

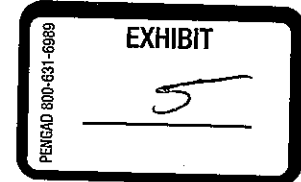
Elmer, Linda

From: dawnhmcc@aol.com
Sent: Thursday, February 14, 2008 12:11 PM
To: Elmer, Linda; planadmin
Cc: Murphy, Michael; Wade, Willie; Hamilton, Ashanti; Bauman, Robert; D'Amato, Michael
Subject: Objection letter - file no. 071365 Feb 14 ZND Public Hearing

Regarding File No. 071365
 To the honorable members of Zoning Neighborhood and Development:

We're before you today, in part, because we can't believe that the General Plan Development, and now the Detailed Plan Developments, are being approved when there is so much opposition.

Opposition to this parking garage came from:
 Water Tower Land Trust Neighborhood Association
 Murray Hill Neighborhood Association
 Cambridge Woods Neighborhood Association
 The National Trust for Historic Preservation
 The Wisconsin Historical Society
 The Downer Avenue Merchants Association
 Dozens of people at city hearings
 Hundreds of letters



We are *really* here because of Judge Lamelas.

She found, in part, that the city did not negotiate in good faith with the Wisconsin Historical Society and she expressed concern that the Historic Preservation subcommittee was being controlled or silenced. This is an excerpt that deserves to have public hearing:

The development of this parcel affected not only a single private house, but a state historic district. Our state recognizes the value of historic properties, which include listed individual properties, as well as a district, this district. ... Pursuant to statute the City of Milwaukee was required at the "earliest stage of planning" to determine if the proposed development would affect the Kovac and other property in that historic district as well as the district, itself ... I cannot imagine how any rational person, much less municipal officials presumably more skilled in this area than ordinary people, could fail to note that the scale, the height, the character, and the proximity of the proposed parking structure would affect the Kovac property, a red brick colonial, and the historic district. ... the Wisconsin Statutes required good faith negotiation between the city and the State Historic Preservation Officer. This did not take place. Not only did the city fail to notify the State Historical Society, even after Mr. Chip Brown, the Third, wrote to the city, advising the city of its obligation under state law, the city ignored the letter. ... I am troubled and DISCOURAGED that the city simply ignored what is nevertheless its statutory obligation to protect historic districts, properties, and the public trust. (End quote)

Judge Lamelas also says in her decision (quote): *The city then sought to have the Zoning and*

Neighborhood Commission believe that the modifications to the DPD were the work of the (subcommittee) This course of conduct seems extraordinary, so extraordinary that it raises questions about the manner in which Milwaukee made the decisions at issue here.

My concern is that it appears related to a desire to control or perhaps silence the Historic Preservation Subcommittee.

Downer Avenue is a locally protected historic district as legislated by the Common Council, yet the guidelines as stated in common council file #000424, SITING, SCALE, FORM, were never, WERE NEVER, considered. The Historic Preservation Commission was never given an opportunity to evaluate those important guidelines.

Early in the process there was great concern from Water Tower Land Trust Neighborhood Association.

Last January WTLT passed two motions, when the garage was still at 3 floors. One motion was to oppose the Downer Avenue Master Plan as currently proposed. The second motion:

WTLT supports, via a deed restriction or other appropriate mechanism a permanent green space buffer of reasonable width (but in no event less than 10 feet), between the lot line of 2623 E. Bellevue and the proposed building at the corner of Bellevue and Downer.

In February there was another motion:

WTLT supports that the Downer Avenue Plan go to the Historic Preservation Commission before going to the City Plan Commission.

In May another motion was passed:

With respect to the proposed building at Downer & Bellevue WTLT supports the position of the National Trust for Historic Preservation as expressed in their April 18 2007 letter to the City Plan Commission and the position of the Wisconsin Historical Society as expressed in their April 23 2007 letter to the Department of City Development.

Even the Downer Avenue Merchants Association objected.

Early on the Downer Avenue Merchants Association sent a letter asking Alderman D'Amato to work longer to find another developer than New Land, for Downer & Bellevue, because "having essentially one landlord on the street presents unique challenges."

There are more than a handful of people who did object and who do object to this zoning change, this garage, and this process.

A Detailed Plan Development Zoning requires that development be compatible with its surroundings and CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN. After very extensive public comment and input the City of Milwaukee's Northeast plan has evolved. The vision, as stated in the plan, is to PRESERVE the European village character. It states that new business will complement the existing historic district with CONTEXT SENSITIVE BUILDING DESIGN AND APPROPRIATE HEIGHTS.

The plan before you now was under construction for two months before it came before ZND for after-the-fact approval. Alderman Murphy asked DCD in November, why didn't you do the proper thing and come back to ZND and the common council for approval. The city attorney's reply was "I can't answer that."

In May there was tremendous outcry from the public, and even from Alderman Murphy, to bring the

height of the building down a floor, so that it better fit the historic district and to help satisfy the neighbors. There was public protestation to that idea by the developer, the architect, and Alderman D'Amato. Now, parking, and a floor, have been removed. The parking that was removed by the developer from the underground level suggests there was flexibility all along.

It was not a technical error that this did not come back to the councilmen. I notified Commissioner Martin Collins that the building plans differed from the DPD before the land was sold to DAPL.

If you approve this DPD before you, a building that destroys the character of a protected historic district, you do a huge disservice to the homeowners and the taxpayers who have contributed to the stability and prosperity of Milwaukee for all of these years.

Thank you for your consideration.

Dawn McCarthy
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