

May 17, 2007

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

Dear Committee Members:

File Nos. 070127 and 070124 are files creating the Milwaukee River Greenway Corridor Interim Study Overlay Zone (IS) and a study plan for the IS, generally located along the Milwaukee River between the former North Avenue Dam and the City of Milwaukee Limits at Silver Spring Drive, in the 1st, 3rd, and 6th Aldermanic Districts.

This study overlay was initiated by the Milwaukee River Coalition, consisting of a diverse group including the Urban Ecology Center, Friends of Milwaukee's Rivers, River Revitalization Foundation, the Milwaukee County Conservation Coalition, the Wisconsin Dept. of Natural Resources, and other agencies, riverfront businesses, and individuals. This portion of the Milwaukee River Corridor is predominantly natural and forms an important natural resource, education, and recreational asset for the community. The purpose of the Milwaukee River Greenway Corridor Interim Study Overlay District (MROD IS) is to permanently protect existing natural areas along the Milwaukee River primary environmental corridor, floodplains, and river bluffs, and improve public access to this natural resource. These areas are important in protecting water quality, providing migratory pathways for wildlife, and minimizing flooding. It will also study establishing building setbacks, height restrictions and design guidelines for new multifamily residential, multi-lot, and commercial developments in the immediately adjacent neighborhoods that will preserve the natural character of the greenway corridor and viewshed, and enhanced guidelines to control erosion and stormwater run-off from entering the river. The MROD is being created to provide an opportunity to develop the Northeast Side Area Plan that will provide strategies and guidelines for new development projects that are compatible with the goal of maintaining a natural greenway along the Milwaukee River, and to recommend a site plan review process.

The MROD would be effective for a period of up to twenty-four months following its date of adoption by Common Council. DCD anticipates that the MROD interim study could be complete within a year however. It is anticipated that the Northeast Side Area Plan will be complete by 2008. For parcels within the MROD, all permitted uses for new construction, except for planned developments, building additions on the same level or under 40 feet, alterations and accessory structures for dwellings (i.e. residential garages, sheds) would become special uses and require approval by the Board of Zoning Appeals (BOZA), per Chp. 295-7-166, special use findings relating to protection of public safety, health and welfare, protection of property, traffic and pedestrian safety and consistency with the comprehensive plan. Proposed developments that have begun the development review process prior to the effective date of this MROD by applying for a special permit; variance; zoning change or planned development, or beginning a plan review process shall continue to be governed by the use table in the current zoning district and are exempt.

For parcels within the MROD, any applicant for a special use permit shall be required to obtain an additional finding that they meet MROD Interim Guidelines. The applicant shall provide BOZA with design drawings that show building elevations from the center line of the Milwaukee River, and indicate the building setback from the primary environmental corridor. These Interim Guidelines shall include the following:

- Construction of new principal buildings shall not be permitted within or encroach within the primary environmental corridor, as delineated by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).
- Uses: encourage land uses and activities along the river corridor that maintain a natural greenway corridor without infringing on existing land uses or unreasonably restricting future uses on adjacent land
- Activities, such as clear cutting existing vegetation, that exacerbate erosion and runoff entering the river are prohibited.
- Preserve existing native vegetation, fisheries and wildlife habitats along the river corridor.

In all other ways the underlying zoning districts shall continue to apply to parcels within the MROD. In cases of conflicts between this overlay district and the remainder of the Zoning Code requirements, the overlay district shall govern.

On May 14, 2007, a public hearing was held and at that time several people were in support of the file, and creating a study over the next few years to see how best to protect the Milwaukee River. Some attendees said they wanted more information on the study and the process. The Executive Director of the East Side Business Improvement District stated that, while his BID generally supports the study plan, he is concerned about the rights of the commercial properties at North Avenue, along the Milwaukee River. A few Commissioners expressed concern over a possible rush of development along the river prior to when the IS would be approved. Since the proposed interim study overlay is consistent with surrounding uses, the City Plan Commission at its regular meeting on May 14, 2007 recommended approval of the subject files.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

cc: Ald. Ashanti Hamilton
Ald. D'Amato
Ald. McGee