



Department of City Development
City Plan Commission
Redevelopment Authority of the City of Milwaukee
Neighborhood Improvement Development Corporation

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Commissioner
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Deputy Commissioner

Ald. Pérez
12th Ald. District

**CITY PLAN COMMISSION
ZONING REPORT**

File No: [251591](#) (deviation from performance standards) and [251592](#) (overall project approval)

Location: 350 South Water Street; on the west side of the Milwaukee River, east side of South Water Street at East Florida Street

Applicant/Owner: Peter Moede, Pontis LLC (owner/applicant)

Current Zoning: Industrial-Mixed (IM) and within the Riverwalk Site Plan Review Overlay Zone (SPROZ)

Proposal: The applicant, Pontis LLC, plans to construct a five-story office building at 350 S. Water Street. The ground floor would include parking, a lobby, and building support spaces. The upper 4 floors are anticipated to be utilized as office space. Additionally, this site is zoned Industrial Mixed (IM) and located within the Riverwalk Site Plan Review Overlay Zone (SPROZ). Construction of a Riverwalk is required as part of the development of the site. The building previously received conditional approval from the Board of Zoning Appeals (BOZA) of a variance from the ground floor glazing requirement of the IM zoning district due to an existing municipal utility easement along S. Water Street. The approval of the variance was conditioned on the City Plan Commission's approval of the proposal as it relates to the Riverwalk SPROZ.

The two files before the City Plan Commission include the overall project approval as it relates to the Riverwalk performance standards (File No. 251592) and a request to deviate from the SPROZ standard relating to public access to the Riverwalk (File No. 251591).

Background -
Riverwalk SPROZ and
RiverLink Guidelines:

The Riverwalk Site Plan Review Overlay Zone (SPROZ) was established in 1993 and performance standards were adopted by the Common Council to ensure that all segments of the Riverwalk are open to the public 24 hours per day, 365 days per year, free of charge, and are active and engaging spaces that contribute to the vitality of Milwaukee's riverfront. Since the inception of the original Riverwalk SPROZ, which covers both sides of the Milwaukee River from the former North

Avenue Dam through Downtown and the Historic Third Ward to the harbor entrance, the system has grown to include the Harbor District and Menomonee River SPROZ. The Riverwalk System continues to be successfully implemented along all three of Milwaukee's rivers via public-private partnerships with private developers, Business Improvement Districts and other community partners. Since 1994, public-private cost sharing has facilitated the construction of more than 5-miles of Riverwalk, and in 2017 was the recipient of the Urban Land Institute's Global Award for Excellence.

The Riverwalk SPROZ performance standards are the regulatory requirements approved by the Milwaukee Common Council as File No. 930132 that were built from the framework identified in the 1992 [Riverlink Guidelines](#), which were drafted in partnership with the City of Milwaukee, Wisconsin Dept. of Natural Resources, and the RiverLink Committee. The RiverLink Guidelines identify waterfront access as encompassing four primary issues: physical access, psychological access, visual access, and economic access. It states that public access in all aspects is key to developing a dynamic and successful waterfront, both in the narrower sense of promoting the exercise of public navigation rights protected under Wisconsin's Public Trust Doctrine, and in the broader sense of applying sound planning and urban design principles. It acknowledges that the final character of the Riverwalk will inevitably vary with the character and density of adjacent or upland development, though emphasis is placed most heavily on providing free, unrestricted, 24/7/365 public access to the Riverwalk. The Riverlink Guidelines document contains a RiverLink Potential Development Map that notes *possible* public access points.

Analysis of Proposal: The Riverwalk SPROZ requires construction of a Riverwalk segment along the full river frontage of the property within the overlay boundary. The overlay performance standards prescribe the requirements for the facades of buildings within the overlay zone as well as details pertaining to the Riverwalk including but not limited to minimum widths (12 feet wide at 0 to 5 percent slope with a minimum 8-foot unobstructed corridor), lighting, surface and railing materials and types, landscaping, and other site and amenity features. The SPROZ also states that Riverwalks must be passable year-round and handicapped accessible, all segments shall be designed to connect to future portions of the Riverwalk system or to connect to adjacent portions of the existing Riverwalk system and must be open to the general public 24 hours a day at no charge.

The subject site is 14,547 square feet, and currently vacant and occasionally used as boat storage. There is a railroad reservation of rights on the southeast portion of the site where there is a physical encumbrance associated with the existing railroad structure. A 5-story office building is proposed to be constructed on the site with parking and support spaces at the ground level and office space above. A 5' wide egress walkway is placed along the north edge of the site between the building and property line. A new dock wall will be installed along the east property line and will return back north of the trestle bridge. The area will be backfilled to match the elevation at the building façade, relate to the railroad elevation, and gently slope toward the river for drainage. There currently are not Riverwalk segments on the parcels to the north and south of the site.

Building Design:

The SPROZ states that building façades should contain architectural features such as doors and windows which improve their appearance and provide a pleasant pedestrian environment. Site features which detract from the use and redevelopment of the river's edge are discouraged, including parking areas. The east (river-facing) façade of the building entails a mostly solid first floor with parking located within the building. The building is clad with utility-size brick veneer and detailed with inset panels and clerestory windows with translucent glazing. Wood deck seating and a landscape area buffer the building from the Riverwalk. The upper four floors of the building consist of floor-to-ceiling windows. There is a roof deck on top of the 1st floor that overlooks the Riverwalk and another outdoor patio on the fourth floor. The ground floor of the south side of the building is a utility size brick veneer wall with inset panels due to the proximity of the building to the property line. The north façade of the building is largely blank due to its proximity to the property line and consists of corrugated metal panel with exposed fasteners and a brick veneer base.

- **DCD Analysis:** While parking areas are discouraged along the river frontage, the river-facing façade of the building consists of high-quality materials, and the ground level is enhanced with benches and landscaping. The outdoor patios will allow interaction between the building and Riverwalk. The building design is consistent with the SPROZ standards.

Landscaping:

The SPROZ encourages plantings that are native with a mix of trees, plants and shrubs, and provide year-round interest. The renderings show the intent of the in-ground landscaping along the river frontage, and the landscape plan includes a mix of deciduous shrubs, ornamental grasses, and perennials.

- **DCD Analysis:** The landscaping species selected for the Riverwalk appear to be native and will provide year-round interest. The landscape plan for this part of the site is consistent with the SPROZ standards.

Lighting:

The SPROZ states that lighting units shall be Milwaukee Harp fixtures providing illumination in accordance with standards recommended by the Illumination Engineering Society of North America (IES) and approved by the Commissioner of Public Works. One Harp light is shown at the north end of the Riverwalk segment.

- **DCD Analysis:** The Harp fixture is consistent with the SPROZ standards. DCD Planning is open to exploring other fixture types that are more modern in design if desired by the applicant team. A lighting plan has not been submitted to demonstrate the level of lighting that the single fixture will provide, but the fixture itself is consistent with the SPROZ standards.

Site Fixtures and Material Details:

The SPROZ encourages amenities such as seating areas that complement the adjacent buildings, planters, and so on. The development includes a wood seating area that includes space for accessible seating. The proposed 42" railing system will entail a metal cap and post with cable rail. The surface material of the Riverwalk is proposed to be scored concrete in the pattern shown on the site plan.

- **DCD Analysis:** The precedent images for and descriptions of the surface material, railing, and bench appear to be compliant with the SPROZ standards. The narrative notes that temporary railings will be installed at the north and south limits of the site to provide fall protection until future Riverwalk connections are constructed on adjacent parcels.

Access and Width:

The SPROZ states that the Riverwalk should be an average of 12 feet wide at a 0 to 5 percent slope with a minimum 8-foot unobstructed corridor and be open to the general public 24 hours a day at no charge. The Riverwalk must be passable year-round and with accessible accommodations for individuals with disabilities. The proposed Riverwalk segment will be a minimum of 12' – 1 ½" at the south end, and a maximum of 19' - 2 ½" at the north end. The applicant has requested a deviation from the standard requiring 24-hour public access until such time that an adjacent segment of Riverwalk is constructed and connected. The applicant is also requesting to deviate from the requirement that the Riverwalk meeting these standards be constructed along the full length of the property's river frontage as no Riverwalk is currently proposed for the southern portion of the site.

See deviation section below.

- **DCD Analysis:** The Riverwalk width meets the SPROZ standards for the areas where it is proposed to be constructed. See deviation section below for further analysis regarding the deviation requests.

Connectivity:

The SPROZ requires that all segments of the Riverwalk are designed to connect to future portions of the Riverwalk system or to connect to adjacent portions of the existing Riverwalk system. The proposed Riverwalk segment will be constructed along approximately 29 feet of the approximately 41 feet of frontage, stopping approximately 12 feet short of the south property line due to the physical encumbrance on the southeast portion of the site. The applicant states that temporary railings will be installed at the north and south limits of the Riverwalk segment to provide fall protection until future Riverwalk connections are constructed on adjacent properties. They also state that the Riverwalk is designed and graded to allow future connections to the north and south when the adjacent properties are developed.

- **DCD Analysis:** The applicant has provided a photo with spot grades as well as a Riverwalk section and Elevation Clarification to demonstrate that the grades of their Riverwalk segment will not hinder future connections to the north and south. The architect has stated in email

correspondence, *“Due to the other grades on the site, it is not possible to have an elevation of EL 8.97 at the end of the riverwalk segment we are building at this time. Once the parcel to the south is no longer under railroad control, the deed restriction is lifted and that corner of our property becomes part of the 350 S Water parcel. With the proposed EL 8.6 we can make the slope work within the 5% requirement up to EL8.97 at the corner of our property.”*

Provided this is accurate, the SPROZ standard is met. See also the Elevation Clarification Exhibit in the file.

Riverwalk SPROZ

Deviation Request:

Due to the railroad encumbrance on the southeast portion of the property, the applicant is requesting a deviation from the SPROZ standards by proposing not to construct their initial Riverwalk segment along the full length of river frontage of the site, which will obstruct a future connection to the south. Additionally, the applicant is asking a temporary deviation from the SPROZ standard that requires the Riverwalk to be open to the public 24-hours per day until a future Riverwalk segment is constructed to the north or south of the site, at which time, this segment will connect.

The applicant has outlined the following “safety considerations and mitigation elements” in their deviation narrative that identify site-specific safety conditions that prevent them from providing a public connection at the time the Riverwalk segment is constructed. A brief summary of those considerations and elements is as follows (see deviation narrative for full language):

- The north-side pathway is a code-required building egress-only route, not a circulation path or public access route. It terminates at the Riverwalk and does not connect to adjacent parcels, which are currently unimproved.
- The configuration of the adjacent silo, the proposed building, and the standalone (for now) Riverwalk segment creates a condition that Crime Prevention Through Environmental Design (CPTED) guidance identifies as an entrapment zone (narrow, confined space with limited visibility, no passive surveillance, and no secondary means of escape).
- The proposed Riverwalk elevation is approximately 3' above the grade of the property to the north, and the trestle structure and eroded soils to the south present fall hazards until adjacent parcels are redeveloped.
- There is currently no public sidewalk on the east side of S. Water Street serving this site from Pittsburgh to National.

The applicant further states that they've addressed these temporary safety conditions by installing removable guardrails at the north and south termini of the Riverwalk segment as well as a secured, temporary gate at the street-side entrance to the north egress path.

Deviation Criteria:

Per the City of Milwaukee Zoning Coded (295-313-9), in order for a deviation to be granted by the City Plan Commission, 4 criteria must be met. Below are the applicant's responses to these criteria as well as DCD's analysis of them:

1. The purpose of the overlay zone has been met.

Applicant Response: The project advances the purpose and intent of the Milwaukee Riverwalk SPROZ by constructing the first Riverwalk segment along this stretch of the riverfront and planning explicitly for future connectivity and public access. Once the temporary restriction on 24-hour access is lifted, the Riverwalk will:

- Provide public access to the riverfront
- Maintain visual and physical connection to the river
- Integrate into the broader Riverwalk system as adjacent parcels develop
- Advance Riverwalk construction along an otherwise undeveloped river edge
- Preserve public safety during interim conditions
- Align with the City's adopted plan for Riverwalk access via existing public alleys

DCD Analysis: The purpose of the Riverwalk SPROZ is to provide the public with 24-hour access to the Riverwalk. The applicant's response to this criterion leans solely on the fact that 24-hour access will be provided in the future, once adjacent Riverwalk segments are constructed, and the segment is able to connect either north or south. The response also points to the RiverLink Guidelines, which identify two potential public access points on the property north of the site, where unimproved rights-of-way currently exist. That property has not yet been redeveloped, and a site plan has not been finalized that outlines where the pedestrian connections to the Riverwalk might work best for that future development. For reference, the 1993 Riverlink Guidelines' RiverLink Potential Development Map includes points where future public access *may* occur, not where it *must* occur.

The physical obstruction on the southeast portion of this property does not allow the applicant to construct the Riverwalk segment over the full length of the site at the time of initial buildout. This obstruction results in this request for a deviation from the SPROZ standards. The applicant's application commits that the temporary guardrails will be removed at the north and south termini of the Riverwalk segment to connect to future segments when they are constructed and public access will be provided at such time. DCD has identified an additional manner in which the applicant can mitigate the impacts of this requested deviation by providing a public access easement along the proposed walkway on the northern edge of the proposed building **that would only take effect under a specific set of circumstances:** Specifically, if the Riverwalk connection to the property north is constructed

while the physical barrier (railroad trestle) remains in place on the subject property on the southern portion of the Riverwalk. The specific terms of this easement would be part of the Riverwalk funding and development agreement that would be negotiated and executed prior to permit issuance. This will preserve the option to use this walkway as a connector at some point in the future, if needed and if a connection meeting applicable safety and accessibility standards is determined to be feasible, given the unknowns of the adjacent parcels and when the physical obstruction on the south end of the subject property may be removed.

2. The deviation improves the aesthetics of the site.

Applicant Response: The site is currently a vacant, fenced parcel. Development of the site and construction of a Riverwalk segment will significantly enhance the appearance and spur future functionality of the riverfront. The requested deviation does not diminish these improvements and is temporary in nature, with the end goal of full Riverwalk connectivity and public access.

DCD Analysis: The construction of a new 5-story building is consistent with the IM zoning of the site (aside from the dimensional variance from the minimum glazing requirement for the street frontage that was conditionally granted by BOZA). This criterion is not directly affected by the requested deviation relating to deferment of public access.

3. If applicable, the deviation addresses one or more unique site factors that make application of the standards impractical.

Applicant Response: Unique site conditions include:

- An isolated Riverwalk condition adjacent to an egress pathway that constitutes an entrapment zone until neighboring parcels are redeveloped.
- Grade differentials between the site and adjacent parcels requiring interim fall protection.
- Eroded soils and aging trestle infrastructure presenting safety hazards at the Riverwalk termini.
- Absence of pedestrian sidewalk infrastructure along S. Water Street.

These factors make immediate 24-hour public access impractical and unsafe.

DCD Analysis: For all other segments of Riverwalk, DCD has worked with the property owner to provide some form of public access to the Riverwalk at the time of construction. This includes sites that were irregularly sized and standalone segments. This is the first time that an applicant is not providing public access from the onset. While DCD acknowledges unique circumstances

including the small size and irregular shape of the parcel as well as existing physical obstructions on the site and the fact that Riverwalk segments do not yet exist adjacent to the site, the applicant has not provided information within their application materials demonstrating that they have exhausted all options that exist within their control to provide public access at the onset.

DCD has requested that the applicant submits addition information to the file prior to the City Plan Commission meeting that has been shared with DCD staff verbally and in emails with respect to options that have been explored to provide the required public access to the Riverwalk on site at the time of building construction, and why those were determined to be infeasible. Additionally, given the physical obstruction that is on the applicant's property, DCD also recommends that a potential future easement over the north walkway be provided as part of the Riverwalk easement agreement so that it remains an option as a public connection point in the future, should certain conditions exist.

4. The deviation is consistent with the comprehensive plan.

Applicant Response: The requested deviation is consistent with the City of Milwaukee Comprehensive Plan and Riverwalk policies, which support incremental Riverwalk expansion, high-quality urban design, and safe public access to the waterfront. Constructing a compliant Riverwalk segment now—while deferring full public access until planned future connections are in place—aligns with the City's long-term vision and phased implementation strategy for the Riverwalk system.

DCD Analysis: The Harbor District Water & Land Use Plan outlines that a new public space network will be created that will provide improved access to the waterfront. The proposed construction of the Riverwalk, to the extent possible, is consistent with the Plan. The Plan also outlines for this sub-district of the Harbor District that newly constructed buildings on waterfront properties should endeavor to allow for points of access to the water at least every 300 feet (p. 73). DCD's recommended potential future easement over the north walkway as part of the Riverwalk easement agreement allows this to remain a future option as a public connection point, should certain conditions exist.

Adjacent Land Use:

Sites to the north, south and west are zoned Industrial-Mixed (IM). A 150-foot-tall, decommissioned silo is immediately north (338 S. Water Street), and a railroad-owned parcel is immediately south (404 S. Water Street).

Consistency with

Area Plan:

The subject site is located within the Harbor District Plan Area. The Harbor District Water & Land Use Plan was adopted in 2017. An *Improved Waterfront Experience*

and *Access and Connectivity Improvements* are elevated as catalytic projects in the Plan – recommendations include “new public spaces and amenities to allow people to access the water and projects to improve water quality ensuring the experience of visiting the water is enjoyable” (p. 121). Strategic investments in updating and reorganizing infrastructure are identified as being instrumental in unlocking the full potential of the Harbor District’s future to provide improved connectivity for people, for freight, and for fish (p. 140).

The Plan further recommends reconnecting the city to the waterways through an uninterrupted network of waterfront public access through the expansion of Riverwalk system along the entire western shore of the Harbor District from the Broadway Bridge on the Milwaukee River on the north to the Chase Avenue Bridge on the Kinnickinnic River to the south (p. 41, 48, 123).

The subject site is located within the Harbor View sub-district in the Plan. The vision for this area is to “continue its transformation from an industrial and warehousing area into a mixed-use live, work, and play neighborhood....with a true mix of uses incorporating residential, office, retail, light industrial, and public spaces. The area will have a compact, urban form that is walkable and inviting.” New future access to the waterfront will provide residents and visitors an opportunity to visit and enjoy the place where the Milwaukee and Kinnickinnic Rivers meet and flow into Lake Michigan (p 70). Newly constructed buildings on waterfront properties should endeavor to allow for points of access to the water at least every 300 feet (p. 73). The proposed Riverwalk expansion, with potential for future connection to the north, south, and west, is consistent with the Plan.

Previous City

Plan Action:

9/13/1993 – City Plan Commission recommended approval of an ordinance to establish a Site Plan Review Overlay District for a segment of the Milwaukee River and adjoining lands extending from the North Avenue Dam southerly to the Harbor Entrance, in the 3rd and 4th Aldermanic Districts. (FN 930128)

9/13/1993 – City Plan Commission recommended approval of a substitute resolution establishing design guidelines for the Site Plan Review Overlay District as established by Section 295-91.0021 of the Milwaukee Code. (FN 930132)

Subsequent amendments to SPROZ standards thereafter, as well as approval of the Harbor District Riverwalk SPROZ and Menomonee Valley Riverwalk SPROZ.

Previous Common

Council Action:

10/4/1993 – Common Council approved an ordinance to establish a Site Plan Review Overlay District for a segment of the Milwaukee River and adjoining lands extending from the North Avenue Dam southerly to the Harbor Entrance, in the 3rd and 4th Aldermanic Districts. (FN 930128)

9/10/4/1993 – Common Council approved a substitute resolution establishing design guidelines for the Site Plan Review Overlay District as established by Section 295-91.0021 of the Milwaukee Code. (FN 930132)

Subsequent amendments to SPROZ standards thereafter, as well as approval of the Harbor District Riverwalk SPROZ and Menomonee Valley Riverwalk SPROZ.

Recommendation:

Overall, the redevelopment of the currently vacant site as a 5-story office building is generally consistent with the goals of the Harbor District Water & Land Use Plan as well as the zoning of the site. The Riverwalk SPROZ requires that a Riverwalk is constructed at the time the site is developed, and that Riverwalk must be accessible to the public 24 hours per day at no cost and must be designed to connect to future segments of the Riverwalk system. From a design standpoint, the project is generally in compliance with the Riverwalk SPROZ standards. However, the deviations being requested are significant deviations from SPROZ standards and would be the first of their kind within this overlay zone, especially the request to defer public access to the Riverwalk until some point in the future, when adjacent segments of the Riverwalk are constructed. In all other instances where a Riverwalk has been constructed, DCD has worked with the applicants to find a way to provide public access in some form at the time the Riverwalk is constructed even in instances where unique circumstances required addressing. For this site, DCD acknowledges the unique site constraints and has identified a number of recommended conditions of approval that have a direct nexus to the requested deviations that would mitigate the impacts of the requested deviation consistent with SRPOZ standards and a number of additional requested technical updates to the exhibits. With these conditions of approval, DCD would recommend approval of the proposed Riverwalk designs and the deviation requests.

Recommended Conditions of approval:

1. Adjustment to Exhibits:
 - a. Applicant adds language to the project narrative that was conveyed to DCD by the applicant's architect via email regarding the grade of the site at the north and south connection points and the additional analysis that was done in order to conclude that future Riverwalk connections to the north and south are feasible from a grade and elevation standpoint. This information supplements the "Elevation Clarification" drawing that was provided by the applicant's architect.
 - b. Prior to City Plan Commission, applicant submits additional information to the file that has been shared with DCD staff verbally and in emails with respect to options that have been explored to provide the required public access to the Riverwalk on site at the time of building construction, and why those were determined to be infeasible.
 - c. Applicant adds language to the deviation narrative that was conveyed to DCD by the applicant's architect via email regarding the grade of the site at the north and south connection points and the

additional analysis that was done in order to conclude that future Riverwalk connections to the north and south are feasible from a grade and elevation standpoint. This information supplements the “Elevation Clarification” drawing that was provided by the applicant’s architect.

2. Final plans that are submitted for permitting reflect the elevations cited in the applicant’s Elevation Clarification exhibit.
3. Limitation of Approval: As noted in the project and deviation narratives, the approval of this project, as it relates to the Riverwalk SPROZ, and the deviation is specific to the building plans and design included in this file. If the building is not constructed as approved, this approval relating to the Riverwalk SPROZ is null and void.

(Conditions 4 & 5 are those recommended by DCD related to the requested deviations)

4. Easement Agreement: Final negotiation and execution of an easement agreement related to future public access to the Riverwalk shall occur prior to the issuance of building permits.
5. Public Access: The deviation from the 24-hour public access requirement is temporary until such time that a Riverwalk segment is constructed to the north or south of the subject property.