

February 7, 2007

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FROM: Thea and Peter Kovac, 2623 E. Bellevue Place, Milwaukee, WI 53211

SUBJECT: Concerns re: Downer/Webster/Stowell Avenues General Planned Development (GPD) proposal submitted by New Land Enterprises (NLE)

City of Milwaukee File # 060705 and #060575

I. BACKGROUND

We have lived at 2623 E. Bellevue Place since 1975 and during this time have participated in community and city hall meetings re: proposed changes in the North Downer Ave. commercial district. During this time we have also experienced a growing appreciation for the interdependent relationship between the commercial district and the surrounding residential neighborhoods.

In Aug. 2006 New Land Enterprises (NLE) purchased the majority of property in this district. At the end of 2006, after insufficient communication with stakeholders, NLE submitted the full GPD plan to the city, resubmitting it Jan. 26, 2007. The expressed purpose of this proposal is to improve the district. With or without the "11 story" condo/hotel, **the other extreme measures proposed would still negatively impact the entire two block commercial section of Downer Ave and its surrounding residences. The entire area's unique historical, geographical, and architectural integrity would be lost for all time by this plan.**

While we understand the need for restoration of many of the buildings in the district and the need to attract more clientele to make use of the goods and services provided there, we would hope that in this process **the essential nature of the irreplaceable historic commercial district is honored and preserved, and that the balance of residential and business interests is maintained.**

DOWNER AVENUE DISTRICT MODELED ON EUROPEAN VILLAGE

The Downer Avenue commercial district is unusually appealing because it has the style and substance of a European village. This character led to **a City of Milwaukee Historic District designation.**

The North Downer Ave. retail strip is architecturally significant as one of the city's best-preserved early twentieth century neighborhood commercial districts. The district exemplifies the architectural styles, types of buildings and materials that are associated with an architect-designed, upscale neighborhood commercial district of the early twentieth century. **The district is also significant because of its overall plan which is similar to a small European village with stores grouped around a central church complex."** (p. 3, final historic designation study report, 2/5/01)

DESCRIPTION OF DOWNER AVENUE COMMERCIAL DISTRICT

The district includes St. Mark's Episcopal church and a cloister building, constructed in the style of a small English-style parish church. Across from it is a European-style café with a small plaza and fountain facing the central intersection of Downer, Belleview and Hackett. Also at that intersection is a working vintage popcorn wagon—that has served and delighted neighborhood families and passers-by for decades—and a city-owned parcel of land with landscaped 29-car surface parking lot attached to a small park-like green space with a magnificent tree at the center.

The district also includes an independent theater with vintage marquee; locally owned businesses such as a grocery with butcher shop and flower shop, bookstore, hardware store, and bakery; professional offices and unique shops and restaurants that attract local, city and suburban clientele.

Most of these buildings "were built between 1909 and 1936 and they range in height from one to three stories...To the east lies the North Point North Historic District, which is listed on both the local and national registers. To the west is a mix of late nineteenth and early twentieth century apartments, luxury duplexes and large single family homes."(p.3,final historic designation studyreport2/01)

No other place in the Milwaukee area offers this pleasing organic integration of historic residential and commercial character.

IMPACT OF NEW LAND ENTERPRISES GPD ON AREA

Implementation of this full Downer Avenue GPD proposal would destroy this unique quality. It would insert an additional 60,000 sq. ft. of commercial space into the district.

It would add massive new construction that would dominate the heart of the village center and turn the north end into an inappropriate medical/surgical facility that provides no onsite parking for patients.

These extreme measures would add overwhelming density and over-scaled contemporary architecture that is incompatible with a historic commercial area that was modeled on an old European-style village.

The continued appeal of the Downer Avenue commercial district depends on preserving its historical footprint and maintaining its blend of open gathering spaces, green space, high quality business and entertainment enterprises, and architecturally significant owner-occupied residences.

II. SUPPRESSION OF COMMUNITY INPUT

CONTACT WITH STAKEHOLDERS LIMITED TO SELECT PARTIES

Particularly disturbing is that communication about the **all the components of this GPD** between the majority landlord, New Land Enterprises, and the affected community has been limited to a few elite committees and select members of groups, **leaving many of the residents of the surrounding neighborhood, clientele, Downer Ave. merchants, the media, and the general public of Milwaukee COMPLETELY UNIFORMED AND UNAWARE of major proposed changes in the district.**

DISCOURAGEMENT OF INPUT AND PUBLIC MEETING

We are also **VERY** disturbed by the suppression of community input caused by: 1) short notice of the Dec. 18 public meeting, 2) that it was held at the height of the busy holiday season, 3) that our city council was poised to approve the GPD on January 19, 2007, 4) that public input was discouraged at every step.

At this meeting: 1) the proposed new parking structure/retail building and 2) the 3-story medical facility/surgical center addition components of the GPD were announced **for the first time to the public**, and as a 'finished product;' no changes would be discussed.

The alderman stated that the few speakers he selected to present objections to these announced changes were expressing "opinion, not fact" and that they and any other objectors' only other recourse was to attend the City Planning Commission meeting on Jan. 8, 2007 and the Zoning, Neighborhood, and Development committee meeting on Jan. 9, 2007 to voice their objections.

The alderman further stated that the GPD was set for city council APPROVAL on January 19, 2007 and that NO citizen contributions would be heard at that time.

We live DIRECTLY adjacent to the Downer Ave. commercial district and first heard of the these GPD components along with a room full of people hearing it for the first time as well, at the Dec. 18th meeting.

MISLEADING COMMENTS BY PROMOTERS OF THE GPD PROPOSAL

We view as misleading the claims by the alderman, the developer, and Workshop Architects, that there is no need for further discussion; that there have been a very large number of meetings with individuals and groups about the GPD. It is true that "the 11-story condo" has been the subject of many community meetings.

However, other major components of the GPD such as the new four-story parking/retail structure and the surgery center and its new three-story addition, were not publicly disclosed until Dec. 18th 2006 at the public meeting at St. Mark's Church.

DOWNER AVE MERCHANTS RELUCTANT TO EXPRESS OBJECTIONS

We are also concerned that some of the **current tenants of New Land Enterprises** in the Downer commercial district are not coming forth with their objections regarding the proposed parking structure/bank and the addition at Park and Downer because they fear this will jeopardize future lease negotiations with New Land Enterprises.

Many of these merchants were not present at the Downer Avenue Merchants Association meetings when the GPD was discussed. Many of the merchants received no notice of all the components of the GPD.

Other property owners in the business district feel powerless to object because the alderman has indicated through his words and actions that this plan has total support of city hall and all local community groups.

III. PROPOSED CHANGES WILL NEGATIVELY IMPACT AREA

DOWNER AVE HISTORIC IDENTITY WOULD BE LOST FOR ALL TIME, REPLACED BY INAPPROPRIATE NEW CONSTRUCTION

We have reviewed the Jan. 26, 2007 revised GPD proposal on the City of Milwaukee website. Based on this proposal and our experiences as close neighbors and frequent customers of the Downer Ave. business district:

We firmly believe that the extreme measures contained in the New Land Enterprises' GPD proposal will cause lasting damage to the unique historical character of the Downer Avenue business district, and surrounding residential property, particularly at its key central intersection at Downer Ave, Belleview Place and Hackett Ave.

The full impact of the GPD will transform this unique, charming, authentically vintage two-block European-style village center into just another unremarkable stretch of slick, bland homogeneous commercial facades and ultra-contemporary buildings as often seen in new condominium construction and in new suburban commercial developments.

Proposed new construction includes a very contemporary 3-story addition at the north end and a massive multi-story parking structure at the key central intersection, the heart of the village center. This construction features concrete, brick, glass, possibly plastic treatments, most of which are not at all compatible with the scale, the period architecture, and essence of the original commercial district and the surrounding late 19th and early 20th century residences.

A. INAPPROPRIATE MEDICAL/SURGICAL FACILITY; NO PARKING ON SITE

This development would place a 3-story ultra-contemporary addition on the SE corner of Downer Ave. and Park Pl. in the drive-through area to the north of the existing bank building. The proposed addition contains a 3 story glass-walled lobby connected to a second floor surgical center for outpatient and inpatient treatment, and a spa. The first and 3rd floors will also have medical offices. (See Item #6, exhibit A: p. 12, 13, #060705)

INAPPROPRIATE MEDICAL FACILITY

We are concerned that transforming a great portion of the east side of the 2600 block of Downer into a surgical center/medical facility would not be in character with the function of the commercial district and **would not bring the kind of retail traffic to the district that the plan claims to encourage.**

Usually surgical centers with inpatient treatment are located in free-standing buildings or complexes whose singular function is to provide health care services. This allows patients some degree of anonymity and convenient parking. In fact, a **special use exception** to the zoning code is required to allow medical facilities in the 2600 block of Downer Ave.

NO PARKING/NO PICK-UP AND DROP-OFF AREA ON SITE

Parking will not be included within this building; there is no drop-off or pick up area for patients on site.

Inpatient surgery patients would likely be dropped off for procedures and then picked up after surgery, to be whisked home for recovery, and would not be shopping on Downer Ave. These patients would need curbside loading zones for this purpose, decreasing existing on-street parking.

Other patients using the surgical and medical offices will be expected to use the proposed new parking structure located a long block away and across the busy central intersection at Belleview, Hackett and Downer Aves, on the SE corner of Downer and Belleview. **Depending on the status of their health, they may not be inclined to visit the retail outlets on Downer Ave.**

NO MENTION OF CITY PARKING LOT ON PARK PLACE

The existing surface city lot on the NW corner of Park Place and Downer, which is closer to the site, is underutilized during the day. It is not mentioned in the plan.

B. PARKING STRUCTURE AT CENTRAL INTERSECTION

This measure requires the acquisition of the city-owned parcel of land on the SE corner of Downer and Belleview, leveling its landscaped surface parking lot and green space with magnificent tree, in order to erect a MASSIVE new 4-story parking structure with first floor retail. The structure is sited unreasonably close to or on the property lines of adjacent owner-occupied, single-family homes within or next to the federal/local historical district. (See ITEM # 5, exhibit A: p. 5, 9,10)

The GPD calls for this parcel, at the key central intersection, **the heart of the district**, to be the site of a building that is essentially a 4-story parking structure enveloping a 1-3 first floor businesses facing Downer Ave. The proposal has this huge structure crammed into a small piece of property that now is open space **critical to the identity of the Downer Ave. village center**. The proposed structure is highly contemporary in style featuring a "contemporary mosaic of metal screening, translucent acrylic or glass panels and open voids" that screen the upper parking levels on the north and west sides." (p. 9,3.b)

The structure is comprised of one level of underground parking; a first floor bank with internal drive-through, and retail space; parking within the second and third floors and exposed parking on the roof.

NOTE: It is not clear how the iconic "existing popcorn wagon will be incorporated into the façade." (p. 6) Will it be merely decorative? Will it be operational?

PATRONS PREFER STREET AND SURFACE PARKING

It is common knowledge that people coming to small shopping districts expect and also prefer street parking/surface parking.

Women and men alike do not feel safe in parking structures at any time of day or night. A parking structure in this prominent location will likely serve as a **signal to potential patrons to move on to other businesses districts** such as those on nearby Oakland Avenue and elsewhere, to find similar goods and services, and use free or affordable convenient surface parking.

EFFECT ON CENTRAL INTERSECTION IN HEART OF DISTRICT

Because Belleview Place angles to the southeast from Downer Ave, people approaching the commercial district from the east along Belleview Place now see the most appealing parts of the district: the church and its landscaped grounds, a welcoming miniature plaza in front of a European-style café, a vintage theater marquee, the popcorn wagon, the wedge of green space with its sheltering tree, and a landscaped surface parking lot.

People coming from the west on Belleview and from the north and south on Downer Ave. see the church and grounds, the parking lot and the park-like green space leading up a gentle slope to a historic Colonial style home. All these elements relate to each other organically and are harmonious in scale.

Under this GPD, these pleasing and welcoming vistas will be erased forever. The dominant feature at the central intersection of Downer and Belleview will be a looming four-story contemporary parking structure that dwarfs its own retail space and the homes around it, awkwardly shoehorned into a space that can barely accommodate it, with no green buffer space provided for the homes that are its neighbors in the North Point North Historic District.

HOMEOWNERS LOSE PRIVACY AND ACCESS TO PROPERTY

This structure would severely violate the privacy of homeowners living adjacent to the structure, and substantially interfere with the use and enjoyment of their property.

Historic residences are adjacent on the south and east sides of the structure, and according to the GPD description, could have **as little as 0 foot setback**. Owners of 100 year old house directly to the east of the structure have only one way to access their back yard: a narrow pathway along the west side of the house. The GPD calls for 0–3 feet of setback from the property line of this house, which is right along the western edge of this pathway. (p. 10, 3.e)

If the setback of this proposed structure is 0-3 feet, access to the back of the homeowners' property is severely compromised. This arrangement may not accommodate garbage carts, much less equipment needed for repairs, maintenance and improvements to the rear of the house and the back yard.

INCONSISTENT APPROACH TO BUFFER ZONES FOR RESIDENTS

Ironically the GPD calls for a garden between the surgical/medical facility on the corner of Downer and Park Pl. to serve as a buffer zone for the neighbor to the east. "A garden to the east of the addition will provide a visual amenity during client stays and maintain a buffer to the easterly neighbor." (p.5) The "minimum amount of land devoted to landscaped open space is 1,278 square feet" (p. 12: 2. b-1c) This statement contrasts with the 0-3 foot setback next to the "easterly neighbor" of the parking structure. Because the entrance/exit to underground parking is at the neighbor's property line, there is "0" sq. ft. devoted to landscaped open space.

The GPD provides a landscaped buffer zone for neighbors at Downer and Park Pl. but **denies a parallel amenity** a block away to a residential neighbor at Downer and Belleview Pl., whose home is in the North Point North Historic District, and to a resident to the south whose entrance borders the structure.

NOTE: The site plan that accompanies the 1/26/07 GPD proposal is inaccurate. It deceptively implies that there will be a large separation between the existing historic home to the east and the new parking structure.

NOTE: Photos of the area that accompany the 1/26/07 GPD proposal do not indicate that private residences border the sites where development is proposed. This may indicate that the residential sites are not significant to the developer and have not been fully considered or valued in the plan.

PARKING STRUCTURE'S INEFFECTIVE DESIGN

The entrance and exit for the second, third and rooftop parking levels of the structure are to be on Downer Ave. next to residential property to the south. The entrance and exit for underground parking is around the corner to the east on Belleview, runs along the property line of the historic home to the east. The entrance to the bank drive-through is on Belleview Place just west of the underground parking entrance and exit.

A patron who drives into the structure on Downer Ave., but finds no parking space, would have to exit the building on Downer Ave., approach a busy intersection, possibly stop for a red light, turn right at the corner, and turn right again to access underground parking.

Patrons exiting the underground level who wish to enter the upper levels to seek parking would have to find a way to get to the Downer Ave. entrance.

Patrons exiting the underground level who wish to drive south on Downer, or to drive west on Belleview Place, would be turning left onto Belleview, likely encountering other drivers coming from the east who wish to turn left in front of them to enter the drive-through of the bank located just west of the underground exit.

It is unclear how the traffic coming in and out of the upper floors would interact with the first floor drive-through patrons seeking to drive south.

INCREASE IN NUISANCE TRAFFIC

A likely scenario resulting from this combination of circumstances is that drivers seeking parking and drivers leaving the drive-through would circle the residential block to the east in order to get to their destinations, unnecessarily increasing traffic in a residential neighborhood.

PARKING RATES

The second floor of the parking structure replaces the city lot (29 spaces) and will **supposedly** charge city rates, but there is no written guarantee as to what the rates will be.

The other proposed parking spaces would be a source of revenue for the developer who would determine the rates.

IV. URGENCY TO GAIN APPROVAL FOR THE SALE OF CITY LAND FOR DEVELOPMENT, WITH NO COMPETITIVE BIDDING PROCESS

We are also disturbed by the city's urgency to sell this land directly (WITHOUT A COMPETITIVE BIDDING PROCESS!) to a developer who:

--has had control of a majority of commercial property on Downer Ave. for much less than 1 year (since August, 2006)

--has a history of using non-union labor in his projects,

--has a history of cutting corners on construction quality leading to complaints and even to lawsuits from condo owners,

--was recently removed from a major downtown development project,

--had a similar proposal passed over by the city in 2006 for the same city parcel in a competitive bidding process.

If New Land Enterprises or any other developer acquires the property, this developer can make major changes afterwards with no oversight and virtually no consequences for as long as he owns the property. He can ignore the requirements of the Historic District re: maintaining and improving properties.

MAJORITY LANDLORD'S CONTROL WOULD INCREASE

At a public meeting called by the alderman in September, 2005 to present and review other proposals for developing this parcel, representatives of Downer Ave. businesses, including Mary McCarthy of Schwartz Books, expressed concern about the fact that one landlord controlled so much of the Downer Avenue property. She and the other merchants felt that they could obtain more favorable leases and other considerations if there were another landlord who they could play off against the dominant landlord.

If the city land is sold to New Land Enterprises, the new dominant landlord on Downer will have far more power than the former landlord. This will put the business tenants in a less favorable bargaining position than they were before.

NEGATIVE EFFECT ON PROPERTY VALUES

We are concerned that a city area where developers are favored over residential property owners, where the historical architecture is not valued, and where land is sold developers without meaningful community input, will not continue to attract homeowners to buy residential real estate with the intention of being owner-occupiers. High property values and a high rate of owner-occupied single family homes and duplexes in the area are a major reason the Downer Ave. business district maintains its cachet as an safe, upscale, commercial district.

WHY RUSH TO SELL CITY LAND AND APPROVE THIS GPD?

What could be the reason for hurried, incomplete, and misleading communication with stakeholders re: the **complete GPD proposal, which includes the sale of city land with no competitive bidding to a near-monopoly developer/landlord with a less than satisfactory track record**, as well as the **rush** toward approval of this sale? Could it be motivated by the:

a. Desire by both the developer/landlord and alderman to sneak in "back door rezoning" of the Webster/Stowell condominium and hotel project by means of the GPD rezoning mechanism, and to expedite the sale of city land to the developer/landlord, which will substantially increase his dominance of the area...

.... without proper community scrutiny and input, and with no city planning oversight?

b. Fear that there would be overwhelming objections to this complete GPD proposal...

...if all the stakeholders knew how the extreme measures contained in the GPD would negatively impact and irrevocably destroy the appeal of the entire historic Downer Avenue business/residential area?

Rather than putting this small jewel of a city parcel under this developer's control, keep it as it is: providing safe, convenient, visible, and affordable parking and a green buffer zone, with a magnificent tree in the center; between the business district and the historic residential homes to the north and east.

CONCLUSION

WITH INSUFFICIENT COMMUNITY INPUT, THE DOWNER AVENUE GENERAL PLANNED DEVELOPMENT (GPD) IS POISED TO ERASE THE VALUED IDENTITY OF A UNIQUELY INTEGRATED HISTORICAL COMMERCIAL AND RESIDENTIAL AREA MODELED ON A EUROPEAN VILLAGE WITH DRASTIC MEASURES THAT MAY NOT RESULT IN DESIRED INCREASE IN STREET-LEVEL RETAIL BUSINESS

The first version of the complete GPD was presented to the public for the first time on Dec. 18, 2006 at a public meeting that was orchestrated to suppress community input, with the **intention of rushing the entire GPD toward Common Council approval on January 19, 2007**. After a few citizens contacted the mayor's office, the GPD was revised on Jan. 26, 2007. It is now scheduled for City Planning Commission vote on Feb. 12, 2007 and Zoning, Neighborhood and Development Committee of the Council vote on Feb. 21, and Common Council vote on Feb. 27.

This timeframe STILL does not allow enough time for the community to even begin to assess and react to these proposed measures. In fact, many people potentially affected by these measures are currently unaware of them, including area neighbors, media and general public. Besides the "11-story condo," these measures are:

--major increases in the **scale** of commercial buildings and **density** of commercial space, which overwhelms the streetscape, destroys the historic integrity of the district which is a critical part of its appeal to patrons.

--introduction of **jarring architectural elements** in new construction that are incompatible with the appearance of the existing early 20th century commercial and residential buildings, as well **uniform storefront facelifts** that project a bland, homogeneous new-suburban-mall look to retail shops.

--erection of a **hulking parking structure** whose design, because of the limitations of the small site, would likely be so **inconvenient** for patrons that it may not be used, and which is located far from the proposed surgical/medical center that is one of its sources of patrons.(item #5) This parking structure, whose planned site is **in the heart of the historic district**, would:

- replace the visible, safe, convenient, affordable surface parking lot and open green space owned by the city.
- violate the privacy of adjoining residential homeowners.
- prevent reasonable access to backyard property for the resident to east.
- become the **dominant feature** at the key intersection of the district, blocking most of the visual appeal of the "village center" intersection.
- Lower property values of the surrounding residences.
- **irrevocably ruin the identity and organic integration of this historically-linked business/residential area.**

--**inappropriate use of the district's commercial space for a medical/surgical facility with NO onsite parking and no pick-up and drop-off area for patients**, and which features a 3 story addition, whose scale and architectural design is incompatible the entire 2 block business district. (item # 6)

RECOMMENDATIONS

We request that the Mayor and staff, City Planner, City Planning Commission, Department of City Development, Redevelopment Authority, and Historic Preservation Commission put this **deeply flawed** Downer Avenue Business District General Planned Development (GPD) **on hold** to allow plenty of time **for a thorough CITY AND CITIZEN review process** of the GPD proposal's:

- responsiveness to the needs of ALL business district property owners/tenants,
- responsiveness to the needs of the present clientele of the business district,
- responsiveness to the needs of projected future clientele,
- quality of construction, capacity and will to follow maintenance guidelines,
- sensitivity of its architectural elements to the historic context of entire area,
- overall impact of the proposed measures on the commercial district and its residential surroundings, including quality of life issues and property values,
- AND to obtain accurate and thorough feedback re: the GPD from residential neighbors AND from all the business owners/tenants, including GLE tenants.

We also suggest that alternative reasonable measures to invigorate the district that respect its historic identity and architecture and the quality of life of the surrounding neighbors be thoroughly explored.

Extreme, ineffective, and harmful measures are found in the GPD proposal: selling city land to a near-monopoly developer/landlord with a questionable history; constructing an inappropriate medical facility with large addition, yet providing no onsite parking for patients; and cramming a hulking parking structure a block away in a too-small parcel at the heart of the village center. This expansion combined with over-scaled projects featuring architecture that is jarringly incompatible with historical appearance and function of the district will irrevocably ruin its unique historical character, and decrease its market appeal.

IN PARTICULAR we plead that the **city-owned parcel** with its landscaped surface parking lot, iconic popcorn wagon, and park-like green space at the SE corner of Downer and Belleview be **completely and forever removed from the current GPD, and from any other GPD**, and, that if need be, considered instead as part of the city's Northeast Side Area Planning process that is already moving forward.

Ideally this parcel will remain substantially as it is.

This would allow the business district to provide an open, visible, safe, convenient, affordable parking situation for clientele and residents, as well as a green park-like buffer zone between the busy street and the historic residential area to the east, while offering those who visit the area welcoming vistas as they approach the heart of its village center.