



Legislation Details (With Text)

File #: 070963 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 10/23/2007 **In control:** ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE

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

Effective date:

Title: Substitute ordinance relating to the change in zoning from General Planned Development to a Detailed Planned Development known as Downer Avenue Redevelopment, Phase II, 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, in the 3rd Aldermanic District.

Sponsors: ALD. D'AMATO

Indexes: PLANNED UNIT DEVELOPMENTS, ZONING, ZONING DISTRICT 03

Attachments: 1. Affidavit for Zoning Change.pdf, 2. Exhibit A Written Narrative as of 2-11-08.pdf, 3. Exhibit B Condos and Townhomes as of 2-11-08.pdf, 4. Exhibit B Continued as of 2-11-08.pdf, 5. Exhibit C Hotel as of 2-11-08.pdf, 6. Exhibit C Continued as of 2-11-08.pdf, 7. Exhibit D Mulkern Building as of 2-11-08.pdf, 8. Exhibit 1, 9. Proposed Condo Drawing.pdf, 10. Proposed Hotel Drawing-Option 1.pdf, 11. Proposed Hotel Drawing-Option 2.pdf, 12. Updated East Hotel Elevation A5.1.pdf, 13. Proposed Zoning Change Map.JPG, 14. City Plan Commission Letter.pdf, 15. PowerPoint Presentation to the Zoning, Neighborhoods and Development Committee meeting of 2/18/08, 16. 2nd PowerPoint Presentation to the Zoning, Neighborhoods and Development Committee meeting of 2/18/08, 17. Support Letter-John Koethe.pdf, 18. Oppose Fleet.pdf, 19. Oppose Frautschi.pdf, 20. Oppose George.pdf, 21. 2nd Letter in Opposition from George, 22. Oppose Georgetown Condo Assn.pdf, 23. Oppose Kovac.pdf, 24. Oppose Murray Hill NA.pdf, 25. Oppose Neal.pdf, 26. Oppose Slusar.pdf, 27. 2nd Letter in Opposition from Slusar, 28. Oppse McCarthy.pdf, 29. E-Mail from Water Tower Landmark Trust Neighborhood Assoc. Requesting Postponement, 30. 2nd E-Mail from Water Tower Landmark Trust Neighborhood Assoc Showing Support, 31. Dawn McCarthy E-Mail Containing Att Cincotta Letter Re Notice, 32. E-Mail from Dawn McCarthy With Attachments, 33. Updated Notice List, 34. Notice Published on 2-1-08 and 2-8-08, 35. Notice Published on 2-21-08

Date	Ver.	Action By	Action	Result	Tally
10/23/2007	0	COMMON COUNCIL	ASSIGNED TO		
10/24/2007	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
1/28/2008	1	CITY CLERK	DRAFT SUBMITTED		
2/1/2008	1	CITY CLERK	PUBLISHED		
2/11/2008	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/13/2008	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/13/2008	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
2/18/2008	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	AMENDED	Pass	5:0
2/18/2008	2	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0

2/18/2008	2	CITY CLERK	DRAFT SUBMITTED		
2/26/2008	2	COMMON COUNCIL	PASSED	Pass	14:0
3/5/2008	2	MAYOR	SIGNED		
3/13/2008	2	CITY CLERK	PUBLISHED		

070963
SUBSTITUTE 2
060705
ALD. D'AMATO

Substitute ordinance relating to the change in zoning from General Planned Development to a Detailed Planned Development known as Downer Avenue Redevelopment, Phase II, 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, in the 3rd Aldermanic District. This substitute ordinance permits the second phase of the subject development for construction of a 7-story hotel and an 11-story residential condominium building, with 3-story townhomes along North Stowell Avenue. The Mulkren garage will be renovated and a new, 4-story addition will be constructed for medical office tenants at the southeast corner of North Downer Avenue and East Park Place.

Whereas, The Common Council acknowledges that there are variances between the General Planned Development (GPD) and the Detailed Planned Development (DPD), including an increase in the number of dwelling units and a change in building orientation; and

Whereas, These changes have resulted in a decrease in building volume and a decrease in total square footage dedicated to non-residential uses; and

Whereas, The Common Council finds that the DPD remains consistent with the development concept established by the GPD and consistent with the purposes of chapter 295 of the Milwaukee Code of Ordinances; and

Whereas, The Common Council recognizes that, with the adoption of the DPD zoning, zoning is amended, and the GPD zoning is superseded and terminated in all respects; and

Whereas, The Common Council further recognizes that rezoning for the phase II development could have proceeded as a "one-phase" planned development and it is the intent of the Common Council, whether under "one-phase" or "two-phase" planned development, to rezone the property for phase II in a manner consistent with the DPD zoning as contained in this ordinance; now, therefore,

The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances ("Code") a new section to read as follows:

Section 295-907(2)(c).0124.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded and described by the centerline of East Webster Place, the centerline of North Stowell Avenue, a line 162.70 feet North and parallel to the north line of East Webster Place, a line 130 feet West and parallel to the west line of North Downer Avenue, the centerline of East Bellevue Place, and the zoning line within North Downer Avenue.

; and

The zoning line within North Hackett Avenue, the zoning line within North Downer Avenue, the zoning line within East Park Place to a point 125.72 feet East and parallel to the east line on North Downer Avenue, thence South 35 feet to a point, thence South 34 deg. 27 min. 28 sec. West 92.17 feet, thence North 55 deg. 32 min. 32 sec. West 13.41 feet, thence South 00 deg. 00 min. 23 sec. East 117.99 feet, thence South 55 deg. 32 min. 32 sec. East 66.64 feet to the zoning line within North Hackett Avenue, from General Planned Development to Detailed Planned Development.

The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

DCD:AJF:ajf:jro
02/18/08