and Block 217 in said Walworth's Subdivision, 462.40 feet to a point which is 149.2 feet South of the north line of said Government Lot 15; thence West and parallel to the north line of said Government Lot 15 to a point in the easterly shore line of the Milwaukee River; thence Southwesterly along said shore line to a point 50 feet North of the south line of said 1/4 Section; thence East and parallel to the south line of said 1/4 Section to the point of beginning; and

That part of Government Lots 15 and 16 in the Southeast 1/4 of Section 16, Town 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at a point 50 feet North of the south line of said 1/4 Section and 35 feet West of the southwest corner of Lot 15, Block 222 in Walworth's Subdivision of the East 977 feet of Lots 15 and 16 in said 1/4 Section; running thence North and parallel to the west line of said Lot 15, a distance of 77 feet to the point of beginning of the land herein described; thence West and parallel to the south line of said 1/4 Section, 125 feet to a point which is 127 feet North of the south line of said 1/4 Section and 160 feet West of the west line of said Lot 15, Block 222 in said Walworth's Subdivision; thence North on a line parallel to the west line of said Block 222 extended and the west line of Block 217 in said Walworth's Subdivision, 385.40 feet to a point which is 149.2 feet South of the north line of said Government Lot 15; thence East and parallel to the north line of said Government Lot 15, a distance of 125 feet to a point which point is 35 feet West of the west line of said Block 217; thence South on a line parallel to the west line of said Blocks 217 and 222 extended, 385.40 feet to the point of beginning; and

Excepting that part conveyed in Quit Claim Deed recorded as Document No. 7505919.

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

DCD:AJF:ajf  
11/17/08