

Exhibit A
File No. 210388
Request to Deviate from the Performance Standards of the
Riverwalk Site Plan Review Overlay Zone (SPROZ)
1887 N. Water Street, Milwaukee, WI
June 21, 2021
Revised 06-28-2021
Revised 07-12-2021

Rule Enterprises is proposing to rezone 1887 N. Water Street to a new Detailed Planned Development (DPD, File No. 210172) to allow a 5-story, 79-unit multi-family residential building with associated parking. This site is also located within the Riverwalk Site Plan Review Overlay Zone (SPROZ) and as such, requires the construction of a Riverwalk (File No. 210387).

The applicant is requesting to deviate from two of the standards set forth in the Riverwalk SPROZ (File No. 990737):

- Riverwalk should be on the land side of the River where feasible. To provide space for amenities such as benches, planters, light poles, trash containers, trees and railings, **Riverwalk should typically be 12 feet wide at 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.
 - Portions of the Riverwalk segment, particularly the west side and the ramps at the northeast corner of the site are 9 feet in width.
- All segments of the Riverwalk **shall be designed to connect to future portions** of the Riverwalk system or to connect to adjacent portions of the existing Riverwalk system.
 - The west segment of the Riverwalk will not be designed to connect with the future system west of the site, but rather will return pedestrians to Water Street.

Per the City of Milwaukee Zoning Code (295-313-9), in order for a deviation to be granted by the City Plan Commission, 4 criteria must be met. Below are responses to these criteria:

1. The purpose of the Riverwalk Overlay is met:

The City of Milwaukee enhances the utilization of the Milwaukee River by partnering with private developers such as Rule Enterprises to build a continuous system of River walks along the shores of its rivers. The Milwaukee Riverwalk draws a mix of residential, and recreational venues to its shoreline, creating a highly active pedestrian environment along the river. This amenity is open to the public 24 hours a day, 365 days a year and with access points located throughout the system. This project is committed to these facts and fosters the development of these criteria by actively engaging and incorporating the design of Riverwalk along its northern and western edge of the site located on 1887 N. Water Street. The project proposes to construct an affordable residential facility for all to enjoy, with utmost care regarding the development of a building that fits the surrounding and is a good neighbor, projecting high design aesthetics. The Riverwalk on this site connects on east and west sides to the existing stub ends of Riverwalk to complete this stretch from Humboldt to Holton Street.

2. The deviation improves the aesthetics of the site:

We believe that we are creating a unique Riverwalk condition by creating a path that takes advantage of both trees and water. No other location of Riverwalk structured in-place has had the opportunity of incorporating such existing lush green context. What a relieve for pedestrians who will come from east side experiencing a concrete super structures bridge as portion of Riverwalk to a walk where portion of their journey is next to green natural settings along with views of water. We believe creating a varied environment is better than a homogenous walk that offers one type of experience.

We believe we have improved the Riverwalk experience and this minimal deviation would not adversely take from public's experience. Also please note that our continued discussion with our west side neighbor may reduce the width deviation to be only for a small portion of the walk as related to northeast ramp.

3. The deviation addresses one or more unique site factors that make application of the standards impractical:

To be the last development that seeks approval makes this project meet and react to preexisting conditions that are set forth by adjacent neighboring properties over which we have no control over. The site's natural configuration itself being on the bend of the River, the drastic slope to the River's edge covered with mature greens on its northern side, and warping slope of the site to the southwestern edges also present other unique natural challenges for the project. Both of this man made and natural impositions are difficult to overcome, and our team has been cognizant to mitigate these with overlaying zoning ordinance requirements of this site, and its related required approvals.

The preexisting conditions are related to current grade elevations of the neighboring sites at the juncture of Riverwalk they have left for our team to connect to. Our site is sandwiched by 2 sites located to the east and west of this project's site, where our neighbors have set limits for our performance without potential of coordination between the three developments.

A. PRE-EXISTING CONDITIONS ON EAST SIDE SITE AND ASSOCIATED CONDITIONS

Our first challenge on the east side is the elevation difference between where our neighbor has left the Riverwalk stub to which we need to connect to. the Riverwalk stub is stopped as an abrupt landing 30 feet above grade. The landing makes one feel like standing on a cliff overhang. This cantilevered deep overhang at the northern boundary of the site juts into established tops of the existing trees at a high above grade elevation.

Being air bound, and having to respond to this stub condition, leaves the project with no choice but to deal with an elevated ramp structure to continue the Riverwalk until one meets the grade where the site plateaus. The ramp requires accessibility and mitigating approximately 5.5 feet of elevational difference from its starting point at the stub to our site grade and requires 66 plus feet

of ramp in length, not addressing landing lengths that makes this longer. Additionally, to bring the ramp to a safe haven we needed an additional 20 feet of ramp to get closer the building.

The second unique condition has to do with the presence of multiple MMSD easements and utilities that cross exactly at this proposed and imposed connecting juncture for the Riverwalk. To avoid the loading and imposing stress over these infrastructures, our connection needs to be light and minimal. The shear length of ramp requires switching direction of the ramp a few times. Desiring to create a safe path being so many feet up in the air, and meeting accessibility, the team decided to place the ramp in such a way to allow pedestrians to walk without any anxiety over such high elevations over a bluff overhang. The ramp slides south and then turns against the building as quickly as possible to allow for being along building side, versus bluff side.

Additionally, while the ramp is being located for pedestrians to feel a bit more grounded, the condition below the ramp needs major consideration. MMSD's utility lines need to be missed, and ramps foundation system requires to miss the mine field that exists below it as it turns and continues for over -80 feet.

In order, to do that, it became critical to keep the ramp loading light. Therefore, the bigger it is made to a width of 12 to 15 feet the heavier the structure becomes and the deeper the foundation needs to be. In order, to avoid this and be able to have no adverse effect on existing infrastructures, helical piers foundation system will be used for ramp without stressing MMSD structures, we kept the ramp to the minimum of the 9 feet width that the guidelines call for. This deviation is critical for our structural engineering to work and use piers in such a way to straddle the MMSD's easement's pipe width below. As soon as the ramp meets the plateau, we are back at 12 feet Riverwalk width.

B. PRE-EXISTING CONDITIONS ON WEST SIDE AND ASSOCIATED CONDITIONS.

To the west we are connecting to a vacated R.O.W with an approval of its development via a DPD that has accepted its landscaping proposal, with meandering romantically curved Riverwalk path, and a maintenance road for MMSD to reach to its facilities at the River's edge. The road is tightly placed against our western boundary.

- The midway connection to the adjacent west side property is possible with some minor modification as shown on EX-1 Riverwalk Site Plan Exhibit. The Riverwalk connection to the west will be brought to the public pedestrian sidewalk meeting at Water Street. Additionally, the west side Riverwalk will connect to the adjacent side property at mid-way. In order to make this possible, our project's west side Riverwalk will ramp down towards Water Street in 2 segments in such a way to provide a mid-way landing that can connect to adjacent property's future Riverwalk. At west side, the 18 inches of elevation difference is made up with a gentle continuous slope over 80 feet of length, after the entrance of the last townhome is cleared. This ramping will be done in 2 segments **to allow for connection to the west side property at mid landing of this portion of Riverwalk.**

Additionally, we believe that given proper coordination and discussion there is a possibility to incorporate 3 additional feet from this western edge to our proposed Riverwalk to meet the minimum 12 feet for Riverwalk width. Attempts have been made; and Ms. Remington of DCD has been generous to provide this connectivity between the 2 developers for furthering the conversation. As of 07-07-2021, a meeting request is being processed between Mr. Jordan Staleos of Atlantic Residential, and Brandon Rule of Rule Enterprises to further this request. Our team will rigorously continue to pursue this request while seeking approval of Riverwalk deviation as related to the width at this point.

The deviations presented, reduces the Riverwalk width from 12 feet to 9 feet at these 2 locations. An average reduction of only 18 inches in total. These unique over imposing site factors presented here, make application of the standards impractical. Please note that we cannot achieve a 12 feet width by simply pushing the building to the east by 3 extra feet within our property as we would lose the required program for the number of units that this project requires to be viable. Parking counts, and units count with absolute minimum square footages are already incorporated into the building with no room for further maneuvering and providing additional set backs on anyside.

4. The deviation is consistent with the comprehensive Plan:

The project recognizes the River as an asset that can enrich the experience and strength and presence of our city's downtown. This projects participation in completing this portion of Riverwalk once activated will bring all pedestrians closer to downtown as a central focus, which reinforces one of the strongest comprehensive plan's goals. The design and implementation of the Riverwalk recognizes the creation of placemaking by uniquely taking advantage of existing green context on the River's edge which is a steep bluff area. Additionally, designed outdoor landscaping areas along the northern portion of the Riverwalk with decorative trees and proper placement of benches for public to use allows for creating pocket civic spaces along the building for public to visit and enjoy. The development finalizes connections of Riverwalk on both ends that would allow to increase the intensity of its use. Developing the site with housing brings more density to the area and eliminates one more vacated land with more residential integration of affordable housing for all to enjoy along prominent Water Street.

In support of these responses, attached are the following drawings that explain the need for these deviations:

T000 Title sheet – deviation Plat of Survey

C002 – Erosion Control

C200- Grading Plan

L100 Landscape Overview

Ex-1-Riverwalk Site plan Exhibit

A100- Riverwalk Perspectives

A103- Riverwalk Perspectives