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WILLIAM T. STUART
ATTORNEY-AT-LAW

EXTENSION 126
WTS@MTFN.COM

March 3, 2003

DELIVERED BY MESSENGER

Ronald Leonhardt
Milwaukee City Clerk
City Hall
200 East Wells Street
Milwaukee, WI 53202

Re: Common Council Meeting of Tuesday, February 6, 2001

Dear Mr. Leonhardt:

We are delivering seventeen (17) separate letters, each addressed to an Alderperson regarding File No. 020924 on the Agenda for tomorrow's meeting of the Common Council. I ask that you please distribute the respective letters to each of the Alderpersons immediately so they may have a chance to review it before the Council meeting tomorrow. I am also requesting that a copy of this letter be placed in the Council's file in this matter.

Thank you for your attention to this matter.

Sincerely,



William T. Stuart

Encls.

JMS2523.WPD;1

cc: all council members - delivered to offices

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March 3, 2003

DELIVERED BY MESSENGER

Terrance J. Herron
Milwaukee Common Council
200 East Wells Street
Milwaukee, WI 53202

Re: Resolution 020924: Change of Zoning from Industrial Office (IO1) to Single-Family Residential (RS3)

Dear Terrance J. Herron:

On behalf of our client, Northwest Truck Parts, Inc. ("Northwest Truck") we request that the Common Council table File No. 020924 which is being presented to the Council at the meeting on March 4, 2003. There are compelling factual circumstances and public policy reasons why the Common Council should delay any action on that Resolution.

Resolution 020924 relates to the proposed residential development of a parcel of vacant land on the east side of North Granville Road and north side of West Donna Drive in the City of Milwaukee, Wisconsin (the "Subject Property"). The Subject Property is currently owned by Klak Milwaukee LLC ("Klak"), which appears to be a foreign business in Chicago, Illinois. Klak intends to subdivide the vacant land to create 155 residential lots for the development of single-family dwellings. The development proposed by Klak is a high-end residential development that is expected to cost landowners over \$200,000 per home.

Klak's proposed residential development appears to be inconsistent with other commercial and industrial uses near Northwest Truck's property and the proposed development. Northwest Truck is a salvage operation located on a parcel of land that is directly adjacent to the Subject Property on 8550 North Granville Road, Milwaukee, Wisconsin. It has been a long-standing business on that location for thirty-eight (38) years. During that entire time period, Northwest Trucks has never received a complaint from any of its neighbors or the City, or otherwise been questioned about its industrial operations in the area.

There are also industrial and commercial uses on the properties surrounding the development. There is a U-Haul Operation to the north of Northwest Truck's property, and a parking lot for a commercial car dealership to the east of Northwest Truck's property. Both of these operations are within a relatively short distance from Klak's proposed residential development. In addition, the proposed development is directly adjacent to an active railway line that could be noisy and disturbing to any homeowners residing in the new high-end homes. Moreover, the property to the east of the Subject Property was recently the subject of an intense environmental Superfund clean up that included the remediation of the Little Menominee River.

My client objects to the re-zoning of the Subject Property as residential because it is so obviously inconsistent with all the commercial and industrial uses of many of the properties in the area. It is simply poor planning to place Klak's high-end residential homes next to such commercial and industrial uses. Accordingly, we ask that the Council table the Resolution to reconsider the overall merits of the proposed re-zoning application and the wisdom of placing a residential development next to commercial and industrial uses.

There is also a procedural issue that must be resolved before the Council can approve this matter. On November 11, 2002, the City Plan Commission (the "Plan Commission") considered Resolution No. 020924 and the approval of Klak's proposed plat for the development in open session with public hearings on the issues. After considerable public debate on the matter, the Plan Commission did *not* recommend approval for either agenda item, but rather sent both matters back to staff for further consideration. A copy of the relevant Agenda Minutes from that meeting is attached to this letter for your review. On January 13, 2003, the Plan Commission reconsidered approval of Klaff Realty's proposed plat, but it did not reconsider or approve Resolution 020924.

Despite this fact, on January 23, 2003, Julie A. Penman ("Penman"), Executive Secretary of the City Plan Commission (the "Plan Commission"), presented Resolution No. 020924 to the Zoning, Neighborhoods and Development Committee for that Committee's approval. Penman incorrectly stated that the Plan Commission had recommended approval of Resolution No. 020924 during the November 11, 2002 meeting. Penman stated:

At their regular meeting on Monday, November 11, 2002, the City Plan Commission *recommended that this substitute be approved* since the change in zoning is consistent with the Northwest Side area plan.

A copy of Penman's letter is attached to this letter. Penman's statement is not supported by the record in this matter and was misleading to members of the Zoning, Neighborhoods and Development Committee which considered and approved that resolution during its meeting on February 24, 2003. The Plan Commission has not considered Resolution No. 020924 since it was tabled on November 11, 2002 or recommended the change in the zoning code pursuant to that

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Resolution. As such, it is premature for the Common Council to consider that Resolution at this time. The matter should be tabled until there is a recommendation on the merits of the proposed rezoning by the Plan Commission. In addition, the file should be sent back to the Zoning, Neighborhoods and Development Committee for reconsideration on the basis that the Committee made its determination without the benefit of a complete and accurate record as to the status of the proposed ordinance. The resolution is simply not appropriate for resolution by the Common Council at this time.

We also request that a copy of this letter be made part of the record for the Council's deliberation on this item.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "W.T. Stuart", with a long horizontal line extending to the right.

William T. Stuart

City Plan Commission
Monday, November 11, 2002
Regular Meeting, 1:30 p.m.
809 N. Broadway, 1st Floor Boardroom
Agenda Minutes

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. To request this service, contact the Department of City Development, 809 North Broadway, Milwaukee, WI 53202, telephone 286-5939.

Zoning – Public Hearing – 1:30 pm

1. File No. 020930. Substitute ordinance relating to the change in zoning from Two-Family Residential (RT2) to Institutional (TL), on land located on the East Side of North 49th Street and North of West Chambers Street, in the 7th Aldermanic District.

Staff Report: Approve

Motion to: Close public hearing
Approve

By Commr: Stokes

Second by: Drake

Oppose: Torres

Zoning – Public Hearing – 1:45 pm

2. File No. 020922. Ordinance relating to the change in zoning from Single-Family Residence (RS6) to Local Business (LB2), on land located on the East Side of North 10th Street and South of West North Avenue, in the 17th Aldermanic District.

Staff Report: Refer to staff

Motion to: Close public hearing
Refer to staff

By Commr: Stokes

Second by: Mitchem

Zoning – Public Hearing – 2: 00 pm

3. File No. 020921. Substitute ordinance relating to the change in zoning from a Detailed Planned Development (DPD) known as Vineyard Terrace to two-family residential (RT4), on land located on the West Side of North 4th Street and South of West Reservoir Avenue, in the 6th Aldermanic District.

Staff Report: Approve

Motion to: Close public hearing
Approve

By Commr: Stokes

Second by: Jacquart

Zoning

4. Resolution approving a building addition for storage for an existing Taco Bell restaurant located at 6250 South 27th Street relative to a Site Plan Review Overlay District established by Section 295-91.0017 of the previous Milwaukee Code, in the 13th Aldermanic District.

Staff Report: Approve

Motion to: Approve

By Commr: Torres

Second by: Jacquart

City Plan Commission Agenda Minutes – November 11, 2002

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Zoning – Public Hearing – 2:15 pm

5. File No. 020923. Substitute ordinance relating to the change in zoning from General Planned Development (GPD) to Detailed Planned Development (DPD) known as Metro Center, Phase 2, on land located on the North Side of West Metro Boulevard and West of North 107th Street, in the 15th Aldermanic District.

Staff Report: Approve conditionally

Motion to: Close public hearing
Approve conditionally

By Commr: Stokes

Second by: Drake

Zoning – Public Hearing – 2:30 pm

6. File No. 020924. Substitute ordinance relating to the change in zoning from Industrial Office (IO1) to Single Family (RS3), on land located on the East Side of North Granville Road and North of West Donna Drive, in the 15th Aldermanic District.

Staff Report: Approve

Motion to: Close public hearing
Refer to staff

By Commr: Torres

Second by: Drake

Maps & Plats

7. Resolution approving the preliminary plat known as River Ridge, on land located on the East Side of North Granville Road and North of West Donna Drive, in the 15th Aldermanic District.

Staff Report: Refer to staff

Motion to: Refer to staff

By Commr: Torres

Second by: Drake

Maps & Plats

8. Resolution approving a preliminary plat known as Cambridge-Boylston, on land located on the North Side of East Boylston Street and west of North Cambridge Avenue, in the 3rd Aldermanic District.

Staff Report: Approve

Motion to: Approve

By Commr: Jacquart

Second by: Drake

Streets & Alleys – Public Hearing – 2:45 pm

9. File No. 020509. Substitute resolution relating to the vacation of a portion of the Southerly alley in the block bounded by West Forest Home Avenue, West Grant Avenue, West Muskego Avenue, West Lincoln Avenue and South 25th Street, in the 8th Aldermanic District.

Staff Report: Approve conditionally

Motion to: Close public hearing
Approve conditionally

By Commr: Mitchem

Second by: Jacquart

January 20, 2003

To the Honorable Common Council
Zoning, Neighborhoods and
Development Committee
City of Milwaukee

Dear Committee Members:

Attached is File No. 020924, being a substitute ordinance relating to the change in zoning from Industrial Office (IO) to Single-Family Residential (RS3) located on the east side of North Granville Road and north of West Donna Drive extended, in the 15th Aldermanic District.

This change in zoning will permit the creation of approximately 155 lots for single-family residential development. The lots will average 85 feet wide and 150 feet long.

On Monday, November 11, 2002, the City Plan Commission held a public hearing. At that time, several neighbors voiced their opposition to this proposed zoning change. The alderman told the Commission he would hold a neighborhood meeting to discuss the neighbors issues prior to the Zoning, Neighborhoods and Development Committee meeting. At their regular meeting on Monday, November 11, 2002, the City Plan Commission recommended that this substitute be approved since the change in zoning is consistent with the Northwest Side area plan.

Sincerely,

Julie A. Penman
Executive Secretary
City Plan Commission of Milwaukee