

Merchant and Neighbor concerns about Proposed Planned Unit Development for Downer Avenue

The proposed planned unit development for the Downer Avenue area is detrimental to the interests of the street-level retail merchants on Downer Avenue. It is also detrimental to the existing residential character of the neighborhood.

Merchant Concerns

The major long established merchants on Downer Avenue are concerned that the proposed planned unit development will have an adverse effect on their businesses. These merchants include the Sendik Food Market, the CVS Pharmacy, the Downer Theater, and many of the restaurants on the street. For the most part, the concerns of these merchants have not been heard as they have not participated in many of the meetings of the Downer Avenue Merchants Association at which development issues have been discussed.

The continued availability of parking in the open surface parking lot at Downer and Belleview is critical to the retail businesses on Downer.

These merchants are particularly concerned about the elimination of the parking lot in the center of the business district. That lot provides open, visible, readily accessible, inexpensive, and safe parking for their customers. The availability of that type of parking is critical to their businesses.

The merchants fear that if their potential customers, who are driving by on Downer Avenue, do not see parking readily available to them, they are likely to just keep on driving and go to commercial areas such as Oakland Avenue in Shorewood where there is abundant parking available in surface level lots in the middle of the business district.

The merchants know that in the Downer area, as opposed to a downtown environment, customers will not readily drive into a parking structure, where they fear they will be charged what seems to them to be an excessive fee for parking. The merchants appreciate that currently much of the on-street parking surrounding the business district is free and that the metered parking on Downer and in the existing parking lot is only \$.25 per hour.

The Proposed Planned Unit Development will change the character of the Downer Avenue Business District from a neighborhood shopping district providing services to the residents of the neighborhood to a regional medical center.

The merchants are also concerned that the proposed planned unit development will change the character of Downer Avenue from a neighborhood shopping district to a medical complex. The merchants are well aware that medical centers create a demand for much extended term parking, as evidenced by the large parking structures needed at hospitals such as St. Mary's and Columbia. The merchants fear that patients coming to a Downer Avenue medical complex will first take up available on street parking before entering a parking structure that is not connected to the building where the medical offices are located. Such long term parkers will take spaces that otherwise would have been available to customers of the

street level retail merchants.

The merchants recognize that the proposed planned unit development may increase traffic on Downer, but they are concerned that the adverse effect of the loss of the existing open street level parking lot will outweigh the benefit gained by attracting patrons of a medical complex to the district.

The Proposed Planned Unit Development will breach earlier commitments that the merchants made that the no zoning changes would be sought in the areas surrounding the business district to extend businesses or parking into areas outside the currently commercially zoned area.

The merchants also recognize that the planned unit development breaks faith with the neighborhood. When three residences were demolished and converted into the city parking lot at Park and Downer, the merchants had assured the neighbors that there would be no further encroachment into the residential district for parking or other commercial development. This planned unit development does just what had been feared by the neighbors. It rezones land outside the current commercially zoned areas so that additional commercial square footage can be created in the existing district without providing any additional parking within the commercial area. In fact, the proposed development actually eliminates existing parking spaces in the business district.

Neighbors' Concerns

The neighbors of the Dower Avenue business district have the same concerns about the proposed planned unit development as the street-level retail merchants. The neighbors want the retail businesses to survive and thrive. The neighbors recognize that the proposed development will benefit principally the interests of the medical complex and not the interests of the street level retail merchants. The neighbors want to preserve the character of the business district as a neighborhood service district, which is what is mandated by the existing zoning.

The neighbors are also concerned that the inclusion of all 11 story condominium will effectively rezone the residential area and change its character.

Special Concerns Relating to the Sale of City Parking Lot

The proposed sale of the city parking lot at Downer and Bellevue does more than just adversely affect the street level retail merchants. It is devastating to the adjacent residential property which is part of the Water Tower historic residential district.

The argument has been made that the property owner knew that there was a parking lot next door when he purchased his lot and thus the property owner has no reason to complain about the proposed development.

But at the time of 1975 purchase, a green space buffer zone with a large majestic tree separated the parking lot from the residential lot. And since the purchase, the City has designated the residence as part of an historic residential district. The purpose of that designation is to preserve the character and aesthetics of the property.

The proposed development destroys the aesthetics of the property. It also changes the zoning of the city owned land. More importantly, the

proposed development ignores the setback requirements. Rather than providing for the required 10 foot setback for the sideyard, the developers propose that the setback be zero. The developer thus proposes that he build a multistory structure on the lot line within about two feet of an historic district home.

The owner of the home was not notified of this proposal until December 18, 2006 at a public meeting at which the alderman announced that no modifications of the proposal would be considered.

But approximately one year ago, there were eight separate proposals for development of this city parking lot under a Request for Proposals issued by the city. The developers of some of those proposals assured the adjacent residential property owner that their proposals honored the 10 foot setback requirement. Ultimately, the city rejected all the proposals and the adjacent property owner was told that nothing would happen with that city owned property until the Northeast Area Survey was completed. That process was to take a few years.

Then, after only a few months and without any notice to the adjacent residential land owner before December 18, this current development plan was announced. No Request For Proposals was issued by the city. No other developers were given any opportunity to submit proposals. The adjacent landowner was not given an opportunity to submit his own bid for the property. Nor was he allowed any input into the process.

Options

The street level retail merchants and the neighbors of Downer Avenue want development of the commercial district. They also want to preserve the existing character of both the commercial and residential areas.

One obvious solution to the issues raised by the developer who owns most of the Downer Business District is to redevelop the large building on the east side of the 2600 block of Downer. The developer claims that the

building is currently in deteriorating condition. Thus the building could be demolished and rebuilt to satisfy all the parking requirements of the developer.

The examples of the building that the developer is proposing to build at Stowell and Webster and the new Whole Foods Store building demonstrate that the developer could provide more than enough parking above and below ground in a new structure on the east side of the 2600 block of Downer. Such a new structure would have many advantages for the developer. The parking would be in the business district and patrons of any offices in the building would not have to walk outside the building to get to their cars. Thus the parking needs of the office tenants and their customers would not infringe on the parking needs of the street level retail merchants and their customers who would continue to have access to parking on the street and in the critical city lot at the center of the business district.

At the December 18, 2006 public meeting on the proposed planned unit development, the developers admitted that they had not even consider the possibility of providing parking in a new structure on the east side of the 2600 block of Downer. Such a new building within the commercially zoned business district would benefit all parties and keep faith with the neighbors.

Conclusion

There is no need to rush to approval of the proposed planned unit development. The process so far has been unfair to the opponents of the plan, particularly the owner of the residential property adjacent to the city parking lot.

There are alternatives that do not adversely impact the street level retail merchants and the neighbors that must be considered.

Peter J. Rourke
271-2100