

June 4, 2007

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

Dear Committee Members:

File No. 070160 is a proposed substitute ordinance relating to required board of zoning appeals findings for the granting of special use permits.

Currently, in order to approve a special use permit, the board of zoning appeals is required to make 4 findings, including findings that:

1. The use will be designed, located and operated in a manner so that the public health, safety and welfare is protected, and
2. The use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

This ordinance provides that the board of zoning appeals may consider geographic concentration of establishments of the same type as the proposed special use as evidence that either or both of these standards will not be met as follows:

d-1. Protection of Public Health, Safety and Welfare. The use will be designed, located and operated in a manner so that the public health, safety and welfare is protected. >>A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the public health, safety and welfare will not be protected.<<

d-2. Protection of Property. The use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. >>A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the proposed use will substantially impair or diminish property values.<<

On June 4, 2007 a public hearing was held and at that time DCD and Board of Zoning Appeals staff expressed concerns over the proposed text change. Concerns included the affect the change would have on BOZA's consent agenda procedures and what is meant by concentration. Since the existing criteria used by the Board of Zoning Appeals to evaluate Special Use requests are already available for use in evaluating the negative aspects of over concentration, the City Plan Commission at its regular meeting on June 4, 2007, recommended that this be placed on file.

Sincerely,

Rocky Marcoux
Executive Secretary
City Plan Commission of Milwaukee

c: E. Richardson