

CITY OF MILWAUKEE

Form CA-43

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March 8, 2004

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To the Honorable Committee on
Zoning, Neighborhoods & Development
Room 205 - City Hall

Re: File Nos. 031239 and 031370—Protest Petitions relating to: (1) Third Amendment to the General Planned Development (GPD) Known as Milwaukee Metro Center, on land located South of West Good Hope Road between West Fond du Lac Avenue and U.S. Hwys. 41/45, and (2) A Change in Land Uses Permitted by a Plan for Milwaukee's Northwest Side: 1987-1992 for the Metro Center General Planned Development located generally South of Good Hope Road and West of 107th Street

Dear Committee Members:

You have requested the opinion of this office concerning the form and validity of two protest petitions that have been submitted in conjunction with the zoning amendments reflected in the above-referenced resolutions, both of which relate to a development on the northwest side of the City of Milwaukee. The above-referenced files incorporate the following ordinances:

1. File No. 031239 incorporates an ordinance denoted as "Substitute 1," with a drafting date of February 4, 2004, and which incorporates an amendment to the City's zoning map and a revision to § 295-907(2)(a).0009.
2. File No. 031370, denoted as the "Original" incorporates a resolution that amends a document entitled "A Plan for Milwaukee's Northwest Side: 1987-

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1992," which amendment is designed to expand the range of permissible uses within the "Metro Center General Planned Development," as described therein.

The protest petitions that have been submitted are in the form of "objections" to the ordinance and resolution, together with requests for a postponement of the meeting of the City Plan Commission at which these files are to be considered. We have no opinion with respect to the request for postponement. As to the form and validity of the "objections" submitted as protest petitions, we find that they are acceptable as to format and form of acknowledgement, in conformance with the requirements of Wis. Stat. § 62.23(7)(d)2m.a. and § 295-307-5 of the Code of Ordinances. We have no opinion as to whether these "objections" meet the 20% requirement incorporated within these provisions and generally applicable to all protest petitions, and suggest that the Department of City Development be consulted for advice on that item.

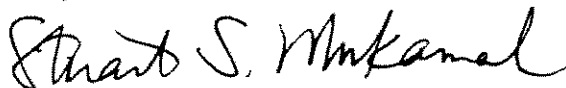
Please contact this office if you require further guidance on this matter.

Very truly yours,



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