

ATTORNEYS AT LAW

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CLIENT/MATTER NUMBER

October 24, 2016

## Via Hand Delivery to Committee Members and Filing with City Clerk

Zoning, Neighborhoods and Development Committee City Hall – Room 301-B 200 East Wells Street Milwaukee, WI 53202

Re: Proposed Historic District Designation – South Second Street

File No. 160539

Dear Committee Members:

We represent Cedarview Management, its Wisconsin-based company Pittsburgh Avenue LLC ("Pittsburgh Avenue" or "the Developer") and their managing member Elliot Lewis in connection with the application to designate or spot zone a portion of South Second Street as a Milwaukee Historic District.

My clients oppose the designation on both procedural and substantive grounds. As to procedure, no proper notice was provided for the September 13, 2016 Historic Preservation Commission meeting where this designation was recommended. The notice was deficient. Section 6.2.B. of the Historic Preservation Commission By-Laws and Procedures provides:

If the Commission determines that a nomination satisfies at least one criteria of significance, a public hearing will be scheduled in compliance with the provisions of the ordinance. Notification shall include a copy of the Historic Designation Study Report. The Historic Designation Study Report shall be available for public scrutiny at the Office of the Staff of the Historic Preservation Commission or by mail upon individual request.

The ordinance requires that the Historic Designation Study Report be provided in the notice, and it was not. In fact, we do not believe the report was published until September 13, 2016, the date of the hearing. We did not have the opportunity to review the report carefully prior to that hearing. The Commission should not have acted until proper notice, including the Historic Designation Study Report, was provided to concerned parties.



October 24, 2016 Page 2

Before turning to the substance of the ordinance, we provide a bit of background. The Developer purchased the property known as 133 W. Pittsburgh Avenue (Tax Key # 428-0269-110) on October 20, 2015. The property includes three contiguous buildings at the corner of Pittsburgh Avenue and South Second Street. The property also includes a surface parking lot. The parking lot is bounded by two other surface lots to the east and west, an alley to the south and Oregon Street to the north.

Shortly after the purchase of 133 W. Pittsburgh Ave., Mr. Lewis and members of his team, attended a Walker's Point Association meeting where they informally shared their plans for the property, took comments and answered questions from attendees. This informal presentation was followed by a formal meeting and presentation to the appropriate committee of the Walker's Point Association, per their request. Mr. Lewis also had several meetings with Alderman Jose Perez and other members of the community about the project. He has taken into consideration the concerns of all involved.

As all interested, objective parties know, the 133 W. Pittsburgh Avenue buildings are being resurrected from their dilapidated state and renovated. The property will be called the Artistry when finished and will provide a place for over 100 people to live. Dozens more will find work in one of the first or second floor office and retail spaces that will be created. The Artistry will contribute to existing efforts to make this this section of Second Street the vibrant area it once was. In addition to revitalizing the existing buildings, the Developer plans to build a parking garage on the surface lot. The garage will front Oregon Avenue with first floor retail to the south. Egress and ingress to the garage will be from the alley to the north. Therefore there will be no interference with pedestrians on the Oregon Avenue sidewalk.

The surface parking lot should be excluded from the proposed historic designation. This would be consistent with the National Park Service's exclusion of the lot when it created the South First and Second Street Historic District in 1987. Even the Milwaukee Department of City Development's 1987 Application for a national designation excluded the surface parking lot on Oregon Street from the proposed District. (Exhibit A is the relevant portion of the 1987 application.) When the National Park Service created the South First and Second Historic District, the parking lot was part of the 133 W. Pittsburgh parcel. Nonetheless, the Park Service split the parcel and excluded the surface parking lot from the District. Exhibit B is a printout from the Assessor's office showing the separate parcels being combined in 1985. Exhibit C shows the South First and Second Street Historic District as designated by the Park Service outlined in red. The proposed district is in black, and the Developer's property is highlighted in yellow. The Park Service's decision to exclude the surface lot no doubt was supported by the fact that the buildings and the parking lot are separated by a public alley. If the federal government's work is to be given due weight, the parking lot should be excluded from any historic designation you make.



October 24, 2016 Page 3

This surface lot meets none of the factors listed for your consideration under the Milwaukee City Ordinance. The Historic Preservation Commission's recommendation to designate this one block section of South Second Street was based on factors e. 1 and e. 5. But this vacant parking lot does not exemplify the development of the cultural, economic, social or historical heritage of our city, state, or country as required in e. 1. It does not embody the distinguishing characteristics of an architectural type or specimen as required in e. 5. This lot possesses none of the qualities that might make it appropriate for designation. Further, the lot does not front Second Street, which is one of the stated criteria in the proposal, but it is only included in the proposed District due to the combination of tax key parcels in 1985.

There is precedent for only designating portions of a tax key parcel within the boundaries of an historic district. Split designation occurred at St. Mary's Hospital and the University Club. The University Club surface lot was excluded from the Club's historic designation even though it is part of the same tax key parcel as a building to be so designated. The application for historic designation as adopted specifically excluded surface lots to the north and west of the original building. Exhibit D contains the first page of the application showing that the parking lot was excluded and the Legistar page showing approval. It also includes Google map photos showing the property. The St. Mary's Hospital designation included only the original hospital structure and excluded all other parts of the complex (even an adjoining building.) Exhibit E contains the first two pages of the application showing that the rest of the St. Mary's complex was excluded and the Legistar page showing approval. It also includes a Google map photo showing the property. Exhibit F is a Google map photo showing the Developer's property. It shows the subject buildings and the parking lot. The Developer's surface lot is highlighted in yellow in the first photo.

Because permits have already been issued for the renovation of the physical structures on this property, the Commission's historic designation will not have an immediate impact on the Artistry. However, the designation could deter future improvements of the buildings. More significantly, it would impact any development of the non-adjoining surface parking lot which faces Oregon Street.

The costs associated with a historic designation were not factored into the Developer's analysis when it purchased this property less than one year ago. To make the Developer bear this cost now is unfair, just as it is unfair to the other owners on this little patch of street who have not yet renovated their property. We have estimated that the cost of the garage will increase by more than 20% or at least \$600,000 in material upgrades. This investment could well be wasted. There is another surface lot to the west of the one at issue. Should the owner of that lot elect to build there, then the facade facing Second Street on the garage to be built on the subject property will be blocked from view.



October 24, 2016 Page 4

For the foregoing reasons, we respectfully request that the application be denied or, at a minimum, that the vacant surface parking lot associated with 133 W. Pittsburgh be excluded from the designation.

Yours truly,

Michael C. Lueder

Attachments

cc: Alderman Jose Perez

# **EXHIBIT A**

## United States Department of the Interior National Park Service

## National Register of Historic Places Inventory—Nomination Form

received OCT 2 6 1987

date entereNOV 3 0 1987

See instructions in *How to Complete National Register Forms*Type all entries—complete applicable sections

1. Nam	1e			
historic N//	A			
and or common	SOUTH FIRST AND SEC	COND STREET HISTORI	C DISTRICT	
2. Loca	ation			
street & number	See Inventory		N,	/A not for publication
city, town M	ilwaukee	N/A vicinity of		
state M	ilwaukee WIS code	55 county	Milwaukee	<b>code</b> 079
3. Clas	sification			
Category X district building(s) structure site object	Ownership public both Public Acquisition in process N/Abeing considered	StatusX occupied unoccupied work in progress AccessibleX yes: restrictedXyes: unrestrictedno	Present Use agriculture _X commercial educational entertainment government _X industrial military	museum park private residence religious scientific transportation other:
4. Owr	er of Proper	ty		
name N/A			74	
street & number	N/A			
city, town N	/A	vicinity of	state	
5. Loca	ation of Lega	I Description	on	
courthouse regi	istry of deeds, etc. Milwa	aukee County Courth	OUSE	
street & number	901 North 9th St	reet		
City, town	Milwaukee		state	WI 53233
6. Rep	resentation i	in Existing	Surveys	
title Comprehe	ensive Milwaukee Surv	/ey has this pro	perty been determined eli	igible?yes Xno
1070/10	A CONTRACTOR OF THE PARTY OF TH		Andrew William Commence of the	te county _X_ local
depository for s	urvey records Departmer	it of City Developm	ent, 809 North Broa	laway
city, town	i lwaukee		state	WI 53202

United States Department of the Interior National Park Service

# National Register of Historic Places Inventory—Nomination Form

SOUTH FIRST & SECOND STREET DISTRICT Continuation sheet Milwaukee, Milwaukee County

Item number

6

Portification and Communication and Communicatio

Page 1

#### REPRESENTATION IN EXISTING SURVEYS

Wisconsin Inventory of Historic Places 1985 State Historical Society of Wisconsin Madison, WI Not determined eligible State

H.A.E.R / Wisconsin Inventory of Historic PlacesMenomonee Valley Industrial Survey -

1979 State Historical Society of Wisconsin Madison Not Determined eligible State

State

Wisconsin

## 9. Major Bibliographical References

See Item 9, Continuation Page 1

10. Geographical Data	
Acreage of nominated property 6.7 Acres	
Quadrangle name SW/4 Milwaukee 7.5 series	Quadrangle scale 1:24,000
UTM References	
Alexal Life and a self-transfer at	B
1,6 42,5 6,6,0 4,7 6,4 5,8,0	B 1,6 42,5 8,6,0 4,7 6,4 4,4,0
Zone Easting Northing	Zone Easting Northing
c 1,6 42,57,60 4,76,41,90	D[1,6] [4 2,5 5,9,0] [4,7 6,4 1,4,0]
$E \downarrow \downarrow$	Flilliiiiliiii
G	H
Verbal boundary description and justification	
Continuation Sheet, Item 10 Page 1	,
continuation sheets from to rage 1	
List all states and counties for properties overlap	ping state or county boundaries
state N/A code	county code
state code	county code
11. Form Prepared By	
11. Form Frepared by	
name/title Les Vollmert, Sr. Planner, Robin I	Wenger, Assoc. Planner
organization Department of City Development	date
street & number 809 North Broadway	telephone 414/223-5705
city or town Milwaukee	state WI 53202
12. State Historic Prese	rvation Officer Certification
The evaluated significance of this property within the sta	
	local
	the National Historic Preservation Act of 1966 (Public Law 89-
665), I hereby nominate this property for inclusion in the according to the criteria and procedures set forth by the	National Register and certify that it has been evaluated
State Historic Preservation Officer signature	Heave
title	D date 924/87
For NPS use only	1
I hereby certify that this property is included in the	National Register
. Meter	date 11-30-87
Keeper of the National Register	and highest
Attest:	date
Chief of Registration	

United States Department of the Interior National Park Service

## National Register of Historic Places Inventory—Nomination Form

Continuation sheet STREET HISTORIC DISTRICT

Item number 10

For NPS use only
received
date entered

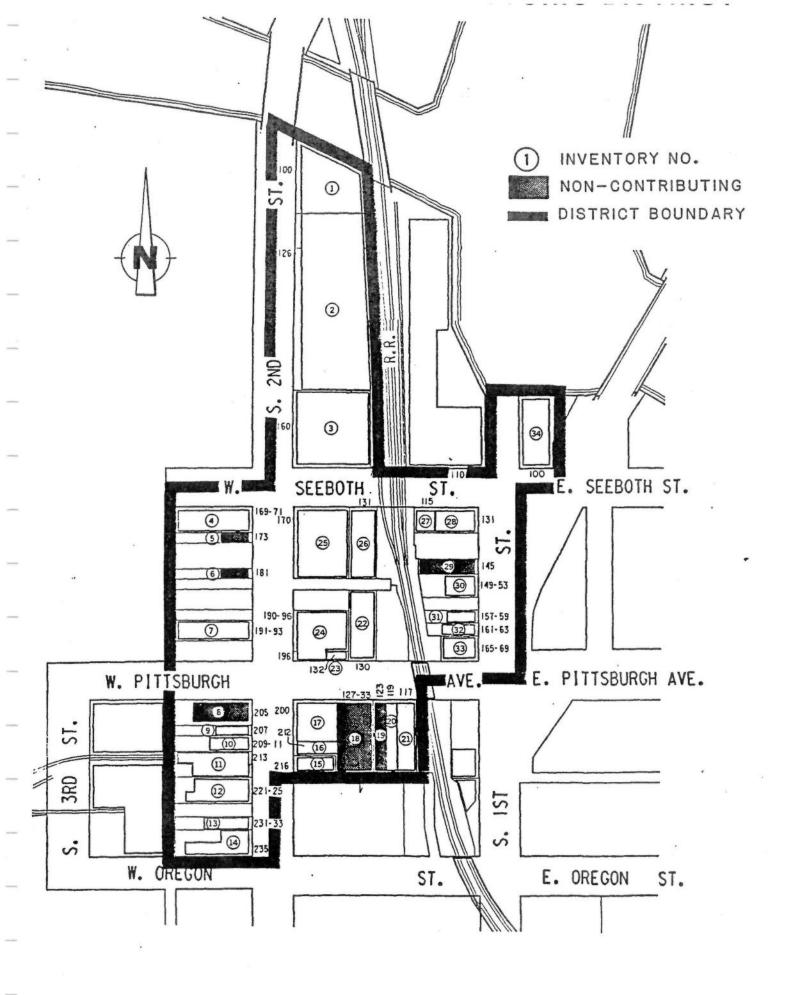
Page 1

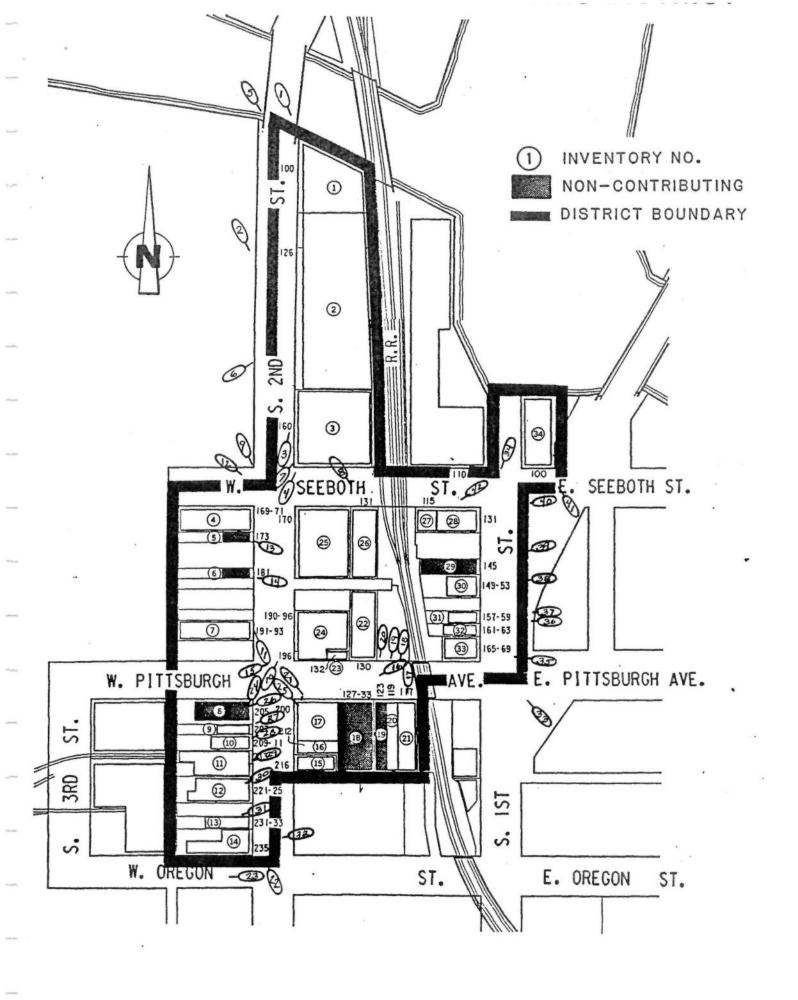
## Boundary Description

The boundaries of the South 1st and Second Street Historic District are described as follows: Beginning at the intersection of the east curb line of South Second Street and the south bank of the Menomonee River; then southeast to the west line of the Chicago, Milwaukee and St. Paul Railroad right-of-way; then south to the north curb line of West Seeboth Street; then east to the east curb line of South 1st Place; then north to the southwest bank of the Milwaukee River; then east to the west curb line of South First Street; then south to the north curb line of East Seeboth; then West to the west curb line of South 1st Street; then south to the north curb line of West Pittsburgh Avenue; then west to the west right-of-way of the Chicago, Milwaukee and St. Paul railroad tracks; then south to the north right-of-way line of the alley between West Pittsburgh Avenue and West Oregon Street; then west to the west curb line of South Second Street; then south to the north curb line of West Oregon Street; then west to the east R.O.W. line of the alley between South Second and South 3rd streets; then north to the south curb line of West Seeboth Street; then east to the east curbline of South Second Street; then north to the point of beginning in the City of Milwaukee, Milwaukee County, Wisconsin.

#### Boundary Justification

The district is distinguished from its environs by the change in land use and the difference in scale, design and building type of the surrounding structures. To the east, west and south the district is bordered by large, mostly modern, light manufacturing plants interspersed with surface parking lots and storage yards. To the north the district is physically separated from the downtown by the Milwaukee and Menomonee Rivers.







#### 133 133 W PITTSBURGH AV Premise Address 428-0269-110 2016 6275 HEU 428-08 40 0 0 CD S/A YR Nbhd Owner Information PITTSBURGH AVENUE LLC Address 601 N COLLEGE AVE STE 1A **BLOOMINGTON IN 47404-**Class Symbol Land Improvement Total Current Local Mercantile Unfinished 255,200 1,897,800 2,153,000 Previous Local Mercantile 255,200 1,976,800 2,232,000 Exm Type Exm % Land Exm % Imprv Exm Land Exm Imprv Exm Total 0 0 Current 0 0 0 Previous Rsn Chg I ChgDoc 2016 - 1265 Asmt.Changed 08/26/2016 SYSTEM 5 **BA-14** Date Name Chg 01/25/2016 Type SD SaleDate 10/20/2015 Fee 0 Drop # 0 Record Status A Status Date DivYear 1985 Div # 68 Drop Yr 0 Zoned IM Historic Code Legal Chg. Date Aldrm District 12 Land Use Code **Property Characteristics** # 1 Multi Story Warehouse - Nr.Sec = 7 Bldg Type: C402 Loc Type IS 1890 Econ Nbhd M75 Bldg: 1 Nbr Sect 7 Park Built 58,800 Stories: 5.0 Remodel: 0 FlArea: Comm Units: 0 Res Units: 22 Traffic: L Acres: 0.00 Environment: 0 Parcel Sq Ft: 31,900 Excess Land: 0 0 627! # 2 Multi Story Warehouse - Nr.Sec = 3 Bldg: 2 Nbr Sect 3 Bldg Type: C402 Loc Type IS Built 1893 Econ Nbhd M75 Remodel: 0 FIArea: 20,936 Stories: 4.0 Comm Units: 3 Res Units: 0 Traffic: L 0.00 0 627! # 3 Multi Story Warehouse - Nr.Sec = 1

Loc Type IS

Comm Units: 1

Built 1890 Econ Nbhd M75

Traffic: L

Res Units: 0

0.00 0 627!

Bldg: 3 Nbr Sect 1

3 WALKER'S POINT IN NE 1/4 SEC 32-7-22

FIArea:

BLOCK 10 LOTS 10-11 & W 45' LOT 5 & LOT 6 EXC S 32' OF W 25'

Remodel: 1956

& N 108' LOT 7

Type

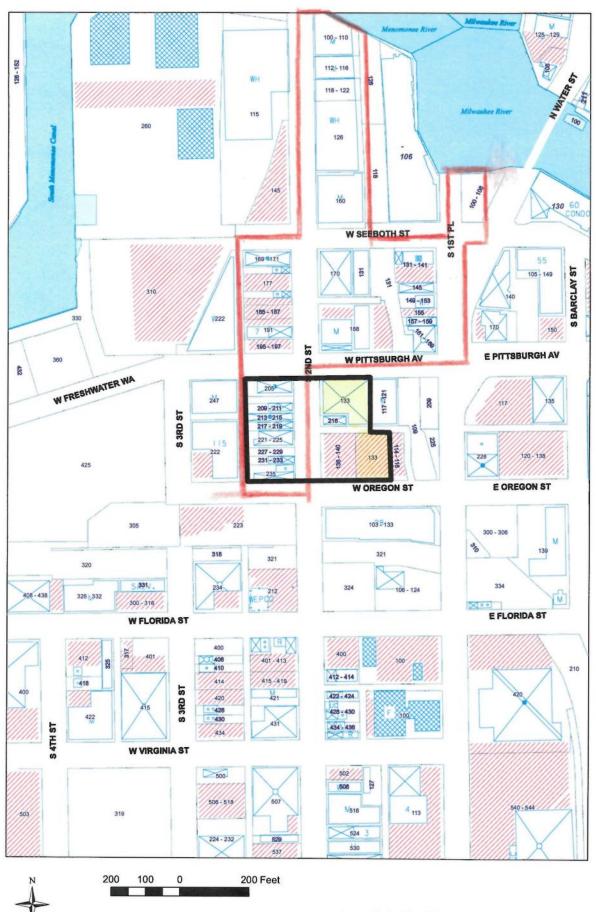
Bldg Type: C402

5,844 Stories: 2.0

Description

# **EXHIBIT C**

## PROPOSED SOUTH 2ND STREET HISTORIC DISTRICT





1 inch = 175 feet

Prepared by the City of Milwaukee Legislative Reference Bureau, 165776.mxd, JDO, 8-8-2016.



## FINAL HISTORIC DESIGNATION STUDY REPORT UNIVERSITY CLUB OF MILWAUKEE

(June 2003)

NAME

Historic:

University Club of Milwaukee

Common:

University Club

II. LOCATION

924 E. Wells Street

Legal Description:

Plat of Milwaukee in SECS (28-29-33)-7-22

BLOCK 102 LOTS 5-6-9 & E 60' (LOTS 7 & 8) & N 36' of W 60' LOT 8 SD SUBD & LOTS 4 & 10 BLK 102 PLAT of LOT NO 1 ADJ &

VAC ALLEY ADJ EXC STS

NOTE: This nomination only includes the original building (1926-1927), its terraces, small planting areas along E. Wells St. and N. Prospect Ave. and the stone gateposts at the Prospect Avenue driveway. It does not include the three-story porte-cochere annex addition (1972) or

current surface lots to the north and west.

4<sup>th</sup> Aldermanic District Alderman Paul A. Henningsen

#### III. CLASSIFICATION

Structure

#### IV. OWNER

University Club of Milwaukee 924 E. Wells Street Milwaukee. WI 53202

**NOMINATOR** 

Donna Schlieman

#### V. YEAR BUILT

1926<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Milwaukee Building Permit No. 18756 dated July 23, 1926. "University Club, Milwaukee, Wis. John Russell Pope" <u>The American Architect</u>. June 5, 1926.



Reports

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Details

File #:

030388 Version: 0

Type:

Resolution

Status:

Passed

7/15/2003

File created:

6/24/2003

In control: Final action: ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda:

Effective date:

Resolution designating the University Club of Milwaukee, 924 East Wells Street, as an Historic Structure. (DCD)

Title: Sponsors:

Indexes:

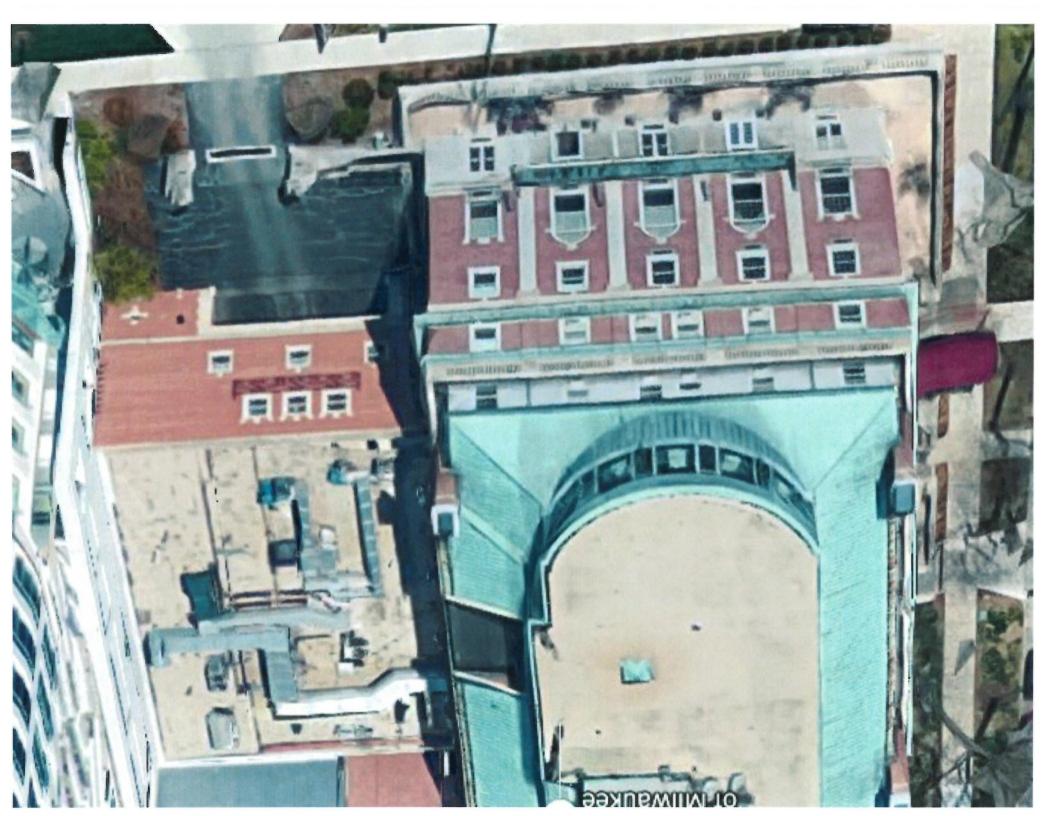
HISTORIC PRESERVATION, HISTORIC STRUCTURE

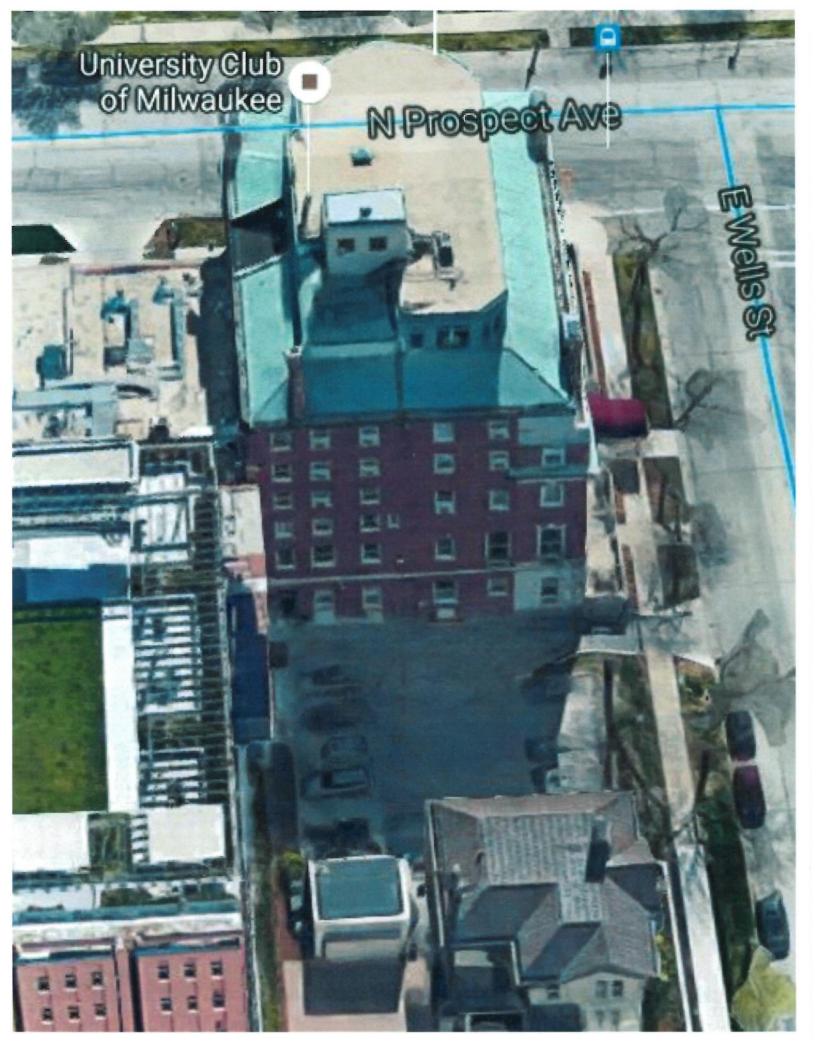
Attachments:

1. Study Report.pdf, 2. Fiscal Note.pdf

History (6)

History (b) Text									
6 records	Grou	ip Export							
Date	Ver.	Action By		Action	Result	Tally	Action Details	Meeting Details	Video
7/24/2003	0	MAYOR		SIGNED			Action details	Meeting details	Not available
7/15/2003	0	COMMON (	COUNCIL	ADOPTED	Pass	16:0	Action details	Meeting details	Not available
7/8/2003	0	ZONING, N	EIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0	Action details	Meeting details	Not available
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7/1/2003	0	ZONING, N	EIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT			Action details	Meeting details	Not available
6/24/2003	0	COMMON (	COUNCIL	ASSIGNED TO			Action details	Meeting details	Not available





# **EXHIBIT E**

# FINAL HISTORIC DESIGNATION STUDY REPORT



ST, MARY'S HOSPITAL

## ST. MARY'S HOSPITAL 2320 – 2388 N. LAKE DRIVE

### FINAL HISTORIC DESIGNATION STUDY REPORT

#### ST. MARY'S HOSPITAL

I. NAME

Historic:

St. Mary's Hospital

Common:

Same

II. LOCATION

2320-2388 N. Lake Drive

Tax Key Number:

318-0081-000

Legal description:

Gilman's Subd. In SE ¼ SEC 15-7-22 Block 3 Lots 32 through 37-74-75 & SW 35.34' Lot 73 & that part of subd of SE ¼ of SW1/4 SEC 15 adj on SW land

99.63% exm, impr 99.63% exm

Note:

This nomination only includes that part of the complex on which is

located the hospital structure built 1908-1910

III. CLASSIFICATION

Structure

IV. OWNER

St. Mary's Hospital of Milwaukee 2323 N. Lake Drive Milwaukee, WI 53211

NOMINATOR

Water Tower Landmark Trust

ALDERMANIC DISTRICT

Third Aldermanic District Michael S. D'Amato, Alderman

V. YEAR BUILT

1908-1910<sup>1</sup>

ARCHITECT:

<sup>&</sup>lt;sup>1</sup> Milwaukee City Building Permit Number 1314, November 23, 1908



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Details Reports

File #:

020753 Version: 0

Type:

Title:

Resolution 9/4/2002

Status:

Final action:

Passed

9/24/2002

File created:

In control:

ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

On agenda:

Effective date:

Sponsors:

Resolution designating St. Mary's Hospital, 2320-2388 North Lake Drive, as an Historic Structure. (Historic Preservation Commission)

THE CHAIR

Indexes:

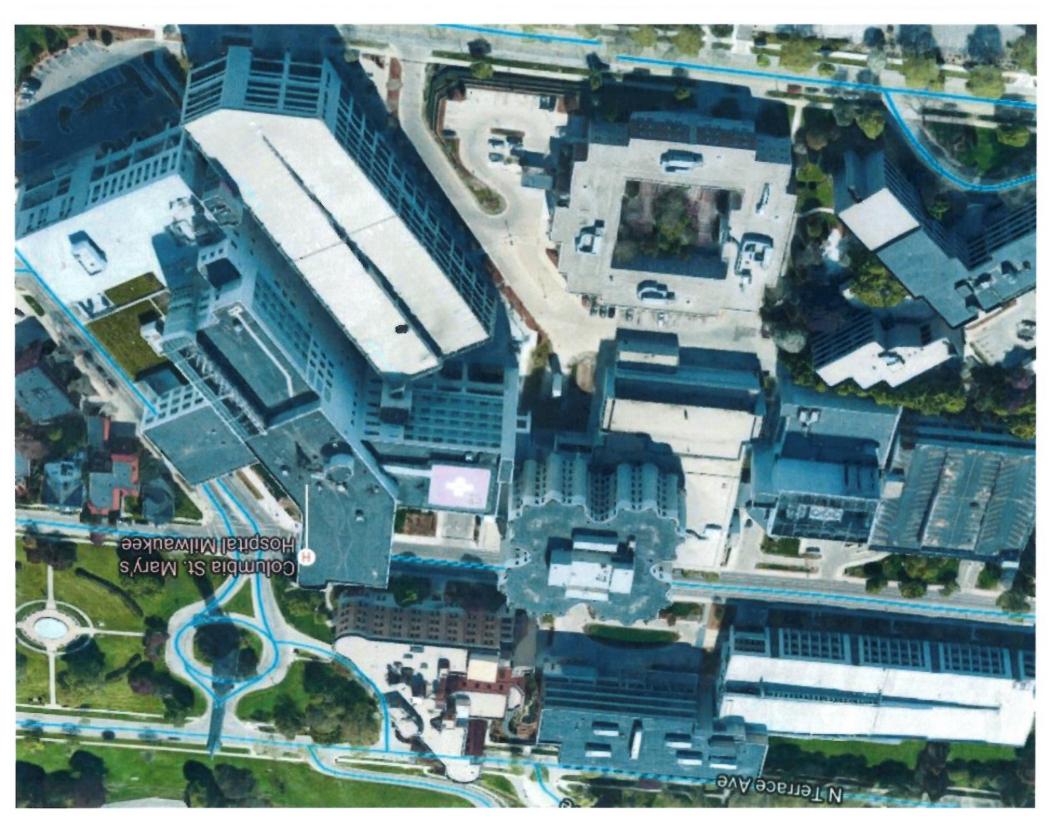
HISTORIC PRESERVATION, HISTORIC STRUCTURE

Attachments:

1. Fiscal Note.pdf, 2. Study Report.pdf

History (7) Text

7 records	Grou	ip Export							
Date	Ver.	Action By		Action	Result	Tally	Action Details	Meeting Details	Video
10/3/2002	0	MAYOR		SIGNED			Action details	Meeting details	Not available
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9/10/2002	0	ZONING, NE	EIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT			Action details	Meeting details	Not available
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9/4/2002	0	COMMON C	OUNCIL	ASSIGNED TO			Action details	Meeting details	Not available



## **EXHIBIT F**

