

HUSCH BLACKWELL

March 12, 2024

VIA ELECTRONIC DELIVERY

sfarris@milwaukee.gov

Deputy City Attorney S. Todd Farris
Milwaukee City Attorney's Office
Milwaukee City Hall
200 E. Wells Street
Milwaukee, WI 53202

**Re: Legistar File 231146
Resolution relating to a Minor Modification to the Detailed Planned
Development known as Honey Creek Corporate Center, Phase IV, to
add college as a permitted use within the building located at 9000 West
Chester Street, located on the north side of West Chester Street, east of
South 92nd Street, in the 10th Aldermanic District**

Dear Deputy Attorney Farris:

As you know, Zoning, Neighborhood & Development Committee ("Committee") has scheduled deliberation of the above referenced matter for March 13, 2024. Considering the potential for opposition arguments that may not pertain to the relevant zoning or land use standards, we would like to request your presence in the meeting to ensure the Committee is reminded of the correct legal standards for consideration of a Minor Modification to a Planned Development. We believe your presence at the Plan Commission's meeting was beneficial, despite the fact that the Plan Commission did not follow Staff's guidance.

In addition, we wish to clarify that, as further outlined in the HB Timeline Memorandum sent to your office on February 27, 2024, Lakeland University (f/k/a Lakeland College) and Strayer University were granted Certificates of Occupancy as "Colleges or Universities," we firmly assert that the existing Detailed Plan Development ("DPD") allows the Arizona College of Nursing to occupy the premises without the need for a minor modification. Accordingly, it is essential to underscore that our prior meeting participation, willingness to participate in the Minor Modification approval

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process, attendance at the forthcoming meeting and our application for this Minor Modification does not in any way constitute a waiver of the argument that the existing DPD provides for “Colleges or Universities” usage and the City of Milwaukee erred in declining to issue a similar Certificates of Occupancy to the Arizona College of Nursing. We have refrained from filing an appeal to the City Board of Appeals of Staff’s decision requiring us to submit to the Minor Modification approval process, with the hope that this matter is resolved via Common Council approval of the Minor Modification. However, should the Minor Modification request be denied, we specifically reserve our right to argue that the Minor Modification is not necessary, and the City erred failing to issue the requisite Certificates of Occupancy to Arizona College of Nursing.

Please do not hesitate to contact us if you have any questions.

Respectfully and sincerely,



Rodney W. Carter, *Partner*
Dimitri Zografi, *Attorney*
HUSCH BLACKWELL LLP

RWC
DZ
Enclosures

CC: Graywolf Partners, Inc.