



## Legislation Details (With Text)

---

<b>File #:</b>	100877	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	11/4/2010	<b>In control:</b>	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	1/19/2011
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting the appeal relating to a certificate of appropriateness for various parcels in the East Side Commercial District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	HISTORIC PRESERVATION, HISTORIC PRESERVATION COMMISSION		
<b>Attachments:</b>	<p>1. Certificate of Appropriateness, 2. Attachment A, 3. Supplemental Information for the Certificate of Appropriateness, 4. Corrected WAVE Agreement Re Emerging Business Enterprise Program, 5. WAVE Agreement Re Emerging Business Enterprise Participation, 6. Letter from Mallery &amp; Zimmerman dated January 12, 2011 re: appeal, 7. Letter from Wave Development LLC dated 1/18/2011, 8. Letter from Mallery &amp; Zimmerman re Zoning, Neighborhoods &amp; Development meeting on January 13, 2011, 9. Letter from WAVE Development Dated 1/13/11, 10. David Uihlein Drawing, 11. WAVE Agreement (developer), 12. Appeal Letter of the Historic Preservation Commission Decision, 13. Decision of the Historic Preservation Commission, 14. Media Release by Ald Wade, 15. Application, 16. Plans, 17. Revised Staff Report - History, 18. Staff Report - Full, 19. Staff Report, 20. Photos, 21. Media Release by Ald Witkowski, 22. Letter from the Milw Preservation Alliance to the Committee, 23. Letter from Atty DeMuth for the developer, 24. Dept of City Development Letter In Support of Certificate of Appropriateness, 25. Johnson Bank Letter in Support of the Certificate, 26. Johnson Bank Letter in Support of the Certificate of Appropriateness, 27. Sophisticated Man store Letter in Support of the Certificate of Appropriateness, 28. Wisconsin Center District Letter in Support of the Certificate of Appropriateness, 29. Greater Milw Assoc of Realtors Letter of Support, 30. Greater Milw Assn of Realtors in Support of the Certificate of Appropriateness, 31. Milw County Sup Rice Letter in Support of the Certificate of Appropriateness, 32. Commercial Assoc of Realtors of Wisconsin Letter in Support of the Certificate of Appropriateness, 33. Milw Metro Assoc of Commerce Letter in Support of the Certificate of Appropriateness, 34. Milw Journal Sentinel Editorial in Support of the Certificate of Appropriateness, 35. Historic Milwaukee Response to MJS Editorial, 36. Business Pulse Survey Comments in Support of the Certificate of Appropriateness, 37. Business Journal Editorial in Support of the Certificate of Appropriateness, 38. Milw Journal Sentinel Opinion Piece in Support of the Certificate of Appropriateness by Mcllheran, 39. Historic Milwaukee Response to Mcllheran Opinion Piece, 40. BizTimes Editorial in Support of the Certificate of Appropriateness, 41. Article titled, "Hines, Barrett Back Downtown Marriott", 42. Building Advantage Letter in Support of the Certificate of Appropriateness, 43. Gleichman Sumner Co Letter in Support of Certificate of Appropriateness, 44. Town Bank E-Mail in Support of the Certificate of Appropriateness, 45. AbelPC E-Mail in Support of the Certificate of Appropriateness, 46. Citizen E-Mail in Support of the Certificate of Appropriateness, 47. Citizen E-Mail in Support of the Certificate of Appropriateness, 48. Citizen E-Mail in Support of the Certificate of Appropriateness, 49. Citizen E-Mail in Support of the Certificate of Appropriateness, 50. Milwaukee Preservation Alliance Editorial - A Creative Solution to Save Historic Buildings, 51. Citizen E-Mail in Support of the Certificate of Ap, 52. Citizen E-Mail in Support of the Certificate of Appropriateness, 53. Citizen E-Mail in Support of the Certificate of Ap, 54. Citizen E-Mail in Support of the Certificate of Ap, 55. Citizen E-Mail in Support of the Certificate of Appropriateness, 56. Citizen Voice Mail in Support of the Certificate of Appropriateness, 57. Article titled, "Exchanging Investments for U.S. Green Cards", 58. Two Individuals Called in Support of the Certificate of Appropriateness, 59. Phelony Jones Blog, 60. Business Journal noting Historic Preservation Commission Didn't Vote on This Change, 61. Citizen Letter Opposed to the Certificate of Appropriateness, 62. Historic Milwaukee Letter Opposed to the Certificate of Appropriateness, 63.</p>		

Milwaukee Preservation Alliance Letter Opposing the Certificate of Appropriateness, 64. Citizen Letter Opposed to the Certificate of Appropriateness, 65. Citizen E-Mail Opposed to the Certificate of Appropriateness, 66. Citizen E-Mail Opposed to the Certificate of Appropriateness, 67. Citizen E-Mail Opposed to the Certificate of Appropriateness, 68. Citizen E-Mail Opposed to the Certificate of Appropriateness, 69. Citizen E-Mail Opposed to the Certificate of Appropriateness, 70. Citizen E-Mail Opposed to the Certificate of Appropriateness, 71. Citizen E-Mail Opposed to the Certificate of Appropriateness, 72. Citizen E-Mail Opposed to the Certificate of Appropriateness, 73. Citizen E-Mail Opposed to the Certificate of Appropriateness, 74. Citizen E-Mail Opposed to the Certificate of Appropriateness, 75. Citizen E-Mail Opposed to the Certificate of Appropriateness, 76. Citizen E-Mail Opposed to the Certificate of Appropriateness, 77. Citizen Letter Opposed to Certificate of Appropriateness, 78. Citizen E-Mail Opposed to the Certificate of Appropriateness, 79. Citizen E-Mail Opposed to the Certificate of Appropriateness, 80. Citizen E-Mail Opposed to the Certificate of Appropriateness, 81. Citizen E-Mail Opposed to the Certificate of Appropriateness, 82. Citizen E-Mail Opposed to the Certificate of Appropriateness, 83. Citizen E-Mail Opposed to the Certificate of Appropriateness, 84. Citizen E-Mail Opposed to the Certificate of Appropriateness, 85. Citizen E-Mail Opposed to the Certificate of Appropriateness, 86. E-Mails Between HPC Staff and Atty DeMuth for the Developer, 87. Sign-In Sheets for the Historic Preservation Commission Meeting, 88. E-Mail Exchange Re Developers' Consultants, 89. Media Release by Ald Bauman, 90. Open Records Request, 91. City Atty Opinion on Ald Bauman Recusing Himself from Voting, 92. Powers of the Board and Outline of Possible Actions, 93. Atty DeMuth Letter of 12/23/10 on Behalf of the Developer, 94. Atty DeMuth Letter on 12/20 /10 Re Legal Opinion, 95. Ald Bauman's Motion at the 12/13 Meeting, 96. Developer PowerPoint from the 1/10 HPC Meeting, 97. Staff PowerPoint from the 1/10 Meeting, 98. Staff PowerPoint Presentation at 12/13 Meeting, 99. Developer PowerPoint Presentation at the 12/13 Meeting, 100. Media Release by Ald Witkowski, 101. Recording of the Special ZND Meeting of 1/13/11, 102. Recording of the 1/10 HPC Meeting, 103. Recording of the 12/13 HPC Meeting, 104. Sign-In Sheets from the Zoning Meeting, 105. Sign-in Sheets from the 1/10 Historic Preservation Comm Meeting, 106. Sign-In Sheets from the 12/13 Meeting, 107. Demolition Criteria, 108. Jackson St and WAVE Relationship, 109. Citizen Comment on the Historic Preservation Commission 1/10 Meeting, 110. Preservation Guidelines for the East Side Commercial Historic District, 111. Certified Hearing Notice - MBI Properties, LLC 11/18/10, 112. Certified Hearing Notice - MBI Properties, LLC, 113. Certified Hearing Notice - Milwaukee Now 1, LLC 11/18/10, 114. Certified Hearing Notice - Milwaukee Now I, LLC, 115. Certified Hearing Notice - Thomas DeMuth 11/18/10, 116. Certified Hearing Notice - Thomas DeMuth, 117. Certified Hearing Notice - Milwaukee Now I, LLC 12/23/10, 118. Agreement with WAVE Development in Letter of 1/13/11, 119. Certified Hearing Notice - MBI Properties, LLC 12/23/10, 120. Certified Hearing Notice - Thomas DeMuth 12/23/10, 121. Hearing Notice List-revised, 122. HPC PowerPoint 9-19-11, 123. DCD PowerPoint 9-19-11, 124. Hearing Notice List, 125. David Uihlein letter, 126. Text of Substitute 1 - 100877, 127. Martha Brown - DCD Letter, 128. Letter Agreement to T. DeMuth, 129. 11-0711 Marriott Milwaukee SD II, 130. Guidelines for New Construction, 131. Guidelines for Demolition

Date	Ver.	Action By	Action	Result	Tally
11/4/2010	0	COMMON COUNCIL	ASSIGNED TO		
11/8/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
11/8/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
11/8/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
11/17/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
11/19/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
11/19/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
11/22/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
12/13/2010	0	HISTORIC PRESERVATION	HELD IN COMMITTEE	Pass	6:0

12/22/2010	0	COMMISSION HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
12/23/2010	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
1/4/2011	0	HISTORIC PRESERVATION COMMISSION	HEARING NOTICES SENT		
1/12/2011	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/12/2011	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
1/13/2011	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	SUBSTITUTED	Pass	3:2
1/19/2011	0	COMMON COUNCIL	AMENDED	Pass	13:2
1/19/2011	0	COMMON COUNCIL	ADOPTED	Pass	13:2
1/27/2011	0	MAYOR	SIGNED		

100877

## SUBSTITUTE 1

### THE CHAIR

Substitute resolution granting the appeal relating to a certificate of appropriateness for various parcels in the East Side Commercial District.

This resolution grants the appeal relating to a Certificate of Appropriateness for various parcels in the East Side Commercial District.

Whereas, On November 3, 2010, Wave Development, LLC (Wave) applied for a Certificate of Appropriateness (CoA) from the Historic Preservation Commission (HPC) to demolish five buildings in the East Side Commercial District and a CoA to permit construction of a Marriott hotel; and

Whereas, The HPC, after conducting a public hearing on this matter on January 10, 2011, granted the application for a CoA for demolition; and

Whereas, With respect to the application for a CoA for new construction, the HPC voted that the application be granted with the condition that a set-back for the new improvement is established at a minimum of 15 feet from the datum of the McKeough Building; and

Whereas, An appeal of this latter decision was filed with the office of the City Clerk on January 11, 2011; and

Whereas, The Zoning, Neighborhoods, and Development Committee of the Milwaukee Common Council held a hearing on this matter on January 13, 2011; and

Whereas, The Committee, at that hearing, voted to recommend to the Council granting Wave's appeal of the HPC's decision and to have the Council authorize City entry into, and acceptance of,

the letter agreement proposed by Wave, dated January 13, 2011, so that certain conditions and safeguards may be imposed so that demolition will not occur without the new project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that, by at least a 2/3 vote of the Council's members, acting under s. 320-21-11-f of the Milwaukee Code of Ordinances, Wave's appeal of the HPC's January 10, 2011, decision with respect to the CoA for new construction is granted and the HPC's setback condition concerning the new construction is eliminated; and, be it

Further Resolved, that Wave's CoA rights for demolition remain in force and in place; and, be it

Further Resolved, That, the appropriate City officials are authorized and directed to enter into and accept Wave's January 13, 2011, letter agreement so that the terms and conditions therein shall be binding upon Wave and Jackson Street Management, LLC and their affiliates, and so that the conditions and safeguards therein shall be imposed.

jro/gh  
1/18/11