

**FUCHS
& BOYLE, S. C.**

ATTORNEYS AT LAW

TELEPHONE: (414) 257-1800
FACSIMILE: (414) 257-1510
fdb@fdblaw.com

MAYFAIR CROSSING, SUITE 210
1233 NORTH MAYFAIR ROAD
MILWAUKEE, WISCONSIN 53226-3255

JOHN F. FUCHS
COURT COMMISSIONER
REBECCA D. BOYLE
COURT COMMISSIONER

September 8, 2008

Honorable Members of the
Milwaukee City Plan Commission
809 North Broadway
Milwaukee, Wisconsin 53202

RE: Goll Mansion Site/1550 North Prospect Avenue

Dear Members:

Please consider the following as part of your public hearing record regarding the above-referenced site. The property at 1550 North Prospect Avenue is one of the most prime, and perhaps the last remaining site of its type, on Prospect Avenue. For the reasons set forth below, the development proposal before you must be denied. While I specifically represent Mr. Patrick Dunphy, a resident at 1522 North Prospect, the views expressed herein are shared by the majority of your citizenry residing in the area.

It has been said that the owner of 1550 has a right to develop his property. While this is true, it is not an absolute right. The owner knowingly purchased an historic building, located on an historic preservation site. The building was attended by an existent zoning category. The only reasonable expectation, thus the only legally cognizable right of the owner, was that the site was subject to that historic designation and the existent zoning. Rezoning is discretionary, a privilege subject to your review and recommendation, and subject to the historic preservation criteria governing the property.

While Mr. Dunphy, and many I have spoken to in the area, would love to see the site preserved, they are realistic, and recognize you may find preservation not to be in the overall interests of the City. Thus we address what should be the City's overall interests, and not simply the individual desires of the area residents.

Simply put, this site deserves, and can do far better than this proposal. This developer is not experienced in a development of this magnitude, nor is his architect. The materials before you are devoid of any guarantees that you will get what is represented. More importantly, the

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development of the site is not an optimal redevelopment, nor does it preserve the historic significance of the site.

The proposed development is at odds with the existent structure. It reduces the historic mansion to nothing more than a Port Cochere for a modern building. The structures as depicted appear to be arguing with each other. The "green" wall separating the old mansion from the new high rise does nothing to blend or soften the incongruity between the two structures. The high rise appears to be hiding behind the green wall, which will be anything but green come winter.

Were development proposed under the existent zoning, the setbacks, the alignment with surrounding buildings, its size relative the land area, its aesthetic compatibility, and the preservation of other views, including that from the lakefront, would be assured. Instead, with no engineering studies of any significance, it is proposed to be "out of alignment" disrupting the rather symmetrical contour of the buildings following the lakeshore itself. This lot is located on an arterial street, as well as on a sensitive bluff. Buildings belong on the street, not the bluff. That proposition is elementary and self-evident.

Thus far, there are no staff reports regarding the real impact on the surrounding area. Over one million dollars in reduced assessments has already occurred at 1522 North Prospect Avenue. What is the anticipated tax base gain, relative the anticipated loss in tax base, should this building fail in its sales, or glut an already glutted market? Register of Deeds records for Kilbourn Towers reflect that 35% of the units still remain under the ownership of Kilbourn Towner LLC or its principals. Park Lafayette has sold only 83 of 280 units. The Landmark redevelopment lags. What is the impact of this development on these existing projects whose vacancy rates should cause alarm?

Competitive economics generally is not the concern of the Plan Commission. But financial viability of a development, especially if it is presented to the community as an enhancement of tax base, is an extremely legitimate concern and consideration.

The developer has made representations that he will preserve a site that he has thus far neglected. In addition to showing little about the financial backing for this project, or its marketability, there is no draft development agreement. Such an agreement would serve to guarantee the value of the development. A development agreement would lock in the developer, and preclude assignability absent the City's consent. Such mechanisms preclude one from procuring desirable zoning merely to then flip the property for profit and walk away. This application, in the posture that it is before you, would allow for such.

The developer's representations that the site will be preserved, improved, or enhanced, are backed by no guarantee mechanism. A typical developer's agreement, which would assumedly be a condition of a positive recommendation, would back such obligations, most likely through an irrevocable letter of credit in favor of the City. Where is it? This developer is free to represent anything he wants, and then walk away with no follow up enforcement capability on the part of the City. To move this matter forward with such woeful inadequacies in process,

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would be a disservice to all those potentially affected by the development as well as to the City taxpayers as a whole. If this project fails, the county assumes the property tax, passing the cost to the taxpayer in every aldermanic district in Milwaukee.

Finally, there is neither a need nor a reason to develop the site as proposed. If this proposed building, which literally swallows the Goll Mansion, fits anyone's definition (other than that of an archeologist) of preservation, then better the Goll Mansion is simply taken down. If the site is not going to be preserved, then let it be properly redeveloped. Remove the building from its designation, raze it and develop consistent with the current zoning category assigned to the property. This would allow for multi-family, a high rise, but a building in line with the other structures, and compatible in layout, footprint, size, and location on the site relative surrounding buildings. The existent zoning would not allow the structure as proposed, and the request for this zoning amendment. The structure proposed is built out over the bluff, and creates five stories of masonry adjacent to the bike path, looming over the bluff, and constituting a bulls-eye in the line of vision from the entire marina.

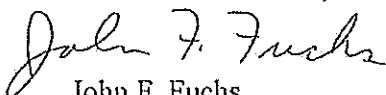
Finally, although our position as thus far set forth contemplates primarily the general interests of the City, the interests of the existent owners and residents should be considered. They are your constituents, whether you serve by appointment or by election. The mere statutory mandate of a public hearing inherently tells us that public input is to be a component of your consideration. Contrary to the publicly expressed view of the alderman of the district, zoning is not whatever eight aldermen say it is.

Because it is assumed that the Common Council will give deference to your recommendation, and that of the Historic Preservation Commission, you are asked to do what is right for the local residents, and for the City as a whole. Consider the developer, his current failures, his current financial woes, the current market glut, and the superior alternatives that certainly must exist.

For the reasons set forth above, it is respectfully requested that you recommend against the development, and await a development that is more compatible with the surrounding area. Alternatively, at least table the matter until there is a draft development agreement which adequately addresses the concerns of the Commission, the citizens, and which assures the implementation of the representations of the developer.

Very truly yours,

FUCHS & BOYLE, S.C.



John F. Fuchs
JFF/dp

cc: Patrick O. Dunphy
Historic Preservation Commission