



Legislation Details (With Text)

**File #:** 071365      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 2/5/2008      **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

**On agenda:**      **Final action:** 2/26/2008

**Effective date:**

**Title:** Substitute resolution to ratify Common Council File No. 070964, being a resolution permitting a minor modification to the Detailed Planned Development known as Downer Avenue Redevelopment, Phase 1, on land located at 2574-2590 North Downer Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** PLANNED UNIT DEVELOPMENTS, ZONING, ZONING DISTRICT 03

**Attachments:** 1. Transcript of the Court Decision Requiring Reconsideration, 2. Exhibit A Part 1, 3. Exhibit A Part 2, 4. Verified Complaint re Open Meetings Violation, 5. Memo from the City Attorney's Office Related to the Verified Complaint, 6. DAPL Letter Re Council Action and Authority, 7. City Plan Commission Letter, 8. Protest Petitions, 9. Legal Opinion Re Protest Petitions, 10. Martha Brown Memo to HPC Members.pdf, 11. Att. Cincotta and Att. Burke Concerns Re Reconsideration, 12. Addendum to 6-14-07 Subcommittee Minutes.pdf, 13. Paul Jakubovich Email Message.pdf, 14. Copy of COA and Drawings.pdf, 15. Sandra McSweeney Email Message.pdf, 16. HPC Subcommittee Meeting Minutes.pdf, 17. Letter in Opposition from a Neighbor, John Pflaum, 18. Motions made at 1-28-08 HPC meeting.pdf, 19. Critique by Scott Kindness of Historic Preservation Minutes Posted Online, 20. E-Mail from Objecting Neighbor, Thea Kovac, 21. Exhibit 1, 22. Exhibit 2, 23. Exhibit 3, 24. Exhibit 4, 25. Exhibit 5, 26. Exhibit 6, 27. E-Mail from Objecting Neighbor, Dawn McCarthy, 28. E-Mail from Objecting Neighbor, Donna Neal, 29. Notice List, 30. Notice Published on 1-30-08, 31. Notice Published on 2-6-08

Date	Ver.	Action By	Action	Result	Tally
1/30/2008	0	CITY CLERK	PUBLISHED		
2/5/2008	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/8/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/14/2008	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	3:0
2/14/2008	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0

2/15/2008	1	CITY CLERK	DRAFT SUBMITTED		
2/26/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
3/5/2008	1	MAYOR	SIGNED		

071365

Substitute 1

060705, 070034, 070964

ALD. D'AMATO

Substitute resolution to ratify Common Council File No. 070964, being a resolution permitting a minor modification to the Detailed Planned Development known as Downer Avenue Redevelopment, Phase 1, on land located at 2574-2590 North Downer Avenue, in the 3rd Aldermanic District.

This substitute resolution is a ratification by the Common Council of the Council's previous approval of a minor modification to the subject Detailed Planned Development. Whereas, Section 295-907-2(i) of the Milwaukee Code of Ordinances permits minor modifications to planned developments after approval of the Common Council; and

Whereas, The General Planned Development (GPD) known as Downer Avenue Redevelopment, on land located generally on the East Side of North Downer Avenue and South of East Park Place and land located generally on the West Side of North Downer Avenue and the East Side of North Stowell Avenue, North of East Webster Place, was approved by the Common Council on February 27, 2007, under File No. 060705, which established a master plan; zoning, including height and building setbacks, and design standards for future development of certain properties along Downer Avenue; and

Whereas, The Detailed Planned Development (DPD) known as Downer Avenue Redevelopment, Phase 1, was approved by the Common Council on May 30, 2007, under File No. 070034; and

Whereas, The property that is the subject of the GPD and DPD is also located within the Downer Avenue local historic district and requires the approval of a Certificate of Appropriateness (COA) by the Historic Preservation Commission (HPC) for new construction; and

Whereas, On May 14, 2007, the HPC approved a COA with certain conditions and the HPC staff issued the COA on June 29, 2007; and

Whereas, On January 28, 2008, HPC, as a result of votes taken, approved close-out of various of the conditions to the COA; and

Whereas, On November 9, 2007, the Common Council in File No. 070964 approved a minor modification to the DPD that reflected, generally, the building footprint being moved slightly west and south, additional chamfering of the northeast corner of the building, elimination of basement-level parking (and slight reduction in overall parking spaces), and the retention of green space and a tree at 2574-2590 North Downer Avenue; and

Whereas, Department of City Development (DCD) staff recommends that the Common Council, after public hearing, re-affirm and ratify the minor modification to the DPD as reflected by File No. 070964; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council's adoption of File No. 070964 is ratified; and, be it

Further Resolved, That the modifications:

1. Are consistent with the spirit and intent of the GPD and previously approved DPD.
2. Will not change the general character of the GPD or DPD.
3. Will not cause a substantial relocation of principal or accessory structures.

4. Will not cause a substantial relocation or reduction of parking, loading or recreation areas. The original DPD called for 134 parking spaces - 29 of which would be public. The modified DPD calls for 118 parking spaces - 29 of which will be public. This is not a substantial reduction in overall spaces and the public spaces remain the same.

5. Will not cause a substantial relocation of traffic facilities.

6. Will not increase the land coverage of buildings and parking areas. The modified DPD reduces the land coverage of building area.

7. Will not increase the gross floor area of buildings or the number of dwelling units.

8. Will not reduce the amount of approved open space, landscaping or screening. The modified DPD will increase and preserve open space, including a lawn area with tree; and, be it

Further Resolved, That the minor modifications are ratified and again approved in accordance with the Milwaukee Code of Ordinances, Section 295-907-2(i).

DCD:AJF:vlk

02/04/08